

**TO: Bismarck-Mandan Metropolitan Planning Organization Policy Board**

**FROM: Rachel Lukaszewski, MPO Executive Director**

**DATE: March 11, 2024**

**RE: Policy Board Meeting**

There will be a meeting of the Bismarck-Mandan MPO Policy Board on **Tuesday, March 19, 2024, at 1:30 PM.** The meeting will be held in the Tom Baker Meeting Room of the City/County Building at 221 N 5<sup>th</sup> St, Bismarck, 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](mailto: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](mailto: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 or streaming live and archived online at [FreeTv.org](http://FreeTv.org). Agenda items can be found online at [MPO Policy Board](#).

**AGENDA**

1. PLEDGE OF ALLEGIANCE & CALL TO ORDER
2. MINUTES  
Review and Possible Approval of Minutes from February 20, 2024 Meeting . . . . . 3
3. TITLE VI PLAN UPDATE – Stephen Larson, MPO  
Title VI Plan (Exhibit A) . . . . . 9  
**ACTION ITEM:** 2024 Title VI Plan Update
4. 2023 ORTHO-CONTOUR PROJECT – Rachel Lukaszewski, MPO  
Progress Report (Exhibit B) . . . . . 63  
**ACTION ITEM:** 2023 Ortho-Contour Project Approval
5. FY 2025 RECREATIONAL TRAILS PROJECTS (RTP) – Kim Riepl, MPO  
Lincoln Park District 66<sup>th</sup> Street Trail Extension Project (Exhibit C) . . . . . 65  
**ACTION ITEM:** Lincoln Park District RTP Project
6. ARRIVE 2050 FORECAST/ARRIVE 2050 MTP – Jason Carbee, HDR  
Progress Report (Exhibit D) . . . . . 67
7. SAFE ROUTES TO SERVICES/COMPLETE STREETS STUDY – Blue Weber, Bolton & Menk  
Progress Report (Exhibit E) . . . . . 71

8. 2024-2027 TIP ADMINISTRATIVE MODIFICATION – Stephen Larson, MPO  
 Statewide ITS Project Modification (Exhibit F) ..... 73

9. OTHER BUSINESS

10. ADJOURNMENT

---

Next scheduled Policy Board meeting is on 4/16/2024. 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>
Arrive 2050 Forecast/Arrive 2050 MTP (MPO wide)	47	03/31/2025
2023 Ortho-Contour Project (MPO wide)	100	02/29/2024
Safe Routes to Services Study (Bismarck/Mandan)	15	12/31/2024

**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  
FEBRUARY 20, 2024**

The Bismarck-Mandan Metropolitan Planning Organization (MPO) Policy Board met February 20, 2024, at 1:30 p.m. in the Tom Baker Meeting Room, City/County Building, 221 N 5<sup>th</sup> Street, Bismarck, ND. Mike Schmitz presided.

Members present or participating via Zoom were Mike Schmitz, Tim Helbling, Steve Schwab, and Keli Berglund. Member absent was Andy Zachmeier.

Others present or attending via Zoom were Kim Riepl, Paulette Jacobsen, Rachel Lukaszewski, and Stephen Larson of the Bismarck-Mandan MPO; Kristen Sperry and Lee Potter, Federal Highway Administration (FHWA); Miles Strain, 95West Aerial Mapping; Cody Christianson, Bolton & Menk; and Scott Harmstead, SRF.

**PLEDGE OF ALLEGIANCE AND CALL TO ORDER**

Chair Schmitz called the February 20, 2024 meeting of the Bismarck-Mandan Metropolitan Planning Organization Policy Board to order.

**MINUTES**

Chair Schmitz called for a motion to approve the minutes of the January 16, 2024 Regular Meeting of the Policy Board.

**MOTION:** Ms. Berglund made a motion to approve the January minutes. Mr. Helbling seconded the motion and with Tim Helbling, Keli Berglund, and Chair Schmitz voting in favor, the motion was approved.

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

**2028 URBAN REGIONAL PROJECTS**

Ms. Lukaszewski presented. This year the MPO received ten applications, one from the City of Mandan and nine from the City of Bismarck. Ms. Lukaszewski shared a revised version of Exhibit 1A which shows the results of the February 14 Urban Regional prioritization meeting. Representatives from the North Dakota Department of Transportation (NDDOT) Bismarck District, the City of Mandan, the City of Bismarck, and the MPO met to rank the projects. They collectively decided to divide the projects into four tiers with the first tier being highest priority, instead of prioritizing individually. Ms. Lukaszewski gave an overview of the projects.

There are five tier-one projects. First, the only City of Mandan project, for reconstruction at the 6<sup>th</sup> Avenue SE Railroad Underpass intended to address drainage issues. MPO staff gave the project 11.9 points against the goals and objectives of the Metropolitan Transportation Plan (MTP). The project is estimated to cost \$6 million, with a federal share of \$4.8 million. Second, four City of Bismarck projects for micro-surfacing and pavement markings on different roadways were submitted. These are projects being done to follow up on work already done on these roadways, and so are a

high priority for the district. One is on 7<sup>th</sup> Street from Expressway to Front Avenue and 9<sup>th</sup> Street from Boulevard Avenue to Broadway Avenue (for a total cost of \$888,000 and a federal share of \$710,400). One is on 9<sup>th</sup> Street from Expressway to Front (\$252,000 total cost, with a federal share of \$201,600). One is on Expressway from Washington Street to south of Rosser Avenue (\$1.98 million, \$1,584,000 federal share), and finally one is on University Drive from Expressway to 48<sup>th</sup> Avenue (\$2.1 million, \$1.68 million federal share). All these projects received a score of 11.9 from MPO staff.

In tier two, the first project is for a trail rehabilitation along State Street, from Divide Avenue to Calgary Avenue. The total cost is \$525,000, with a federal share of \$420,000, and MPO staff gave the project 12.9 points. The last tier two project is for the replacement of non-compliant highway signs on various regional highways throughout Bismarck. The total cost is \$250,000 with a federal share of \$200,000, and the project received 11.9 points.

In tier three, the first project is for signal replacements at the intersections of Boulevard Avenue and 7<sup>th</sup> Street, and Boulevard and 9<sup>th</sup> Street. This project received 14.1 points, and the total cost is \$1.2 million (with a federal share of \$960,000). The final project in tier three is for traffic signal upgrades at the Tyler Parkway/Exit 157/I-94 north ramp. The cost is \$600,000, with a federal share of \$480,000, and the project received 14.1 points.

Finally, the lone tier four project is for the evaluation and possible construction of stormwater improvements at the 7<sup>th</sup> and 9<sup>th</sup> Street BNSF Railroad underpasses. This project costs an estimated \$1.3 million with a federal share of \$1,040,000, and it received 11.9 points. All ten projects are generally consistent with the MTP, and MPO staff recommends approval with the tiered ranking presented. TAC also recommended approval of the projects and tiers as presented.

Mr. Schmitz asked if using the tiers will make it more likely for NDDOT to approve the projects in the higher tiers. Ms. Lukaszewski indicated since the MPO will likely be forwarding more projects than NDDOT can fund in FY 2028, it is usually in the best interests of the jurisdictions to indicate which projects are their highest priority, since she does believe them more likely to be funded. Bismarck and Mandan both provided input on the tiers according to their regional priorities. Mr. Schmitz asked how much funding is available for FY 2028, and Ms. Lukaszewski said the number is unknown.

Mr. Schmitz noted the Mandan project is a higher cost than the Bismarck projects, and while the Bismarck projects are important, he thinks the Mandan project may have a higher need. He asked if there is benefit in ranking the Mandan project higher to indicate that priority to NDDOT. Ms. Berglund agreed with Mr. Schmitz, she would have the Mandan project as the top priority. Mr. Helbling believes NDDOT wants to get the Mandan project done, so he is comfortable with TAC's recommendation. Mr. Schmitz agreed but still wonders if it would be beneficial to add an additional tier so Mandan's project can receive the first spot. Ms. Lukaszewski said she can forward whatever ranking Policy Board would like to NDDOT and suggested listing the Mandan project as 1A and Bismarck's projects as 1B. Mr. Schmitz said that would be fine, he wants to support a community-wide perspective on this.

**MOTION:** Mr. Helbling made a motion to approve the 2028 Urban Regional Projects with the prioritization recommended by TAC, but with Mandan's project

prioritized as 1A, and Bismarck's four tier-one projects prioritized as 1B. Ms. Berglund seconded the motion and with Tim Helbling, Steve Schwab, Keli Berglund, and Chair Schmitz voting in favor, the motion was approved.

## **2028 URBAN ROADS PROJECTS**

Ms. Lukaszewski presented. The MPO received two Urban Roads applications, one from the City of Mandan and one from the City of Bismarck. The City of Mandan's application is for the reconstruction and urbanization of 8<sup>th</sup> Avenue NW from 24<sup>th</sup> Street NW to 27<sup>th</sup> Street NW, and 27<sup>th</sup> Street NW between 8<sup>th</sup> Avenue and Highway 1806. The project would add curb and gutter, lighting, and a center turn lane. The total cost is \$5,944,000 and the federal share requested is \$4,755,200. MPO staff scored this project against the MTP, and it received 10.6 points. The City of Bismarck application was originally for mill and overlay on S 12<sup>th</sup> Street from Santa Fe Avenue to Burleigh Avenue, Yegen Road from Hagen Avenue to ND 1804, and Burleigh Avenue from Tavis Road to Washington Street. The project received 11.9 points from MPO staff. Bismarck City Engineer Gabe Schell offered an adjustment at TAC to the project, removing the Yegen Road segment and reducing the total project cost to \$1,046,689, with a federal share of \$837,352. Both projects are generally consistent with the MTP, although they are not specifically listed in the document.

Ms. Lukaszewski explained NDDOT notified the MPO that up to \$5.6 million could be available in federal funds in FY 2028 for the Urban Roads Program. It is in the MPO's interest to spend this funding the 2028 year since unspent funds are not guaranteed for future years. TAC therefore recommended promoting Mandan's project as the priority, and right-sizing the Bismarck project, removing Yegen Road, to fit within the remaining available funding. Ms. Lukaszewski believes the Yegen Road project would then be pursued in a future year. The City of Bismarck would provide an updated application for their project.

Mr. Schwab asked how long the roadways are that Bismarck is planning to work on. Ms. Lukaszewski indicated the 12<sup>th</sup> Street and Burleigh Avenue sections are about one mile each, and the Yegen Road section is about two miles.

Ms. Berglund expressed concern about the removal of Yegen Road; this is already proposed as a 2028 project, and a delay would push work on this roadway back to 2029 or beyond. Ms. Lukaszewski said she does not know for sure how Mr. Schell would respond to that concern, but her impression from his comments at TAC is he was trying to maximize the available federal funding. The Yegen Road segment could have been removed because it was longer and more costly than the other segments. She noted Policy Board has authority to accept TAC's recommendation or pursue another option.

