



TITLE VI AND NON-DISCRIMINATION / ADA PLAN

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

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

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 assures that no person or groups(s) of persons shall, on the grounds of race, color, national origin, sex, age, disability, 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.

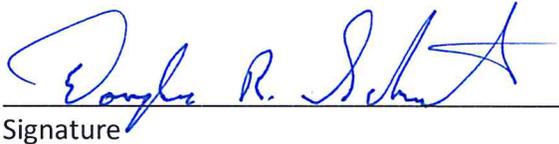
The Recipient also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the Recipient will provide meaningful access to services for persons with limited English proficiency.

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 (Robert McConnell, Director of Human Resources, 701-355-1330, 221 N. 5th St., Bismarck, ND 58501, rmcconnell@bismarcknd.gov) is responsible for initiating and monitoring Title VI/ADA Program activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

Anyone who believes that he or she has been discriminated against should contact Robert McConnell, Bismarck-Mandan MPO Title VI/ADA Program Coordinator, 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

07/18/17
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-Effetuation 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.

Gerarld Wise, Chairman

Bismarck-Mandan MPO, Bismarck, Burleigh County

Name (Type/print)

Recipient


Signature

11/20/2018
Date

ORGANIZATION, STAFFING & RESPONSIBILITIES

Employee Classification, Commission, Council, Board or Committee	Employee, Elected, Appointed	Vacant	F	M	White	Hispanic	Asian	Black	Native American	Other
Steve Saunders, MPO Executive Director	Appointed			X	X					
Steve Saunders, Principal Transportation Planner FT	Employee			X	X					
Rachel Drewlow, Transportation Planner FT	Employee		X		X					
Joey Roberson-Kitzman Transportation Planner PT	Employee			X	X					
Kimberly Riepl, Transportation Specialist FT	Employee		X		X					
Robert McConnell, Title VI Coordinator	Appointed			X	X					
Robert McConnell, ADA Coordinator	Appointed			X	X					
TECHNICAL ADVISORY COMMITTEE										
Steve Saunders	Appointed			X	X					
Gabe Schell	Appointed			X	X					
Justin Froseth	Appointed			X	X					
Marcus Hall	Appointed			X	X					
John Saiki	Appointed			X	X					
Roy Rickert	Appointed			X	X					
Chuck Peterson	Appointed			X	X					
Ken Nysether	Appointed			X	X					
Michael Johnson	Appointed			X	X					
Natalie Pierce	Appointed		X		X					
Carl Hokenstad	Appointed			X	X					
POLICY BOARD										
Gerarld Wise	Appointed			X	X					
Douglas Schonert	Appointed			X	X					
Steve Bakken	Appointed			X	X					
Tim Helbling	Appointed			X	X					
Andy Zachmeier	Appointed			X	X					

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, Robert McConnell, Director of Human Resources, City of Bismarck, at 701-355-1330 , or at rmcconnell@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: <http://www.ada.gov/publicat.htm#Anchor-TitleII-47857> . 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, 2015, and is subject to change as new individuals assume those positions within each agency/interest group:

- City of Lincoln
- Bismarck City Engineer
- Burleigh County Engineer
- Freight Representative
- Mandan City Engineer
- Morton County Planner
- Morton County Road Superintendent
- MPO Executive Director
- MPO Transportation Planner
- North Dakota Department of Transportation
- 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) and the Federal Highway Administration's (FHWA) 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

Complaints may be submitted to one of the following: BMMPO, NDDOT, FHWA, or the United States Department of Transportation (USDOT).

Bismarck-Mandan MPO (BMMPO)

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

North Dakota Department of Transportation (NDDOT)

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

Federal Highway Administration (FHWA)

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

United States Department of Transportation (USDOT)

FHWA Headquarters Office of Civil Rights

1200 New Jersey Avenue, SE (HCR-40)

8th Floor E81-314

Washington, DC 20590

Phone: 202-366-0693

Fax: 202-366-1599

TTY: 202-366-5132

E-mail: CivilRights.FHWA@fhwa.dot.gov

Nichole McWhorter, Coordination and
Compliance

Phone: 202-366-1396

E-mail: nichole.mcwhorter@dot.gov

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 Robert McConnell, Title VI / ADA Coordinator, BMMPO at 701-355-1330 or rmcconnell@bismarcknd.gov. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

Timeframes For Filing a Complaint

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

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

Complainant is Represented by an Attorney

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

Complaints Received by BMMPO

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

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

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

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

Limited English Proficiency Plan

BISMARCK-MANDAN METROPOLITAN PLANNING ORGANIZATION (MPO)

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

INTRODUCTION

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

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

Plan Summary

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

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

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

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

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

The Bismarck-Mandan MPO staff reviewed the 2011-2015 American Community Survey 5-Year Estimates* for North Dakota and determined that **3,904** individuals in **Bismarck, Lincoln, and Mandan, ND**** (2.89% of the population) speak a language other than English. Of those, **1,201**

individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.” This is only **0.88%** of the overall population in the service area. In **Bismarck, Lincoln, and Mandan, ND,**** of those persons with limited English proficiency, **.30%** speaks **German**, **.29%** speaks **Spanish**, **.10%** speaks **French**, **.09%** speaks **Chinese**, **.02%** speaks **Gujarati**, **.02%** speaks **Russian**, **.01%** speaks **Other Asian Languages**, **.01%** speaks **Pacific Island**, **.01%** speaks **Other Native Northern American Language**, **.01%** speaks **Tagalog**, **.01%** speaks **Greek**, **.01%** speaks **Polish**, **<0.01%** speaks **Hebrew, Portuguese, Creole, Yiddish, West Germanic, Scandinavian Languages, Serbo-Croatian, Other Slavic Languages, Hindi, Other Indic Languages, Other Indo-European, Mon khmer (Cambodian), Thai, Arabic, and Other African Languages..**

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

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

Language Spoken at Home	Percent of Total Population	Total Number of Individuals
German	0.30%	412
Spanish or Spanish Creole	0.29%	392
French	0.10%	142
Chinese	0.09%	118
Gujarati	0.02%	28
Russian	0.02%	25
Other Asian Language	0.01%	18
Pacific Island	0.01%	18
Other Native Northern American Language	0.01%	15
Tagalog	0.01%	13
Greek	0.01%	8
Polish	0.01%	7
Hebrew	<0.01%	5

Based on Table B16001 of the 2011-2015 US Census Bureau American Community Survey

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

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

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

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

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

There is no large geographic concentration of any type of LEP individuals in the service area for the Bismarck-Mandan MPO. The majority of the population, 94.66%, 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.

