

TO: Bismarck-Mandan Metropolitan Planning Organization Policy Board

FROM: Rachel Lukaszewski, MPO Executive Director

DATE: July 10, 2023

RE: Policy Board Meeting

There will be a meeting of the Bismarck-Mandan MPO Policy Board on **Tuesday, July 18, 2023, 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 MPO 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.

Any of the 5 (five) Policy Board members can 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 Policy Board](http://MPOPolicyBoard).

AGENDA

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 10. POPULATION BASED POLICY BOARD VOTING REPRESENTATION – Rachel Lukaszewski, MPO
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 11. OTHER BUSINESS
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-

Next scheduled Policy Board meeting is on 08/15/2023. 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>
East Main Avenue Corridor Study (Bismarck)	100	06/30/2023
Sunset Drive Corridor Study (Mandan)	100	08/31/2023
Arrive 2050 Forecast/Arrive 2050 MTP (MPO wide)	20	03/31/2025
2022 Transit Development Plan (Bis-Man Transit)	85	12/31/2023
2023 Ortho-Contour Project (MPO wide)	28	02/29/2024

Common MPO Acronyms

ATAC: Advanced Traffic Analysis Center	NDDOT: North Dakota Department of Transportation
CPG: Consolidated Planning Grant	TAZ: Traffic Analysis Zone
FHWA: Federal Highway Administration	TDMSE: Travel Demand Model & Socioeconomic Data
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 20, 2023**

The Bismarck-Mandan Metropolitan Planning Organization (MPO) Policy Board met on June 20, 2023, at 1:30 p.m. in the Tom Baker Meeting Room, City/County Building, 221 N 5th Street, Bismarck, ND. Vice-Chair Mike Schmitz presided.

Members present or participating via Zoom were Mike Schmitz, Steve Schwab, Joe Camisa for Tim Helbling, Andy Zachmeier, and Carrie Praska for Keli Berglund.

Others present or attending via Zoom were Kim Riepl, Rachel Lukaszewski, and Stephen Larson of the Bismarck-Mandan MPO; Adam McGill and Wade Kline, KLJ; Deidre Hughes, Bis-Man Transit; Luke Champa and Bill Troe, SRF Consulting; and Miles Strain, 95West Aerial Mapping.

CALL TO ORDER

Vice-Chair Schmitz called the May 16, 2023 meeting of the Bismarck-Mandan Metropolitan Planning Organization Policy Board to order.

MINUTES

Vice-Chair Schmitz called for a motion to approve the minutes of the May 16, 2023 Regular Meeting of the Policy Board.

MOTION: Mr. Zachmeier made a motion to approve the minutes of the May Regular Meeting. Mr. Camisa seconded the motion and with Carrie Praska, Andy Zachmeier, Joe Camisa, and Vice-Chair Schmitz voting in favor, the minutes of the May 16, 2023 Regular Meeting were approved.

Note: Steve Schwab joined the meeting after approval of the minutes.

SUNSET DRIVE CORRIDOR STUDY

Mr. Kline went through the final study presentation on behalf of KLJ (Exhibit B). The purpose of the study was to evaluate the Sunset Drive Corridor from Division Street NW up through the interchange and north to 38th Street NW. The City of Mandan wanted to find better ways to use the right-of-way along the corridor to serve all users, and to plan for future development in this high-growth region. KLJ did two rounds of public engagement for the study, working closely with the MPO and the City of Mandan. The first round of public engagement occurred in September of 2022, and the second round in March of 2023, and there was good feedback received from both efforts. Traffic and congestion, bike and pedestrian issues, and driver safety were some of the major areas of focus during the early portion of the study. Mr. Kline noted the North Dakota Department of Transportation (NDDOT) is working on a project to evaluate the interchange on this corridor, so many of the concerns KLJ noted about the interchange portion of the study area will be addressed through NDDOT.

Some of the primary concerns KLJ uncovered for this corridor throughout the study include congestion, safety, mobility, and parking. Existing traffic on the corridor was examined, along with potential traffic impacts that may come from projected development. Mr. Kline noted the level of service along Sunset Drive is acceptable, but there are a few intersections, such as 27th Street NW, Boundary Street, and 14th Street NW where improvements might be particularly valuable. Access management and safety are important considerations also. Rear-end crashes are an issue of note, and some of the study's design alternatives take this into account.

The study area was divided into three segments: a north segment, a south segment, and the interchange in the middle. The study did not focus heavily on the interchange, due to NDDOT's ongoing interchange study. KLJ arrived at three alternatives for the northern segment of the corridor. The first is a three-lane roadway with a center turn lane and no on-street parking, with some pedestrian improvements. The second is a three-lane roadway with parking along one side of the street, and then the third alternative is a three-lane roadway with parking on both sides of the street. Public opinion on these alternatives, and especially the on-street parking, was mixed and Mandan has several options to consider as they move forward. One intersection in this northern segment that was a focus was 27th Street NW, where possible options include signalizing the intersection, or adding a roundabout.

The south segment of the corridor also has three design alternatives laid out for consideration. Much of this segment is residential. The first alternative is a two-lane roadway with parking on both sides of the street, which is what the residents in this area are accustomed to. The second alternative is a three-lane roadway with a center turn lane, to address some of the crash data in this area, and the third alternative is a balance of the first two, with a three-lane roadway but on-street parking along one side of the street. KLJ also looked at some spot improvements in this southern segment and considered a low-cost intermediate project in this area as an interim option until full reconstruction is needed, since sections of this roadway have been recently reconstructed. This intermediate project would keep parking on one side of the roadway and turn the street into a three-lane roadway.

KLJ included some cost estimates for the various alternatives in their report. Projects resulting from this study will likely be evaluated over the next five to ten years. The Mandan City Commission accepted the study in May, and so presenting it to Policy Board for approval is the final step. TAC also recommended approval of the study at their meeting yesterday.

Ms. Riepl extended thanks from the MPO to KLJ for their hard work on the study. There were some early challenges with data collection and with the NDDOT interchange study, but KLJ adapted quickly, and the study was finished on budget and on schedule. Ms. Riepl said KLJ was very responsive to the City of Mandan's concerns throughout the project.

MOTION: Mr. Camisa made a motion to approve the Sunset Drive Corridor Study Final Report as presented. Mr. Zachmeier seconded the motion and with Carrie Praska, Andy Zachmeier, Joe Camisa, Steve Schwab, and Vice-Chair Schmitz voting in favor, the motion was approved.

SAFE ROUTES TO SERVICES/COMPLETE STREETS STUDY REQUEST FOR PROPOSALS (RFP)

Ms. Riepl presented on this item, Exhibit D. The MPO is partnering with the City of Bismarck, the City of Mandan, NDDOT, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) on this study. This study is a unique study for the MPO and is intended to identify areas in Bismarck and Mandan with disadvantaged, underserved, and environmental justice populations. The study will determine the essential service and program needs of these populations, such as healthcare, housing, food, and social service programs. It will establish the existing routes used to get to these essential services by the identified disadvantaged populations in the area. These routes will be evaluated for gaps, and recommendations for closing those gaps will be provided, along with any other recommendations to assist in prioritizing safe, connected, and multi-modal transportation network options for disadvantaged communities to access essential services. Study recommendations may include items like geometric improvements and control at intersections, access management strategies, curbside management, incident management and alternate routes, traffic operations, parking strategies, transit service opportunities, and more. Ms. Riepl noted NDDOT proposed several minor changes to the RFP, and she covered those changes briefly.

The study has a not-to-exceed budget of \$200,000, and if the RFP is approved it would begin around September 1. Proposals would be due to the MPO by July 18. A selection committee consisting of six voting members and a moderator would be assembled, with representatives from the MPO, the City of Bismarck, the City of Mandan, Bis-Man Transit, and three persons representing organizations or agencies serving vulnerable populations. The MPO intends to interview between three and five proposing firms for the project, with interviews intended to take place between August 8 and 11. Policy Board approval of the selected consultant would be expected on August 15, and the MPO would then negotiate and execute a contract with the selected consultant. The study would be expected to conclude in fall of 2024. TAC voted unanimously yesterday to recommend approval of the RFP as presented, with the changes put forward by NDDOT.

Mr. Camisa asked who will determine the three individuals representing vulnerable populations on the Selection Committee. Ms. Riepl said those individuals will be selected by MPO staff in conjunction with the City of Bismarck and the City of Mandan.

Mr. Schmitz asked if the City of Lincoln is part of the study, and Ms. Riepl said they are not, the paying partners are Mandan and Bismarck. Mr. Schmitz mentioned concern about underserved populations in Lincoln, and the need to think community wide. Ms. Riepl noted the MPO meets with all its jurisdictions before studies are developed to gather input and understand what they believe are pertinent projects for their own regions. Every jurisdiction is included in these conversations and can participate in any study if they express their desire to do so. This Safe Routes to Services Study was of particular interest to the City of Bismarck and the City of Mandan.

Mr. Schmitz indicated he does not want to miss the opportunity to include Lincoln, which is connected to Bismarck geographically, especially if travel routes are being evaluated. Ms. Riepl noted his comment.

Mr. Zachmeier said there are only a couple of ways in and out of Lincoln and the traffic is heavy during rush hour. A better tie-in between Lincoln and the metro area is going to need to be looked at in the future in his opinion. Mr. Camisa agreed with this comment. Ms. Praska also agreed and said she thinks Lincoln is being underserved in this area. She wants Lincoln to have opportunities for more involvement in these kinds of studies. Mr. Schmitz said he views this discussion as food for thought, he is not sure what can be done about this specific study, but he wants to note that the City of Lincoln does need to be looked at as part of the Bismarck metro area.

Ms. Lukaszewski said she is hearing a desire for increased connectivity between Lincoln and Bismarck. She noted this is a transportation issue that could be looked at in the Metropolitan Transportation Plan (MTP), which is kicking off within the next week. She also noted a safety policies study is being planned for next year, and that study will include all five jurisdictions, and could address some of the concerns with the City of Lincoln and roadway safety. Mr. Schmitz thinks the point of thinking more globally about the metro area was appropriately emphasized.

Mr. Schwab said this looks like a study set up to create more studies and is a waste of money.

FIRST MOTION: Mr. Schwab made a motion to deny the Safe Routes to Services/Complete Streets Study RFP. The motion was not seconded, and so the motion failed.

SECOND MOTION: Mr. Camisa made a motion to approve the Safe Routes to Services/Complete Streets Study RFP, with NDDOT's changes incorporated, as presented. Mr. Zachmeier seconded the motion and with Carrie Praska, Andy Zachmeier, Joe Camisa, and Vice-Chair Schmitz voting in favor, and Steve Schwab voting against, the motion was approved.

UPDATED 2023 UNIFIED PLANNING WORK PROGRAM (UPWP) CONTRACT

Ms. Lukaszewski presented. The UPWP is closely tied to the legal contract between the MPO and NDDOT that allows federal funds to pass from NDDOT to the MPO. The MPO has previously made its boards aware of changes NDDOT is making to the contract tied to the UPWP. The contract is being changed from a two-year contract to a one-year contract. Exhibit E shows an addendum to the MPO's existing contract with NDDOT to terminate the current contract at the end of 2023, allowing a new contract to begin in 2024. The UPWP contract will then be approved annually going forward. The UPWP document will still be a two-year document, with a contracted in-year, and an out-year presented for illustration and discussion so the jurisdictions can be made aware of studies that are being planned. TAC recommended approval of the contract update.

MOTION: Mr. Camisa made a motion to approve the Updated 2023 UPWP Contract, as presented. Mr. Zachmeier seconded the motion and with Carrie Praska, Andy Zachmeier, Joe Camisa, Steve Schwab, and Vice-Chair Schmitz voting in favor, the motion was approved.

2021 ATAC TRAVEL DEMAND MODEL (TDM) ADDENDUM

Ms. Lukaszewski presented. The MPO has an addendum to its agreement with the Advanced Traffic Analysis Center (ATAC) for the creation of the new TDM. Last month, the MPO extended the addendum for two months through the end of June, which is the maximum extension allowed without board approval. However, after discussions with ATAC, the model is not going to be finished until July. ATAC is requesting the addendum be extended through the end of 2023, because once the model is completed, there will be a review process and a final report to finish. ATAC is requesting this same extension from the other MPOs in North Dakota, and TAC recommended approval.

Mr. Camisa asked about the reasoning behind the extension. Ms. Lukaszewski said the ATAC modeler works full time as a professor and works with ATAC at NDSU on all three of the TDMs for the MPOs in North Dakota. She is not sure if the delay happened with the Bismarck-Mandan MPO model, or with one of the other MPOs. Overall, this delay does not hold up the timeline for any of the MPO's projects and she is not concerned about it or about the quality of the final product.

MOTION: Mr. Camisa made a motion to approve the extension to the 2021 ATAC TDM Addendum, as presented. Mr. Zachmeier seconded the motion and with Carrie Praska, Andy Zachmeier, Joe Camisa, and Vice-Chair Schmitz voting in favor, and Steve Schwab voting against, the motion was approved.