Ms. Berglund is concerned that Lincoln's needs are being overlooked (she gave the example of the 66<sup>th</sup> Street project cancellation). Mr. Schmitz said he suspects the reason Mr. Schell recommended pursuing the 12<sup>th</sup> Street and Burleigh Avenue segments for the Bismarck project is because other major work is planned in those areas at about the same time. Mr. Schmitz believes all these projects are worthwhile, but there is only \$5.6 million available, so maximizing those dollars and not overcommitting in either direction is important.

Ms. Berglund noted micro-surfacing is a necessary follow-up to mill and overlay, so if micro-surfacing needs to be done in 2029, that will delay Yegen Road work even

more. Ms. Lukaszewski said she believes micro-surfacing extends the benefit of mill and overlay and the goal is to do it within five years of a mill and overlay. However, she understands Ms. Berglund's concerns about project delay.

**MOTION:** Mr. Helbling made a motion to approve the 2028 Urban Roads Projects as presented, following TAC's recommendations. Mr. Schwab seconded the motion and with Tim Helbling, Steve Schwab, and Chair Schmitz voting in favor, and Keli Berglund voting against, the motion was approved.

### **SAFE ROUTES TO SERVICES/COMPLETE STREETS STUDY**

Mr. Christianson provided a study update for Bolton & Menk. They have completed the public engagement plan and finished creating a list of stakeholders. They will be putting up some comment boxes for the study the week of March 4<sup>th</sup> at locations yet to be determined. They also want to do some listening sessions through their Community Advisory Groups, to collect public comment on existing conditions. The first Community Advisory Group meeting will be in March. Bolton & Menk has gathered a lot of data to help evaluate existing conditions and understand area demographics and infrastructure. Bicycle, pedestrian, and transit data are particularly valuable to these efforts. They are trying to identify the locations of key services, and the locations of barriers to these services. The next Steering Committee meeting will be in late March or early April to go over the existing conditions.

Ms. Riepl presented on the 2023-2024 Unified Planning Work Program (UPWP) Administrative Modification (Exhibit O), and the Safe Routes to Services Contract Amendment.

The UPWP modification is to the active 2023-2024 UPWP (the recent amendment to this UPWP has not yet received federal approval). It moves \$10,000 in the 2024 year from Task 102 (Training, Travel, and Education) to Task 204 (Planning Studies/Data Acquisitions). This falls well below the \$104,751.10 threshold for a UPWP amendment. The modification is presented for informational purposes, and it provides budget for a data micro-purchase being done to support the study's investigative phase.

Ms. Riepl showed the Safe Routes to Services Contract Amendment on screen. The MPO has known data would be needed for this study for a while, but the details were uncertain. The MPO looked at using Origin-Destination data purchased for the Arrive 2050 Forecast project, but the subscription for this expired in August 2023, leaving the MPO in need of additional data. The necessary data purchase from Streetlight, for a total of \$9,999, was approved in December by TAC and Policy Board as part of a UPWP Amendment, but this amendment has not been federally approved yet, and the data purchase was not included in the pre-amendment UPWP. This is why a UPWP modification, together with a contract amendment, is necessary. The contract amendment will allow Bolton & Menk to purchase the data themselves and bill the MPO as part of the study budget, increasing the budget from \$199,948.91 to \$209,947.91. If approved, this amendment will be signed by Ms. Lukaszewski and allow the consultant to make the data purchase immediately, alleviating further delays to the study. No additional money is being spent for the data using this process. TAC recommended approval of this contract amendment as presented.

**MOTION:** Mr. Schwab made a motion to approve the Safe Routes to Services Contract Amendment as presented. Ms. Berglund seconded the motion and with Tim Helbling, Keli Berglund, and Chair Schmitz voting in favor, the motion was approved.

### **ARRIVE 2050 FORECAST/ARRIVE 2050 MTP**

Mr. Harmstead from SRF provided a study update on behalf of HDR, since SRF is partnering with HDR on the study. The Advanced Traffic Analysis Center (ATAC) has produced the 2050 Travel Demand Model (TDM) and the model is now being reviewed and revised as needed. A Steering Committee meeting will also be held on February 27 to review the model, and to go over future projects and the project prioritization process for the MTP.

### **2023 ORTHO-CONTOUR PROJECT**

Mr. Strain provided an update for 95West. They are putting the final touches on the project. The prints are nearly complete. 95West will be putting everything on ArcGIS online and could also provide a hard-drive. The final products will soon be with the jurisdictional engineers and GIS personnel for review. Final approval of the deliverables will occur at next month's TAC and Policy Board.

### **OTHER BUSINESS**

#### **Recreational Trails Program (RTP) Solicitation**

Ms. Riepl said the North Dakota Parks and Recreation District (NDPRD) released notice of its RTP solicitation for FY 2025 last week. Applications need to be made online through the web grants portal, and the application window is April 1<sup>st</sup>-12<sup>th</sup>. Ms. Riepl sent notice of this to the MPO's jurisdictions. Any projects applied for within the MPO boundary require MPO approval but can be given to the MPO after submittal to NDPRD. NDPRD allows up to nine months after submittal for the applicant to receive MPO approval.

#### **Lee Potter Introduction**

Ms. Lukaszewski noted the presence of Lee Potter from FHWA at the meeting.

### **ADJOURNMENT**

There being no further business, Chair Schmitz adjourned at 2:28 p.m. The next scheduled meeting will take place March 19, 2024, at 1:30 p.m. in the Tom Baker Meeting Room in the City/County Building, 221 N 5<sup>th</sup> St, Bismarck.

Respectfully submitted,

APPROVED:

---

Stephen Larson  
Recording Secretary

---

MPO Policy Board Chair

This Page Intentionally Left Blank



## **TITLE VI AND NON-DISCRIMINATION / ADA PLAN**

Leanne Schmidt  
Human Resources Department  
221 North 5<sup>th</sup> Street, Bismarck, ND 58501

## TABLE OF CONTENTS

Title VI and Non-Discrimination/ADA Program Policy Statement...	1
Title VI/Non-Discrimination Assurances .....	3
Organization, Staffing & Responsibilities .....	6
Bismarck-Mandan MPO Title VI Complaint Procedure .....	11
Demographic Profile & Analysis .....	15
Limited English Proficiency Plan.....	19
Socio-Economic Information .....	26
Transportation Improvement Program Projects List.....	27
Maps.....	28
 <b>Appendices</b>	
Appendix A    Appendix A and E to Title VI Assurances	A-1
Appendix B    ADA Request for Reasonable Accommodations Form	A-3
Appendix C    Title VI Complaint Form	A-5
Appendix D    Title VI/ADA/LEP Complaint Log	A-11
Appendix E    Title VI Plaque	A-12
Appendix F    Language Identification “I Speak” Cards	A-13
Appendix G    Public Participation Survey Sheet	A-17
Appendix H    Goals and Accomplishments	A-19

**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. 5<sup>th</sup> St., Bismarck, ND 58501, [lschmidt@bismarcknd.gov](mailto: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. 5<sup>th</sup> 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 and 1 part-time. 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; one part-time 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
4	1		4							1
80%	20%		80%							20%

**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
16%	76%	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](mailto: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. 5<sup>th</sup> Street  
Bismarck, ND 58506  
Phone: 701-355-1330  
Fax: 701-222-6450  
TTY: 711 or 800-366-6888  
E-mail: [lschmidt@bismarcknd.gov](mailto: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](mailto: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](mailto: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](mailto:CivilRights.FHWA@fhwa.dot.gov)

**Federal Transit Administration**

Office of Civil Rights  
Attention: Complaint Team  
East Building, 5<sup>th</sup> 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](mailto: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).

## MPO Area Demographic Profile & Analysis:

### Introduction:

As part of the Title VI program and to meet the requirements of FTA Circular 4702.1B, the Bismarck-Mandan MPO monitors and tracks statistical demographic data on race, national origin, age, languages spoken, income level, persons with disabilities, and sex for the population of the Bismarck-Mandan metropolitan area. This information is normally drawn from the latest available U.S Census Bureau data for Burleigh and Morton Counties as a whole. The MPO routinely updates these demographics as new data is produced. The following charts include the racial composition of the Burleigh-Morton region, population breakdowns by age and sex in Burleigh and Morton County, and the percentage of the population below the poverty level in Burleigh-Morton. The MPO's LEP Plan contains a demographic breakdown for languages spoken in the region, and the MPO's Title VI maps identify the locations of minority populations in the aggregate. All data is based on the latest available Census information.

### Demographic Profile Charts:

Race	Burleigh-Morton Population	% Population
White	113,145	85.88
Black	2,689	2.04
American Indian & Alaska Native	5,291	4.02
Asian	1,214	0.92
Hispanic or Latino	4,396	3.34
Native Hawaiian or Pacific Islander	355	0.27
Some other Race	284	0.22
Two or more Races	4,375	3.32
Total	131,749	100.00

Based on Table P2 2020 Decennial Census

Age	Burleigh-Morton Population	% Population
Under 65	109,373	83.09
Over 65	22,262	16.91
Total	131,635	100.00

Based on Table S0101 American Community Survey (2022, 5-year total)

<b>Sex</b>	<b>Burleigh-Morton Population</b>	<b>% Population</b>
Male	66,561	50.56
Female	65,074	49.44
Total	131,635	100.00

Based on Table S0101 American Community Survey (2022, 5-year total)

<b>Population In Poverty</b>	<b>Burleigh-Morton Population</b>	<b>% Population</b>
9,219	122,654	7.52

Based on Table S1701 American Community Survey (2021, 5-year total)

### **A description of the procedures by which mobility needs of minority populations are identified and considered:**

The Bismarck-Mandan MPO seeks to identify the mobility needs of minority populations during the transportation planning and programming process through early and continuing public outreach to minority populations to obtain their input, and through data and GIS analysis of the location of minority population concentrations relative to existing and planned jobs and services and their travel patterns. In addition to these general and ongoing practices, the MPO is currently undertaking a transportation study, the Safe Routes to Services/Complete Streets Study, designed to closely evaluate the locations of minority and vulnerable populations with the Bismarck/Mandan area and the routes to essential services currently being utilized by these populations. This study will seek to propose potential transportation investments and improvements to address the mobility needs of the identified populations.

The MPO also incorporates Title VI concerns, and the mobility needs of minority populations, through its major documents, which guide the MPO in providing transportation planning to the metropolitan area.

1: The MPO's Public Participation Plan, approved in December 2023, assists the MPO in seeking the participation and involvement of a broad range of interest groups, organizations, governments, and citizens in the transportation planning and decision-making process. The Public Participation Plan aims to involve the public early in the decision-making process, to give all citizens (with an emphasis on vulnerable populations) opportunity to participate in the decision-making process, to provide the public with clear, accurate, and timely information about the MPO's work, and to use a variety of techniques to assist the public in its interaction with the MPO and transportation planning efforts.

