

## The 573rd Policy Board Meeting Fargo-Moorhead Metropolitan Council of Governments

THURSDAY, January 16, 2020 – 4:00 p.m.  
Metro COG Conference Room  
One 2<sup>nd</sup> Street North, Suite 232  
Fargo, North Dakota

### OVERALL AGENDA

1. Call to Order and Introductions
  - a. Introductions Information Item
  - b. Approve Order and Contents of the Overall Agenda Action Item
  - c. Election of new Policy Board Chair and Vice Chair Action Item
  - d. Approve Minutes of the December 19, 2019 Board Meeting Action Item
  - e. Approve January 2019 Bills Action Item
2. Consent Agenda Action Item
  - a. December 2019 Month End Report
  - b. 2019 Q4 and End of Year Report
3. Regular Agenda
  - a. Public Comment Opportunity Public Input
  - b. Urban Roads Program Solicitation Action Item
  - c. Urban Grant Program Solicitation Action Item
  - d. Limited English Proficiency Plan Action Item
  - e. 2020 Title VI Plan Update Action Item
  - f. TAPRide Update Information Item
  - g. Appreciation for Chair Jenny Mongeau Information Item
4. Additional Business Information Item
5. Adjourn

REMINDER: The next Metro COG Policy Board Meeting will be held Thursday, February 20, 2019 at 4:00 p.m. in the Metro COG Conference Room.

Red Action Items require roll call votes.

Full Agenda packets can be found on the Metro COG Web Site at <http://www.fmmetrocog.org>

NOTE: Given the participation of Fargo City Commissioners at Policy Board meetings, such meetings may constitute open public meetings of the City of Fargo.

Metro COG is committed to ensuring all individuals, regardless of race, color, sex, age, national origin, disability/handicap, sexual orientation, and/or income status have access to Metro COG's programs and services. Meeting facilities will be accessible to mobility impaired individuals. Metro COG will make a good faith effort to accommodate requests for translation services for meeting proceedings and related materials. Please contact Savanna Leach, Metro COG Executive Assistant, at 701-532-5100 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in the meeting.

## Agenda Item 1d, Attachment 1

### 572<sup>nd</sup> Policy Board Meeting Fargo-Moorhead Metropolitan Council of Governments

Thursday, December 19, 2019 – 4:30 pm  
Metro COG Conference Room

#### Members Present:

Duane	Breitling	Cass County Commission
David	Fenelon	Horace City Council
Eric	Gjerdevig	West Fargo City Commission
John	Gunkelman	Fargo Planning Commission
Steve	Jesme	Dilworth City Council
Nicole	Mattson	Moorhead Planning Commission (alt for Mayor Judd)
Jenny	Mongeau	Clay County Commission
Brad	Olson	West Fargo City Commission
Scott	Stofferahn	Fargo Planning Commission (alt for Miranda Tasa)
Sara	Watson Curry	Moorhead City Council

#### Members Absent:

Tony	Gehrig	Fargo City Commission
Tony	Grindberg	Fargo City Commission
Chuck	Hendrickson	Moorhead City Council
Johnathan	Judd	Moorhead City Council
Dave	Piepkorn	Fargo City Commission
Rocky	Schneider	Fargo Planning Commission
John	Strand	Fargo City Commission
Maranda	Tasa	Fargo Planning Commission

#### Others Present:

Adam	Altenburg	Metro COG
Luke	Champa	Metro COG
Dan	Farnsworth	Metro COG
Cindy	Gray	Metro COG
Savanna	Leach	Metro COG
Michael	Maddox	Metro COG
Anna	Pierce	Metro COG

- 1a. MEETING CALLED TO ORDER, WELCOME, AND INTRODUCTIONS, convened  
The meeting was called to order at 4:30 pm, on December 19, by Chair Mongeau, noting a quorum was present. Introductions were made.

- 1b. Approve Order and Contents of Overall Agenda, approved  
Chair Mongeau asked for approval for the overall agenda.

Chair Mongeau asked that item 2f be pulled into the Regular Agenda.

*MOTION:* Approve the contents of the Overall Agenda of the 572 Policy Board Meeting.

Mr. Olson moved, seconded by Mr. Gunkelman.

*MOTION*, passed

Motion carried unanimously.

- 1c. Past Meeting Minutes, approved  
Chair Mongeau asked for approval of the Minutes of the November 21, 2019 Meeting.

Chair Mongeau noted that the November minutes lists Mr. Olson as both present and absent. Mr. Olson was present at the meeting via phone.

*MOTION:* Approve the November 21, 2019 Policy Board Meeting Minutes, contingent upon the correction discussed.

Mr. Gunkelman moved, seconded by Ms. Watson Curry.

*MOTION*, passed

Motion carried unanimously.

- 1d. Monthly Bills, approved  
Chair Mongeau asked for approval of the December 2019 Bills as listed on Attachment 1d.