BISMARCK-MANDAN MPO SELF-CERTIFICATION

Mr. Larson presented. The Bismarck Mandan MPO's self-certification is required by United States code. Code requires MPOs to certify their planning processes are being carried out in accordance with federal law, and that the Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) the MPO develops are also consistent with federal law. The self-certification must be updated at least every four years, but the Bismarck-Mandan MPO updates its self-certification each year as part of its annual TIP development. The self-certification declares MPO compliance with current highway bill legislation, specifically in ten different areas including MPO operations and functions, air quality control standards, Title VI and the Civil Rights Act, the Disadvantaged Business Enterprises, and five areas of nondiscrimination. After board approval of the self-certification, it is sent to NDDOT for approval and inclusion in the MPO's next TIP. TAC recommended approval at their meeting yesterday.

MOTION: Mr. Camisa made a motion to approve the Bismarck-Mandan MPO Self-Certification, as presented. Mr. Zachmeier seconded the motion and with Carrie Praska, Andy Zachmeier, Joe Camisa, Steve Schwab, and Vice-Chair Schmitz voting in favor, the motion was approved.

ARRIVE 2050 FORECAST/ARRIVE 2050 MTP

Mr. Champa provided an update on the Arrive 2050 Forecast (the Travel Demand Model and Socioeconomic Data or TDMSE) for SRF. SRF has been refining growth areas in the MPO area through an online application and through coordination meetings with the jurisdictions. The data has progressed to a point where it can be assigned to Traffic Analysis Zones (TAZ) and sent back to the jurisdictions for more review. The

data will be compared to the last TDMSE update, and a final TDMSE report will be prepared while ATAC finishes the TDM. Mr. Champa noted that the next phase of the project, the Arrive 2050 MTP, will be led by HDR. The kickoff meeting for the MTP is scheduled for June 29, and the first public meeting for the project will take place this fall.

2022 TRANSIT DEVELOPMENT PLAN (TDP)

Mr. Troe provided an update for SRF. SRF has shifted focus now towards how transit service in the region should be managed and organized. Currently multiple organizations must be involved in decision-making for Bis-Man Transit, and the TDP is asking whether there is a better option available, such as a transit authority. SRF will hold a workshop on June 27 with various departments in the City of Bismarck along with Bis-Man Transit Board members, MPO representatives, and a Bismarck City Commission member. The workshop will focus on Bis-Man Transit's organizational structure and options to close Transit's funding gap. Mr. Troe noted it will be very difficult to close the gap using service adjustments alone, so the workshop will touch on options for increasing Transit's revenue as well. The final public meeting for the TDP is currently planned for July 25.

Mr. Camisa asked about the workshop next week and who will be present from the City of Mandan. Mr. Troe said no one is currently lined up from the City of Mandan, since the City of Mandan does not provide legal or financial services to Bis-Man Transit, that is all handled within the City of Bismarck. However, he said they are glad to invite a City of Mandan representative if that is desirable. Mr. Camisa suggested at least inviting the transit portfolio holder on the Mandan City Commission to the workshop. Mr. Troe will make sure the invitation is extended as requested.

2023 ORTHO-CONTOUR PROJECT

Mr. Strain provided a project update for 95West Aerial Mapping. 95West had to recalibrate a sensor recently, but that was only a slight setback. They are finishing up ground control, and the project overall is over one-fourth complete.

2023-2026 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) MODIFICATION

Mr. Larson presented on Exhibit K. This month the MPO completed one administrative modification to the 2023-2026 TIP. Modifications are used for minor changes to the TIP, and they do not need to be advertised or opened for public comment. This modification is on a project for reconstruction on Burleigh County's 66th Street from Apple Creek Road to Northgate Drive. The modification adjusts the funding sources for the project. The project was formerly receiving \$171,147 in federal COVID funds, but those funds are now being transferred into federal Bridge funds. This does not change the overall cost of the project; it is only a change of funding categories. Burleigh County's local share will increase by roughly twenty percent of the \$171,147 total being adjusted, and the federal share will increase by the remaining eighty percent. This split was noted by NDDOT at yesterday's TAC meeting.

OTHER BUSINESS**Election of Officers for Policy Board in July**

Mr. Larson said the July Policy Board meeting will take up an election of officers for the positions of Chair and Vice-Chair. An email to Policy Board members with further details will be forthcoming in advance of next month's meeting.

TAC and Policy Board July-December Meeting Location Change

Mr. Larson noted TAC and Policy Board will be moving to Mandan City Hall July through December.

ADJOURNMENT

There being no further business, Vice-Chair Schmitz declared the meeting adjourned at 2:20 p.m.

The next scheduled meeting will take place July 18, 2023, at 1:30 p.m. in the Ed "Bosh" Froehlich Room in Mandan City Hall, 205 2nd Ave NW, Mandan.

Respectfully submitted,

Stephen Larson
Recording Secretary

APPROVED:

MPO Policy Board Chair

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DATE: July 17, 2023

TO: TAC and Policy Board

FROM: Rachel Lukaszewski, Executive Director
Bismarck-Mandan Metropolitan Planning Organization (MPO)

RE: Population-Based Cost Shares for MPO Jurisdictions

REQUEST:

Consider renewal of the population-based cost shares for the MPO's local jurisdictions, based on the new 2020 Census population numbers, to take effect on January 1, 2025.

SUMMARY:

The Bismarck-Mandan MPO's (MPO) local jurisdictions pay a percentage of the local share for data acquisitions and transportation studies. Sometimes the local share is paid entirely by one jurisdiction, or divided amongst multiple jurisdictions, depending on the benefit the jurisdiction receives from the project. At other times, the data acquisition or transportation study affects all five MPO jurisdictions, and the cost of the local share (20%) is divided proportionately among them based on population or land area. The breakout for the population-based cost share should be evaluated with every decennial census. The 2010 and 2020 percentages are shown below. The MPO boards may accept the updated percentages or round to the nearest half percent, which would maintain the 2010 cost share.

	2010 Census	2020 Census
Bismarck	12%	11.9%
Mandan	4%	3.9%
Burleigh County	3%	2.9%
Lincoln	.5%	.7%
Morton County	.5%	.6%

If adjusted, these percentage breakouts will determine the amount of local share billed to the local jurisdictions on applicable MPO projects beginning January 1, 2025, since the 2024 budget has already been established.

STAFF CONTACT:

Rachel Lukaszewski, Executive Director
rlukaszewski@bismarcknd.gov
 701-355-1852

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TAC and Policy Board Progress Report

Date: Thursday, July 06, 2023

Project: Bismarck-Mandan Arrive 2050 Update

To: Rachel Lukaszewski

From: Jason Carbee

Subject: Progress Report for June 4, 2023 to July 1, 2023

Please note that this progress report summarizes the work completed during the period above.

TDMSE Task 1 – Project Management

- The consultants continued monthly accounting and progress reports.
- Conducted MPO-HDR-SRF team coordination calls on June 5, June 14, and June 28.
- Provided updates to TAC and Policy Board meetings June 19 and 20.

TDMSE Task 7 – Allocate Socioeconomic Data

- SRF continued incorporating feedback and updating the GIS interface for staff review.

MTP Task 2 – MTP Engagement

- HDR facilitated the first Steering Committee meeting on June 29.
- HDR and SRF completed meeting notes for the steering committee meeting.
- HDR staff coordinated with ETC staff on details for the Community Household Survey.
- Beginning to plan for Fall Open House (October/November)

MTP Task 3 – MTP Data Collection

- HDR staff began assembling the Data collection matrix for tracking data and downloading some data.

Project Progress Summary

Task	Start Date	End Date	Percent Complete		Explanation / Discussion
			Period Start	Period End	
TDMSE Task 1 - Project Management	Sep-22	Jun-23	85%	90%	Reflects combined SRF / HDR hours for TDMSE.
TDMSE Task 2 - Outreach and Stakeholder Consultation	Sep-22	Jun-23	100%	100%	
TDMSE Task 3- TDMSE Data Needs	Sep-22	Nov-23	100%	100%	
TDMSE Task 4 - TDMSE Methodology	Oct-22	Nov-23	100%	100%	
TDMSE Task 5 - Development Scenario and Forecasts	Nov-22	Feb-23	100%	100%	
TDMSE Task 6 - Baseline Study Expectations (Forecasts)	Nov-22	Mar-23	100%	100%	
TDMSE Task 7- Allocate Socioeconomic Data	Dec-22	May-23	85%	90%	Continued coordination on SE data allocation.
TDMSE Task 8 - Model Performance Review and Validation	Feb-23	Sept-23?	0%	0%	Have not received base year model files from ATAC yet.
TDMSE Task 9 - Report	Sep-22	Jul-23	0%	0%	
MTP TASK 1 - Project Management	Jun-23	Dec-24	6%	7%	Continued accounting and invoicing.
MTP TASK 2 – Public Engagement	Jun-23	Dec-24	1%	2%	Organized and conducted first steering committee meeting.
MTP TASK 3 – Data Collection	Jun-23	Sep-23	0%	0%	
MTP TASK 4 - Goals, Objectives & Performance Measures	Aug-23	Oct-23	0%	0%	
MTP TASK 5 – Baseline System Conditions	Aug-23	Jan-24	0%	0%	
MTP TASK 6 - Develop & Screen Alternatives	Jan-24	May-24	0%	0%	
MTP TASK 7 – Financial Plan and Implementation Schedule	Oct-23	Jun-24	0%	0%	
MTP TASK 8 – MTP Document Development and Review	Jun-24	Dec-24	0%	0%	
Project Totals	Sep-22	Dec-24	18%	20%	



PROGRESS REPORT

SRF COMMISSION NO.	022-15824
PROGRESS REPORT NO.	10
DATE	June 30, 2023

REPORTING PERIOD	June 1, 2023 through June 30, 2023
PROJECT NAME	Bismarck-Mandan MPO Transit Development Plan
PREPARED BY	Bill Troe
ROUTE/COPY TO	Teresa Carey
Percent Complete through Period	85%

COMPLETED ACTIVITIES PREVIOUS PERIOD (June 2023)

- Prepared material for the June 27, 2023 Organizational Structure/Funding Gap workshop.
- Held workshop with staff and the commission liaison from Bismarck to discuss the organizational structure and funding gap closure alternatives.
- Arranged for the venues and timing for the final round of public meetings.
- Completed a follow-up to the org structure/funding gap workshop to document the short term option to reducing the funding gap.
- Continued development of the TDP document.

ONGOING ACTIVITY THIS PERIOD (July 2023)

- Present workshop findings to the Bismarck City Commission.
- Prepare ads for the paper and social media posts for the public information meetings.
- Prepare material for the July public information meetings.
- Facilitate public information meetings in Bismarck and Mandan on July 25.
- Address questions from the public meeting.
- Continue with draft document.

PROJECTED ACTIVITY NEXT PERIOD (August 2023)

- Finalize the draft TDP document and distribute for comments.
- Address comments received on the draft.
- Initiate final document preparation.

PROBLEMS ENCOUNTERED/ITEMS OF NOTE/SCHEDULE REVISIONS

- None.

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Bismarck-Mandan MPO * 2023 Ortho - Lidar Project * Period ending 6/30/23

Bismarck-Mandan MPO Field Survey				
Phase (Percent of Project)	Percent Complete	Start	End	Comments
Kick-off Meeting (0.5%)	100.00%	4/20/2023	4/20/2023	
Targeting (2%)	100.00%	4/24/2023	4/30/2023	
Field Survey (3%)	100.00%	4/24/2023	6/30/2023	MPO opted for NAD83(2011) on 6/30/23
Survey Report (0.5%)	0.00%			
Supplemental Field Topo (2.5%)	0.00%			

Bismarck-Mandan MPO Digital Orthophotos				
Phase (Percent of Project)	Percent Complete	Start	End	Comments
Imagery Acquisition (9%)	100.00%	5/3/2023	5/3/2023	NTP 5/1 * Acquisition start-up 5/3
Raw Imagery Processing and QC (1%)	100.00%	5/5/2023	5/19/2023	
Aero-Triangulation (2%)	0.00%			Holding for control and datum/projection finalization
Stereo Model Set QC (1%)	0.00%			Review for parallax / target report
Orthophoto Processing (22%)	0.00%			Pilot delivery in July / Aug timeline
Accuracy Analysis (0.5%)	0.00%			Accuracy reporting
File Formatting and Mosaics (3%)	0.00%			
Metadata (1%)	0.00%			
Final Delivery (Due 12/31/23)				due 12/31/23

Bismarck-Mandan MPO Lidar Terrain				
Phase (Percent of Project)	Percent Complete	Start	End	
Lidar Acquisition (9%)	100.00%	5/3/2023	5/3/2023	NTP 5/1 * Acquisition start-up 5/3
Calibration and Index (4%)	75.00%	5/9/2023		New boresight required * next step index to control
Bare Earth Edit (25%)	0.00%			
Hydro Breakline Collection (10%)	0.00%			Hydro flattening
Terrain Building and Formatting (2%)	0.00%			
Contour Generation (2%)	0.00%			
Final Delivery (Due 12/31/23)				due 12/31/23

Project Percent Complete	27.5%
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TITLE VI AND NON-DISCRIMINATION / ADA PLAN

Leanne Schmidt
Human Resources Department
221 North 5th Street, Bismarck, ND 58501

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**BISMARCK-MANDAN METROPOLITAN PLANNING ORGANIZATION (MPO)
TITLE VI AND NONDISCRIMINATION/ADA PROGRAM POLICY STATEMENT**

The Bismarck-Mandan MPO, hereinafter referred to as the “Recipient” is committed to compliance with Title VI of the Civil Rights Act of 1964, the Federal-Aid Highway Act of 1973, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973/ADA of 1990, and all related regulations and statutes. Taken together, these requirements define an encompassing Title VI/ADA Program. Title VI and the additional Nondiscrimination requirements are applicable to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Specifically, 42 USC 2000d state that “No person in the United States shall, on the ground 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.” In addition to Title VI, there are other Nondiscrimination statutes which include: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/ADA of 1990 (disability).