2: The MPO's Metropolitan Transportation Plan (MTP), updated every 5 years to provide a long-range transportation planning horizon for the MPO's jurisdictions, helps set a policy direction and identify intended investments across all modes of the transportation system. The goals of the current, Arrive 2045 MTP include improving safety and security, maintaining good infrastructure conditions, reducing congestion, enhancing transportation system reliability for freight movement and economic vitality, promoting alternative transportation modes to automobile travel, encouraging environmental sustainability, and reducing project delivery delay. Each of these goals look to improve access and address barriers and gaps for all users of the transportation system.

3: The Transportation Improvement Program (TIP), which the MPO updates annually, is a coordinated listing of short-range transportation improvement projects anticipated to be undertaken in the next four-year period. The TIP is the mechanism by which the MTPO is implemented and

represents the transportation improvement priorities for the MPO region. Projects within the MPO's planning area must be included in the TIP to be eligible for federal funding assistance, and included projects must be consistent with the MTP. The TIP project list is multi-modal and is a cooperative effort by state and local implementing agencies and MPO staff, primarily based upon state and local capital improvement programs and budgets. Many of the projects included in the TIP are submitted to the MPO (after local government approval) for review and possible approval by the MPO's TAC and Policy Board, prior to submission to the North Dakota Department of Transportation (NDDOT) for consideration. A public comment period and public hearing, as specified within the Public Participation Plan, is undertaken prior to board approval of each annual TIP update and TIP amendment. TIP projects are also overlaid through GIS mapping against known concentrations of minority and vulnerable populations in the draft stage to help the MPO prevent discrimination and promote the mobility needs of these populations in transportation planning.

4: The Unified Planning Work Program (UPWP) is an annual MPO publication that outlines major transportation planning issues, describes the planning activities the MPO will undertake over the following year, summarizes the MPO's recent accomplishments, and identifies how federal, state, and local transportation funding will be spent on the MPO's planning activities. The UPWP is required by federal law as a condition of receiving federal transportation funding, and it includes a Statement of Non-discrimination and a self-certification summary that details how the MPO complies with applicable federal laws, including Title VI.

5: Other plans and studies the MPO undertakes, whether regularly (such as the Transit Development Plan, updated every 5 years in coordination with Bis-Man Transit, and the Bicycle and Pedestrian Plan, most recently updated in 2017), or in response to the requests and needs of its local jurisdictions (such as the ongoing Safe Routes to Services/Complete Streets Study), all strive to incorporate Complete Streets concepts, address the mobility needs of minority populations, and provide the public with transparent, equal, and nondiscriminatory access to the transportation planning process.

### **Analysis of State/Federal Funding Distribution:**

FTA Circular 4702.1B discusses the need for MPO Title VI Plans to analyze the distribution of state and federal funds in aggregate for transportation purposes and to identify any disparate impact on the basis of race, color or national origin. Further, the MPO seeks to minimize disparate impacts on other vulnerable populations within its jurisdictions and benefit the entire community through its planning processes.

The information shown in the Title VI maps provided with this document depicts distributions of minority or vulnerable populations within the MPO's urban area and their proximity to projects programmed in the 2024-2027 TIP. As identified in these maps, a variety of programmed projects are within or close to high concentrations of minority and vulnerable populations. This balanced dispersion of projects throughout the MPO's urban area will have equal benefit to these populations and to the public by improving safety and traffic operations for all roadway users, as well as enhancing multi-modal transportation access. The MPO's analysis shows that no projects will have a disproportionately negative impact on minority populations.

### **Title VI Survey Analysis**

The MPO collects voluntary Title VI surveys from participants in its public hearings/meetings over the course of the year to evaluate the demographics of attendees. In 2023, the MPO held 8 public hearings, and hosted 8 public meetings. No Title VI surveys were completed by attendees at any of the MPO's public hearings in 2023. Of the 85 attendees recorded at the 8 public meetings in 2023,

14 completed Title VI surveys. A table analyzing the demographics of these attendees is included below. The MPO has analyzed these survey results, and concluded that, taken as a whole, its Title VI Plan and efforts to reach vulnerable and minority populations within the metropolitan area are achieving their goals.

Age		%		Disability		%		Public Assistance		%		Sex		%	
18-34	4	31	Yes	1	7	Yes			Male	7	50				
35-54	4	31	No	13	93	No	12	100	Female	7	50				
over 55	5	38	TOTAL	14		TOTAL	12		TOTAL	14					
TOTAL	13														
Race		%		Language		%		Heard about Study		%					
Asian			Arabic			Newspapers	1	7							
American Indian/Alaskan Native			Bosnian			TV									
Black	1	7	Croatian			Radio									
Hispanic			English	14	100	Internet	6	43							
Native Hawaiian/Other Pacific Islander			Nepali			Social Service/Advocacy group									
White	13	93	Russian			Mailing									
Other			Serbian			Advocacy Group	2	14							
TOTAL	14		Somali			NDDOT Contact	2	14							
			Spanish			Other	6	43							
			Swahili			TOTAL RESPONSES	17								
			Turkish			TOTAL RESPONDENTS	14								
			Vietnamese												
			Other												
			TOTAL	14											

# **Limited English Proficiency Plan**

## **BISMARCK-MANDAN METROPOLITAN PLANNING ORGANIZATION (MPO)**

**TITLE VI/ADA COORDINATOR**  
**Leanne Schmidt, Director of Human Resources**  
**221 N. 5<sup>th</sup> 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 2018-2022 American Community Survey 5-Year Estimates\* for North Dakota and determined that **5,014** individuals in **Bismarck, Lincoln, and Mandan, ND\*\*** (5.24% of the population aged 5 years and older) speak a language other than English. Of those, **1,604** individuals have limited English proficiency; that is, they speak English

less than “very well” or “not at all.” This is only **1.68%** 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, **.58%** speaks **Spanish**, **.20%** speaks **French, Haitian, or Cajun**, **.19%** speaks **Arabic**, **.16%** speaks **Russian, Polish, or Other Slavic Languages**, **.14%** speaks **Other Asian and Pacific Island Languages**, **.13%** speaks **German or Other West Germanic Languages**, **.12%** speaks **Other and Unspecified Languages**, **.07%** speaks **Tagalog (including Filipino)**, **.05%** speaks **Chinese (including Mandarin and Cantonese)**, **.03%** speaks **Other Indo-European Languages**, and **.004%** speaks **Vietnamese**.

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	0.58%	553
French, Haitian, or Cajun	0.20%	196
Arabic	0.19%	183
Russian, Polish, or Other Slavic Languages	0.16%	150
Other Asian and Pacific Island Languages	0.14%	132
German or Other West Germanic Languages	0.13%	127
Other and Unspecified Languages	0.12%	113
Tagalog (including Filipino)	0.07%	69
Chinese (including Mandarin and Cantonese)	0.05%	50
Other Indo-European Languages	0.03%	27
Vietnamese	0.004%	4

*Based on Table C16001 of the 2018-2022 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 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, 94.76%, 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 2024

ESTIMATED COST IN DOLLARS

LEAD AGENCY	REFERENCE NUMBER	PROJECT DESCRIPTION	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL PROGRAM SOURCE	PCN	ESTIMATED CONSTRUCTION YEAR	AMENDMENT/ MODIFICATION (Date)
MANDAN	24.4.01	Safety - Rectangular Rapid Flashing Beacons (RRFB) in Mandan (Custer Elementary, Lewis & Clark Elementary, Mary Stark Elementary, and 46th Ave SE Crossing) (Install RRFB at 4 locations, recommended by School Safety Crossing Study)	\$126,000	\$0	\$14,000 (Mandan)	\$140,000	HEU	24054	NA	
MANDAN	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 (Mandan Parks)	\$514,499	TAU	23922	2024	
MANDAN	24.4.03 <del>25.4.02</del>	Transportation Alternatives - Mandan Old Red Trail Phase 1 (Old Red Trail shared use path, from Sunset Dr to east of 30th Ave NW) (Rehab and municipal improvements for existing trail)	\$365,452	\$0	\$86,113 (Mandan Parks)	\$451,565	TAU	23914	2025	Modification Moved from 2025 (OCTOBER 2023)
MORTON	24.5.01	Transportation Alternatives - Valerie Entzel Memorial Park (Trailside facility on Lewis & Clark Trail alongside Hwy 1806) (Gravel road to gravel lot w handicapped parking, sec. lights, picnic shelter/tables, trashcans, benches)	\$35,929	\$0	\$8,983 (Morton County)	\$44,912	TAU		NA	Amendment New Project (OCTOBER 2023)
NDDOT	24.6.09	*Urban - I-94 (2 miles E of US 83 N, EB, Centennial/Bismarck Expressway Exit 161) (Reconstruction)	<del>\$36,866,604</del> \$41,248,079	<del>\$3,983,966</del> \$4,583,120	\$0 (Bismarck)	<del>\$39,839,560</del> \$45,831,199	IM	22648	NA	Modification Cost Increase (DECEMBER 2023)
NDDOT	24.6.10	Bridge - I-94 (1 mile E of US 83 N) (Structure Paint)	\$223,891	\$24,877	\$0 (Bismarck)	\$248,768	IM	22614	NA	
NDDOT	24.6.13	<sup>MPO</sup> Rural - State Highway System, Bismarck and Dickinson Districts (Numerous locations within the State Highway ROW) (Replace non-LED lighting with LED and assess and upgrade existing light system)	\$900,000	\$100,000	\$0 (Multiple)	\$1,000,000	SS	23281	NA	
NDDOT	24.6.16 <del>23-6-38</del>	<sup>MPO</sup> Safety - Bismarck Expwy/McKenzie Drive Interchange (Bismarck Expressway, and McKenzie Drive Interchange west-bound off-ramp) (Installation of wrong way detection systems)	\$699,680	\$77,742	\$0	\$777,422	HEN	23378	NA	Modification Moved from 2023 (NOVEMBER 2023)
NDDOT	24.6.17	<sup>MPO</sup> 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	\$0 (Bismarck)	\$1,000,000	SS	23887	NA	
NDDOT	24.6.18	Urban Regional - Bismarck Expressway (Expressway at Exit 161) (Reconstruction)	<del>\$1,777,776</del> \$1,935,280	<del>\$199,240</del> \$216,890	<del>\$219,668</del> \$239,130 (Bismarck)	<del>\$2,196,684</del> \$2,391,300	NHU	22648	NA	Modification Cost Increase (DECEMBER 2023)
NDDOT	24.6.19	Urban Roads - Bismarck Centennial Road (Centennial Road at Exit 161) (Reconstruction)	<del>\$2,064,071</del> \$2,283,690	<del>\$230,989</del> \$255,937	<del>\$262,605</del> \$282,180 (Bismarck)	<del>\$2,554,665</del> \$2,821,807	NHU	22648	NA	Modification Cost Increase (DECEMBER 2023)
NDDOT	24.6.20	Urban Regional - Mandan Memorial Highway (Memorial Highway Phases 1 & 2, Extents TBD) (Reconstruction, Drainage, City Utilities)	\$25,368,288	\$2,843,079	\$9,606,776 (Mandan)	\$37,818,143	SU-CPU	23277	NA	
NDDOT	24.6.21	<sup>MPO</sup> Rural - Hwy 1804 (From South Junction 83 west and north to Junction 83, only about 7 miles within MPO boundary) (Chip Seal Coat)	\$1,244,202	\$138,244	\$0	\$1,382,446	SS	23837	NA	Modification Moved from 2023, Extents Changed (OCTOBER 2023)
NDDOT	24.6.22	<sup>MPO</sup> Safety - Various Locations (US and ND highways throughout the Bismarck District) (Installation of wrong way detection systems)	\$1,260,000	\$140,000	\$0 (Multiple)	\$1,400,000	HEN	24173	NA	Amendment New Project (NOVEMBER 2023)
NDDOT	24.6.23	<sup>MPO</sup> Rural - Hwy 10 (From 800 feet east of 66th St NE to 197th St NE) (Mill and Overlay)	\$3,534,185	\$0	\$832,780 (Burleigh)	\$4,366,965	SC	24164	NA	Amendment New Project (JANUARY 2024)
BISMARCK PARKS & REC DISTRICT	24.7.01	Transportation Alternatives - Equipment Purchase (Cross-Country Ski Trails around Bismarck) (Purchase of Tucker-Terra Trail Groomer)	\$181,122	\$0	\$45,280 (Bis Parks)	\$226,402	TAU		NA	Amendment New Project (OCTOBER 2023)
LINCOLN PARK DISTRICT	24.7.02	Transportation Alternatives - Moch Park Trail (Trail connecting Dolan Dr and 28th Ave SE to Moch Park dog park) (New gravel trail)	\$41,284	\$0	\$10,321 (Lincoln Park D)	\$51,605	TAU		NA	Amendment New Project (OCTOBER 2023)
BISMARCK PARKS & REC DIST/ BISMARCK	24.7.03	Transportation Alternatives - Bismarck Ash Coulee & Tyler Parkway (Ash Coulee Dr from Golden Eagle Ln to Tyler Pkwy, Tyler Pkwy from just north of Harp Hawk Dr to Cogburn Rd) (Shared Use Trail Extensions/New Trail Connections)	\$383,000	\$0	\$90,000 (Bis P&R District)	\$473,000	TAU	23236	2024	Modification Moved from 2023 (January 2024)