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 2020 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 YEAR 2017
ESTIMATED COST IN DOLLARS

LEAD AGENCY	MAP KEY	PROJECT DESCRIPTION	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL PROGRAM SOURCE	PCN
BISMARCK	17.1.01	TAP - Bismarck Parks and Recreation (Sertoma Park West) (Shared Use Path Rehabilitation)	\$138,750	\$0	\$67,250	\$206,000	TAP	
BURLEIGH	17.2.01	* MPO SAFETY - Multiple Intersections (Hwy 1804 at Washington St & NW 15th St) (Lighting, Signing, Turn Lanes)	\$100,000	\$0	\$11,000	\$111,000	SAFETY	17917
MANDAN	17.4.01	*URBAN ROADS PROGRAM - 27th Street (ND Highway 1806 to 8th Ave. NW) (Reconstruction)	\$809,300	\$0	\$190,700	\$1,000,000	URBAN	
MANDAN	17.4.02	REGIONAL PROJECT - I-94 & I-194 (MPO Wide) (High Mast Lighting) **	\$162,669	\$18,231	\$20,100	\$201,000	URBAN	
MANDAN	17.4.03	REGIONAL PROJECT - 10th Ave. SW (Heart River Bridge to Main St) (Concrete Pavement Repair)	\$202,325	\$47,675	\$0	\$250,000	URBAN	
NDDOT	17.6.01	*SAFETY - Recovery Application and Turn Lanes (Intersection of ND Highway 6 and 19th Street SW)	\$429,000	\$48,000	\$0	\$477,000	SAFETY	21039

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

** Complete list of locations available by contacting the MPO office (701-355-1850)

MPO Project area extent is larger than the MPO area. Costs have not been prorated.

PROJECT YEAR 2018
ESTIMATED COST IN DOLLARS

LEAD AGENCY	MAP KEY	PROJECT DESCRIPTION	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL PROGRAM SOURCE	PCN
BURLEIGH	18.2.01	*URBAN ROADS PROGRAM - 66th St. and Highway 10 Intersection (Intersection Improvement)	\$660,000	\$0	\$165,000	\$825,000	URBAN	
MANDAN	18.4.01	*REGIONAL PROJECT - Main Street (ND 6 to ND 1806) (Traffic Signal Upgrades)	\$1,200,000	\$150,000	\$150,000	\$1,500,000	URBAN	21173
NDDOT	18.6.01	RURAL - I-94, East Bound Lane (Grant Marsh Bridge - to 161 Interchange) (Microsurfacing)	\$438,000	\$49,000	\$0	\$487,000		
NDDOT	18.6.02	RURAL - I-94, West Bound Lane (Grant Marsh Bridge - to 161 Interchange) (Microsurfacing)	\$434,000	\$48,000	\$0	\$482,000		
NDDOT	18.6.03	SAFETY - Traffic Signals (Bismarck)	\$576,000	\$0	\$64,000	\$640,000	SAFETY	

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

¹ This project will use Urban Roads Program Funds in 2018. The County Program advanced funds for the project's construction in 2016.

PROJECT YEAR 2019
ESTIMATED COST IN DOLLARS

LEAD AGENCY	MAP KEY	PROJECT DESCRIPTION	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL PROGRAM SOURCE	PCN
BURLEIGH	19.2.01	*URBAN ROADS PROGRAM -N Washington St. (57 th - 71 st Ave N) (Reconstruction)	\$3,487,000	\$0	\$863,000	\$4,350,000	URBAN	
NDDOT	19.6.01	BRIDGE - I-94 East Bound Lane (Bridge over 80th Street) (Structural Replacement)	\$1,790,000	\$199,000	\$0	\$1,989,000	BRIDGE	
NDDOT	19.6.02	^{MPO} RURAL - Highway 25 N (Jct I-94 to E of Center) (Thin Overlay)	\$5,666,000	\$1,335,000	\$0	\$7,001,000	RURAL	
NDDOT	19.6.03	^{MPO} RURAL - Highway 83 N (57th Ave to Midway) (Median Crossovers)	\$592,000	\$139,000	\$0	\$731,000	RURAL	17378
NDDOT	19.6.04	Rural - I-94 Eastbound Lane (Collins Ave Grade Separation to E Midway Interchange) (Mill and Overlay)	\$876,000	\$97,000	\$0	\$973,000	RURAL	
NDDOT	19.6.05	RURAL - I-94 Westbound Lane (Collins Ave Grade Separation to E Midway Interchange) (Mill and Overlay)	\$865,000	\$96,000	\$0	\$961,000	RURAL	
NDDOT	19.6.06	RURAL - I-94 Eastbound Lane (E ND25 to W ND 1806) (Mill & Overlay)	\$1,830,000	\$203,000	\$0	\$2,033,000	RURAL	
NDDOT	19.6.07	RURAL - I-94 Westbound Lane (E ND25 to W ND 1806) (Mill & Overlay)	\$1,829,000	\$203,000	\$0	\$2,032,000	RURAL	

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

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

PROJECT YEAR 2020
ESTIMATED COST IN DOLLARS

LEAD AGENCY	MAP KEY	PROJECT DESCRIPTION	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL PROGRAM SOURCE	PCN
MANDAN	20.4.01	*REGIONAL PROJECT - ND 1806 (I-94 to 27th St NW) (Reconstruction)	\$6,000,000	\$750,000	\$750,000	\$7,500,000	URBAN	
MANDAN	20.4.02	*URBAN ROADS PROGRAM - McKenzie Dr. (WB I-194 Ramps to 46th Ave.) (Reconstruction)	\$1,052,090	\$0	\$247,910	\$1,300,000	URBAN	

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

2017-2020 Transportation Improvement Program
 Minority Population

- MPO Boundary
- MPO Urbanized Boundary (2013)

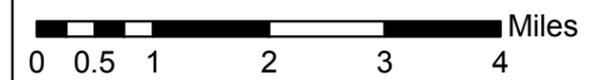
2017-2020 TIP Projects

- 2017
- 2018
- 2019
- 2020

Minority Population (Census Block)