There are two Presidential Executive Orders that place further emphasis upon the Title VI protections. Executive Order 12898 ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse environmental or human health effects on minority and low-income populations. Executive Order 13166 directs recipients of Federal financial assistance that to ensure compliance with Title VI, they must take reasonable steps to ensure that limited English proficiency persons have meaningful access to their programs.

The Recipient is committed to and supports taking all steps to ensure that no person or groups(s) of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status*, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the Recipient, regardless of whether those programs and activities are federally funded or not.

The Recipient also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the Recipient will provide meaningful access to services for persons with limited English proficiency.

In the event the Recipient distributes federal-aid funds to a subrecipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient's Title VI/ADA Program Coordinator (Leanne Schmidt, Director of Human Resources, 701-355-1330, 221 N. 5th St., Bismarck, ND 58501, lschmidt@bismarcknd.gov), by appointment of the Chairperson of the Recipient, is responsible for initiating and monitoring Title VI/ADA Program activities, preparing reports and other responsibilities, and is granted the authority to develop, administer, and monitor the Title VI/Nondiscrimination and ADA Program as promulgated.

Further, the Chairperson of the Recipient sub-delegates and charges the Bismarck-Mandan Metropolitan Planning Organizations' Principal Transportation Planner, Transportation Planners, and Transportation Specialist with the responsibilities to ensure compliance with Title VI/Nondiscrimination and ADA Program requirements in their respective program areas.

Anyone who believes that he or she has been discriminated against should contact Leanne Schmidt, Bismarck-Mandan MPO Title VI/ADA Program Coordinator, Bismarck-Mandan Metropolitan Planning Organization, 221 N. 5th Street, Bismarck, ND at 701-355-1330. TTY users may call Relay North Dakota at 711 or 1-800-366-6888 (toll Free).

*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 USC 324; age, 42 USC 6101; disability, Section 504 of the Rehabilitation Act of 1973/ADA of 1990; low income, EO 12898; and limited English proficiency, EO 13166.

Signature

Chair, Bismarck-Mandan MPO Policy Board

Title

Date

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The **Bismarck-Mandan Metropolitan Planning Organization (MPO), Bismarck, Burleigh County** (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination in Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"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 otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of

funding source:

"The Bismarck-Mandan Metropolitan Planning Organization (MPO), Bismarck, Burleigh County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the **Bismarck-Mandan Metropolitan Planning Organization (MPO), Bismarck, Burleigh County** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration's access to records, accounts, documents, information, facilities, and staff. It is also recognized that compliance with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration is required. Records and reports must be kept, and the material submitted for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, compliance with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance, will be satisfied.

The **Bismarck-Mandan Metropolitan Planning Organization (MPO), Bismarck, Burleigh County** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on **Bismarck-Mandan Metropolitan Planning Organization (MPO), Bismarck, Burleigh County**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

_____, Chairman
 Name (Type/print)

 Bismarck-Mandan MPO, Bismarck, Burleigh County
 Recipient

 Signature

 Date

ORGANIZATION, STAFFING, RESPONSIBILITIES**BISMARCK-MANDAN METROPOLITAN PLANNING ORGANIZATION**

The Bismarck-Mandan Metropolitan Planning Organization (BMMPO) employed 3 full-time staff members. Staff was comprised of the following: one Principal Transportation Planner, who, pursuant to BMMPO By-Laws, also functions as the MPO Executive Director; one Transportation Planner; and one Transportation Specialist. Additionally, the Human Resources Director for the City of Bismarck serves the BMMPO in the capacity of Title VI Coordinator and ADA Coordinator, and assumes both roles by appointment.

GENDER			RACE							
F	M	NR	W	HL	AA	AI	AS	NH	TM	NR
3	1		4							
75%	25%		100%							

TECHNICAL ADVISORY COMMITTEE

The Bismarck-Mandan MPO (BMMPO) Technical Advisory Committee (TAC) consists of 14 members (one position is currently vacant). Each member is appointed as prescribed within the BMMPO By-Laws. The membership is comprised of representatives (or their designees) from BMMPO jurisdictions and stakeholders as follows: Bismarck City Engineer, Bismarck Community Development Director, Burleigh County Building Official/Director, Burleigh County Engineer, City of Lincoln, Freight Interests, Mandan City Engineer, Mandan City Planner, Morton County Engineer, Morton County Planner, MPO Executive Director or MPO Transportation Planner, North Dakota Department of Transportation (NDDOT) Bismarck District Official, NDDOT MPO Coordinator, and Transit Director.

GENDER			RACE							
F	M	NR	W	HL	AA	AI	AS	NH	TM	NR
2	10	1	11					1		1
15%	77%	8%	84%					8%		8%

POLICY BOARD

The Bismarck-Mandan MPO (BMMPO) Policy Board consists of 5 members. Each member is appointed as prescribed within the BMMPO By-Laws. The membership is comprised of representatives (or their designees) from BMMPO member jurisdictions as follows: Mayor, City of Bismarck; Mayor, City of Lincoln; Mayor, City of Mandan; Commissioner, Burleigh County; Commissioner, Morton County.

GENDER			RACE							
F	M	NR	W	HL	AA	AI	AS	NH	TM	NR
1	3	1	4							1
20%	60%	20%	80%							20%

KEY: F=Female NR=No Response AI=American Indian/Alaska Native AS=Asian HL=Hispanic/Latino
M=Male AA=African American NH=Native Hawaiian/Pacific islander TM = 2 or More Races W=White

A. MPO Executive Director

The Executive Director of the MPO is appointed pursuant to the Bylaws of the Bismarck-Mandan Metropolitan Planning Organization, Revised October 2015, Article IV, 6.c The Principal Transportation Planner of the MPO shall serve as Executive Director of the MPO.” The Executive Director of the MPO is responsible for the overall implementation and administration of the Title VI and Non Discrimination/ADA Program Access Plan for the Bismarck-Mandan Metropolitan Planning Organization (MPO). The Executive Director is responsible for designation of an ADA Coordinator, a Title VI Coordinator (program administrator), and providing adequate staffing to effectively implement the Title VI and Non Discrimination/ADA Program Access Plan.

B. Transportation Planner

Transportation Planners assist in the implementation of the Bismarck-Mandan MPO’s Title VI responsibilities. Such responsibilities include:

1. Maintain knowledge of and adhere to Bismarck-Mandan MPO’s Title VI and Non Discrimination/ADA Program Access Plan.
2. Ensure compliance with Title VI requirements in their respective program areas.
3. Assure prompt reporting, processing, and disposition of Title VI issues or complaints in their respective program areas to the Title VI Coordinator.
4. Communicate and coordinate with the Title VI Coordinator all program area Title VI issues or concerns in a timely manner.
5. Assure that practices and procedures involving all programs and activities within their area of responsibility are applied uniformly and equitably in conformance with federal Title VI regulations.

C. Transportation Specialist

Transportation Specialists will support and assist the Transportation Planners, Title VI Coordinator, and ADA Coordinator in their involvement in the program.

D. ADA Coordinator and the ADA Program Access Plan

The Americans with Disabilities Act (ADA) of 1990 is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 that prohibits discrimination against people with disabilities. ADA implementing regulations to Title II of the act prohibit discrimination in the provision of services, programs, and activities by state and local governments such that “...No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.” 28 CFR §35.130(a).

The Bismarck-Mandan MPO abides by the ADA. The Bismarck-Mandan MPO implements, monitors, and updates the Bismarck-Mandan Metropolitan Planning Organization Title VI and Non Discrimination/ADA Program Access Plan to ensure no individual is discriminated against on the basis of disability in the provision of its services, programs, and activities.

Appendix A and Appendix E of the Title VI Assurances is required in all contracts which are federally funded to ensure compliance with The Civil Rights Restoration Act of 1987.

The Bismarck-Mandan MPO will make every reasonable accommodation to provide an accessible meeting facility for all persons, and to ensure that communications with applicants, participants, and member of the public with disabilities are as effective as communications with others, 28 CFR §35.160. Individuals may request appropriate provisions, auxiliary aids or services (such as sign language, interpreter, accessible parking, or materials in alternative format), by contacting the ADA Coordinator, Leanne Schmidt, Director of Human Resources, City of Bismarck, at 701-355-1330 , or at lschmidt@bismarcknd.gov. TTY users may call Relay North Dakota at 711 or 1-800-366-6888 (toll free).

The BMMPO has developed a Request for Reasonable Accommodations Form for individuals to request accommodations necessary to access BMMPO programs, services, and activities. The form is available by contacting the ADA Coordinator or at <http://www.bismarcknd.gov/DocumentCenter/View/23201> .

The Americans with Disabilities Act requires public agencies with more than 50 employees to create and maintain an ADA Transition Plan. The Bismarck-Mandan MPO employs less than 50 employees and is therefore exempt from creating and maintaining an ADA Transition Plan.

As the Americans with Disabilities Act is companion civil rights legislation with the Civil Rights Act of 1964, all disability related complaints will follow the complaint procedures and forms as outlined in the Bismarck-Mandan MPO Title VI and Non Discrimination Program.

Complaints about violations of ADA by units of state and local governments may also be filed directly with the US Department of Justice. The form may be found at: <https://www.ada.gov/file-a-complaint/>. For assistance, please call the toll-free ADA Information Line at 800-514-0301(voice), or 800-514-0383 (TTY), or go to: <http://www.ada.gov/>.

E. Title VI Coordinator

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring the Bismarck-Mandan Metropolitan Planning Organization (MPO) compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by the Bismarck-Mandan MPO.
2. Collect Statistical data (race, color, sex, age, disability, or national origin) of participants in and beneficiaries of state highway programs, e.g. affected citizens and impacted communities.
3. Conduct annual Title VI reviews to determine the effectiveness of program activities at all levels for each reporting year ending December 31 prior to March 31 of the following calendar year.
4. Conduct Title VI reviews of consultant contractors and other recipients of federal-aid highway fund contracts administered through the Bismarck-Mandan MPO.
5. Review Bismarck-Mandan MPO program directives. Where applicable, include Title VI language and related requirements.

6. Conduct training programs consisting of, at a minimum, one hour of training per reporting period on Title VI and other related statutes for Bismarck-Mandan MPO employees and recipients of federal highway funds. Post a copy of the Title VI Plan on the Bismarck-Mandan MPO web-site. Post the Title VI Plan on employee bulletin boards at the Bismarck-Mandan MPO worksite. Inform all employees that a copy of the Title VI Plan is available upon request. Instruct all new employees about the Title VI Plan during orientation.
7. Prepare a yearly report of Title VI accomplishments and goals, as required.
8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Post the Title VI Plan on the Bismarck-Mandan MPO web-site. Post Title VI and Non Discrimination Plan and all relevant Title VI materials at main entrances of MPO worksite.
9. Conduct post-grant reviews of the Bismarck-Mandan MPO programs and applicants for compliance with Title VI requirements.
10. Identify and take corrective action to help eliminate discrimination.
11. Establish procedures to promptly resolve identified Title VI deficiencies. Document remedial actions agreed to be necessary. Provide remedial actions within 90 days of identification of a deficiency.

F. Technical Advisory Board (TAC)

The Technical Advisory Committee (TAC) of the Bismarck-Mandan MPO represents the member cities/counties, the North Dakota Department of Transportation, local freight interests, and the local transit authority. It is comprised primarily of planning and engineering staff members who are appointed by their affiliation with their respective agency or transportation related interest group. The TAC is comprised of one representative from each of the following agencies/interest group based on Bismarck-Mandan MPO Bylaws, 2020, and is subject to change as new individuals assume those positions within each agency/interest group:

- Bismarck City Engineer
- Bismarck Community Development Department Director
- Burleigh County Engineer
- Burleigh County Building Official/Director
- City of Lincoln
- Freight Representative
- Mandan City Engineer
- Mandan City Planner
- Morton County Planner
- Morton County Engineer/Road Superintendent
- MPO Executive Director or MPO Transportation Planner
- North Dakota Department of Transportation MPO Coordinator
- North Dakota Department of Transportation Bismarck District Official
- Transit Director

The purpose of the TAC is to discuss and coordinate technical transportation matters under consideration of the MPO, including, but not limited to, highway, transit, auto/rail, bicycle, and pedestrian planning activities; and to facilitate the recommendations to assist the Bismarck-Mandan MPO Policy Board in the transportation planning decision making process for the MPO study area.

G. Policy Board

The Policy Board is a five member board comprised of the mayors of Bismarck, Lincoln, and Mandan, as well as a commissioner each from Burleigh and Morton counties. The Burleigh County Commissioner and the Morton County Commissioner members are appointed members determined by their respective commissions pursuant to assignment to the Bismarck-Mandan MPO Policy Board within their respective portfolios. The Director of the North Dakota Department of Transportation is an Ex-Officio member of the Bismarck-Mandan MPO Policy Board in accordance with Article IV, Section 4 of the Bismarck-Mandan MPO Bylaws.