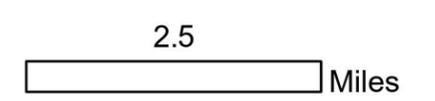
\* Represents an "Expansion" project. An expansion project is focused on improving traffic flow through efforts such as: adding through lanes or turn lanes; new streets/roads; upgrading an intersection to a roundabout; or new/improved interchanges.

\* Pending Availability of Federal Funds

<sup>MPO</sup> Project area extent is larger than the MPO area. Costs have not been prorated.

# 2024-2027 Transportation Improvement Program (Year 2024)

- - 2024 TIP Lines
- + 2024 TIP Points
-  MPO Boundary
-  Corporate Limits



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.

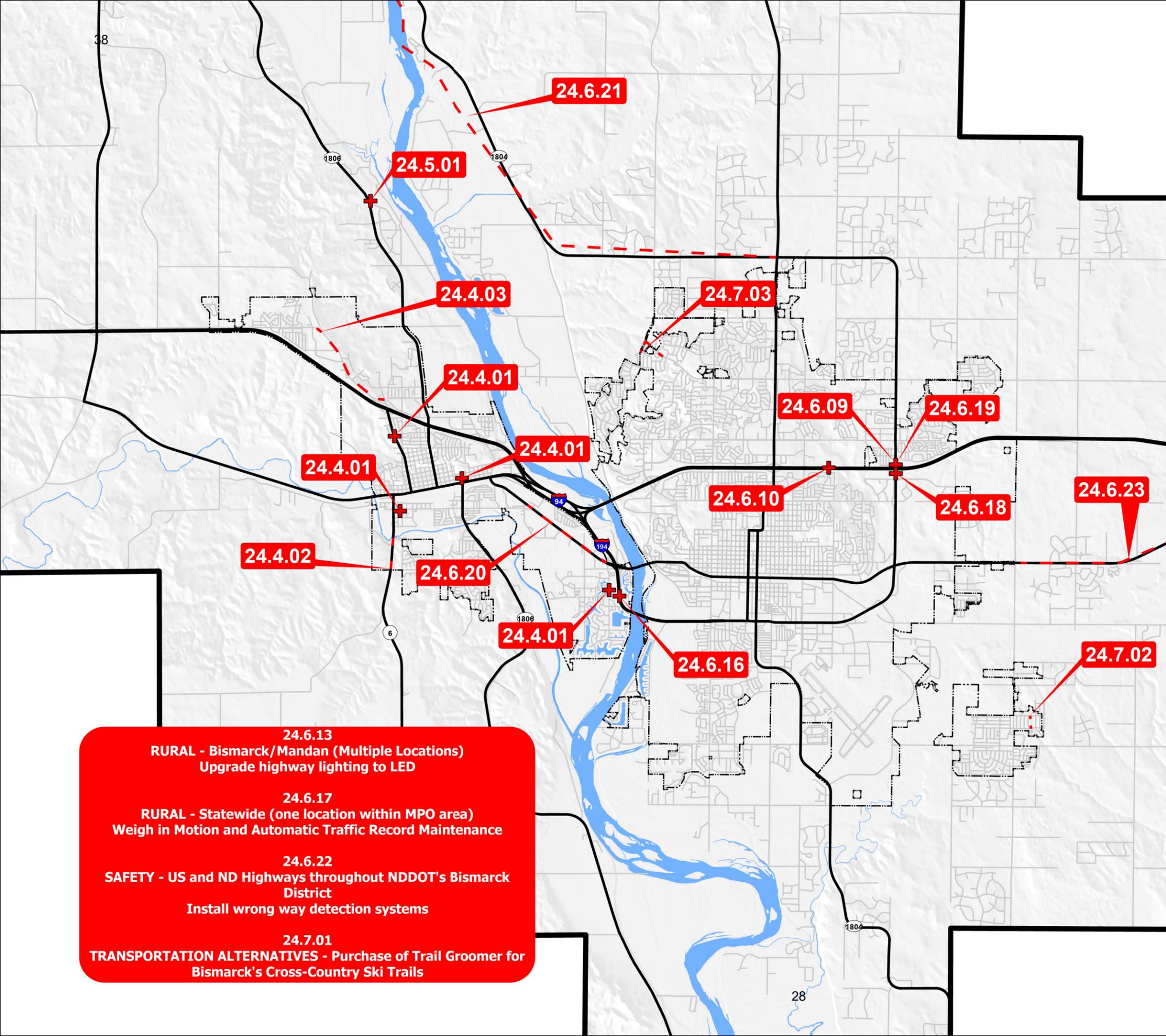
Map created by Stephen February 2024 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO.  
X:\ArcProProjects\MPO\TitleVI\TitleVI.aprx

**24.6.13**  
RURAL - Bismarck/Mandan (Multiple Locations)  
Upgrade highway lighting to LED

**24.6.17**  
RURAL - Statewide (one location within MPO area)  
Weigh in Motion and Automatic Traffic Record Maintenance

**24.6.22**  
SAFETY - US and ND Highways throughout NDDOT's Bismarck District  
Install wrong way detection systems

**24.7.01**  
TRANSPORTATION ALTERNATIVES - Purchase of Trail Groomer for Bismarck's Cross-Country Ski Trails



# Population in Poverty

## 2024-2027 Transportation Improvement Program (Year 2024)

- - 2024 TIP Lines
  - + 2024 TIP Points
  - MPO Boundary
  - Corporate Limits
- Population in Poverty
- 0% - 5%
  - 5% - 10%
  - 10% - 15%
  - 15%+



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.

**24.6.13**  
RURAL - Bismarck/Mandan (Multiple Locations)  
Upgrade highway lighting to LED

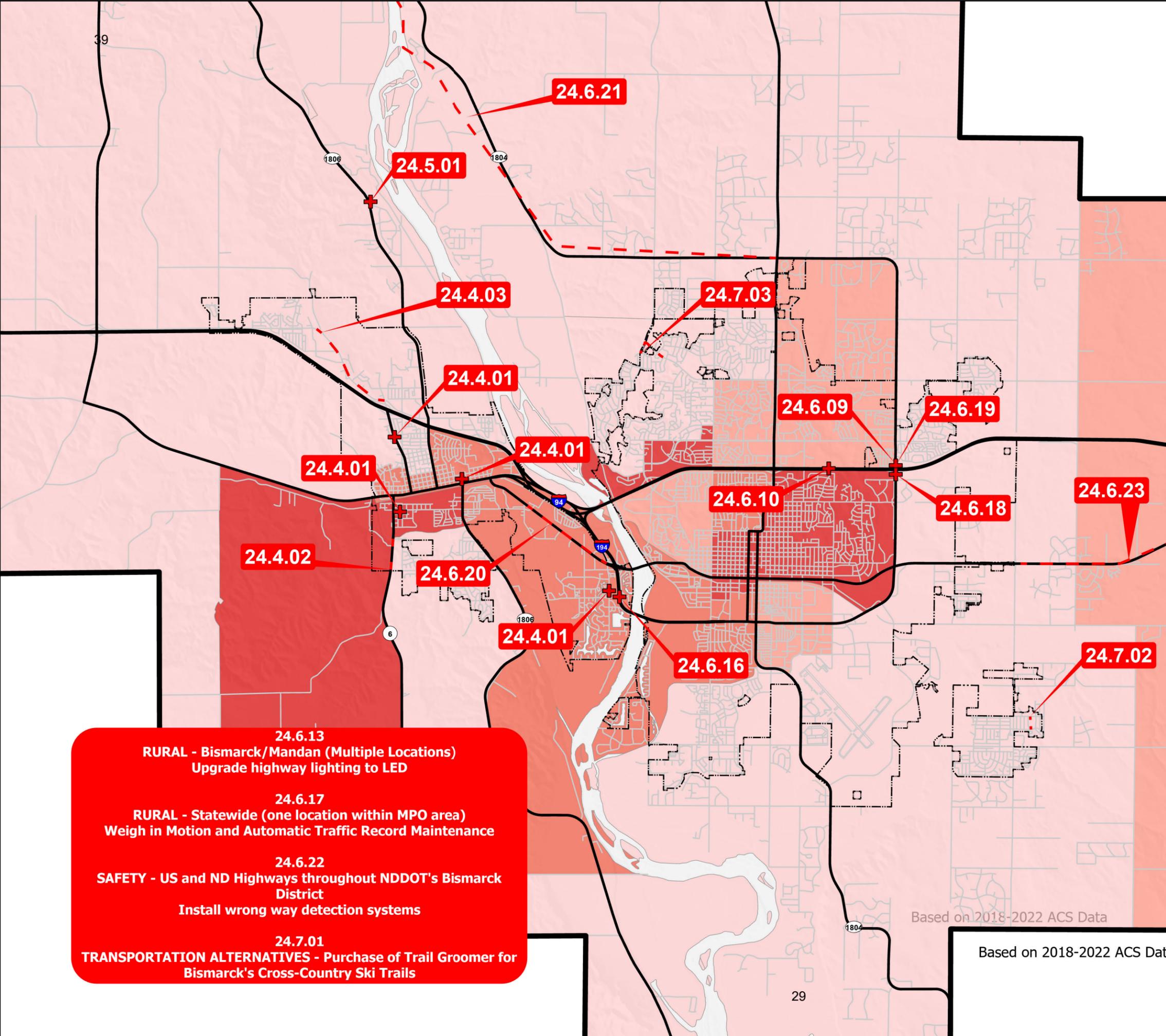
**24.6.17**  
RURAL - Statewide (one location within MPO area)  
Weigh in Motion and Automatic Traffic Record Maintenance