*MOTION:* Approve the December 2019 Bills List.

Mr. Gjerdevig moved, seconded by Mr. Breitling.

*MOTION*, passed.

Motion carried unanimously.

2. CONSENT AGENDA  
Chair Mongeau asked for approval of Items a-g on the Consent Agenda.

- a. November Month End Report
- b. Fargo Safe Routes to School Plan Contract Extension
- c. US 10/75 Contract Extension
- d. 2020 TTC/Policy Board Meeting Schedule
- e. Bicycle & Pedestrian Committee Citizen Representative
- f. ~~Agreement for Services for Food Systems Program~~
- g. 2020-2023 TIP Amendment #2
- h. Urban Rail/Highway Crossing Safety Project Funds

Mr. Breitling noted that in attachment a, there is a payroll tax expense that is not included in the budget. There was a discussion on whether or not it is included in

the budgeted loaded wage. Chair Mongeau asked Ms. Gray to follow-up on this item.

Ms. Watson Curry asked about item e, how the citizen representative is chosen. Mr. Farnsworth said there is an application process, and a selection committee.

*MOTION:* Approve Items a-g on the Consent Agenda.

Mr. Olson moved, seconded by Mr. Breitling.

*MOTION*, passed.

Motion carried unanimously.

3. REGULAR AGENDA

3a. Public Comment Opportunity

No public comments were made or received.

*No MOTION*

3b. 2019-2020 UPWP Amendment #5

Ms. Gray presented Amendment #5 to the 2019-2020 UPWP. She explained that there is usually an adjustment at the end of the year to reconcile any staff hour category budgets that may have gone over. Due to the large number of consultant-led projects, the 200 category of the UPWP needs to be adjusted upward. Other categories had minor adjustments as well.

Ms. Gray also identified the carryover projects that need to be extended into 2020 for completion.

Amendment #5 includes the modification of those staff hours, project budgets and additions, and 2019 projects that will need to carry over into 2020.

*MOTION:* Approve 2019-2020 UPWP Amendment #5

Mr. Stofferahn moved, seconded by Mr. Fenelon.

*MOTION*, passed.

Motion carried unanimously.

3c. New Transportation Alternatives Scoring Criteria / Transportation Alternatives Application Prioritization

Mr. Farnsworth presented the Transportation Alternatives (TA) prioritization of applications received. The Bicycle & Pedestrian Committee and the TTC both recommend the West Fargo Drain 45 Multi-use path be top priority, with City of Fargo Deer Creek, City of Horace CR17 projects in North Dakota, and City of Moorhead CR12/60 for Minnesota.

Mr. Farnsworth also noted that the committee updated the TA Scoring criteria. The recommended motion includes both the prioritizations and the updated scoring criteria.

*MOTION:* Approve the new TA scoring criteria, and approve the TA application prioritization as vetted by the Bicycle & Pedestrian Committee and as recommended by the TTC.



Mr. Stofferahn moved, seconded by Ms. Watson Curry.  
*MOTION*, passed.  
Motion carried unanimously.

\*Mr. Gjerdevig left the meeting at 5:04 p.m.

- 3d. 17<sup>th</sup> Avenue South Corridor Study Final Report  
Mr. Farnsworth presented the final report for the 17<sup>th</sup> Avenue South (Fargo) Corridor Study.

Ms. Mattson asked what the next steps are, once this project is approved by the Policy Board. Ms. Gray answered that the decision is ultimately up to the City of Fargo Commission, on whether or not to follow the recommendations found in the study.

*MOTION*: Approve the 17<sup>th</sup> Avenue South Corridor Study.  
Mr. Stofferahn moved, seconded by Mr. Gunkelman.  
*MOTION*, passed  
Motion carried unanimously.

- 3e. FM Diversion Recreation Plan Update  
Ms. Gray updated the Policy Board on a discussion that has been taking place relative to the FM Diversion Recreation Plan, regarding the future lead governing entity for recreational component recreation facilities and programs on land adjacent to the FM Diversion. There has been discussion in regards to which entity will take leadership of the facilities and programs, once completed. The Diversion Authority, P3 entity, and Metro COG have all been mentioned as potential leads. With that discussion comes a large financial component that needs to be considered. Chair Mongeau said that the North Dakota Parks and Recreation Board has also been mentioned. All of these scenarios are conceptual at this point, and more information is needed but the discussion needs to be started.

Ms. Gray stated that she is neither promoting nor against the idea of Metro COG having a governance, oversight and staffing role for the project. She pointed out that Metro COG was originally formed as a Council of Governments (COG) before MPOs were mandated by the Federal government. As a COG, the role of the agency was to take on a variety of multi-jurisdictional matters. The decision on governance of the FM Diversion Recreational facilities and programs isn't up to her or the agency – it's a decision that will need to be made by local government entities, and funding will need to be a component of that decision, because funds that Metro COG administers as an MPO could not be used to carry out these responsibilities.