- 4% or Less
- 5% to 14%
- 15% to 24%
- 25% to 49%
- More than 50%

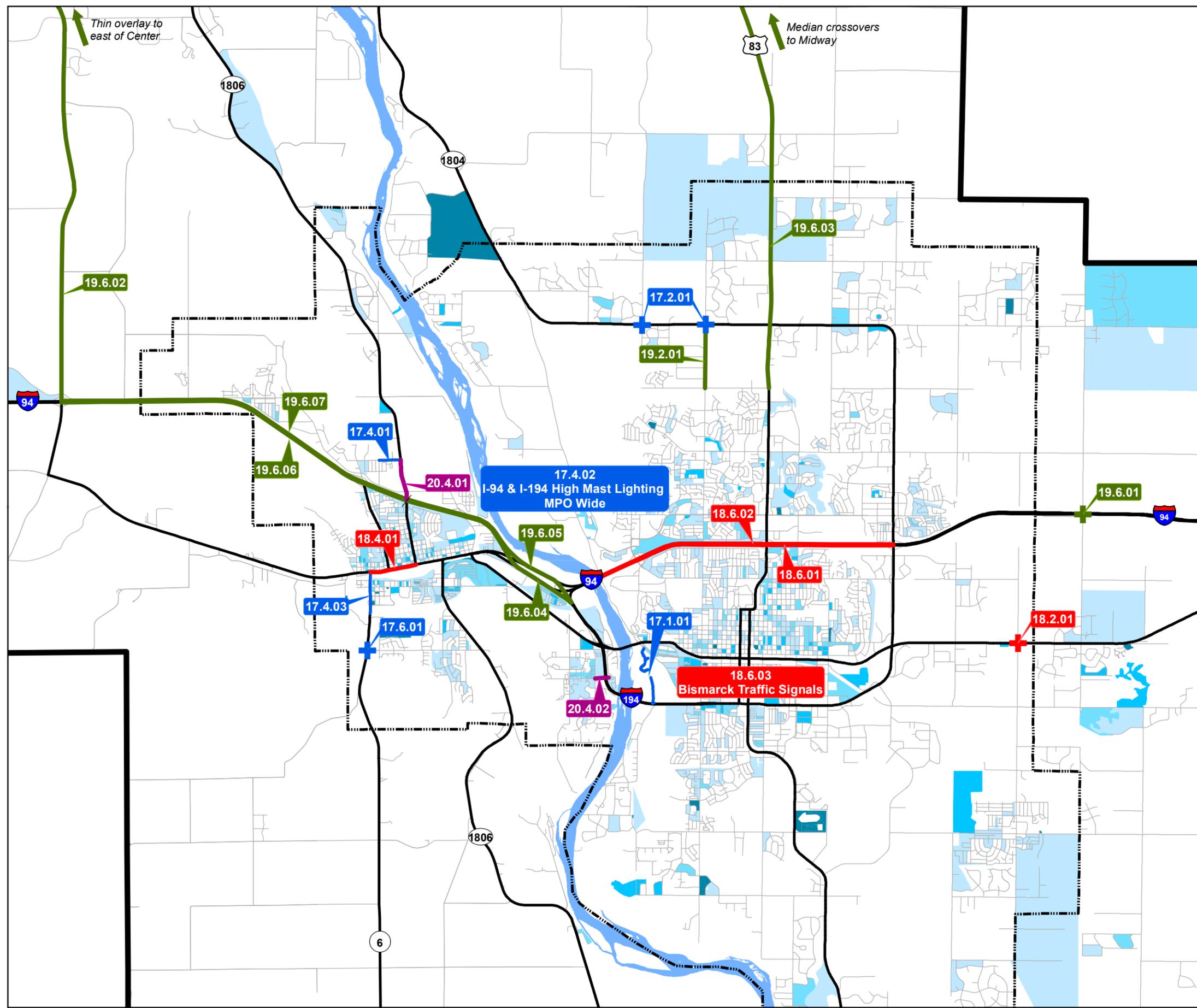
Based on US Census Bureau 2010 Block Data. For this effort "Minority Population" is considered to be all races other than the US Census Bureau defined "White" Category.



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 WRH June 2016 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO.

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2017-2020 Transportation Improvement Program

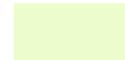
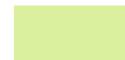
Percent Elderly Population

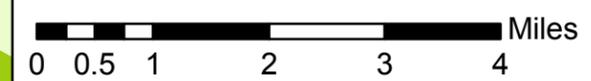
-  MPO Boundary
-  MPO Urbanized Boundary (2013)

2017-2020 TIP Projects

-  2017
-  2018
-  2019
-  2020

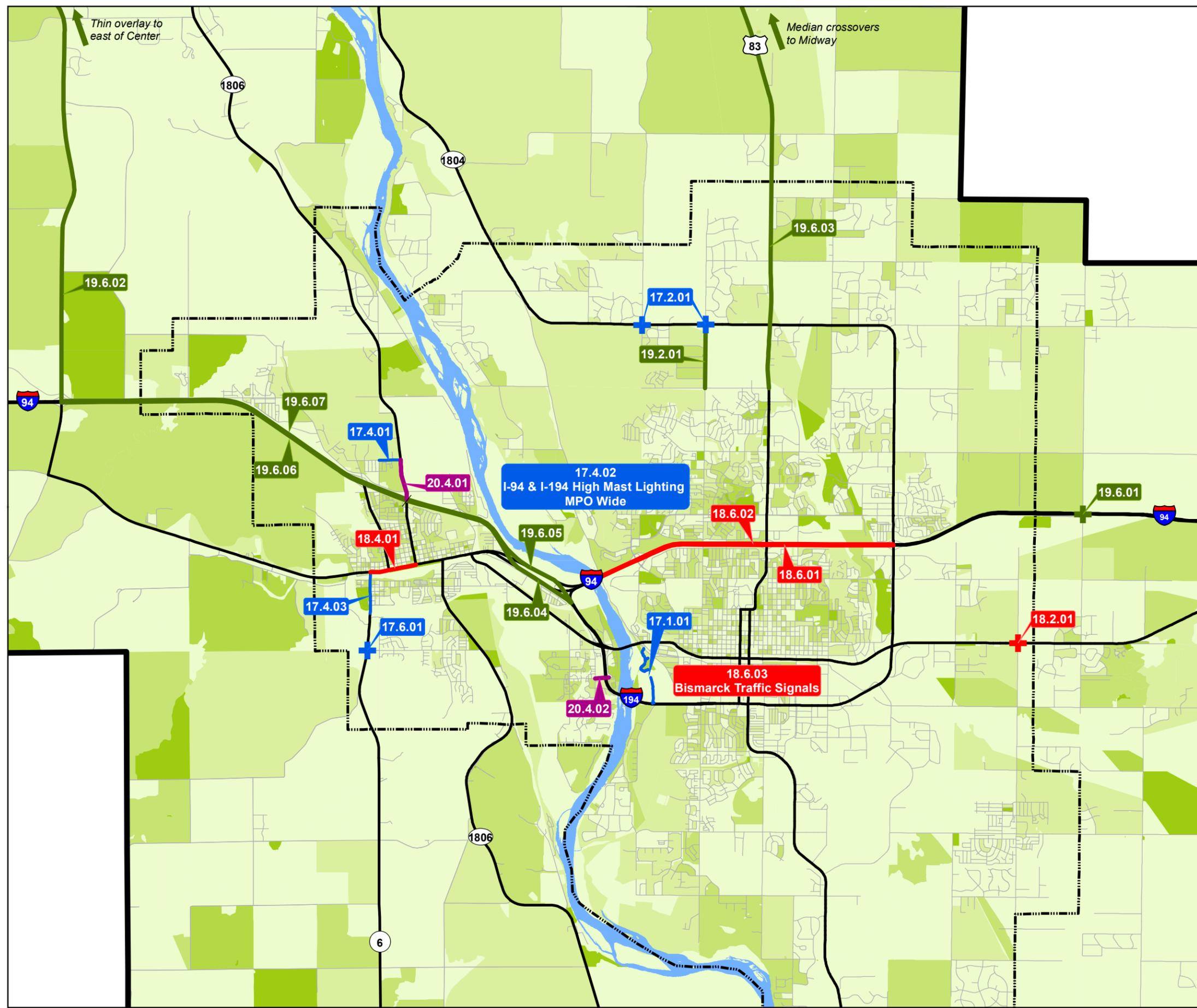
Percent "Elderly"

-  14% or Less
-  15% - 24%
-  25% - 49%
-  50 - 74%
-  75%-100%



Map created by W.R.H, June 2016. Based on data maintained by the Bismarck-Mandan MPO, the City of Bismarck, Morton County, and the US Census Bureau. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

*For purposes of this effort "Elderly" is considered 60 years of age or older. Data based on table P12 of the 2010 US Census Summary File 1.