**24.6.22**  
SAFETY - US and ND Highways throughout NDDOT's Bismarck District  
Install wrong way detection systems

**24.7.01**  
TRANSPORTATION ALTERNATIVES - Purchase of Trail Groomer for Bismarck's Cross-Country Ski Trails

Based on 2018-2022 ACS Data

Based on 2018-2022 ACS Data



## Minority Population

### 2024-2027 Transportation Improvement Program (Year 2024)

- - 2024 TIP Lines
- + 2024 TIP Points
- MPO Boundary
- Corporate Limits
- Minority Population
- 0% - 5%
- 5% - 10%
- 10% - 20%
- 20%+



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 STEPHEN February 2024 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO.  
X:\ArcProProjects\MPO\TitleVI\TitleVI.aprx

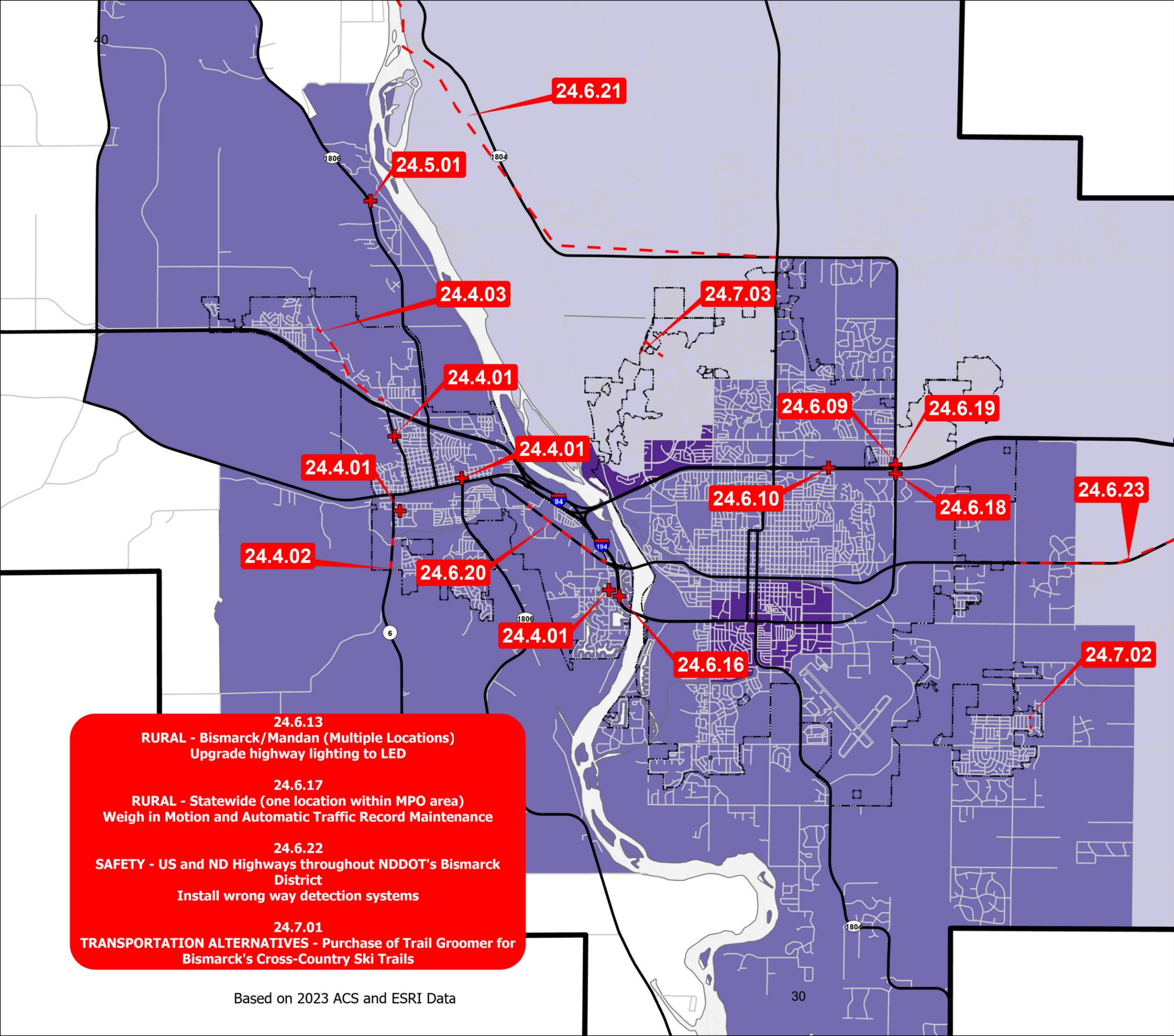
**24.6.13**  
RURAL - Bismarck/Mandan (Multiple Locations)  
Upgrade highway lighting to LED

**24.6.17**  
RURAL - Statewide (one location within MPO area)  
Weigh in Motion and Automatic Traffic Record Maintenance

**24.6.22**  
SAFETY - US and ND Highways throughout NDDOT's Bismarck District  
Install wrong way detection systems

**24.7.01**  
TRANSPORTATION ALTERNATIVES - Purchase of Trail Groomer for Bismarck's Cross-Country Ski Trails

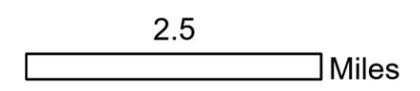
Based on 2023 ACS and ESRI Data



## Elderly Population

### 2024-2027 Transportation Improvement Program (Year 2024)

- - 2024 TIP Lines
- + 2024 TIP Points
- MPO Boundary
- Corporate Limits
- Elderly Population
- Percent of Population that is 65+
- 0% - 10%
- 10% - 20%
- 20% - 30%
- 30%+



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 STEPHEN February 2024 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO.  
 X:\ArcProProjects\MPO\TitleVI\TitleVI.aprx

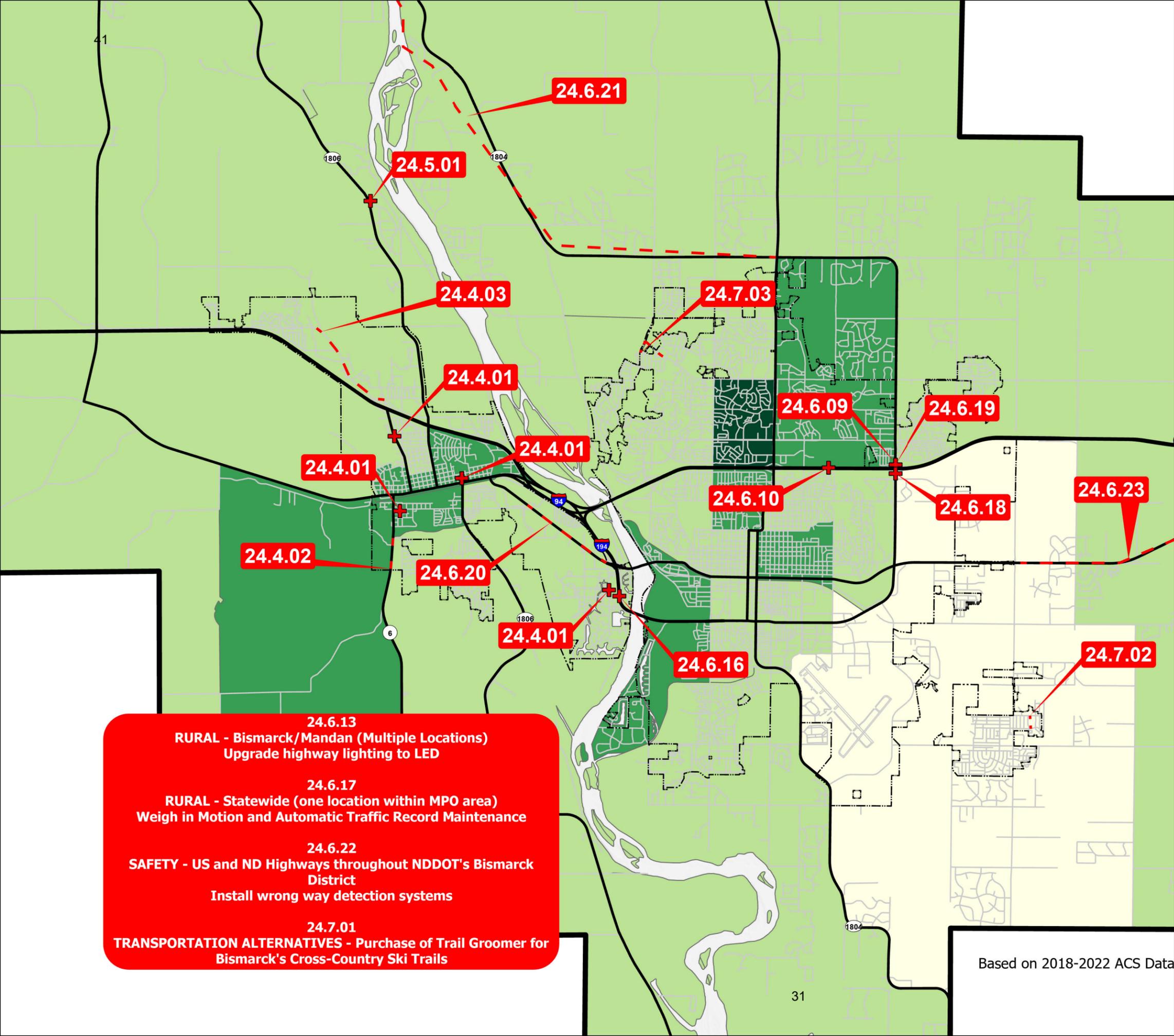
**24.6.13**  
 RURAL - Bismarck/Mandan (Multiple Locations)  
 Upgrade highway lighting to LED