Discussion of the Policy Board took place. Members indicated that they feel more information about how Met Council, Portland COG and others handle the oversight of park and recreation properties. Concern was expressed that the

facilities will, for the most part, be located in ND, whereas Metro COG and its boards and committees serve the entire bi-state metro area.

3f. Annual Employee Benefits Information

Ms. Gray presented the annual employee benefits information, as specified in the Personnel Policies.

3g. Agreement for Services for Food Systems Program (2f)

Chair Mongeau pulled this agenda item from the consent agenda to discuss the role that Metro COG plays with the Metropolitan Food Systems Commission. Chair Mongeau said that the mission of the commission has swayed, and Metro COG she is concerned that staff has been going above and beyond the scope of work and hours allotted for time. Chair Mongeau will be chairing the committee in 2020 and will ask for updates on what Metro COG is being asked to do.

Ms. Grays stated that the contract with the City of Fargo provides \$6,000. She added that as a COG, the agency has carried out many multi-jurisdictional roles **that aren't related to transportation, so the precedent is there for the agency to stay involved, as long as the requested work is in line with the funds in the contract.**

4. Additional Business

Mr. Olson said that the polycom phone in the conference room is not very good for anyone participating on the phone.

5. Adjourn

The 572nd Meeting of the FM Metro COG Policy Board held Thursday, December 19, 2019 was adjourned at 5:53 p.m.

THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD January 16, 2020, 4:00 P.M. AT THE FM METRO COG CONFERENCE ROOM, ONE NORTH 2ND STREET, CASE PLAZA SUITE 232, FARGO, ND.

Respectfully Submitted,

Savanna Leach  
Executive Assistant

To: Policy Board  
From: Luke Champa, Assistant Planner  
Date: January 10, 2020  
Re: NDDOT Urban Roads Program Solicitation of Projects

The North Dakota Department of Transportation (NDDOT) is soliciting projects to be funded through the Urban Roads Program and Urban Regional Highway Systems Program for fiscal year (FY) 2024, in the development of the 2021-2024 State Transportation Improvement Program (STIP). All submittal packages have been prioritized by Metro COG's **Transportation Technical Committee (TTC)** on January 9, 2020 and will be sent to NDDOT for their project selection process by the January 31, 2020 deadline.

Urban Regional Highway Systems – Metro COG received one (1) project for FY 2024 solicitation.

- 19<sup>th</sup> Avenue N. reconstruction (Fargo) – replacement of the existing concrete four-lane roadway from I-29 east ramp to 18<sup>th</sup> Street N., the addition of turn lanes and a shared use path on the south side including an underpass at the BNSF Prosper Subdivision. The estimated total project cost is \$13,800,000, of which \$11,040,000 is requested through federal funds, and \$2,760,000 through local matching funds.

With only one (1) project submitted for the Urban Regional Highway Systems Program, the TTC recommends the project be submitted to NDDOT as the top priority.

Urban Roads Program – Metro COG received four (4) projects for FY 2024 solicitation. The Urban Roads Program was prioritized by TTC based upon the recently approved Metropolitan Transportation Plan (MTP), *Metro Grow: 2045 Fargo-Moorhead Transportation Plan*, as listed in order of recommended priority below:

1. Capital Bus Purchase (Fargo Transit) – replacement of two (2) 35-foot fixed route transit buses. The estimated total project cost is \$1,250,000, of which \$1,000,000 is requested through federal funds, and \$250,000 through local matching funds.
2. 32<sup>nd</sup> Avenue S. rehabilitation (Fargo) – replacement of the existing concrete roadway, shared use path and sidewalk replacement as needed, and replacement of miscellaneous underground city-owned utilities from 25<sup>th</sup> Street S. to University Drive. The estimated total project cost is \$9,600,000, of which \$7,680,000 is requested through federal funds, and \$1,920,000 through local matching funds.
3. 64<sup>th</sup> Avenue S. Interchange (Fargo) – new traditional diamond interchange with shared use path on the north side and sidewalk on the south side of the roadway at 64<sup>th</sup> Ave S. and I-29. The estimated total project cost is \$18,250,000, of which \$14,600,000 is requested through federal funds, and \$3,650,000 through local matching funds.
4. Sheyenne Street reconstruction (West Fargo) – expansion of Sheyenne Street from 40<sup>th</sup> Avenue S. to 52<sup>nd</sup> Avenue S. from a rural to urban cross-section and the addition of two (2) travel lanes (four-lane cross-section) **and new ten foot (10') shared use paths** on each side. The estimated total project cost is \$12,000,000, of which \$9,600,000 is requested through federal funds, and \$2,400,000 through local matching funds. (NOTE: TTC discussion indicated this project application will be changed to a 3-lane section consistent with the need identified in the MTP)

The TTC considered that the current solicitation and prioritization process, which Metro COG goes through, is that of a traditional Metropolitan Planning Organization (MPO). However, as **Metro COG's Urbanized Area (UZA) is designated** a Transportation Management Area (TMA), the solicitation and prioritization process will change. Metro COG is slated to have TMA designation in 2023, and the projects that are being prioritized and selected, and determination of their associated funding, are utilizing the traditional process through NDDOT. It is important to note however, that the process may change between now and the **project's** programmed year.