The Policy Board is the governing body of the MPO and seeks to harmonize the general plans of the cities and counties within the area and plans and planning activities of the federal, state, and local agencies.

**BISMARCK-MANDAN METROPOLITAN PLANNING ORGANIZATION
(BMMPO)
TITLE VI/ADA COMPLAINT PROCEDURE**

Introduction

The Bismarck-Mandan MPO (BMMPO) has developed a Title VI/ADA External Complaint Process that provides a prompt process for investigation and dispositions of complaints. All complaints are recorded on a Title VI/ADA Complaint Log. The BMMPO's Title VI External Complaint Process is consistent with the North Dakota Department of Transportation's (NDDOT), the Federal Highway Administration's (FHWA), and the Federal Transit Administration's (FTA) Procedures Manual for Processing External Complaints of Discrimination filed under Title VI of the Civil Rights Act of 1964 and related statutes, the Americans with Disabilities Act of 1990, and/or Section 504 of the Rehabilitation Act of 1973. The nondiscrimination statutes, regulations, Executive Orders (E.O.), directives, and other references are available upon request.

Agencies Authorized to Receive Complaints**Bismarck-Mandan MPO (BMMPO)**

Title VI/ADA Coordinator
221 N. 5th Street
Bismarck, ND 58506
Phone: 701-355-1330
Fax: 701-222-6450
TTY: 711 or 800-366-6888
E-mail: lschmidt@bismarcknd.gov

North Dakota Department of Transportation (NDDOT)

Civil Rights Division
608 E. Boulevard Ave. Bismarck, ND 58507-0700
Phone: 701-328-2576
Fax: 701-328-0343
TTY: 711 or 800-366-6888
E-mail: civilrights@nd.gov

Federal Highway Administration (FHWA)

North Dakota Division Office
4503 Coleman St. N., Suite 205
Bismarck, ND 58503
Phone: 701-250-4204
Fax: 701-250-4395
E-mail: NorthDakota.fhwa@dot.gov

United States Department of Transportation (FHWA)

FHWA Headquarters Office of Civil Rights
1200 New Jersey Avenue, SE (HCR-40)
8th Floor E81-105
Washington, DC 20590
Phone: 202-366-0693
Fax: 202-366-1599
TTY: 202-366-5132
E-mail: CivilRights.FHWA@fhwa.dot.gov

Federal Transit Administration

Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590
Phone: 888-446-4511

United States Department of Transportation (USDOT)

Departmental Office of Civil Rights
US Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
Washington, DC 20590
Phone: 202-366-4648
Fax: 202-366-5575
TTY: 202-366-9696

USDOJ – ADA COMPLAINTS

US Department of Justice (USDOJ)
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section – 1425 NYAV
Washington, DC 20530
Fax: 202-307-1197
ADA Information Line: 800-514-0301 (voice) or 800-514-0383 (TTY)
Main Section Telephone Number: 202-307-0663 (voice and TTY)

US DOJ – RACE, COLOR, NATIONAL ORIGIN COMPLAINTS

Federal Coordination and Compliance Section – NWB
Civil Rights Division
US Department of Justice (USDOJ)
950 Pennsylvania Avenue, NW
Washington, DC 20530
Phone: 888-848-5306 (English and Spanish)
Phone (voice): 202-307-2222
Phone (TTY): 202-307-2678

Persons Eligible To File

Members of the public, or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes, Section 504 of the Rehabilitation Act of 1973 (Section 504), or Title II of the Americans with Disabilities Act of 1990 (ADA) may file a complaint.

Filing a Complaint

A complaint is a written or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Complainants should complete and sign BMMPO's Title VI/ADA Complaint Process form and file by mail, fax, in person, or e-mail. A complaint should contain, at a minimum, the following information:

A written explanation of what has happened;

A way to contact the complainant;

The basis of the complaint, i.e., age, sex, race, color, national origin, disability, income status, or limited English proficiency;

The identification of the respondent, e.g., agency/organization alleged to have discriminated;

Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and,

The date(s) of the alleged discriminatory act(s).

While the above indicates a complaint should be in writing and signed, BMMPO will accept complaints in alternate formats from persons with disabilities, upon request.

The complainant may contact BMMPO for assistance in filing a complaint.

BMMPO will consider every request for reasonable accommodation to provide:

- accommodation for people with disabilities
- language interpretation for people with limited English proficiency (LEP) and
- translation of written material necessary to access BMMPO programs and information

To request accommodations, complainants may contact Leanne Schmidt, Title VI / ADA Coordinator, BMMPO at 701-355-1330 or lschmidt@bismarcknd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

Timeframes For Filing a Complaint

Complaints must be filed within 180 calendar days of the last date of the alleged discrimination, unless the time for filing is extended. The filing date of the complaint is the earlier of:

- The postmark of the complaint, or
- The date the complaint is received by any agency authorized to receive complaints.

Complainant is Represented by an Attorney

Complainants represented by an attorney shall provide a letter of representation.

Complaints Received by BMMPO

Complaints filed under Title VI in which BMMPO is named as the respondent will be forwarded within two (2) days of receipt by BMMPO to the Civil Rights Division of the NDDOT.

NDDOT provides the FHWA Bismarck Division office the complaint. FHWA will determine the correct agency to review the complaint. The reviewing agency will then make the final decision and will communicate directly with the complainant.

Complaints filed under the Section 504/ADA with BMMPO will be forwarded within two (2) days of receipt by BMMPO to the Civil Rights Division of the NDDOT.

NDDOT provides the complaint to the FHWA Bismarck Division office to be determined by FHWA if the complaint will be investigated in accordance with 49 CFR 27.13(b).

Limited English Proficiency Plan

BISMARCK-MANDAN METROPOLITAN PLANNING ORGANIZATION (MPO)

TITLE VI/ADA COORDINATOR
Leanne Schmidt, Director of Human Resources
221 N. 5th St., Bismarck, ND 58501
701-355-1330

INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the Bismarck-Mandan Metropolitan Planning Organization (MPO) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled ***Improving Access to Services for Persons with Limited English Proficiency***, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all Bismarck-Mandan MPO departments receiving federal grant funds.

Plan Summary

The Bismarck-Mandan MPO has developed this ***Limited English Proficiency Plan*** to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the Bismarck-Mandan MPO used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the Bismarck-Mandan MPO.
2. The frequency with which LEP persons come in contact with Bismarck-Mandan MPO services.
3. The nature and importance of services provided by the Bismarck-Mandan MPO to the LEP population.
4. The interpretation services available to the Bismarck-Mandan MPO and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1.) The number or proportion of LEP persons in the service area who may be served or are likely to require Bismarck-Mandan MPO services.

The Bismarck-Mandan MPO staff reviewed the 2017-2021 American Community Survey 5-Year Estimates* for North Dakota and determined that **4,230** individuals in **Bismarck, Lincoln, and Mandan, ND**** (4.46% of the population aged 5 years and older) speak a language other than English. Of those, **1,445** individuals have limited English proficiency; that is, they speak English

less than “very well” or “not at all.” This is only **1.52%** of the overall population aged 5 years and older in the service area. In **Bismarck, Lincoln, and Mandan, ND,**** of those persons with limited English proficiency, **.76%** speaks **Spanish**, **.14%** speaks **French, Haitian, or Cajun**, **.13%** speaks **Russian, Polish, or Other Slavic Languages**, **.12%** speaks **German or Other West Germanic Languages**, **.11%** speaks **Other and Unspecified Languages**, **.07%** speaks **Tagalog (including Filipino)**, **.07%** speaks **Arabic**, **.03%** speaks **Vietnamese**, **.03%** speaks **Other Indo-European Languages**, **.03%** speaks **Chinese (including Mandarin and Cantonese)**, **.02%** speaks **Other Asian and Pacific Island Languages**.

Following is a table identifying the number of individuals with the ability to speak English less than “very well” and the associated language spoken at home:

**Ability to Speak English Less than "Very Well" and
Associated Language Spoken at Home -
Bismarck, Lincoln, and Mandan, ND****

Language Spoken at Home	Percent of Total Population	Total Number of Individuals
Spanish	0.76%	719
French, Haitian, or Cajun	0.14%	135
Russian, Polish, or Other Slavic Languages	0.13%	127
German or Other West Germanic Languages	0.12%	115
Other and Unspecified Languages	0.11%	106
Tagalog (including Filipino)	0.07%	75
Arabic	0.07%	65
Vietnamese	0.03%	31
Other Indo-European Languages	0.03%	29
Chinese	0.03%	28
Other Asian and Pacific Island Languages	0.02%	15

Based on Table C16001 of the 2017-2021 US Census Bureau American Community Survey

**The US Census Bureau has changed collection methodology from the “Long Form” to the American Community Survey. One of the significant differences between the methodologies is that the “Long Form” was a point in time survey collected once every ten years compared to the American Community Survey which is a period survey covering a five-year time frame. Given the relatively small number of individuals who speak languages other than English at home and speak English less than “very well” there may be significantly high Margins of Error associated with some or all of the subject languages.*

***The Metropolitan Statistical Area (MSA) boundary was expanded to include Sioux and Oliver counties in 2013. Population statistics for the updated MSA boundary now include all four counties (Burleigh, Morton, Oliver, and Sioux), an area far beyond the MPO area. In an effort to maintain consistent and relevant growth statistics for communities within the MPO area, staff has dedicated to utilize data for the cities of Bismarck, Lincoln, and Mandan, which comprise the Urbanized Area of the MPO rather than the entire MSA data. Both data sets are supplied by the US Census Bureau, but differ in coverage area. Using data for the cities which comprise the MPO Urbanized Area preserves the statistical area as reflected within the Bismarck-Mandan MPO's Monitoring Report and more accurately shows population changes within the Bismarck-Mandan MPO area.*

2.) The frequency with which LEP persons come in contact with Bismarck-Mandan MPO services.

The Bismarck-Mandan MPO staff reviewed the frequency with which their office staff and Bismarck-Mandan MPO Policy Board and Technical Advisory Committee (TAC) members have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the Bismarck-Mandan MPO has had 0 requests for interpreters and 0 requests for translated program documents. The Bismarck-Mandan MPO Policy Board and TAC members have had very little contact with LEP persons.

3.) The nature and importance of services provided by the Bismarck-Mandan MPO to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for the Bismarck-Mandan MPO. The majority of the population aged 5 years and older, 95.54%, speak only English. As a result, there are only a few social, professional, or leadership service organizations within the Bismarck-Mandan MPO service area that focus on outreach to LEP individuals. The Bismarck-Mandan MPO staff is most likely to encounter LEP individuals through public meetings, office visits, phone conversations or attendance at Bismarck-Mandan MPO Policy Board and TAC meetings.

4.) The resources available to the Bismarck-Mandan MPO, and overall costs to provide LEP assistance.

The Bismarck-Mandan MPO reviewed its available resources that could be used for providing LEP assistance for oral interpretation and written translation. The Bismarck-Mandan MPO has, through the City of Bismarck, contracted with a telephone-based interpreter service to provide immediate interpreter services at no cost to LEP individuals. The Bismarck-Mandan MPO has identified and contacted written translation service providers. The Bismarck-Mandan MPO provides notice to the public of the availability to request accommodations for language assistance. All requests for translation are considered based on the possible impacts and known LEP population.

LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to Bismarck-Mandan MPO services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How the Bismarck-Mandan MPO staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- All Bismarck-Mandan MPO staff will be provided with language lists to assist in identifying the language interpretation needed if the occasion arises.

- All Bismarck-Mandan MPO staff who has encountered LEP will be informally surveyed periodically on their experience concerning any contacts with LEP individuals during the previous year.
- When the Bismarck-Mandan MPO sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

Language Assistance Measures

Although there is a very low percentage of LEP individuals in the Bismarck-Mandan MPO service area, that is, persons who speak English less than "very well" or "not at all", it will strive to offer the following measures:

1. The Bismarck-Mandan MPO staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - Language interpretation will be accessed for most languages through a telephone interpretation service.

STAFF TRAINING

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of language lists.
- Documentation of language assistance requests.
- Title VI Complaint Process.

All contractors or subcontractors performing work for the Bismarck-Mandan MPO will be required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

The Bismarck-Mandan MPO has an outreach process including a Request For Reasonable Accommodations procedure that refers all requests to the Bismarck-Mandan ADA Coordinator for processing. The Bismarck-Mandan MPO has translation services available and notices of accommodation are placed in public ads, meeting notices, flyers, and agendas. Requests for accommodations are considered as follows:

- The Bismarck-Mandan MPO ADA Coordinator will assess requests for translation of documents based on the possible impacts and known LEP population using the Four Factor Analysis

- The Bismarck-Mandan MPO will make every effort to provide the services in a timely manner
- The Bismarck-Mandan MPO will pay for interpreter services and translation of vital documents as necessary

The Bismarck-Mandan MPO has identified vital documents as those documents that are critical for obtaining the federal services and/or benefits, or is required by law. These may include:

- Applications
- Consent and Complaint Forms
- Notices of Rights and Disciplinary Actions
- Notices advising LEP persons of the availability of free language assistance
- Letters or Notices that require a response

A “safe harbor” provision regarding the translation of documents is provided by the Department of Justice. The DOJ suggests providing written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. The safe harbor provision applies to the translation of written documents only.