**24.6.17**  
 RURAL - Statewide (one location within MPO area)  
 Weigh in Motion and Automatic Traffic Record Maintenance

**24.6.22**  
 SAFETY - US and ND Highways throughout NDDOT's Bismarck District  
 Install wrong way detection systems

**24.7.01**  
 TRANSPORTATION ALTERNATIVES - Purchase of Trail Groomer for Bismarck's Cross-Country Ski Trails

Based on 2018-2022 ACS Data



**Percent Spanish Spoken at Home**

**2024-2027 Transportation Improvement Program (Year 2024)**

- - 2024 TIP Lines
- + 2024 TIP Points
- MPO Boundary
- Corporate Limits
- Percent Spanish Spoken at Home
- 0% - 0.5%
- 0.5% - 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 STEPHEN February 2024 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO.  
 X:\ArcProProjects\MPO\TitleVI\TitleVI.aprx

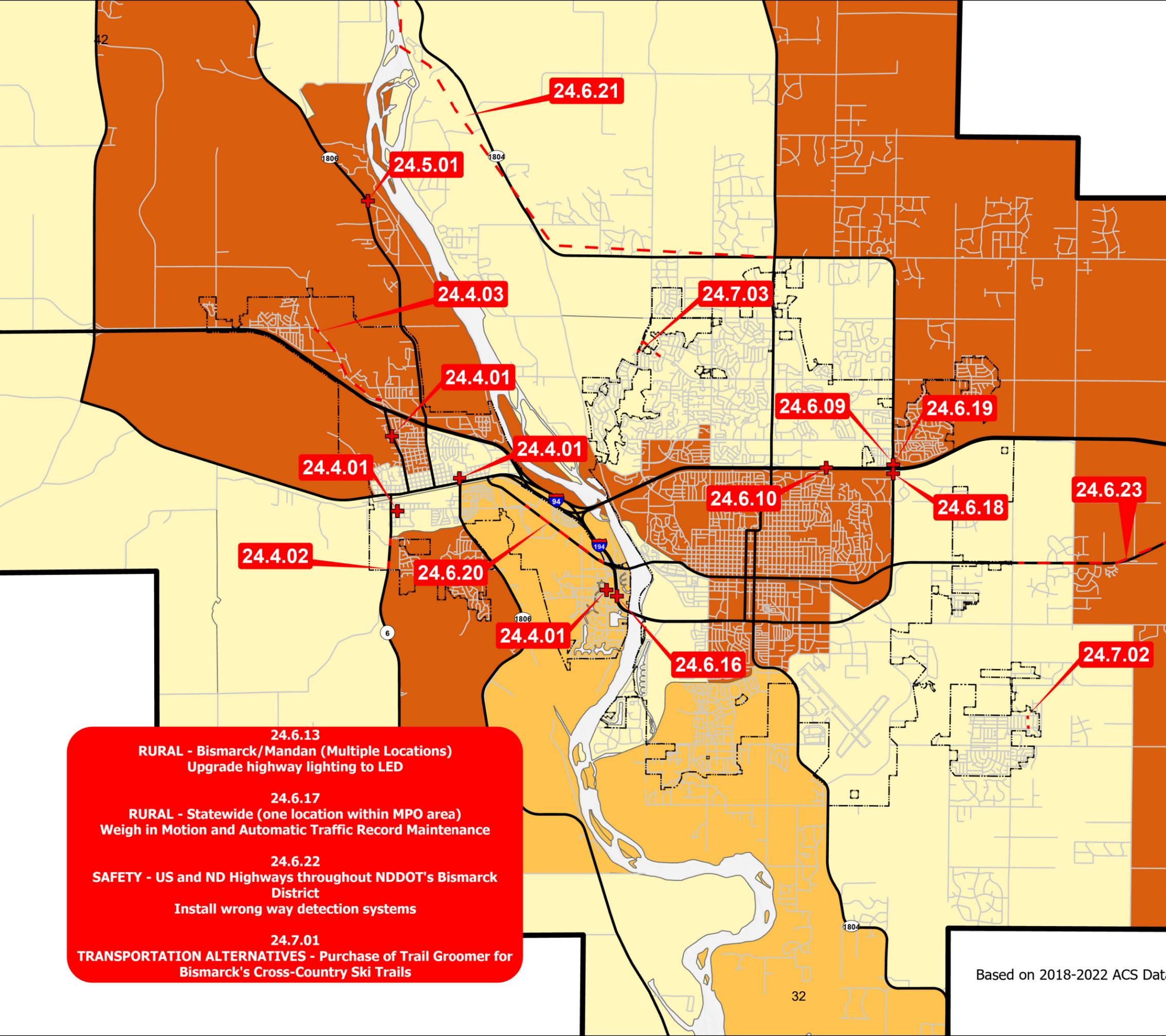
**24.6.13**  
 RURAL - Bismarck/Mandan (Multiple Locations)  
 Upgrade highway lighting to LED

**24.6.17**  
 RURAL - Statewide (one location within MPO area)  
 Weigh in Motion and Automatic Traffic Record Maintenance

**24.6.22**  
 SAFETY - US and ND Highways throughout NDDOT's Bismarck District  
 Install wrong way detection systems

**24.7.01**  
 TRANSPORTATION ALTERNATIVES - Purchase of Trail Groomer for Bismarck's Cross-Country Ski Trails

Based on 2018-2022 ACS Data



**Percent Other Spoken at Home**

**2024-2027 Transportation Improvement Program (Year 2024)**

- - 2024 TIP Lines
- + 2024 TIP Points
- ▣ 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 STEPHEN February 2024 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO.  
X:\ArcProProjects\MPO\TitleVI\TitleVI.aprx

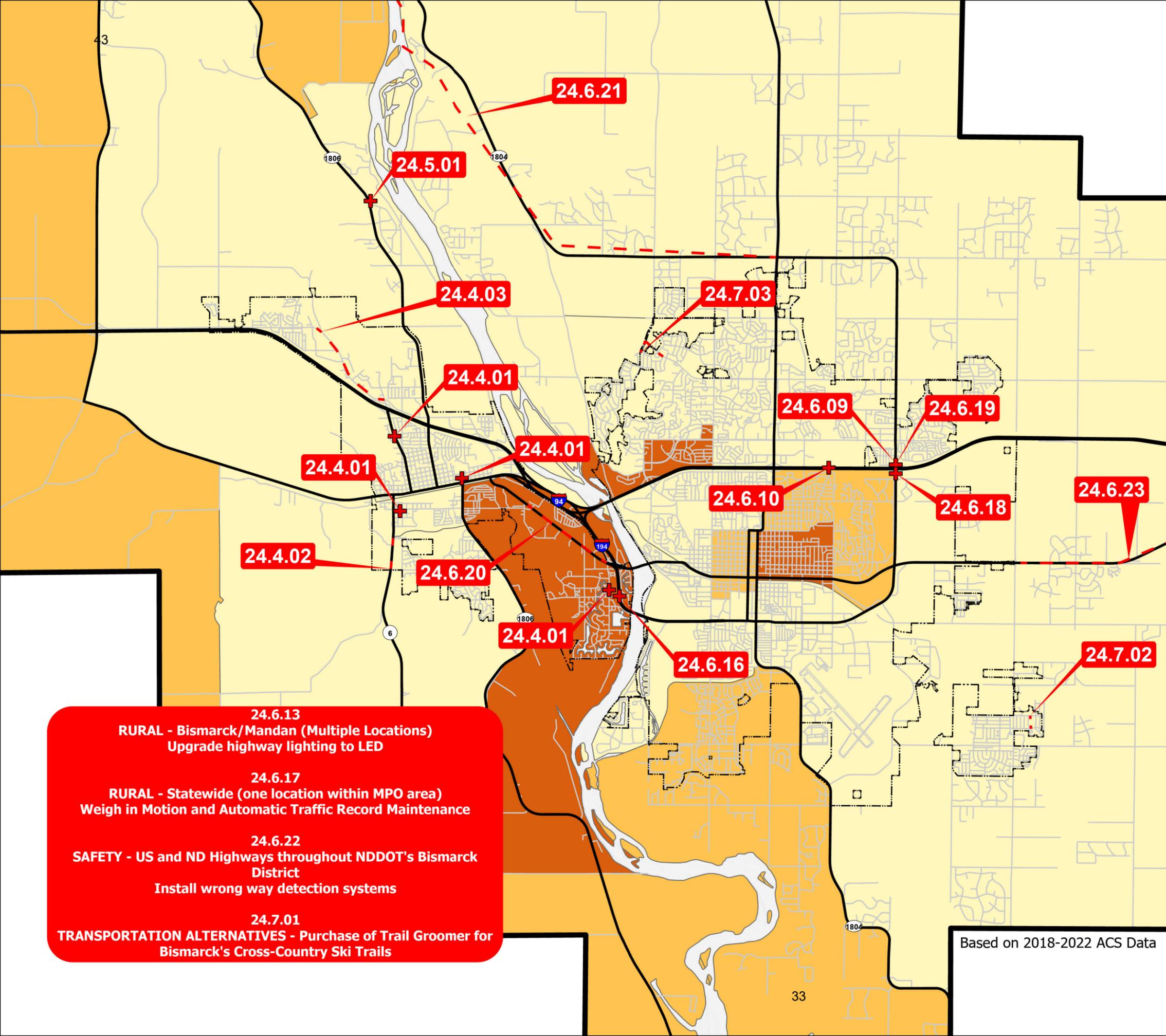
**24.6.13**  
RURAL - Bismarck/Mandan (Multiple Locations)  
Upgrade highway lighting to LED

**24.6.17**  
RURAL - Statewide (one location within MPO area)  
Weigh in Motion and Automatic Traffic Record Maintenance

**24.6.22**  
SAFETY - US and ND Highways throughout NDDOT's Bismarck District  
Install wrong way detection systems

**24.7.01**  
TRANSPORTATION ALTERNATIVES - Purchase of Trail Groomer for Bismarck's Cross-Country Ski Trails

Based on 2018-2022 ACS Data



**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

46  
**REQUEST FOR REASONABLE ACCOMMODATIONS**



			Date	
Name			Telephone Number	
Street/Mailing Address		City	State	ZIP Code
Preferred Method of Contact <input type="checkbox"/> Day Phone <input type="checkbox"/> Email <input type="checkbox"/> USPS		Email Address		
<b>Type of Event:</b> <input type="checkbox"/> Public Meeting/Public Hearing <input type="checkbox"/> Training <input type="checkbox"/> Other (specify) <input style="width: 100px;" type="text"/>				
Date of Event	and/or	Date Needed	Location of Event	