2017-2020 Transportation Improvement Program

Population in Poverty

-  MPO Boundary
-  MPO Urbanized Boundary (2013)

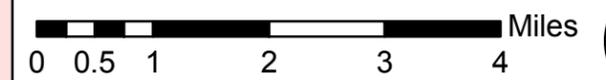
2017-2020 TIP Projects

-  2017
-  2018
-  2019
-  2020

Population in Poverty (Census Block Group)

-  0% - 4%
-  5% - 9%
-  10% - 14%
-  15% - 19%
-  20% - 24%
-  More than 25%

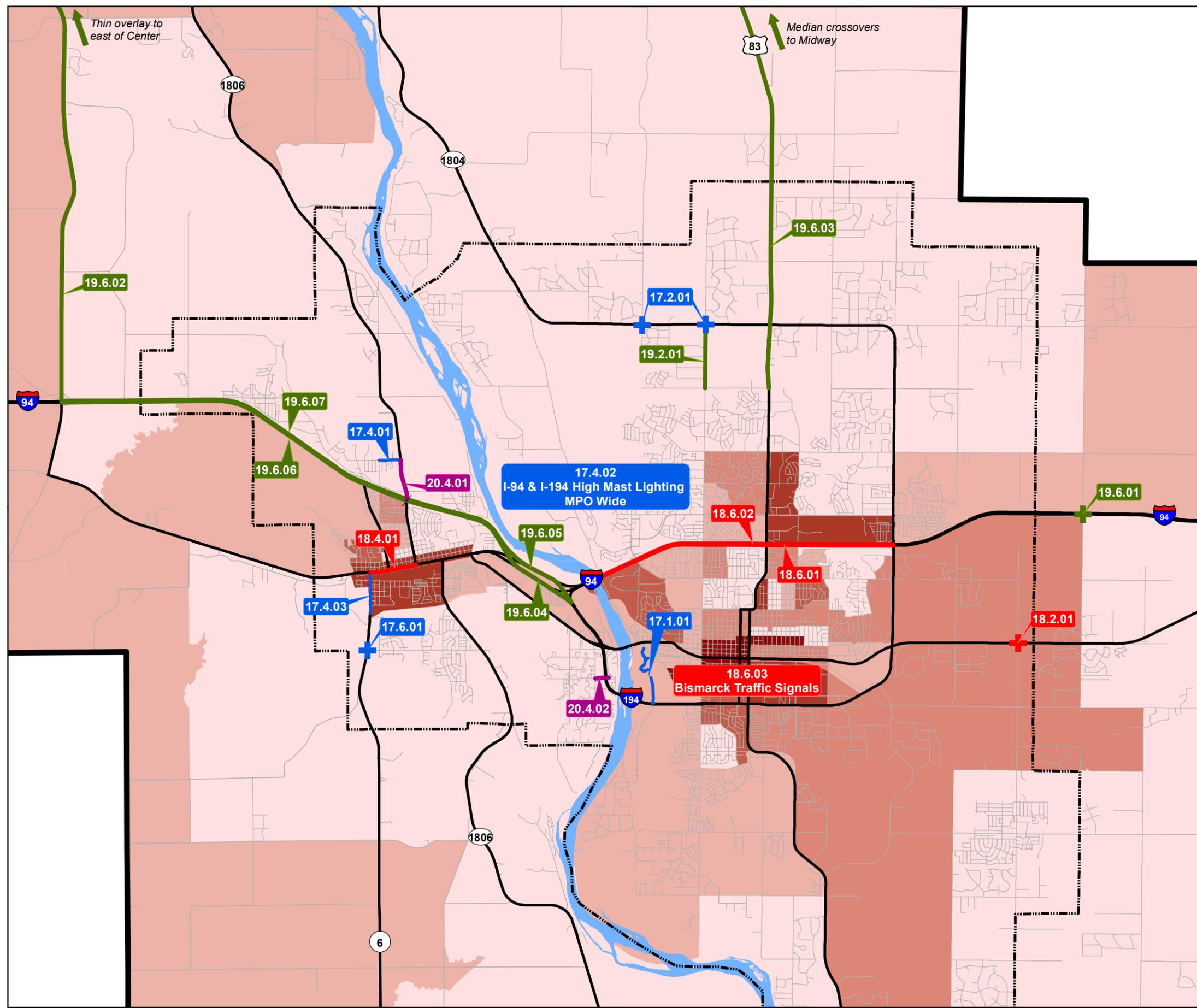
Based on US Census Bureau 2009-2013 American Community Survey Block Group Data Table B17017



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 WRH June 2016 based on data maintained by the City of Bismarck and Bismarck-Mandan MPO.

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2017-2020 Transportation Improvement Program

Ability to Speak English Less than "Very Well" in the Bismarck-Mandan MPO Area, 2010-2014 - German Spoken at Home*

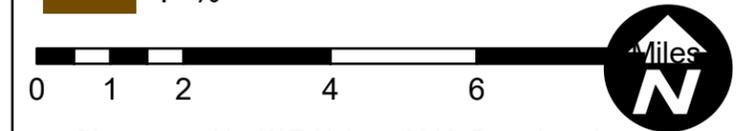
- MPO Boundary
- MPO Urbanized Boundary (2013)

2017-2020 TIP Projects

- 2017
- 2018
- 2019
- 2020

Percent German Spoken at Home (By Census Tract)