The Bismarck-Mandan MPO will make every effort to translate vital documents, as practicable, upon receipt of request for reasonable accommodations for translation. Written translation of Bismarck-Mandan MPO documents can range from translation of an entire document to translation of a short description of the document.

MONITORING

Monitoring and Updating the LEP Plan - The Bismarck-Mandan MPO will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2030 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the Bismarck-Mandan MPO service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the Bismarck-Mandan MPO’s financial resources are sufficient to fund language assistance resources needed.
- Determine whether the Bismarck-Mandan MPO fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency’s failure to meet the needs of LEP individuals.

DISSEMINATION OF THE BISMARCK-MANDAN MPO LEP PLAN

The Bismarck-Mandan MPO may disseminate its LEP Plan in any manner as follows:

- Post signs in Bismarck-Mandan MPO service area notifying LEP persons of the LEP Plan and how to access language services.
- State on agendas and public notices that a Request for Reasonable Accommodations form is available to LEP individuals to request documents in various languages.
- Post on the Bismarck-Mandan MPO website the LEP Plan and how to access language services.
- Publish Press Release
- Send copy of press release to advocacy groups and other agencies serving LEP populations

Socio-Economic Information

PROJECT FUNDING YEAR 2023										
ESTIMATED COST IN DOLLARS										
LEAD AGENCY	REFERENCE NUMBER	PROJECT DESCRIPTION	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL PROGRAM SOURCE	PCN	ESTIMATED CONSTRUCTION YEAR	AMENDMENT/ MODIFICATION (Date)
BISMARCK	23.1.01	^{***} Urban Roads - Bismarck 43rd Ave (43rd Ave (State St - 26th St) & 19th St (N Valley Lp/Yucca Av - 43rd Ave) (Reconstruction and Widening)	\$4,800,000 \$574,285	\$0	\$7,700,649 \$5,290,769 \$4,000,000 (Bismarck)	\$22,365,703	NHU CVD	22929	2022	
BISMARCK	23.1.02	Safety - Rectangular Rapid Flashing Beacons (RRFB) in Bismarck (Various Locations) (Install RRFB at up to 11 locations, recommended by School Safety Crossing Study)	\$378,000	\$0	\$42,000 (Bismarck)	\$420,000	HEU	23372	2023	
BISMARCK	23.1.03	Urban Grants Project - Bismarck 3rd/4th/5th St, Rosser Av, Broadway (3rd St from Main-Rosser, Rosser from 3rd-7th, 4th St from Rosser-Thayer, 5th St from Rosser-Thayer & Broadway from 3rd-4th & 6th-7th) (Mill & Overlay, Curb & Gutter, ADA Ramp Rev, Bikeway/Walkway, Lighting, Signal Revision, Landscaping, Signing, Signal Modifications, Pavement Marking)	\$786,313	\$0	\$1,125,687 (Bismarck)	\$1,912,000	UGP	23216	NA	
BISMARCK	23.1.05	*Projects of Local Importance (PLI) - Ash Coulee Dr Reconstruction (Tyler Parkway/15th St NW to N Washington St) (Reconstruction and conversion to curb and gutter roadway)	\$0	\$0	\$12,000,000 (Bismarck)	\$12,000,000	NA		2023	
BURLEIGH	23.2.01	*Urban Roads - Burleigh County 66th St (Apple Creek Rd to Northgate Dr) (Reconstruction, Structures)	\$8,000,000 (UR) \$7,638,509 (BRU) \$474,147 (CVD)	\$0	\$7,366,144 \$7,427,819 (Burleigh)	\$43,600,000 \$23,066,328	SU BRU CVD	23055	NA	Modification Federal \$ moved from CVD to BRU (80.93/19.07) (JUNE 2023)
MANDAN	23.4.01 ~~22-4-03~~	*Urban Roads - 8th Ave NW (Old Red Trail to 24th St NW) (Reconstruction)	\$1,052,000	\$0	\$1,248,000 (Mandan)	\$2,300,000	SU	23699	2023	Amendment (should have been modification) Moved from 2022 (FEBRUARY 2023)
MANDAN	23.4.02 ~~24-4-02~~	Transportation Alternatives - Mandan ND 6 Share Use Trail Phase 3 (ND 6 shared use trail from 19th St SE to Heart River Bridge) (Construction of new shared use trail on east side of ND 6)	\$416,384	\$0	\$98,115	\$514,499	TAU	23922	2024	Modification Moved from 2024 (APRIL 2023)
NDDOT	23.6.15	Bridge - I-94 (2 miles west of US Highway 83, Tyler Parkway, EB) (Expansion Joint Modifications, Approach Slabs, Spall Repair)	\$408,876 \$783,000	\$34,320 \$67,000	\$0 (Bismarck)	\$443,196 \$870,000	IM	22603	NA	Amendment Cost Increase (JAN 2023)
NDDOT	23.6.16	Bridge - I-94 (3 miles west of US Highway 83, Grant Marsh, EB) (Structure Paint, Median X-Over)	\$526,707	\$58,523	\$0 (Multiple)	\$585,230	IM	22603	NA	
NDDOT	23.6.17	Bridge - I-94 (3 miles west of US Highway 83, Grant Marsh, EB) (Deck Overlay, Approach Slabs, Structure Paint, Spall Repair, Structure/Incidentals)	\$4,494,221 \$9,000,000	\$499,364 \$1,000,000	\$0 (Multiple)	\$4,993,635 \$10,000,000	IM	22603	NA	Amendment Cost Increase (JAN 2023)
NDDOT	23.6.20	Safety - Roundabouts Statewide (ND 1804 & N Washington St intersection) (Addition of 4 roundabout signs for intersection)	\$27,000	\$3,000	\$0 (Burleigh)	\$30,000	HES	23529	NA	
NDDOT	23.6.21	^{***} Rural - Statewide ITS Equipment (One Location at Bismarck Expressway/ND 810, various other locations in western ND) (Weigh in Motion and Automatic Traffic Recorder Maintenance)	\$809,000	\$191,000 (Bismarck)	\$0	\$1,000,000	SS	23603	NA	Amendment Project Removed (APRIL 2023)
NDDOT	23.6.22	Bridge - I-94 (various locations throughout Bismarck District, one within MPO area) (19th St separation abt 1/2 mile E of US 83 N) (Structure Paint)	\$224,000	\$25,000	\$0 (Bismarck)	\$249,000	SS	22614	NA	
NDDOT	23.6.24	Urban Regional - Mandan Memorial Highway (Memorial Highway Phase 3, Extends TBD) (3.3 miles, Reconstruction, City Utilities)	\$16,712,000 \$27,216,000	\$1,873,000 \$3,050,000	\$5,505,000 \$7,391,000 (Mandan)	\$24,090,000 \$37,657,000	SU-CPU	23278	NA	Amendment Cost Increase (JAN 2023)
NDDOT	23.6.25	Carbon Reduction - Bismarck State St (Calgary Ave to 43rd Ave) (Shared Use Path/Bikeway Roadside Improvements)	\$320,000	\$0	\$75,000 (Bismarck)	\$395,000	CRP	23671	NA	
NDDOT	23.6.26	Bridge - I-94 (I-94 Midway and Grant Marsh Bridge) (Preliminary Engineering work for a highway planning study evaluating Grant Marsh Bridge)	\$4,500,000	\$500,000	\$0	\$5,000,000	IM	23595	NA	Modification Moved from 2022 (OCTOBER 2022)
NDDOT	23.6.27 ~~22-6-36~~	<Rural - I-94 (East of 161 Interchange to east of Menoken Interchange) (9.8 miles, Median X-Over, Ramp Connections)	\$1,366,544	\$151,838	\$0 (Burleigh)	\$1,518,382	IM	22639	NA	Modification Moved from 2022 (DECEMBER 2022)
NDDOT	23.6.28 ~~22-6-08~~	Urban Regional - Mandan Memorial Highway (Memorial Highway Phase 1, Extends TBD) (Reconstruction, Sanitary Sewer & Drainage)	\$2,706,000	\$303,000	\$2,999,000 (Mandan)	\$6,008,000	SU-CPU	22005 23133	NA	Modification Moved from 2022 (DECEMBER 2022)
NDDOT	23.6.29 ~~22-6-32~~	Urban Regional - Mandan Memorial Highway (Memorial Highway Phase 2, Extends TBD) (Reconstruction, City Utilities)	\$15,848,000	\$1,776,000	\$5,398,000 (Mandan)	\$23,022,000	SU-CPU	23277	NA	Modification Moved from 2022 (DECEMBER 2022)
NDDOT	23.6.30	^{***} Safety - Bismarck District Highways (Various Highways throughout NDDOT's Bismarck District) (Pavement Markings)	\$1,125,845	\$125,093	\$0	\$1,250,938	HES	23792	NA	Amendment New Project (JAN 2023)
NDDOT	23.6.31	Safety - Bismarck Tyler Parkway Interchange (Tyler Parkway Interchange and Crossroad) (Signing)	\$103,270	\$11,474	\$0 (Burleigh)	\$114,744	IM	23807	NA	Amendment New Project (JAN 2023)
NDDOT	23.6.32	^{***} Rural - Hwy 1806 (From South of Fort Lincoln to South of 19th St SE) (Chip Seal Coat)	\$208,224	\$28,136	\$0	\$236,360	SS	23836	NA	Amendment Project Removed (State Funded) (FEB 2023)
NDDOT	23.6.33	^{***} Rural - Hwy 1804 (From Burnt Creek Loop to US 83, only about 7 miles within MPO boundary) (Chip Seal Coat)	\$1,244,202	\$138,244	\$0	\$1,382,446	SS	23837	NA	Amendment New Project (JAN 2023)
NDDOT	23.6.34 ~~22-6-36~~	Bridge - I-94 (CP railway creek struct, 1 mile E of US 83 N, 19th St separation abt 1/2 mile E of US 83 N) (Deck Overlay, Rail Retrofit, Approach Slabs, Expand Joint Mod)	\$1,195,087	\$132,788	\$0 (Bismarck)	\$1,327,875	IM	23009	NA	Modification Moved from 2022 (JANUARY 2023)
NDDOT	23.6.35	Rural - Statewide ITS equipment (Apple Creek Weigh in Motion sites, east and westbound, around I-94 mile marker 165) (Electronics calibration)	\$39,600	\$4,400	\$0	\$44,000	NH	23886	NA	Amendment New Project (FEBRUARY 2023)
NDDOT	23.6.36 ~~24-6-04~~	Urban Regional - Bismarck 7th St (Front Av to Bismarck Expressway) (Mill and Overlay, Signal Revision, Lighting, tied to project 23.6.37)	\$2,529,062	\$283,438	\$312,500 (Bismarck)	\$3,125,000	NHU	23201	2024	Modification Moved from 2024 (MARCH 2023)
NDDOT	23.6.37 ~~25-6-12~~	Urban Regional - Bismarck 7th St/ 9th St (CRP funding has a federal funding cap of \$570,000) (Main Ave to Boulevard Ave) (Mill and Overlay, ADA Ramps, Lighting, tied to project 23.6.36, Bismarck provides local match)	\$1,961,177 \$570,000 \$2,531,177	\$219,793 \$63,881 \$283,674	\$242,330 \$70,431 \$312,761	\$2,423,300 \$704,312 \$3,127,612	NHU CRP TOTALS	23347	2024	Modification Moved from 2025 (MARCH 2023)
BISMARCK PARKS & REC DIST/ BISMARCK	23.7.02	Transportation Alternatives - Bismarck Ash Coulee & Tyler Parkway (Bikeway/Walkway) (Sidewalk Improvements)	\$383,000	\$0	\$90,000 (Bis P&R District)	\$473,000	TAU	23236	2023	

*Represents an "Expansion" project. An expansion project is focused on improving traffic flow through efforts such as: adding through lanes or turn lanes, new streets/roads, upgrading an intersection to a roundabout, or new/improved interchanges.

^{***}Pending Availability of Federal Funds

@ City plans to advance construct project in 2022

^{***}Project area extent is larger than the MPO area. Costs have not been prorated.

