



Community Development Department

DATE: April 23, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Title VI Plan and Program Monitoring per FTA

REQUEST:

The Bismarck-Mandan Metropolitan Planning Organization requests consideration and approval of the Title VI Monitoring Review for 2021, 2022 and 2023.

BACKGROUND INFORMATION:

The Federal Transit Administration (FTA) requires the City of Bismarck, as the grantee and recipient of federal funds, to monitor the use of its federal aid and ensure all federal requirements are met. This monitoring extends to an annual review of the City's and Bis-Man Transit's Title VI plans and processes. FTA requires that the results of the annual monitoring be shared with City Administration and the City Commission. A letter describing the review and findings is enclosed. The letter covers periods for the calendar years of 2021, 2022, and 2023 and was shared with City Administrator, Jason Tomanek on April 5, 2024.

Based on the reviews led by the MPO, the Title VI Programs for the City and Bis-Man Transit appear to be in compliance with FTA's regulations. The MPO suggests that the City's plan include a signature page in a future version of the document. Transit's plan was updated in spring 2024, and the most recent suggested actions have been incorporated into that document. No Title VI complaints, lawsuits or litigations were received during the reporting periods. No additional action is requested of the City regarding its Title VI program.

RECOMMENDED CITY COMMISSION ACTION:

Staff recommends approval of the Title VI Monitoring Reviews for 2021, 2022 and 2023.

STAFF CONTACT INFORMATION:

Ben Ehreth, Community Development Director, 701-355-1842, behreth@bismarcknd.gov
Rachel Lukaszewski, Principal Transportation Planner, 701-355-1852,
rlukaszewski@bismarcknd.gov

ATTACHMENTS:

1. Title VI Monitoring Letter



P.O. Box 5503 • 221 North 5th Street
Bismarck, North Dakota 58506
Telephone 701 355 1840
TDD Dial 711
Fax 701 222 6450
Email mpo@bismarcknd.gov
Web www.bismarcknd.gov/mpo

April 5, 2024

Jason Tomanek
Bismarck City Administrator
221 N 5th Street
Bismarck, ND 58506

Reference: Results of Title VI Monitoring for 2021, 2022, and 2023

The Bismarck-Mandan MPO, on behalf of the City of Bismarck, performs monitoring activities for the Grantees' Subrecipient, Bis-Man Transit. These activities occur at various times throughout the year and are intended to ensure the City and Transit effectively meeting Federal Regulations regarding the use of Federal Transit funding.

Title VI Programs for the City and Transit are reviewed annually. Per federal regulations, the governing agents of the Grantee must be made aware of the effectiveness of their Title VI program, any complaints received or infractions occurring under Title VI, and recommendations for program improvements should deficiency be discovered.

Per the 2021 Triennial Review, findings were applied to the City of Bismarck regarding their oversight and monitoring of Title VI program. The MPO has made efforts to remedy this deficiency by implementing an annual monitoring of the City's Title Plan and program, as well as an annual review of Bis-Man Transit's Title VI Plan and program. Going forward, MPO staff will continue facilitating these annual monitoring and will provide a summary letter to City Administration regarding the yearly review. Additionally, the results of the monitoring will be shared with the City Commission a regularly scheduled meeting. These results are being prepared for Commission consideration in late April.

While the summary letter would typically cover only the preceding calendar year, this letter covers monitoring for the last three years. Due to staff leave at the MPO, the review letter and Commission notification were not completed in 2022 or 2023. Therefore, your will find on the following pages, a summary table for the Title VI programs as they existed in 2021, 2022 and 2023.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Lukaszewski".

Executive Director and Assigned DBE Liaison Officer
Bismarck-Mandan MPO

2021 Title VI Monitoring	Date occurred: December 2021/January 2022 Reviewer: Rachel Drewlow
Bis-Man Transit (Subrecipient)	
<p>There were no Title VI complaints or lawsuits to Bis-Man Transit during 2021. No follow-up action was needed by MPO or City staff. Detailed records are stored in the quarterly monitoring files.</p> <p>Bis-Man Transit updated their Title VI Plan in 2020. In 2021, FTA suggested change to this plan in a future update. In keeping with the FTA's notice, the reviewer encourages Transit to include the following items in a future Title VI Plan update.</p> <ol style="list-style-type: none"> 1. Include a list of public locations where the Notice to the Public is posted. 2. Summarize the public outreach and involvement activities undertaken in the last 3 years. 3. Describe the process used to provide Title VI assistance to vendors/contractors, when needed. 4. As a general practice, continue to maintain records of: <ul style="list-style-type: none"> ○ How Bis-Man Transit monitors National Express, and other contractors, for Title VI compliance. <p>Title VI public outreach and Title VI involvement activities.</p>	
City of Bismarck (Recipient)	
<p>This was the first self-monitoring review. Reviewer recommends:</p> <ol style="list-style-type: none"> 1. Updating the City's Title VI plan in 2022 2. Updating the Four Factor Analysis and Language Assistance Plan (LAP) of the City's Title VI Plan once 2020 census data is released. 3. Based on the updated percentages of Limited English Proficiency (LEP) persons currently living in the City—and any subsequent need to provide translated Title VI documents—consider using AI to assist in translating necessary documents. 4. Update the Public Participation Plan (PPP) and include more discussion of how the PPP includes and engaged LEP populations. 5. Ensure signature pages are included in the program. 	
Title VI modifications Resulting from the 2021 Review:	
<p>The 2021 Triennial clarified for the City and Transit, that FTA is firstly interested in the carrying out of the City's Title VI program, at least where the program meets the expenditure of FTA funds. Previously, the City had promoted and relied on Bis-Man Transit's Title VI Plan and program. Going forward the City will continue to monitor Transit's Title VI program and ensure that Transit follows federal regulations. However, in 2022 the city will begin revising their Title VI plan and program to better meet FTA's regulations. The updated city plan will be placed in the TrAMS portal.</p> <p>It was determined that Bis-Man Transit will not update their Title VI plan, as suggested by FTA, until the City has finalized their Title VI Plan update.</p>	