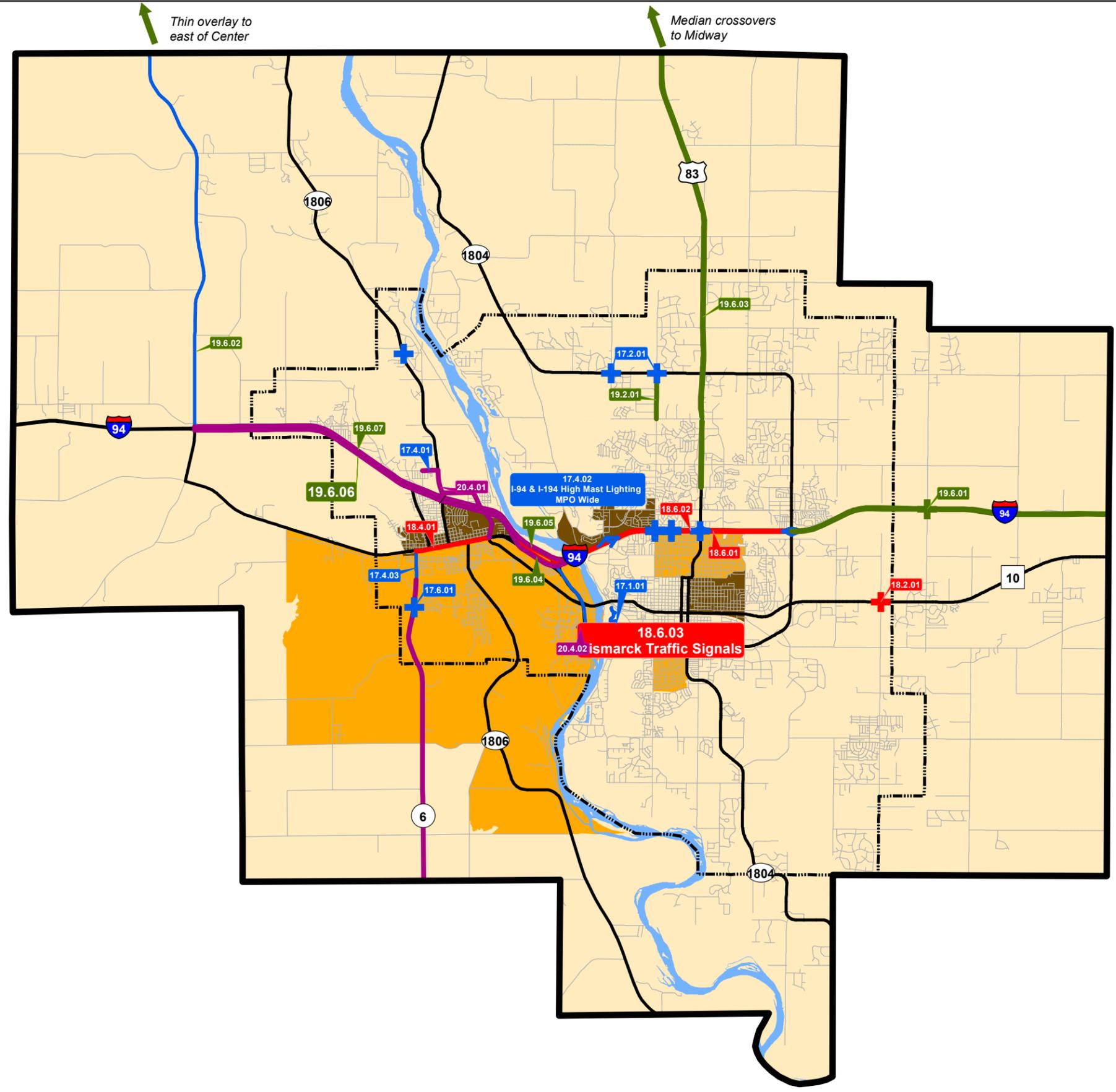
- 0% - .5%
- .5+% - 1%
- 1+%



Map created by W.R.H.June 2016. Based on data maintained by the Bismarck-Mandan MPO, the City of Bismarck, Morton County, and the US Census Bureau. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

*Defined by 2010-2014 US Census Bureau American Community Survey Table B16001

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2017-2020 Transportation Improvement Program

Ability to Speak English Less than "Very Well" in the Bismarck-Mandan MPO Area, 2011-2015 - All Other Languages Spoken at Home*

- MPO Boundary
- MPO Urbanized Boundary (2013)

2017-2020 TIP Projects

- 2017
- 2018
- 2019
- 2020

Percent Other Spoken at Home (By Census Tract)

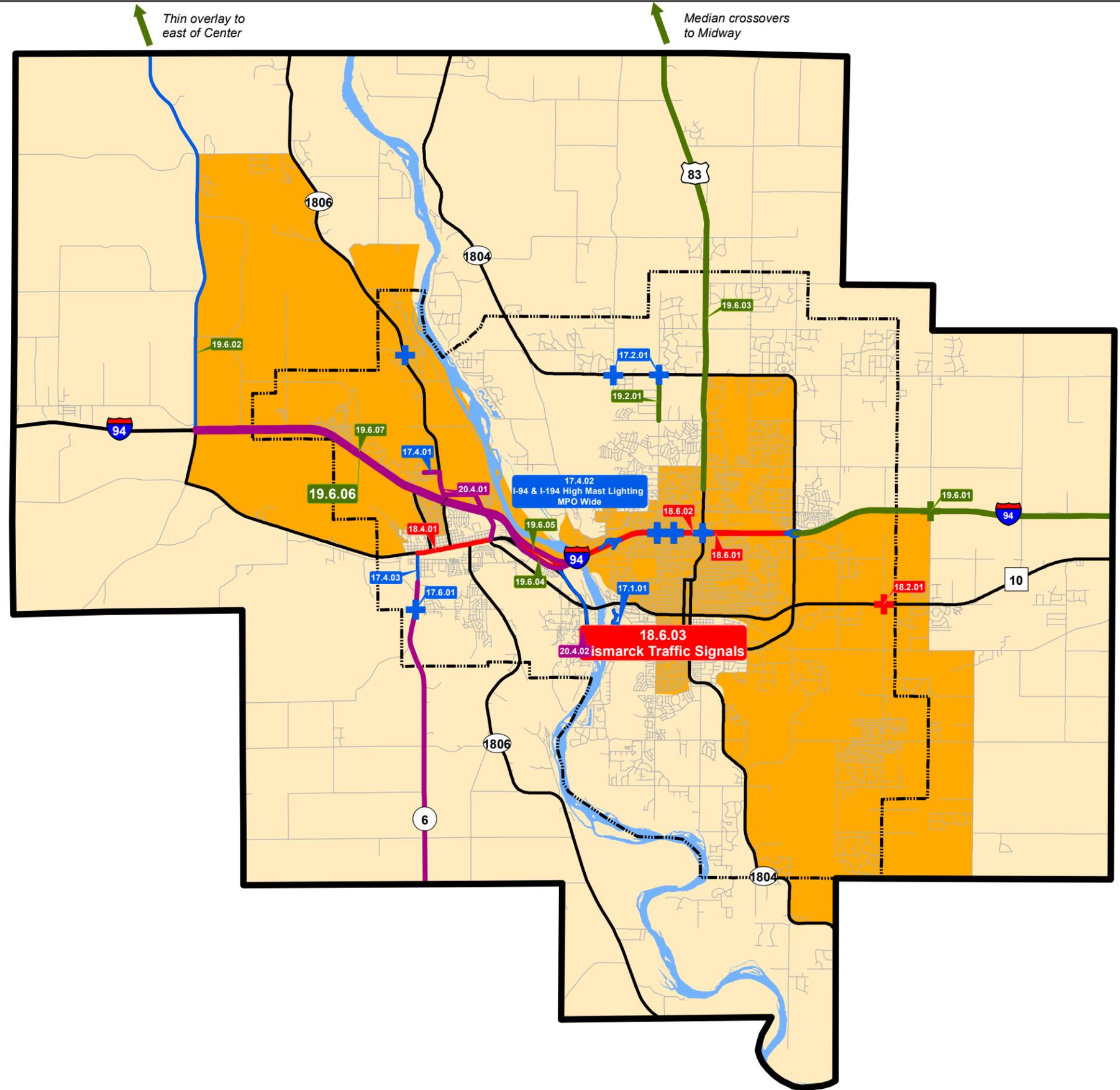
- 0% - .5%
- .5+% - 1%
- 1+%



Map created by J.R.K. June 2017. Based on data maintained by the Bismarck-Mandan MPO, the City of Bismarck, Morton County, and the US Census Bureau. This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.