TIP Overview Map

2023-2026 Transportation Improvement Program
(Year 2023)

- + 2023 TIP Points
- - 2023 TIP Lines
- MPO Boundary
- Corporate Limits



2.5 Miles

This data is for representation only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

Map created by DAN June 2023 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO.
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23.1.02
SAFETY - Bismarck (Multiple Locations)
Install Rectangular Rapid Flashing Beacons (RRFB) at 11 locations

23.6.30
SAFETY - Bismarck-Mandan Area (Multiple Locations)
Pavement Markings added to various NDDOT highways throughout region

Population in Poverty

2023-2026 Transportation Improvement Program (Year 2023)

- 2023 TIP Points
- 2023 TIP Lines
- MPO Boundary
- Corporate Limits
- Population in Poverty
 - 0 - 5%
 - 5% - 10%
 - 10.1% - 15%
 - 15%+



2.5 Miles

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Based on 2017-2021 ACS Data

23.1.02
SAFETY - Bismarck (Multiple Locations)
Install Rectangular Rapid Flashing Beacons (RRFB) at 11 locations

23.6.30
SAFETY - Bismarck-Mandan Area (Multiple Locations)
Pavement Markings added to various NDDOT highways throughout region

Minority Population

2023-2026 Transportation Improvement Program
(Year 2023)

- +

2023 TIP Points

- - -

2023 TIP Lines



MPO Boundary



Corporate Limits

Minority Population



0% - 5%



5% - 10%



10% - 20%



20+%



2.5

Miles

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Based on 2017-2021 ACS Data

23.1.02

SAFETY - Bismarck (Multiple Locations)

Install Rectangular Rapid Flashing Beacons (RRFB) at 11 locations

23.6.30

SAFETY - Bismarck-Mandan Area (Multiple Locations)

Pavement Markings added to various NDDOT highways throughout region

Elderly Population

2023-2026 Transportation Improvement Program (Year 2023)

- +

 2023 TIP Points

- -

 2023 TIP Lines

MPO Boundary

Corporate Limits

Elderly Population

Percent of Population that is 65+

0% - 10%

10.1% - 20%

20.1% - 30%

30%+



2.5

Miles

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Based on 2017-2021 ACS Data

23.1.02

SAFETY - Bismarck (Multiple Locations)

Install Rectangular Rapid Flashing Beacons (RRFB) at 11 locations

23.6.30

SAFETY - Bismarck-Mandan Area (Multiple Locations)

Pavement Markings added to various NDDOT highways throughout region

Percent Spanish Spoken at Home

2023-2026 Transportation Improvement Program (Year 2023)

- +

 2023 TIP Points

- - -

 2023 TIP Lines

MPO Boundary

Corporate Limits

Percent Spanish Spoken at Home

0% - 0.5%

0.5% - 1%

1+%



2.5

Miles

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Map created by DAN June 2023 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO.
X:\ArcProProjects\MPO\TitleVI\TitleVI.aprx

Based on 2017-2021 ACS Data

23.1.02

SAFETY - Bismarck (Multiple Locations)

Install Rectangular Rapid Flashing Beacons (RRFB) at 11 locations

23.6.30

SAFETY - Bismarck-Mandan Area (Multiple Locations)

Pavement Markings added to various NDDOT highways throughout region

Percent Other
Spoken at Home

2023-2026 Transportation
Improvement Program
(Year 2023)

- +

2023 TIP Points

- -

2023 TIP Lines

MPO Boundary

Corporate Limits

Census Tract

Percent Other Spoken at Home

0% - .5%

.5% - 1%

1%+



2.5

Miles

This data is for representation only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

Map created by DAN June 2023 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO.
X:\ArcProProjects\MPO\TitleVI\TitleVI.aprx

Based on 2017-2021 ACS Data

23.1.02

SAFETY - Bismarck (Multiple Locations)

Install Rectangular Rapid Flashing Beacons (RRFB) at 11 locations

23.6.30

SAFETY - Bismarck-Mandan Area (Multiple Locations)

Pavement Markings added to various NDDOT highways throughout region

**Bismarck-Mandan Metropolitan Planning Organization, Bismarck, Burleigh County, RECIPIENT
APPENDIX A OF THE TITLE VI ASSURANCES**

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

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

A

Bismarck-Mandan Metropolitan Planning Organization (MPO), Bismarck, Burleigh County
APPENDIX E OF THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

E

52
REQUEST FOR REASONABLE ACCOMMODATIONS



			Date	
Name			Telephone Number	
Street/Mailing Address		City	State	ZIP Code
Preferred Method of Contact ☐ Day Phone ☐ Email ☐ USPS		Email Address		
Type of Event: ☐ Public Meeting/Public Hearing ☐ Training ☐ Other (specify)				
Date of Event	and/or	Date Needed	Location of Event	

PART II: LIMITED ENGLISH PROFICIENCY (LEP)

☐ Yes ☐ No Do you need language assistance for LEP?	
Language Assistance	
☐ Oral Interpretation (specify language)	
☐ Written Translation (specify language)	
Name of Documents	

PART III: AMERICANS WITH DISABILITIES ACT (ADA)

☐ Yes ☐ No Do you need an accommodation for a disability?	
Types of Accommodation	
☐ Interpreter for deaf (specify ASL, tactile, etc.)	
☐ Assistive Listening device (specify)	
☐ Physical location accessible for persons with a physical mobility impairment.	
☐ Other (specify)	
Nature of Disability (Medical documentation may be requested)	
☐ Physical Mobility Impairment (specify)	
☐ Speech Impairment (specify)	
☐ Visual impairment (specify)	
☐ Hearing Impairment (specify)	
☐ Other (specify)	
Alternative Format (Indicate first, second, third choice if possible.)	
☐ Braille	Date Needed
☐ Large Print (font point size)	☐ Audio Recording -MP3
☐ Other (specify)	☐ CD/Flash Drive
Name of Documents	
For Office Use Only The accommodation request is:	
☐ Granted as requested ☐ Granted with change - see additional information ☐ Denied - see additional information	

Instructions for Reasonable Request for Accommodations Form:

Requests for Reasonable Accommodations can be made by completing this form.

If you prefer to complete the Request for Reasonable Accommodations form electronically go to the Bismarck-Mandan Metropolitan Planning Organization's website at: <http://www.bismarcknd.gov/DocumentCenter/View/23201> . You may then submit the form in one of the following ways:

1. Save the completed form to your computer and email a copy of it to: mpo@bismarcknd.gov .
2. Mail a printed copy of the completed form to:
Bismarck-Mandan MPO
ADA Coordinator
P.O. Box 5503
Bismarck, ND 58506-5503

If you need assistance to complete the Request for Reasonable Accommodations form, please contact Leanne Schmidt, ADA Coordinator, Bismarck-Mandan MPO at 701-355-1330 or lschmidt@bismarcknd.gov . TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

REQUESTS MUST BE MADE AS SOON AS POSSIBLE.

Appropriate provisions will be considered when the MPO/ADA Coordinator is notified at least ten (10) days prior to the meeting date or fifteen (15) days prior to the date the written comments are due.

Converting printed material may take several weeks.

PART I

Complete all information in this section.

PART II: Limited English Proficiency (LEP)

Check all boxes that apply to the type of language assistance that you are requesting.

PART III: Americans with Disabilities Act (ADA)

Check all boxes that apply to the accommodation(s) that you are requesting.

54 EXTERNAL COMPLAINTS OF DISCRIMINATION



METROPOLITAN PLANNING ORGANIZATION

SFN 51795 (1-2022)

COMPLAINANT INFORMATION (Complete all items below.)

Name		Telephone Number	
Address	City	State	ZIP Code
Email Address			

CAUSE OF DISCRIMINATION (Check all that apply.)

Title VI of the Civil Rights Act of 1964 ☐ Race ☐ National Origin ☐ Color	Other Nondiscrimination Statutes/Executive Orders ☐ Sex ☐ Disability ☐ Age ☐ Limited English Proficiency
---	---

Name of public entity complaint is against.
Provide an explanation of what happened and date(s) of the alleged discriminatory act and location.

WE CANNOT ACCEPT YOUR COMPLAINT WITHOUT A SIGNATURE AND DATE.

Complainant's Signature	Date
-------------------------	------

Any person or specific class of persons, who believes they were subjected to discrimination on the basis of race, color, national origin; or sex, age, disability, or limited English proficiency in the programs and activities of NDDOT or its sub-recipients (e.g., a city, county, Metropolitan Planning Organization, Transit Agency, etc.,) may by himself/ herself or through his/her legally authorized representative, make, sign and date a written complaint and file such complaint with the Department within 180 calendar days following the date of the last instance of the alleged discriminatory action. Complainants must complete in its entirety, sign, and date NDDOT's External Complaints of Discrimination form (SFN 51795) and file by mail, fax, in person, or e-mail. However, the complainant may call NDDOT and provide the allegations by telephone. NDDOT will transcribe the complainant's allegations into the complaint form and send the written complaint to the complainant for corrections, signature, and date.

To request accommodations, complainants may contact the Civil Rights Division, NDDOT at (701) 328-2978 or civilrights@nd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

The NDDOT Civil Rights Division Program Administrator will review the complaint, gather additional information from the complainant if necessary, and refer the complaint to the appropriate federal agency, which in most cases will be the Federal Highway Administration. It is also within your rights to file directly with the appropriate Federal agency that oversees the transportation activities, services or facilities.

FHWA JURISDICTION (Roads and Bridges)

Title VI Complaints will be forwarded to the Division Office.

For Title VI complaints against sub recipients, NDDOT is required to follow the timeframes in 23 CFR 200.9(b)(3) as follows: A copy of the complaint, together with a copy of the NDDOT's report of investigation shall be forwarded to the FHWA Division Office within 60 days of receipt of the delegated complaint from FHWA.

ADA Complaints will be forwarded to the FHWA Division Office.

For a Section 504/ADA complaint against subrecipients, NDDOT shall forward a copy of the complaint, together with a copy of the report of investigation within 90 days of receipt of the delegated complaint to the FHWA Division Office.

The FHWA HCR has delegated authority for dismissing and issuing letters of findings (LOFs) for Title VI, and Section 504/ADA complaints processed by FHWA. LOFs issued by the FHWA HCR are administratively final.

FTA JURISDICTION (Public Transit)

Complaints filed under Title VI, related statutes, and Section 504/ADA in which NDDOT is named as the respondent will be forwarded to FTA Office of Civil Rights.

Title VI, related statutes, and Section 504/ADA complaints filed directly with NDDOT against its sub recipients or contractors will be processed by NDDOT in accordance with the FTA approved complaint procedures under FTA C 4710.1, FTA C 4702.1B, 49 CFR 27.13(b).

NDDOT may investigate complaints against its sub recipients as follows:

1. The complaint will be reviewed within 10 business days to determine whether it contains all the necessary information required for acceptance.
2. If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the Complainant Consent/Release form (SFN 60741) and the Notice About Investigatory Uses of Personal Information fact sheet.

For Title VI or related statutes Complaints, NDDOT is required to follow the FTA C 4702.1B to comply with reporting requirements of 49 CFR 21.9(b). The investigation information is recorded on the Transit Title VI - List of Investigations, Lawsuits, and Complaints (SFN 60805) and included in the Title VI/Nondiscrimination and ADA Program submitted to FTA every three years. Although, FTA regulations do not specify a time frame for the investigation of Title VI complaints, the NDDOT attempts to complete investigations within 90 days of receipt of the complaint from FTA.

For a Section 504/ADA complaint, NDDOT shall forward a copy of the complaint, together with a copy of the report of investigation within 90 days of receipt of the complaint to the FTA Office of Civil Rights.

The FTA has delegated authority for issuing LOFs for Title VI, related statutes, and Section 504/ADA complaints processed by FTA. LOFs issued by the FTA are administratively final.

NDDOT has delegated authority for issuing LOFs for Title VI, related statutes, and Section 504/ADA complaints processed by NDDOT against FTA funded sub recipients. Closure letters or LOFs issued by NDDOT under FTA jurisdiction on Title VI, related statutes, and Section 504/ADA complaints are administratively final. Individuals or a specific class of individuals, personally or through a representative, may submit a complaint to FTA within 180 days from the date of the alleged discrimination.

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COMPLAINANT CONSENT/RELEASE
(EXTERNAL COMPLAINTS OF DISCRIMINATION)



Name			
Mailing Address	City	State	ZIP Code
Complaint Number(s) if known:			

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice About Investigatory Uses of Personal Information by the Sub Recipient. As a complainant, I understand that in the course of an investigation it may become necessary for Sub Recipient to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of Sub Recipient to honor requests under the Freedom of Information Act and North Dakota Century Code 44-04-18. I understand that it may be necessary for Sub Recipient to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by Sub Recipient's regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by Sub Recipient.

CONSENT/RELEASE

☐ CONSENT - I have read and understand the above information and authorize Sub Recipient to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the Sub Recipient to receive material and information about me pertinent to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.	
☐ CONSENT - The respondent named in this complaint may receive a copy of my complaint upon request.	
☐ CONSENT DENIED - I have read and understand the above information and do not want Sub Recipient to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.	
Signature	Date

**NOTICE ABOUT INVESTIGATORY
USES OF PERSONAL INFORMATION
(External Complaints of Discrimination)**

Enclosure 2

Page 2 of 2

**Sub Recipient
NOTICE OF COMPLAINANT/INTERVIEWEE RIGHTS AND PRIVILEGES**

Complainants and individuals who cooperate in an investigation, proceeding or hearing conducted by Sub Recipient are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

- A respondent may not force its employees to be represented by the respondent's counsel nor may it intimidate, threaten, coerce or discriminate against any employee who refuses to reveal to the respondent the content of an interview. An employee does, however, have the right to representation during an interview with Sub Recipient. The representative may be the respondent's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.

- The laws and regulations which govern Sub Recipient's compliance and enforcement authority provide that no respondent or other person shall intimidate, threaten, coerce or discriminate against any individual because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing conducted under Sub Recipient's jurisdiction, or has asserted rights protected by statutes Sub Recipient enforces.

- Information obtained from the complainant or other individuals which is maintained in Sub Recipient's investigative files may be exempt from disclosure under the Privacy Act, the Freedom of Information Act (FOIA), or North Dakota Century Code (NDCC) 44-04-18 if release of such information would constitute an unwarranted invasion of personal privacy.

The law governing personal information submitted to any public entity, including the Sub Recipient is NDCC 44-04-18.