2022 Title VI Monitoring	Date occurred: February 2023/ continued, March 2024 Reviewer: Rachel Drewlow (Lukaszewski)
Bis-Man Transit (Subrecipient)	
<p>There were no Title VI complaints or lawsuits to Bis-Man Transit during 2022. No follow-up action was needed by MPO or City staff. Detailed records are stored in the quarterly monitoring files.</p> <p>In 2022, Bis-Man Transit was advised by the DBELO to pursue their Title VI Plan update after the City has completed their COB update. Since the update was ongoing though out the calendar year, Transit did not update their Plan in 2022. In keeping with FTA’s suggested Title VI updates, the reviewer encourages Transit to include the following items in the suggested 2023 Title VI Plan update.</p> <ol style="list-style-type: none"> 1. Include a list of public locations where the Notice to the Public is posted. 2. Summarize the public outreach and involvement activities undertaken in the last 3 years. 3. Describe the process used to provide Title VI assistance to vendors/contractors, when needed. 4. As a general practice, continue to maintain records of: <ul style="list-style-type: none"> ○ How Bis-Man Transit monitors National Express, and other contractors, for Title VI compliance. ○ Title VI public outreach and Title VI involvement activities. ○ Update the Language Assistance Plan (LAP) portions of the Title VI plan to match any Limited English Proficiency (LEP) changes resulting from the 2020 decennial census results. 	
City of Bismarck (Recipient)	
<p>This was the second year of self-monitoring review but was delayed a full year, until March 2024, due to staff leave. The review limited it focused on the calendar year of 2022. However, no recommendations are provided in this report. Instead, recommendations are being included with the report for the 2023 calendar year.</p>	
Title VI Modifications Resulting from the 2022 Review:	
<p>The City pursued their Title VI update thru 2022, and into 2023. Transit held off on their update.</p>	

2023 Title VI Monitoring	Date occurred: March 2024 Reviewers: Paulette Jacobsen, Rachel Lukaszewski, Leanne Schmidt, Breann Schauer
Bis-Man Transit (Subrecipient)	
<p>There were no Title VI complaints or lawsuits to Bis-Man Transit during 2023. No follow-up action was needed by MPO or City staff. Detailed records are stored in the quarterly monitoring files.</p> <p>Reviewer recommends:</p> <ol style="list-style-type: none"> 1. Continuing in 2023, the procurement process at Transit, and all FTA Grants passed from the City to Transit, included Title VI contract clauses that were develop by the City to comply with FTA regulations. 2. Bis-Man Transit has been advised by the DBELO to pursue their Title VI Plan update after the City has completed their COB update. This would place Transit’s update in 2024. In keeping with FTA’s suggested Title VI updates, the reviewer encourages Transit to include the following items in the suggested 2024 Title VI Plan update. Include a list of public locations where the Notice to the Public is posted. 3. Summarize the public outreach and involvement activities undertaken in the last 3 years. 4. Describe the process used to provide Title VI assistance to vendors/contractors, when needed. 5. As a general practice, continue to maintain records of: <ul style="list-style-type: none"> ○ How Bis-Man Transit monitors National Express, and other contractors, for Title VI compliance. ○ Title VI public outreach and Title VI involvement activities. ○ Update the Language Assistance Plan (LAP) portions of the Title VI plan to match any Limited English Proficiency (LEP) changes resulting from the 2020 decennial census results. Results are expected to be released on December 29, 2022. 	
City of Bismarck (Recipient)	
<p>This was the third year of self-monitoring. MPO staff successfully include Human Resource Staff in the review. The City’s Title VI plan had been updated and approved by City Commission in September of 2023. The monitoring occurred on this updated plan. Suggestions include:</p> <ol style="list-style-type: none"> 1. Ensure signature pages are included in the Title VI plan. 2. The MPO realized that it need greater checks and due diligence to carry out annual Title VI monitoring. Bis-Man MPO staff has this activity in its monitoring checklist and has designated staff to perform monitoring with city HR and Bis-Man Transit on an annual basis. It is hoped that this will ensure the annual monitoring occurs in a timely manner in the future. 	
Title VI Modifications Resulting from the 2023 Review:	
None implemented yet. This will be reported in the capstone for the review of the 2024 calendar year, to be prepped in 2025.	