*Defined by 2011-2015 US Census Bureau American Community Survey Table B16001

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Thin overlay to east of Center

Median crossovers to Midway

**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

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	
Type of Event: <input type="checkbox"/> Public Meeting/Public Hearing <input type="checkbox"/> Training <input type="checkbox"/> Other (specify) _____			
Date of Event	and/or	Date Needed	Location of Event

PART II: LIMITED ENGLISH PROFICIENCY (LEP)

Yes No Do you need language assistance for LEP?

Language Assistance

Oral Interpretation (specify language) _____

Written Translation (specify language) _____

Name of Documents _____

PART III: AMERICANS WITH DISABILITIES ACT (ADA)

Yes No Do you need an accommodation for a disability?

Types of Accommodation

Interpreter for deaf (specify ASL, tactile, etc.) _____

Assistive Listening device (specify) _____

Physical location accessible for persons with a physical mobility impairment.

Other (specify) _____

Nature of Disability (Medical documentation may be requested)

Physical Mobility Impairment (specify) _____

Speech Impairment (specify) _____

Visual impairment (specify) _____

Hearing Impairment (specify) _____

Other (specify) _____

Alternative Format (Indicate first, second, third choice if possible.)

<input type="checkbox"/> Braille	<input type="checkbox"/> Audio Recording -MP3	Date Needed
<input type="checkbox"/> Large Print (font point size) _____	<input type="checkbox"/> CD/Flash Drive _____	
<input type="checkbox"/> Other (specify) _____		

Name of Documents _____

For Office Use Only
 The accommodation request is:

Granted as requested Granted with change - see additional information Denied - see additional information

Instructions for Reasonable Request for Accommodations Form:

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

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

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

If you need assistance to complete the Request for Reasonable Accommodations form, please contact Robert McConnell, ADA Coordinator, Bismarck-Mandan MPO at 701-355-1330 or rmcconnell@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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Instructions for Title VI Complaint Process Form:

General

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

Part I

Complete all information in this section.

Part II

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

Part III

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

Part IV

State the minimum remedy acceptable for resolution of this complaint.

Part V

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



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]

Title VI of the Civil Rights Act of 1964 <input type="checkbox"/> Race <input type="checkbox"/> National Origin <input type="checkbox"/> Color		Other Nondiscrimination Statutes/Executive Orders <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]

Title VI of the Civil Rights Act of 1964 <input type="checkbox"/> Race <input type="checkbox"/> National Origin <input type="checkbox"/> Color		Other Nondiscrimination Statutes/Executive Orders <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.



IF YOU NEED AN INTERPRETER

Please **point to your language**, we will call an Interpreter.

Spanish — Español	Por favor, senale su idioma. Nosotros llamaremos a un interprete.
Amharic — አማርኛ	“እባክዎ ቋንቋዎን ጠቁመው ያሳዩ። አንድ አስተርጓሚ እንጠራልዎታልን።”
Arabic — العربية	رجاء، أشر إلى لغتك. سندعوا لك مترجما.
Bosnian — Bosanski	Molim vas pokazite na vas govomi jezik. Mi cemo pozvati prevodioca.
Burmese — မြန်မာစာ	ကျေးဇူးပြု၍ ခင်ဗျားရဲ့စကားကိုပြောပြပါ ခင်ဗျားကိုစကားပြန်ခေါ်ပေးမယ်။
Cambodian — ខ្មែរ	សូមចង្អុលទៅភាសារបស់អ្នក ។ យើងនឹងទូរស័ព្ទទៅអ្នកបកប្រែម្នាក់ ។
Cantonese — 廣東話	請指示您所講的語言。我們會找翻譯。
Creole — Creole	S'il vous plait, signale ki less ki language ou. Na va rele yon inteprete
Farsi — فارسی	لطفا به زبانی که حرف میزنید اشاره کنید. ما یک مترجم صدا مکسم
French — Français	S'il vous plait, montrez nous la langue que vous parlez. Nous vous appellerons un interprète.
Hindi — हिन्दी	कृपया अपनी भाषा की ओर इशारा कीजिये । हम एक अनुवादक को बुलायेंगे ।
Hmong — Hmoob	Thov taw rau koj yam lus. Peb mam li hu rau ib tus neeg pes lus.
Japanese — 日本語	あなたの国の言葉を指してください。通訳者におつなぎします。
Karen — ကညီကလုာ်	ဝံသးစူၤဒူးနဲာ်ဘၣ်နကတိၤကျိာ်တက့ၢ်,ပကကိးန့ၢ်နပုၤကတိၤကျိးထံတၢ်လီၤ
Korean — 한국어	당신의 모국어(母國語)를 가리켜 주십시오. 통역관(通譯官)을 연결시켜 드리겠습니다.
Lao — ລາວ	ກະລຸນາຊີ້ແຈງພາສາຂອງທ່ານ. ພວກເຮົາຈະໂທຫາລ່າມແປພາສາ.
Mandarin — 國語	請指示您所講的語言。我們會找翻譯。
Portuguese — Português	Por favor, aponte seu idioma. Nós chamaremos um intérprete.
Romanian — Română	Vă rugăm, indicați limba dumneavoastră. Vă vom chema un interpret.
Somali — Af-Soomaali	Fadlan noo tilmaan afkaaga. Waxaan kuugu yeeri turjubaan.
Russian — Русский	Пожалуйста, укажите на ваш язык и мы позовём вам переводчика.
Swahili — Kiswahili	Tafadhali onyesha lugha yako. Tutamuita mtafsiri.
Thai — ภาษาไทย	กรุณาเลือกภาษาที่คุณต้องการ เราจะติดต่อล่ามให้คุณ
Urdu — وِدرَا	رے گی سیرک نوف وک نام جرت کی ام. سیرک رامظا اک نابز ین پیا ین ابرم ھارب
Vietnamese — Tiếng Việt Nam	Xin hãy chỉ vào ngôn ngữ của quý vị. Chúng tôi sẽ gọi người thông ngôn.