NDCC 44-04-18 protects individuals from misuse of personal information held by the Sub Recipient. The law applies to records that are kept and that can be located by the individual's name or social security number or other personal identification system. Persons who submit information to the public entity should know that:

- Sub Recipient is required to investigate complaints of discrimination on the basis of race, color, national origin, sex, disability, age, and, in some instances, religion against respondents of Federal financial assistance. Sub Recipient also is authorized to conduct reviews of federally funded respondents to assess their compliance with civil rights laws.

- Information that Sub Recipient collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. Sub Recipient staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. Sub Recipient also may be required to reveal certain information to any individual who requests it under the provisions of NDCC 44-04-18. (See below)

- Personal information will be used only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. Except in the instances defined by NDCC Chapter 44-04, Sub Recipient will not release the information to any other agency or individual unless the person who supplied the information submits a written consent. One of these exceptions is when release is required under NDCC 44-04-18. (See below)

- No law requires a complainant to give personal information to Sub Recipient, and no sanctions will be imposed on complainants or other individuals who deny Sub Recipient's request. However, if Sub Recipient fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

- NDCC 44-04-18 permits certain types of systems of records to be exempt from some of its requirements, including the access provisions. It is the policy of Sub Recipient to exercise authority to exempt systems of records only in compelling cases. Sub Recipient may deny a complainant access to the files compiled during the agency investigation of his or her civil rights complaint against a respondent of Federal financial assistance. Complaint files are exempt in order to aid negotiations between respondents and Sub Recipient in resolving civil rights issues and to encourage respondents to furnish information essential to the investigation.

- Sub Recipient does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a respondent that violates the laws, or unless such information is required to be disclosed under NDCC 44-04-18. Sub Recipient will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under NDCC 44-04-18 or otherwise required by law.

NDCC 44-04-18 gives the public access to certain files and records of the public entity. Individuals can obtain items from many categories of records of the public entity--not just materials that apply to them personally. Sub Recipient must honor requests under NDCC 44-04-18, with some exceptions. Sub Recipient generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of the agency to do its job.

Also, a public entity may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual. Requests for other records, such as personnel and medical files, may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."

Instructions for Title VI Complaint Process Form:

General

1. Instructions provided within this form are not meant to be all inclusive. Members of the public or external applicants for employment filing a Title VI/ADA complaint are responsible for all procedural requirements contained in the Bismarck-Mandan MPO's Title VI/ADA External Complaint Process.
2. Under Title VI of the Civil Rights Act of 1964 and the related statutes and regulations, no person or group(s) of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the Bismarck-Mandan MPO. Members of the public, external applicants for employment, or group(s) of persons who feel they have been discriminated against may file a complaint.
3. Complainants **must** include all required information and **must** meet all timeframes as defined in the Bismarck-Mandan MPO's Title VI/ADA External Complaint Process.
4. Legible copies of all available pertinent documentation should be attached to this form.
5. All inquiries should be directed to the ADA Coordinator, Bismarck-Mandan MPO, 221 N. 5th Street / P.O. Box 5506, Bismarck, ND 58506-5503, Telephone (701)355-1330, TDD 711.

Part I

Complete all information in this section.

Part II

Check all boxes that apply indicating the basis for the complaint. The discrimination **must** be based on at least one of the listed categories.

Part III

State the specific complaint in a manner that clearly identifies the issues upon which the complaint is based.

Part IV

Sign and date this section to verify the information contained in Parts I through III.



Reporting Year

PART I - COMPLAINANT INFORMATION (Print all items legibly.)

Name		Telephone Number
Mailing Address		Email Address
City	State	ZIP Code

PART II - STATUS OF COMPLAINANT

Check appropriate box[es]		
Title VI of the Civil Rights Act of 1964 ☐ Race ☐ National Origin ☐ Color		Other Nondiscrimination Statutes/Executive Orders ☐ Sex ☐ Disability ☐ Limited English Proficiency ☐ Age ☐ Income Status
Nature of Complaint		
Recipient (Processor of Complaint)		
Date Filed	Date Investigation Completed	Date of Disposition
Disposition		
☒ X		

PART I - COMPLAINANT INFORMATION (Print all items legibly.)

Name		Telephone Number
Mailing Address		Email Address
City	State	ZIP Code

PART II - STATUS OF COMPLAINANT

Check appropriate box[es]		
Title VI of the Civil Rights Act of 1964 ☐ Race ☐ National Origin ☐ Color		Other Nondiscrimination Statutes/Executive Orders ☐ Sex ☐ Disability ☐ Limited English Proficiency ☐ Age ☐ Income Status
Nature of Complaint		
Recipient (Processor of Complaint)		
Date Filed	Date Investigation Completed	Date of Disposition
Disposition		
Add Another Section		

The Bismarck-Mandan MPO is committed to providing non-discriminatory service. No person shall, on the basis of a person's national origin, race, color, disability, sex, age and/or income status, be excluded from participation or be subjected to discrimination or harassment by the Bismarck-Mandan MPO. Contact the Bismarck-Mandan MPO Project Director at 701-355-1840 to request additional information on our nondiscrimination obligations or to file a complaint.

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A-12

2004 Census Test

United States
Census
2010

LANGUAGE IDENTIFICATION FLASHCARD

- | | | |
|--------------------------|---|------------------------|
| ☐ | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | 1. Arabic |
| ☐ | Խոսողո՞ւմ ե՞ս, և՛ խոսում կատարե՞ք այս քանակություն, եթե խոսում կամ կարդում ե՞ք հայերեն: | 2. Armenian |
| ☐ | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | 3. Bengali |
| ☐ | ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | 4. Cambodian |
| ☐ | Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro. | 5. Chamorro |
| ☐ | 如果你能读中文或讲中文，请选择此框。 | 6. Simplified Chinese |
| ☐ | 如果你能讀中文或講中文，請選擇此框。 | 7. Traditional Chinese |
| ☐ | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | 8. Croatian |
| ☐ | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | 9. Czech |
| ☐ | Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | 10. Dutch |
| ☐ | Mark this box if you read or speak English. | 11. English |
| ☐ | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید. | 12. Farsi |

☐	Cocher ici si vous lisez ou parlez le français.	13. French
☐	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
☐	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
☐	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
☐	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
☐	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
☐	Jelölje meg ezt a kockát, ha megérte vagy beszéli a magyar nyelvet.	19. Hungarian
☐	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
☐	Marchi questa casella se legge o parla italiano.	21. Italian
☐	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
☐	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
☐	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
☐	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

☐	Assinale este quadrado se você lê ou fala português.	26. Portuguese
☐	Însemnați această casuță dacă citiți sau vorbiți românește.	27. Romanian
☐	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
☐	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
☐	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
☐	Marque esta casilla si lee o habla español.	31. Spanish
☐	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
☐	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
☐	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
☐	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
☐	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
☐	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
☐	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

Auxiliary Aids and Services

As a recipient of Federal Financial Assistance, the Bismarck-Mandan Metropolitan Planning Organization (MPO) assures compliance with Title VI of the Civil Rights Act of 1964, Regulations, and other pertinent directives. The MPO is required to take reasonable steps to ensure meaningful access to persons with Limited English Proficiency (LEP) through oral and written translation.

Additionally, the MPO has a responsibility to develop a policy in advance of any request for auxiliary aids or services for persons with impaired vision and hearing. With respect to the provision of auxiliary aids to access State Transportation Agency/Local Public Agency (STA/Sub Recipient) programs, services and activities, the most likely of these will be public activities in connection with studies and planning activities pertaining to federal-aid construction projects.

Auxiliary aids and services for deaf or hard of hearing include a wide range of services, equipment, and devices such as:

- sign language interpreter
- note takers
- computer-aided real-time transcription services (CART)
- amplified and hearing-aid compatible telephones
- assistive listening systems
- open or closed captioning and caption decoders
- video relay, or
- text telephones/telephone communication devices for the deaf (TTY/TDD), and
- flashing alarms

Auxiliary aids and services for the vision impaired include providing access to printed information through the following:

- audio recording- MP3
- computer diskettes
- Braille or large print materials, or through the use of qualified readers
- providing verbal descriptions of action and visual information to enhance the accessibility of performances and presentations; and
- making a staff member available as a guide to enable a person with limited vision to find his or her way along an unfamiliar route

The following information provides a synopsis of the critical facts and costs involved in providing oral and written communication services.

North Dakota has laws governing Interpreter Services for individuals that are deaf, deaf-blind, speech impaired, hard of hearing, or who require special communication techniques in order to communicate. Our policy should identify what qualifications are required for interpreters after reviewing the North Dakota Century Code as the Federal Highway Administration (FHWA) Americans With Disabilities Act (ADA) Desk Reference states that when sign language

interpretation is necessary, the ADA requires that it be provided by a “qualified interpreter” and defined at [28 C. F. R. § 35.104].

- ▶ North Dakota Century Code
 - Under Occupations & Professions, Chapter 43-52 Interpreters
 - Defines requirements for deaf persons
 - Requires a valid nationally recognized certification or met certification by 2003
 - Contains exceptions
 - Under Judicial Procedure, Civil, Chapter 28-33 Interpreters For Deaf Persons
 - Defines requirements for deaf persons
 - Includes administrative proceedings
 - Requires “Qualified interpreter”- certified by the national registry of interpreters for the deaf or ND Association for the deaf, interpreter approved by the superintendent of the school for the deaf, or, if none available, any other interpreter whose qualifications have been appropriately determined.

The FHWA ADA Desk Reference allows flexibility in providing accommodations. A visual communication accommodation may include the use of other auxiliary aids such as recorded text, electronic documents, or large print text depending on the circumstances.

The FHWA Limited English Proficiency Program Desk Reference states that oral interpreters are not required to have formal certification but certification is helpful. Recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English by following the Safe Harbor provisions.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) below outline the circumstances that can provide a “safe harbor” for recipients regarding the requirements for translation of written materials. A “safe harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is noncompliance. Rather these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

The following actions will be considered strong evidence of compliance with the recipient’s written-translation obligations:

- a. The STA/Sub Recipient provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- b. If there are fewer than 50 persons in a language group that reached the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in

the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Available Sources

There are several sources to obtain auxiliary aids and services for persons with Limited English Proficiency or speech, hearing, and vision impairments. Some common sources are as follows:

- ▶ Communication Services for the Deaf (CSD) and Interpreting Online (CSDIO)
- ▶ CTS Language Link
- ▶ Interagency Program for Assistive Technology (IPAT)
- ▶ International Translation Services
- ▶ Metro Interpreter Resource Center (MIRC)
- ▶ ND Association for the Blind (NDAB)
- ▶ North Dakota School for the Deaf
- ▶ ND Vision Services/School for the Blind (NDVS/SB)
- ▶ Relay North Dakota

Communication Services for the Deaf (CSD) and Interpreting Online (CSDIO)

CSD is a private, nonprofit organization dedicated to providing services for all individuals who are deaf or hard of hearing. Interpreter service information including service area, hours of service, rates, etc., can be obtained by contacting CSD.

Additionally, CSD operates CSDIO which enables deaf and hearing people in the same room to communicate through an interpreter at a distant location. Video conferencing equipment is required for this service.

Contact: Cathy Obregon, Communication Services for the Deaf, P.O. Box 66, Fargo, ND 58107; (701) 799-1395; email: cobregon@c-s-d.org website: www.c-s-d.org

CTS LanguageLink

CTS LanguageLink is located in Vancouver, Washington. CTS LanguageLink provides a variety of services including Over-the-Phone-Interpretation, Video Remote Interpretation, Translation, etc. CTS LanguageLink offers telephone interpretation services in more than 240 languages and dialects, and can accommodate call centers and industries like court/legal, general business, government and healthcare/medical.

The State of North Dakota has contracted with CTS Language Link for telephone based interpretive services under the Western States Contracting Alliance (WSCA). The contract provides 24/7/365-days/year/7-days/week/24-hours a day Telephone Based Interpreter Services on an “as needed” basis for Limited English Proficiency (LEP) clients needing immediate interpreter assistance. The contract is not for scheduled, in-person interpretation services.

Government agencies may access the contract at The North Dakota State Procurement Office website at the following location:

<https://secure.apps.state.nd.us/csd/spo/services/bidder/listCurrentContracts.htm>

Contact: George Schoeck, CTS LanguageLink , WSCA Account Executive, 911 Main St, Suite 10, Vancouver, WA 98660; 360-433-0401; email: naspo@language.link; website:

<https://language.link/>

Interagency Program for Assistive Technology (IPAT)

The North Dakota Interagency Program for Assistive Technology (IPAT) is the North Dakota Telecommunications Equipment Distribution Service for relay equipment. IPAT provides free specialized telecommunications equipment for individuals who are deaf, hard-of-hearing, deaf-blind, or have a speech disability who meet income, residency, disability, etc., qualifications.

IPAT operates a statewide assistive technology Equipment Rental Program for short-term access to a variety of assistive devices. The rental program offers a wide range of devices for short term loan, including: communication; telecommunications; computer access; vision; hearing; seating, positioning, and personal mobility, etc. Rental fees and procedures can be accessed on IPAT's website.

Contact: Mike Chaussee, Executive Director, IPAT, 4501 Coleman St., Suite 107, Bismarck, ND 58503; (701) 258-4728; toll free 1-800-895-4728; email:

mchaussee@ndassistive.org website: <https://ndassistive.org/>

International Translation Services

International Translation Services is located in Moorhead, Minnesota. Leonor Sillers, owner, provides onsite and telephonic interpreters. She also provides written translation services. Interpreter and translation service information including service area, hours of service, rates, etc., can be obtained by contacting Leonor Sillers.