**PART II: LIMITED ENGLISH PROFICIENCY (LEP)**

<input type="checkbox"/> Yes <input type="checkbox"/> No    Do you need language assistance for LEP?	
Language Assistance	
<input type="checkbox"/> Oral Interpretation (specify language) <input style="width: 500px;" type="text"/>	
<input type="checkbox"/> Written Translation (specify language) <input style="width: 500px;" type="text"/>	
Name of Documents	

**PART III: AMERICANS WITH DISABILITIES ACT (ADA)**

<input type="checkbox"/> Yes <input type="checkbox"/> No    Do you need an accommodation for a disability?	
Types of Accommodation	
<input type="checkbox"/> Interpreter for deaf (specify ASL, tactile, etc.) <input style="width: 500px;" type="text"/>	
<input type="checkbox"/> Assistive Listening device (specify) <input style="width: 500px;" type="text"/>	
<input type="checkbox"/> Physical location accessible for persons with a physical mobility impairment.	
<input type="checkbox"/> Other (specify) <input style="width: 500px;" type="text"/>	
Nature of Disability (Medical documentation may be requested)	
<input type="checkbox"/> Physical Mobility Impairment (specify) <input style="width: 500px;" type="text"/>	
<input type="checkbox"/> Speech Impairment (specify) <input style="width: 500px;" type="text"/>	
<input type="checkbox"/> Visual impairment (specify) <input style="width: 500px;" type="text"/>	
<input type="checkbox"/> Hearing Impairment (specify) <input style="width: 500px;" type="text"/>	
<input type="checkbox"/> Other (specify) <input style="width: 500px;" type="text"/>	
Alternative Format (Indicate first, second, third choice if possible.)	
<input type="checkbox"/> Braille	Date Needed
<input type="checkbox"/> Large Print (font point size) <input style="width: 150px;" type="text"/>	<input type="checkbox"/> Audio Recording -MP3 <input style="width: 150px;" type="text"/>
<input type="checkbox"/> Other (specify) <input style="width: 150px;" type="text"/>	<input type="checkbox"/> CD/Flash Drive <input style="width: 150px;" type="text"/>
Name of Documents	

<b>For Office Use Only</b>		
The accommodation request is:		
<input type="checkbox"/> Granted as requested	<input type="checkbox"/> Granted with change - see additional information	<input type="checkbox"/> 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](mailto: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](mailto: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.

**EXTERNAL COMPLAINTS OF DISCRIMINATION**

North Dakota Department of Transportation, Civil Rights  
 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.)

<p><b>Title VI of the Civil Rights Act of 1964</b></p> <p><input type="checkbox"/> Race      <input type="checkbox"/> National Origin</p> <p><input type="checkbox"/> Color</p>	<p><b>Other Nondiscrimination Statutes/Executive Orders</b></p> <p><input type="checkbox"/> Sex      <input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Age      <input type="checkbox"/> Limited English Proficiency</p>
---	--

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, 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](mailto: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 handled informally if possible. If the complaint cannot be resolved by informal means, the NDDOT may investigate the complaint as follows:

1. The complaint will be reviewed within 10 business days to determine whether it contains all 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.

Title VI, related statutes, and Section 504/ADA complaints filed directly with NDDOT against NDDOT, 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).

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.

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 NDDOT. 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.

If NDDOT receives a complaint against its sub recipients, the sub recipient will be contacted to handle the complaint informally at the local level if possible. If the complaint cannot be resolved informally at the local level, NDDOT will use the same process above to resolve the complaint.

## Agencies Authorized to Receive and Process Complaints

### **North Dakota Department of Transportation**

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

### **United States Department of Transportation (USDOT)**

Departmental Office of Civil Rights  
U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Ave., S.E.  
Washington, DC 20590  
Phone: (202) 366-4648  
Fax: (202) 366-5575  
TTY/Assistive Device: (202) 366-9696

### **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](mailto:NorthDakota.fhwa@dot.gov)

### **USDOJ - Race, Color, National Origin Complaints**

Federal Coordination and Compliance Section - NWB  
Civil Rights Division  
U.S. Department of Justice (USDOJ)  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530  
Phone: (888) 848-5306 (English and Spanish)  
(202) 307-2222 (voice)  
(202) 307-2678 (TDD)

### **Federal Transit Administration (FTA)**

Office of Civil Rights  
Attention: Complaint Team  
East Building, 5th Floor - TCR  
1200 New Jersey Ave., S.E.  
Washington, DC 20590  
Phone: (888) 446-4511

### **United States Department of Transportation (FHWA)**

Federal Highway Administration  
U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Ave., S.E.  
8th Floor E81-105  
Washington, DC 20590  
Phone: (202) 366-0693  
Fax: (202) 366-1599  
TTY: (202) 366-5132  
E-mail: [CivilRights.FHWA@dot.gov](mailto:CivilRights.FHWA@dot.gov)

### **USDOJ - ADA Complaints**

U.S. Department of Justice (USDOJ)  
950 Pennsylvania Avenue, N.W.  
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)

**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**

<input type="checkbox"/> <b>CONSENT</b> - 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.	
<input type="checkbox"/> <b>CONSENT</b> - The respondent named in this complaint may receive a copy of my complaint upon request.	
<input type="checkbox"/> <b>CONSENT DENIED</b> - 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)**

**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. 5<sup>th</sup> 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
----------------

**METROPOLITAN PLANNING ORGANIZATION**

**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]		
<b>Title VI of the Civil Rights Act of 1964</b> <input type="checkbox"/> Race <input type="checkbox"/> National Origin <input type="checkbox"/> Color		<b>Other Nondiscrimination Statutes/Executive Orders</b> <input type="checkbox"/> Sex <input type="checkbox"/> Disability <input type="checkbox"/> Limited English Proficiency <input type="checkbox"/> Age <input type="checkbox"/> Income Status
Nature of Complaint		
Recipient (Processor of Complaint)		
Date Filed	Date Investigation Completed	Date of Disposition
Disposition		
<input checked="" type="checkbox"/>		

**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]		
<b>Title VI of the Civil Rights Act of 1964</b> <input type="checkbox"/> Race <input type="checkbox"/> National Origin <input type="checkbox"/> Color		<b>Other Nondiscrimination Statutes/Executive Orders</b> <input type="checkbox"/> Sex <input type="checkbox"/> Disability <input type="checkbox"/> Limited English Proficiency <input type="checkbox"/> Age <input type="checkbox"/> Income Status
Nature of Complaint		
Recipient (Processor of Complaint)		
Date Filed	Date Investigation Completed	Date of Disposition
Disposition		
<input type="checkbox"/> 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.



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

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérta vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	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
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

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

**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.

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

**For Office Use Only**

Event Date (MM/DD/YYYY)	City	County	Div/Dist Number	PCN																																	
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>																					<table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>				<table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>			<table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>			<table style="width:100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>						

<b>MPO:</b> <input type="checkbox"/> Bismarck-Mandan <input type="checkbox"/> Fargo-Moorhead Metro COG <input type="checkbox"/> Grand Forks-East Grand Forks	<b>ROW:</b> <input type="checkbox"/> Negotiation <input type="checkbox"/> Relocation	<b>Subrecipient:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
---	--	---

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

## Sub Recipient Title VI Public Participation Survey

- **Instructions**
  - NDDOT developed the Title VI Public Participation Survey to collect statistical data of participants and beneficiaries of NDDOT and its' sub recipient's programs. This survey is a means to determine if FHWA or FTA financial assistance is reaching communities and populations that need the assistance as well to quantitatively monitor the performance of our Title VI and nondiscrimination programs.
  - 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.)
  - Process the survey information within your agency.
- **Survey Preparation**
- **Prior to printing the survey, certain fields need to be filled out.**
  - **Event Date:** Enter the date the event is being held.
  - **City:** Enter the ND city number. See code list on NDDOT website.
  - **County:** Enter the ND county number. See code list on NDDOT website.
  - **Division/District Number:** Enter Division/District Number. See code list on NDDOT website.
    - [https://www.dot.nd.gov/divisions/civilrights/docs/titlevi/div-dist\\_city\\_county%20CODES.pdf](https://www.dot.nd.gov/divisions/civilrights/docs/titlevi/div-dist_city_county%20CODES.pdf)
  - **Project Control Number (PCN):** Enter number if applicable. If there are multiple PCN's, only enter the Parent PCN.
  - **Right of Way (ROW):** Select the appropriate only if the survey is being completed for the specific activity selected.
  - **MPO:** For use by MPO's only. If you are an MPO, select your MPO area.
  - **Sub recipient:** Select appropriate answer.
- **Save the survey completed with identifying information to your files.**
- **Print as many original documents as you need for your event.**

## GOALS AND ACCOMPLISHMENTS

### FY2024 Goals and Accomplishments

The Bismarck-Mandan MPO completed a self- audit of its Title VI and Non- Discrimination/ADA Program Access Plan in January 2024, in conjunction with its response to NDDOT’s audit of its Title VI Program. These resulted in the following goals and/or accomplishments in 2024:

1. Update Title VI Plan
  - a. Organization, Staffing & Responsibilities
    - i. Circulated demographic surveys to the new members of MPO committees and a new MPO employee
    - ii. Updated the table depicting the demographic representation of the BMMPO to reflect changes
  - b. Socio-Economic/Year 2024 TIP Projects Maps
    - i. Minority, Elderly, Poverty, Limited English Proficiency
  - c. NDDOT Title VI Audit Response
    - i. Added Demographic Profile & Analysis section, updated MPO website, and made other minor changes to address NDDOT audit findings
  - d. Limited English Proficiency Plan
    - i. Updated LEP Plan to account for new demographic information available through the US Census Bureau
  
2. Provide a minimum of one hour of training annually related to Title VI to all MPO staff
  - a. Staff participated in a one-hour City of Bismarck Title VI Training in November, 2023.
  