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- | | |
|--|------------------------|
| <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՞սք նշո՞ւմ կատարե՞ք այս քանակուսու՞մ, եթե խոսո՞ւմ կա՞մ կարո՞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 căsuță 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

Auxiliary Aids and Services

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Available Sources

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

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

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

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

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

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

CTS LanguageLink

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

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

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

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

Contact: Richard Miller, CTS LanguageLink , WSCA Account Executive, 911 Main St, Suite 10, Vancouver, WA 98660; 1-800-208-2620; email: richard.miller@ctslanguagelink.com ; website: www.ctslanguagelink.com

Interagency Program for Assistive Technology (IPAT)

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

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

Contact: Judie Lee, Executive Director, Program Director, IPAT, 3240 15th St. South, Suite B, Fargo, ND 58104; (701) 365-4728; toll free 1-800-895-4728; email: jlee@ndipat.org website: www.ndipat.org

International Translation Services

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

Contact: Leonor Sillers via email: Leonor.Sillers@gmail.com no website

Metro Interpreter Resource Center (MIRC)

The Metro Interpreter Resource Center (MIRC) is located in and serves the Fargo area. They work with local city and county government. MIRC provides access to an Oral Interpreter List for an annual fee for nonprofits and for profit businesses.

Interpreter and translation service information including service area, hours of service, rates, etc., can be obtained by contacting MIRC.

Contact: Hatidza Asovic, Coordinator, MIRC, 3350 35th Ave SW, Fargo, ND 58104; (701) 241-8594; email: hasovic@cityoffargo.com website: www.rrrmirc.com

ND Association for the Blind (NDAB)

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

Contact: Mark Kueffler, President, NDAB, West Fargo, ND 58078; (701) 866-9908; website: www.ndab.org or Kathy Larson, Promoter Editor, klarson@dia.net 15225 59th St. NW, Williston, ND 58801-9560; (701) 875-4291.

North Dakota School for the Deaf

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

Contact: Communications Department, Lake Region State College, 1401 College Drive N, Devils Lake, ND 58301; (800) 877-2980; website: www.nd.gov/ndsd
Web link for Interpreters List: www.nd.gov/ndsd/outreach/doc/freelance-interpreters-2011.pdf

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

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

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

Relay North Dakota

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

Contact: Roxy Ennen, Relay ND Administrator, Telecommunications Analyst, ITD, 4201 Normandy Street, Bismarck, ND 58503; (701) 328-2300; email: rennen@nd.gov
Website: www.relaynorthdakota.com

INTERNET RESOURCES

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

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

United States Access Board, a Federal Agency Committed to Accessible Design, is an independent federal agency devoted to accessibility for people with disabilities. The Board is a leading source of information on accessible design.

Their website is located at www.access-board.gov

United State Census Bureau, at the Census Bureau Web Site provides on-line access to Data on Race and Hispanic Origin, Age, Employment, Income, Marital Status, Education, Genealogy, Businesses, Governments and more. It is located at www.census.gov Put your mouse on Data and select American Fact Finder where you can locate detailed data sets. There is a Help tab available on the Fact Finder ribbon.

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

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

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

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

Notice of Disclaimer

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

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

The use of any of this information for work which is under contract with the MPO does not relieve the user from any obligations assumed by the contract, or from complete and proper fulfillment of the terms of the contract, nor does it entitle the user to compensation for damages of loss which could be attributed to such use.

This information is subject to change by the MPO. Anyone relying on this information should satisfy himself/herself as to the most current version. The user agrees to accept all risks and consequences flowing from or related to the use, retention, distribution, alteration, or deletion of this information. The MPO will in no instance be liable for any loss of profit or other damage, including but not limited to special, incidental, consequential, or other damages, even if apprised of the likelihood of such damages.

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 as a means to quantitatively monitor the performance of our Title VI and nondiscrimination programs.

1. 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.)
2. Process the survey information within your agency.

NDDOT Survey Processing

Sub recipients may send the completed surveys to the Local Government Division, NDDOT, for processing, if you have 30 or more responses. The NDDOT will process the completed surveys. The results will be provided to you from the Local Government Division.

The Title VI Public Participation Survey has been set up by NDDOT for use with the ILINX Capture Program. The surveys are scanned documents that automatically sort and record data into a file. The data file has the capability to be sorted on identifying information to produce a variety of reports.

If you choose to have NDDOT process your surveys, please follow the procedures listed below.

1. ILINX Capture requires specific processing to ensure accurate and timely reports. Prior to printing the survey, specific fields must be completed. Use leading zeros.
 - **Event Date:** Enter the date the event is being held.
 - **City:** Enter the ND city number. See code list on NDDOT website at <http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>
 - **County:** Enter the ND county number. See code list on NDDOT website at <http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>
 - **Division/District Number:** Leave blank. For NDDOT use only.
 - **Project Control Number (PCN):** Enter number if applicable. If there are multiple PCN's, only enter the Parent PCN.
 - **Right of Way (ROW):** Select/shade the appropriate oval only if the survey is being completed for the specific activity selected.
 - **Consultant:** Enter the Consultant ID number. See the Pre-Qualified Consultant List on NDDOT website at <http://www.dot.nd.gov/business/consultants.htm> For Consultants not listed, leave blank.
 - **MPO:** For use by MPO's only. If you are an MPO, select/shade your MPO area.
 - **Sub recipient:** Select Yes.
2. Save the survey completed with identifying information to your files. Do not copy the surveys for use at public events. Copies will not scan by the ILINX Capture program.
 - a. Print as many original documents as you need for your event.

GOALS AND ACCOMPLISHMENTS

FY2014 Goals and Accomplishments

The North Dakota Department of Transportation conducted an audit of the Bismarck-Mandan Metropolitan Planning Organization's Title VI and Non Discrimination Program on June 26, 2014. The audit resulted in the following goals for 2014:

1. Update forms within the Title VI Plan
 - a. Revised the Title VI Policy Statement and Assurances document to reflect the new Policy Board Chairman as signatory
 - b. Included the ADA form for Request of Reasonable Accommodation
 - c. Added the Bismarck-Mandan MPO logo to all forms
2. Increase accessibility by the general public to the Title VI Plan and Policy Statement, LEP Plan, and Title VI Complaint and Procedures Forms
 - a. Printed versions of these documents have been placed in display racks positioned at both main entrances of the building in which the Bismarck-Mandan MPO is located.
 - b. These documents are now all accessible via Face Book.
3. Identify appointed positions within the Bismarck-Mandan MPO and indicate how they are filled
 - a. A new section of the Title VI plan, "Organization, Staffing, & Responsibilities" was created to identify the organization and staffing of the MPO, including positions on MPO committees (Technical Advisory Committee) and boards (Policy Board).
 - b. Responsibilities relative to Title VI and Non Discrimination Plan for each position are provided within the new section, "Organization, Staffing, & Responsibilities".
4. Identify an ADA Coordinator for Bismarck-Mandan MPO Title VI purposes
 - a. The Bismarck-Mandan MPO employs less than 50 employees, and is therefore not required to create and maintain an ADA Transition Plan. However, an ADA Coordinator has been identified for Bismarck-Mandan Title VI purposes. This information, including contact information for the ADA Coordinator and how to file a complaint, is provided in several areas:
 - i. Within the Title VI and Non Discrimination Plan document in the "Organization, Staffing, & Responsibilities" section
 - ii. On printed material posted at each of the two main entrances of the Bismarck-Mandan MPO worksite
 - iii. On the MPO webpage
 - iv. On Face Book
5. Provide a minimum of one hour of training annually related to Title VI to all MPO staff