Contact: Phone 218-233-7841; email: Leonor.Sillers@gmail.com

ND Association for the Blind (NDAB)

The North Dakota Association for the Blind publishes the Promoter, a quarterly newsletter. The Promoter is available in alternative formats. You may submit notices or information for publication in the Promoter. Details regarding publications can be obtained by contacting NDAB.

Contact: NDAB, PO Box 824, West Fargo, ND 58078; website: www.ndab.org

North Dakota School for the Deaf

The North Dakota School for the Deaf maintains the ND Freelance Interpreter's List on their website. A disclaimer states that the interpreters listed are not endorsed or in any way recommended by the ND School for the Deaf other than the fact they hold national certification. The interpreters list can be accessed at the web link below.

Contact: Communications Department, Lake Region State College, 1401 College Drive N, Devils Lake, ND 58301; (800) 877-2980; website: www.nd.gov/ndsd

Web link for Interpreters List:

[https://www.ndsd.nd.gov/sites/www/files/documents/ND%20Freelance%20Interpreter%20List%20\(1-3-2022\).pdf](https://www.ndsd.nd.gov/sites/www/files/documents/ND%20Freelance%20Interpreter%20List%20(1-3-2022).pdf)

ND Vision Services/School for the Blind (NDVS/SB)

North Dakota Vision Services/School for the Blind operates a Braille Access Center that transcribes materials into Braille or large print and electronic media. The cost of Braille or another alternative formatted project can be obtained by contacting NDVS/SB.

Contact: Leslie Pederson, ND vision Services/School for the Blind, 500 Stanford Rd, Grand Forks, ND 58203; (701) 795-2713; email: lespeder@nd.gov
website: www.ndvisionservices.com

Relay North Dakota

Relay North Dakota is a free service that provides full telephone accessibility to people who are deaf, hard-of-hearing, deaf-blind, and speech-disabled. This service allows hearing callers to communicate with text-telephone (TTY) users and vice versa through specially trained Communication Assistants (CAs). Calls can be made to anywhere in the world, 24 hours a day, 365 days a year with no restrictions on the number, length, or type of calls. All calls are strictly confidential and no records of any conversations are maintained. Anyone wishing to use Relay North Dakota simply dials the relay number to connect with a CA. The CA will dial the requested number and relay the conversation between the two callers.

Contact: Doug Hay, Relay ND Administrator, Telecommunications Analyst, ITD, 4201 Normandy Street, Bismarck, ND 58503; (701) 328-2080; email: dhay@nd.gov Website: www.relaynorthdakota.com

INTERNET RESOURCES

Limited English Proficiency, a Federal Interagency Website, promotes a positive and cooperative understanding of the importance of language access to federally conducted and federally assisted programs. It is located at www.lep.gov There are numerous documents addressing language issues.

North Dakota Department of Public Instruction website provides statistics on the location and number of students with Limited English Proficient skills. This information may provide an alternate method of identifying LEP populations. Their website is located at www.dpi.state.nd.us

United States Access Board, a Federal Agency Committed to Accessible Design, is an independent federal agency devoted to accessibility for people with disabilities. The Board is a leading source of information on accessible design. Their website is located at www.access-board.gov

United State Census Bureau, at the Census Bureau Web Site provides on-line access to Data on Race and Hispanic Origin, Age, Employment, Income, Marital Status, Education, Genealogy, Businesses, Governments and more. It is located at www.census.gov

U.S. Department of Justice, Americans with Disabilities Act, ADA Home Page is found at www.ada.gov

- Search- Title II Technical Assistance Manual.
 - Select the Title II Technical Assistance Manual (1993) and Supplement to view a 56-page manual that explains in lay terms what State and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance. (Spanish edition available)

US Department of Transportation, Federal Highway Administration (FHWA) carries out the Federal highway programs in partnership with the State and local agencies to meet the Nation's transportation needs. FHWA's website hosts vast information about nondiscrimination issues. FHWA's Home Page is found at www.fhwa.dot.gov Under Programs, select Browse by Topic, and see specifically the following:

- Search- Overview Environmental Justice
 - Describes and explains Environmental Justice (EJ) issues
- Search- Civil Rights FHWA
 - Under Programs – Select and read about FHWA Programs
 - Title VI and Nondiscrimination
 - Limited English Proficiency
 - Americans with Disabilities Act (ADA)/Section 504 of the Rehabilitation Act of 1973 (504)
 - Many others

Notice of Disclaimer

The Bismarck-Mandan Metropolitan Planning Organization (MPO) follows the provisions of Title VI and Nondiscrimination as required by Federal Law. The MPO has developed this Auxiliary Aids and Services resource document on an "as is" basis as a public service.

Under no circumstances does the MPO warrant or certify the information to be free of errors or deficiencies of any kind. The MPO specifically disclaims all warranties, express or implied, including but not limited to the warranties of merchantability and fitness for a particular purpose.

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PLEASE USE DARK INK AND PRINT CLEARLY

The Civil Rights Act of 1964 and related nondiscrimination authorities require the North Dakota Department of Transportation to ensure everyone has the opportunity to comment on the transportation programs and activities that may affect their community.

To help with that, we ask that you respond to the following questions. You are not required to disclose the information requested in order to participate. Any information provided to the NDDOT will be retained solely for the purpose of collecting statistical data to ensure inclusion of all segments of the population affected by transportation programs and activities.

Sex: ☐ Female ☐ Male ☐	Disability: ☐ Yes ☐ No
Age: ☐ Under 18 ☐ 18-40 ☐ 41-65 ☐ 65+	
Race: ☐ White ☐ Asian ☐ Native Hawaiian/Other Pacific Islander ☐ American Indian/Alaskan Native ☐ Hispanic or Latino ☐ _____ ☐ Black/African American	
Language Most Frequently Spoken in your Home: ☐ Spanish ☐ Vietnamese ☐ Japanese ☐ German ☐ Arabic ☐ Other Slavic Language ☐ Other African Language ☐ Russian ☐ English ☐ Chinese ☐ Other India Language ☐ _____	
Do you receive public assistance? ☐ Yes ☐ No	
How did you hear about this event? ☐ Internet ☐ NDDOT Contact ☐ Television ☐ Radio ☐ Newspaper ☐ Advocacy Group ☐ Mailing ☐ Social Service Agency ☐ _____	

For Office Use Only

Event Date (MM/DD/YYYY)	City	County	Div/Dist Number	PCN
MMDDYYYY	City	County	Div/DistNumber	PCN

MPO:

- ☐ Bismarck-Mandan
- ☐ Fargo-Moorhead Metro COG
- ☐ Grand Forks-East Grand Forks

ROW:

- ☐ Negotiation
- ☐ Relocation

Subrecipient:

- ☐ Yes
- ☐ No

*After you have completed this form, please place it in the designated location.

Instructions for “NDDOT Title VI Public Participation Survey (SFN 60149)”

1. Prior to printing the survey, specific fields must be entered. Use leading zeros.
 - **Event Date:** Enter the date the event is being held.
 - **City:** Enter the ND city number. See code list on NDDOT website at <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>
 - **County:** Enter the ND county number. See code list on NDDOT website at <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>
 - **Division/District Number:** Enter your NDDOT division or district number. See code list on NDDOT website at <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>
 - **Project Control Number (PCN):** If there are multiple PCN's, only enter the Parent PCN.
 - **Right of Way (ROW):** Select/shade the appropriate oval only if the survey is being completed for the specific activity selected.
 - **Consultant:** Enter the Consultant ID number. See the Pre-Qualified Consultant List on NDDOT website at <http://www.dot.nd.gov/business/consultants.htm>
 - **MPO:** Leave blank. All Subrecipients must use the Subrecipient Title VI Public Participation Survey Instructions located on NDDOT website at <http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>
 - **Subrecipient:** Select No. All Subrecipients must use the Subrecipient Title VI Public Participation Survey Instructions located on NDDOT website at <http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>
2. After the above fields are entered, print as many surveys as you may potentially need at your meeting. Do not photocopy or scan to reproduce surveys for use at public events, as they will not be compatible when extracting the data with the automated ILINX Capture program.
3. At your event, explain the purpose of the survey. The purpose of the survey is printed on the survey along with instructions on filling out the survey. The language question is intended to capture Limited English Proficiency (LEP) persons attending. The public assistance question is intended to capture traditionally underserved populations attending. Encourage event attendees to complete the survey. (Only the public attending the events should complete the survey. It is not intended for NDDOT, city, county, or consultant employees who are hosting the event.)
4. Following the event, review the surveys to make sure they are completed according to the instructions.
 - Send the completed **ORIGINAL** surveys (SFN 60149) to your Division's Title VI Specialist as soon after the event as possible. Do not include the survey in the Public Involvement Report.
 - Also send a **COPY** of the Public Meeting Sign-In Sheet (SFN 59531) to your Division's Title VI Specialist as soon after the event as possible. The original Public Meeting Sign-In Sheet (SFN 59531) should remain with the project manager for inclusion into the Public Involvement Report.

GOALS AND ACCOMPLISHMENTS

FY2023 Goals and Accomplishments

The Bismarck-Mandan MPO completed a self-audit of its Title VI and Non-Discrimination/ADA Program Access Plan in March, 2023. The self-audit resulted in the following goals and/or accomplishments in 2023:

1. Update Title VI Plan
 - a. Organization, Staffing & Responsibilities
 - i. Circulated demographic surveys to the new members of MPO committees
 - ii. Updated the table depicting the demographic representation of the BMMPO to reflect changes
 - b. Socio-Economic/Year 2023 TIP Projects Maps
 - i. Minority
 - ii. Elderly
 - iii. Poverty
 - iv. Limited English Proficiency
 - c. Limited English Proficiency Plan
 - i. Updated LEP Plan to account for new demographic information available through the US Census Bureau
 - d. Appendix G Auxiliary Aids and Services
 - i. Updated Appendix for accuracy
2. Provide a minimum of one hour of training annually related to Title VI to all MPO staff
 - a. Staff participated in an in-person training session on serving Limited English Proficiency individuals.
3. Seek ways to diversify employment recruitment efforts relative to attracting female or minority applicants – *ongoing*
 - a. Zero positions filled in reporting period
 - b. Efforts to hire a part-time Transportation Planner are ongoing
4. Expand outreach efforts to ensure minority, women, elderly, disabled, low income, and LEP populations have equal opportunity to participate in MPO programs and activities – *ongoing*
 - a. Local Social Service agencies
 - i. Reached out to several social services organizations during the public involvement for the East Main Avenue Corridor Study (2022-23)
 - b. Minority publications
 - c. Increase public outreach efforts to engage citizens less likely to attend public meetings
 - i. Community sponsored events
 - ii. Citizen forums
 - iii. Focus groups
 - iv. Surveys (several study-related surveys have been utilized in 2022-23)
 1. Online
 2. Direct mail
 3. Public Events
 - v. Virtual public participation opportunities
 1. TAC and Policy Board meetings
 2. Public Input Meetings
5. GOAL: Update the MPO's Public Participation Plan (PPP) before the end of this year to support the MPO's continued outreach efforts

Bismarck-Mandan MPO

TIP2023-2026Administrative Modification

Project Year(s)2023

Entity	Project	Federal	State	Local	Total	Federal Funding Source
NDDOT	24.6.16 (old) 23.6.38 (new)	\$699,680	\$77,742	\$0	\$777,422	HEN

Project Description:

This modification is for installation of wrong way detection systems on the Bismarck Expressway/McKenzie Drive Interchange, on the west-bound off-ramp. The modification moves the project from funding year 2024 to 2023, while all other project details remain unchanged. The PCN is 23378.

Consistency with the
Bismarck-Mandan MPO
Metropolitan
Transportation Plan:

This project is currently in the TIP and is therefore consistent with the Arrive 2045 MTP.

Bismarck-Mandan MPO Policy Board informed of Administrative Modification at the _____ meeting.
(date)

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DATE: July 17, 2023

TO: Policy Board

FROM: Rachel Lukaszewski, Executive Director
Bismarck-Mandan Metropolitan Planning Organization (MPO)

RE: Population Based Voting Representation

SUMMARY:

Per the Bismarck-Mandan MPO's Bylaws, Policy Board members receive proportional voting representation based on the population for their respective jurisdiction as determined by the most recent official Census. Each member receives one vote per fifteen thousand (15,000) persons or part thereof. This memo is to inform the board that, per the 2020 Decennial Census results, voting representation on the board remains unchanged.

City of Bismarck: 2010 population, 61,272 (5 votes). 2020 population, 73,622 (5 votes).

City of Mandan: 2010 population, 18,331 (2 votes). 2020 population, 24,206 (2 votes).

City of Lincoln: 2010 population, 2,406 (1 vote). 2020 population, 4,257 (1 vote).

Burleigh County: 2010 population, 17,630 (2 votes). 2020 population, 20,579 (2 votes).

Morton County: 2010 population, 9,140 (1 vote). 2020 population, 9,085 (1 vote).

STAFF CONTACT:

Rachel Lukaszewski, Executive Director
rlukaszewski@bismarcknd.gov
701-355-1852