3. Seek ways to diversify employment recruitment efforts relative to attracting female or minority applicants – *ongoing*
  - a. Part-time position filled during reporting period
  
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)
    - ii. Planning outreach to a variety of agencies and services for the ongoing Safe Routes to Services Study
  - b. 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 2023-24)
      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 COMPLETED: Updated the MPO’s Public Participation Plan (PPP) in December 2023 to support the MPO’s continued outreach efforts

**Bismarck-Mandan MPO \* 2023 Ortho - Lidar Project \* Period ending 2/29/24**

<b>Bismarck-Mandan MPO   Field Survey</b>				
<b>Phase (Percent of Project)</b>	<b>Percent Complete</b>	<b>Start</b>	<b>End</b>	<b>Comments</b>
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%)	100.00%	11/1/2023	12/18/2023	Stamped
Supplemental Field Topo (2.5%)	100.00%	11/1/2023	1/15/2024	As needed basis

<b>Bismarck-Mandan MPO   Digital Orthophotos</b>				
<b>Phase (Percent of Project)</b>	<b>Percent Complete</b>	<b>Start</b>	<b>End</b>	<b>Comments</b>
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%)	100.00%	7/17/2023	8/1/2023	Holding for control and datum/projection finalization
Stereo Model Set QC (1%)	100.00%	8/5/2023	8/7/2023	Review for parallax / target report
Orthophoto Processing (22%)	100.00%	9/5/2023	1/12/2024	Pilot delivery in October - needs resubmission
Accuracy Analysis (0.5%)	50.00%	1/11/2024	2/26/2024	Accuracy reporting
File Formatting and Mosaics (3%)	33.00%	1/2/2024	2/26/2024	
Metadata (1%)	100.00%	1/29/2024	2/26/2024	
<b>Final Delivery (Due 12/31/23)</b>				amended extension to 2/29/24

<b>Bismarck-Mandan MPO   Lidar Terrain</b>				
<b>Phase (Percent of Project)</b>	<b>Percent Complete</b>	<b>Start</b>	<b>End</b>	<b>Comments</b>
Lidar Acquisition (9%)	100.00%	5/3/2023	5/3/2023	NTP 5/1 * Acquisition start-up 5/3
Calibration and Index (4%)	100.00%	5/9/2023	9/5/2023	New boresight required * calibrate * adj to control
Bare Earth Edit (25%)	100.00%	9/6/2023	12/18/2023	
Hydro Breakline Collection (10%)	100.00%	8/25/2023	11/6/2023	Hydro and snow void collection
Terrain Building and Formatting (2%)	100.00%	12/17/2023	2/26/2024	Drape water lines and snow voids for final terrain
Contour Generation (2%)	100.00%	1/15/2024	1/29/2024	
<b>Final Delivery (Due 12/31/23)</b>				amended extension to 2/29/24

<b>Project Percent Complete</b>	<b>100.00%</b>
---------------------------------	----------------

This Page Intentionally Left Blank

**From:** [Beth Dooley](#)  
**To:** [Kimberly Riepl](#)  
**Cc:** [Matt Schaible](#); [Grace Bergan](#); [Lincoln Parks \(lincolndparks@gmail.com\)](mailto:lincolndparks@gmail.com)  
**Subject:** Lincoln Park District - 66th St. Shared Use Path Extension Support  
**Date:** Monday, March 4, 2024 1:57:54 PM  
**Attachments:** [158453 Trail Extension.pdf](#)

---

**CAUTION: \*\*\*External Email - Use caution clicking links or opening attachments\*\*\***

On behalf of the Lincoln Park District, we are asking the Bismarck-Mandan MPO to give support through a signed letter for the extension of the Shared Use Path up the west side of 66<sup>th</sup> St. This would extend from Lincoln Road up to 28<sup>th</sup> Avenue. The initial phase of this extension is intended to be the earthwork, drainage needs, and gravel base. A future phase would be the paving and lighting of the pathway. The Lincoln Park District intends to use the letter in grant funding applications to assist with the financial cost of the project, mainly through ND Parks & Recreation Department grants. The grant submission is due by April first.

The Lincoln Park District thanks you for your past support and would appreciate the same for this extension to the already existing multi-use paths.

Please place us on your agenda for review and possible approval at your March meeting. Thank you for your time and consideration.

Beth Dooley  
Engineering Technician  
Short Elliott Hendrickson Inc.  
701.354.5623 direct | 701.354.7121 main  
Hrs Mon-Wed 7:30-4:30, Thurs 7:30-2:30

100% Employee Owned  
Building a Better World for All of Us®  
Follow SEH on Twitter | Facebook | LinkedIn | Instagram

28TH AVE SE

REILY RD

EDGERLY LN

DOLAN DR

EXISTING 6 FT  
CONCRETE  
SIDEWALK

EXISTING  
10FT WIDE  
HMA TRAIL

LINCOLN RD

MCCURRY WAY

66TH AVE SE

1065 LF 10 FT WIDE  
GRAVEL PATH

FINLEY ST

WHITLOW ST

MCNALLY ST

DOLAN DR

EXISTING 6 FT  
CONCRETE  
SIDEWALK

1480 LF 10 FT WIDE  
GRAVEL PATH

66TH AVE SE

EXISTING 6 FT  
CONCRETE  
SIDEWALK

Save: 3/4/2024 1:32 PM dbruce Plot: 3/4/2024 1:41 PM X:\KOLLIN\NPD\158453\5-final-dsgn\151-drawings\10-Civil\cad\dwg\RTP\_Ext\_Concept\_Layout.dwg



FILE NO.  
158453  
DATE:  
03/04/2024

### RTP TRAIL EXTENSION LINCOLN RD TO 28TH AVE SE

FIGURE  
NO. 1





# Progress Report

Date: Wednesday, March 06, 2024

Project: Bismarck-Mandan Arrive 2050 Update

To: Rachel Lukaszewski

From: Jason Carbee

Subject: Progress Report for January 28 to February 24, 2024

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

## **TDMSE Task 8 – Model Performance Review**

- HDR made some additional updates to the travel model while ATAC staff were out of the office.
- The team created updated forecasts for the draft future E+C condition.
- Awaiting review by steering committee before finalizing.
- Worked towards distributing future E+C model on the web for committee review.

## **MTP Task 1 – Project Management**

- The consultants continued monthly accounting and progress reports.
- Consulting team continued internal coordination calls.
- Continued MPO-HDR-SRF team coordination calls.
- Provided updates to TAC and Policy Board meetings.

## **MTP Task 2 – MTP Engagement**

- Study team continued planning for April public and stakeholder engagement.
- Study team prepared for the steering committee and individual city of Bismarck meeting held February 26-27.

## **MTP Task 3 – MTP Data Collection**

- Collected additional RRFB data.

## **MTP TASK 5 – Baseline System Conditions**

- Presented draft baseline conditions results to steering committee on Jan 23 – team made updates to existing conditions document based on feedback from the steering committee.
- Made updates to the baseline system condition to reflect NDDOT methodology for crash data in the urban crash report.
- Updated bicycle and pedestrian conditions elements of the report.
- Finalized internal draft of the existing conditions document.
- Updated draft E+C conditions traffic forecasts and V/C.



### **MTP TASK 6 – Develop and Screen Alternatives**

- Began development of future project list, including bicycle and pedestrian recommendations from the previous bike/ped plan.

## Project Progress Summary

Task	Start Date	End Date	Percent Complete		Explanation / Discussion
			Period Start	Period End	
TDMSE Task 1 - Project Management	Sep-22	Aug-23	99%	99%	
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	Aug-23	100%	100%	
TDMSE Task 8 - Model Performance Review and Validation	Feb-23	Mar- 24	50%	80%	Note – awaiting steering committee review of 2050 E+C model.
TDMSE Task 9 - Report	Sep-22	Apr-24	50%	50%	
MTP TASK 1 - Project Management	Jun-23	Dec-24	30%	35%	Continued progress meetings, accounting, and invoicing.
MTP TASK 2 – Public Engagement	Jun-23	Dec-24	27%	28%	Working towards late April engagement
MTP TASK 3 – Data Collection	Jun-23	Sep-23	95%	97%	
MTP TASK 4 – Goals, Objectives & Performance Measures	Aug-23	Mar-23	0%	10%	SRF began incorporating input from first phase of engagement.
MTP TASK 5 – Baseline System Conditions	Aug-23	Mar-24	75%	85%	Neared finalization of baseline conditions documentation and initial reviews of future traffic volumes
MTP TASK 6 - Develop & Screen Alternatives	Jan-24	Jun-24	0%	2%	
MTP TASK 7 – Financial Plan and Implementation Schedule	Oct-23	Aug-24	0%	0%	
MTP TASK 8 – MTP Document Development and Review	Jun-24	Dec-24	0%	0%	
Project Totals	Sep-22	Dec-24	44%	47%	

This Page Intentionally Left Blank


**BOLTON  
& MENK**

Real People. Real Solutions.

# Safe Routes to Services Monthly Progress Report #4

**Submission Date:**

March 7, 2024

**Performance Period:**

February 3, 2024 – March 1, 2024

**Project:**

Safe Routes to Services

**BMI Job No.:** OT4.131300

**Recipient:** Bismarck-Mandan  
MPO

**Prime Consultant:**

Bolton &amp; Menk

Dear Ms. Riepl:

Enclosed is Bolton & Menk's invoice for the Bismarck-Mandan Safe Routes to Services project, for the period ending March 1, 2024. The total fee for work completed during this time period is \$12,265.40. A brief overview of the project progress is provided below.

Tasks complete to date:

Task	% Billed	% Complete
Task 1: Project Management	15.9%	17.4%
Task 2: Public Participation	21.4%	14.0%
Task 3: Steering Committee Meetings	18.5%	19.0%
Task 4: Investigate Issues	68.9%	70.4%
Task 5: Identify Alternatives	0.0%	0.0%
Task 6: Implementation Strategies	0.8%	1.8%
Task 7: Engagement Vendors & Direct Expenses	0.0%	0.0%
<b>Total:</b>	<b>15.5%</b>	<b>14.7%</b>

## Summary of Activities Within Invoice Period:

### Task 1: Project Management

- Coordination with the project team and BMMPO
- Task and budget management
- MPO TAC meeting
- MPO Policy Board meeting

### Task 2: Public Participation

- 5 comment boxes designed and locations identified
- 4 listening sessions scheduled
- Project newsletter/update drafted
- INPUTiD™ setup

### Task 3: Steering Committee Meetings

- No activity during this invoice period

### Task 4: Investigate Issues

- Data gathering
- Infrastructure analysis
- Barrier assessment

**Task 5: Identify Alternatives**

- No activity during this invoice period

**Task 6: Implementation Strategies**

- Drafting of report

**Task 7: Engagement Vendors & Direct Expenses**

- No activity during this invoice period

**Required Action by BMMPO:**

- None in this reporting period

**Problems Encountered:**

- None in this reporting period

**Summary of Project Decisions:**

- None in this reporting period

**Out of Scope Services:**

- None in this reporting period

If you have any questions, please do not hesitate to call me at (701) 306-1670.

Sincerely,

**Bolton & Menk, Inc.**



**Mike Bittner, PE, PTOE, PTP, RSP, PMP, IMSA II**  
Senior Transportation Project Manager

**Bismarck-Mandan MPO**

**TIP 2024-2027 Administrative Modification**

Project Year(s) 2024

Entity	Project	Federal	State	Local	Total	Federal Funding Source
NDDOT	24.6.17	\$809,000 (old) \$895,077 (new)	\$191,000 (old) \$211,322 (new)	\$0	\$1,000,000 (old) \$1,106,399 (new)	SS

Project Description:

This project is a statewide ITS project for Weigh in Motion and Automatic Traffic Recorder Maintenance across western North Dakota. There is one location in the Bismarck-Mandan MPO area (at Bismarck Expressway/ND 810), but the above cost estimates have not been prorated. This modification increases the cost estimates for the entire project, as noted above. The PCN is 23887.

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)