GOALS AND ACCOMPLISHMENTS

FY2015 Goals and Accomplishments

The Bismarck-Mandan MPO conducted a self-audit of its Title VI and Non Discrimination Program on March 30, 2015. The self-audit resulted in the following goals for 2015:

1. Update Title VI Plan
 - a. All references to “handicap” or “handicapped” were changed to “disability” or “disabled”, respectively.
 - b. Updated Employee / Member information table
 - c. Updated forms
 - i. Title VI Complaint Form and Instructions
 - ii. ADA Request for Reasonable Accommodations Form and Instructions
 - d. Updated Title VI Assurances and related appendices
 - e. Updated the Limited English Proficiency Plan
 - f. Updated Auxiliary Aids and Services portion, and added a disclaimer
2. Develop an ADA Program Access Plan as part of the Title VI document
 - a. The title of the document was changed to reflect the inclusion of ADA requirements
 - b. New language was added throughout the Title VI Plan to reflect ADA requirements.
 - c. A new appendix was added to the Assurances. Appendix E provides the nondiscrimination statutes and authorities relevant to Title VI
 - d. Forms were updated
 - i. Title VI/**ADA** Complaint Form and Instructions
 - ii. Request for Reasonable Accommodations Form and Instructions
3. Seek ways to diversify employment recruitment efforts relative to attracting female or minority applicants - ongoing
 - a. City of Bismarck Human Relations Committee
 - b. City of Bismarck Human Resources Department
4. Provide a minimum of one hour of training annually related to Title VI to all MPO staff
 - a. Staff viewed the video “Breaking Down the Language Barrier” and participated in review of identification of LEP individuals and use of the “I Speak” language lists and utilizing the telephonic interpretation service.

GOALS AND ACCOMPLISHMENTS

FY2016 Goals and Accomplishments

The Bismarck-Mandan MPO conducted a self-audit of its Title VI and Non Discrimination/ADA Program Access Plan on March 30, 2016. The self-audit resulted in the following goals for 2016:

1. Update Title VI Plan
 - a. All references to “Title VI and Non-Discrimination Plan” were changed to “Title VI and Nondiscrimination/ADA Program”
 - b. Updated the Policy Statement to include language to appropriately address ADA requirements
 - c. Updated Organization, Staffing & Responsibilities Section
 - i. Employee / Member information table
 - ii. MPO Executive Director – reference to MPO Bylaws
 1. New revision date of Bylaws
 2. Article IV, 4.c changed to Article IV, 6.c
 3. Executive Director position assigned to the Principal Transportation Planner of the MPO
 - iii. Office Assistant changed to Transportation Specialist
 - iv. Updated Section F, Technical Advisory Board and Section G, Policy Board, to reflect Bylaws revision date and change in Article and Section reference
 - v. Updated the Complaint Procedure
 1. Added an introduction
 2. Revised all language to include ADA references
 3. Deleted Sections
 - a. Scope of Title VI Complaints
 - b. Formal Title VI Complaint Procedure
 4. Added Sections
 - a. Agencies Authorized to Receive Complaints
 - b. Persons Eligible to File
 - c. Filing a Complaint
 - d. Timeframes for Filing a Complaint
 - e. Complainant Represented by Attorney
 - f. Complaints Received by BMMPO
 - d. Updated maps to include overlay of TIP (Transportation Improvement Program) projects on each
 - e. Updated forms
 - i. Title VI Complaint Form and Instructions
 - ii. ADA Request for Reasonable Accommodations Form and Instructions
2. Seek ways to diversify employment recruitment efforts relative to attracting female or minority applicants - ongoing
 - a. City of Bismarck Human Relations Committee
 - b. City of Bismarck Human Resources Department
3. Provide a minimum of one hour of training annually related to Title VI to all MPO staff
 - a. Staff viewed the training video on ADA and Section 504 titled “Introduction-General Overview-General Requirements” and participated in the self-test for each section of the video

GOALS AND ACCOMPLISHMENTS

FY2017 Goals and Accomplishments

The Bismarck-Mandan MPO completed a self-audit of its Title VI and Non Discrimination/ADA Program Access Plan on March 31, 2017. The self-audit resulted in the following goals for 2017:

1. Update Title VI Plan
 - a. Updated Organization, Staffing & Responsibilities Table
 - b. Updated LEP Plan
 - i. Update Meaningful Access: Four-Factor Analysis
 1. Methodology Change
 - a. no longer using the entire MSA as obtained from the US Census Bureau American Community Survey as the MSA now includes data for Burleigh, Morton, Oliver and Sioux counties combined
 - b. Using data for the cities of Bismarck, Lincoln, and Mandan which comprise the Urbanized Area of the MPO
 2. Language Other Than English statistical data
 3. Language Spoken at Home table
 - c. Updated language maps to reflect new data from the American Community Survey 2011-2015
 - i. German Spoken at Home map
 - ii. All Other Languages Spoken at Home map
2. Provide a minimum of one hour of training annually related to Title VI to all MPO staff
 - a. Staff viewed the training video on ADA and Section 504 titled "Program Accessibility" and participated in the self-test sections after reviewing the previously-viewed sections "Introduction-General Overview-General Requirements (originally presented 3/29/2016).
3. Seek ways to diversify employment recruitment efforts relative to attracting female or minority applicants - ongoing
 - a. City of Bismarck Human Relations Committee
 - b. City of Bismarck Human Resources Department
4. Expand outreach efforts to ensure minority, women, elderly, disabled, low income, and LEP populations are provided equal opportunity to participate in MPO programs and activities
 - a. Local Social Service agencies
 - b. Minority publications

GOALS AND ACCOMPLISHMENTS

FY2018 Goals and Accomplishments

The Bismarck-Mandan MPO completed a self- audit of its Title VI and Non Discrimination/ADA Program Access Plan on March 28, 2018. The self-audit resulted in the following goals for 2018:

1. Update Title VI Plan, External Complaints
 - a. Complainant Consent/Release Form
 - b. Notice About Investigatory Uses of Personal Information

2. Provide a minimum of one hour of training annually related to Title VI to all MPO staff
 - a. Staff participated in a training session and exercise in discrimination, viewing a training video titled “Blue Eyes, Brown Eyes” (3/28/18)

3. Seek ways to diversify employment recruitment efforts relative to attracting female or minority applicants - ongoing
 - a. City of Bismarck Human Relations Committee
 - b. City of Bismarck Human Resources Department

4. Expand outreach efforts to ensure minority, women, elderly, disabled, low income, and LEP populations are provided equal opportunity to participate in MPO programs and activities - ongoing
 - a. Local Social Service agencies
 - b. Minority publications
 - c. Increased public outreach efforts to engage citizens less likely to attend public meetings
 - i. Community sponsored events
 - ii. Citizen forums
 - iii. Focus groups
 - iv. Surveys
 1. Online
 2. Direct Mail
 3. Public Events