It is estimated that Metro COG will receive a direct allocation of \$12,500,000 consisting of funds from NDDOT programs utilizing federal funds, namely the Urban Regional Highway Systems and the Urban Roads Program (North Dakota). The projects being submitted this year to the NDDOT for FY 2024, add up to much more than the \$12,500,000 direct allocation that Metro COG would receive for the listed projects, which raises a question about soliciting for projects totaling greater than what the TMA will have. At the TTC meeting, NDDOT explained that Metro COG may be awarded more federal funding than the amount our MPO would receive through directly allocated funds within a TMA for 2024, and when TMA designation occurs, the federal funding would decrease to the \$12,500,000, regardless of what may have been programmed prior to TMA designation. Metro COG will continue to research how to best transition to the TMA solicitation and prioritization process by working closely with the NDDOT and getting feedback from other MPOs within 'new' TMAs which have recently gone through the transition. NDDOT has asked that the agency proceed normally with solicitation and prioritization.

Staff asked the TTC to prioritize the above projects for submittal to the NDDOT for consideration based upon normal procedures. Further discussions are planned to take place on how to move forward with the transition to TMA designation and to prepare for a reevaluation on how the federal funding should be prioritized and allocated by Metro COG moving forward.

Please be aware that for projects to be considered by NDDOT, they must be consistent with the Metropolitan Transportation Plan (MTP) and the proper paperwork shall also be submitted with the request. As of the writing of this memo, several applications are lacking sufficient detail to be considered a complete package that would be acceptable to NDDOT.

Upon action by the Policy Board, staff will submit the prioritized list and sufficient project materials to NDDOT prior to the January 31, 2020 deadline.

#### Attachments

1. Table 12.3: Short Term (2023-2025) Roadway Projects By Jurisdiction
2. List of programmed and proposed Urban Regional Highway Systems Program projects
3. 19<sup>th</sup> Avenue N reconstruction Urban Regional Highway Systems Program application
4. List of programmed and proposed Urban Roads Program projects
5. 64<sup>th</sup> Avenue S interchange Urban Roads Program application
6. Capital bus purchase Urban Roads Program application
7. 32<sup>nd</sup> Avenue S reconstruction Urban Roads Program application
8. Sheyenne Street reconstruction Urban Roads Program application

Requested Action: Approve the prioritized list of projects, as prioritized by the TTC, for the NDDOT Urban Roads and Urban Regional Highway Systems Program solicitations and subsequent submittal of proper project application materials to the NDDOT by the January 31, 2020 deadline.

Agenda Item 3b, Attachment 1

Lead Agency	Metro COG ID State Number	Project Year	Project Location	Length	Project Limits		Project Description	Improvement Type	Total Project Cost	Federal Revenue Source	Other Revenue Source	Revenue
					From	To						
Regional Highway Systems												
NDDOT	917020b 21170 8032	2020	Main Ave	0.5	Broadway	University Drive	Reconstruct Main Ave, replacement of underground utilities *Utility replacement included in cost	Reconstruction	\$ 15,780,000	STBGP-R		
											State	\$ 1,202,000
											Local	\$ 3,855,000
City of Fargo	PROPOSED	2024	19th Ave N		I-29 East Ramp	18th St N	Reconstruction of 19th Avenue N	Reconstruction	\$ 13,800,000	STBGP-R		
											Local	\$ 2,760,000



# PROJECT SCOPING WORKSHEET

DATE: 12/17/2019

PRIORITY# 1

City: Fargo

Street: 19<sup>th</sup> Avenue N – I-29 East Ramp to 18<sup>th</sup> Street

County: Cass

Length: 5770' (excludes area under RR bridge)

Proposed Improvement: Street reconstruction between I-29 East Ramp to 18<sup>th</sup> Street, with a new shared use path on the south side which includes an underpass at the BNSF Prosper Sub.

Cost Estimates Breakdown (in \$1,000)							
Alternate	PE	R/W	Utility	Constr.	Bridges	Misc.	Total
	800k			13M			13.8M

Present Road: Surface Width? 70'-Dakota Dr to I-29 East Ramp

Surface Type? Concrete

On Street Parking Allowed? No

Present: (No) One Side Both Sides Angle Parallel  
Proposed: (No) One Side Angle Parallel

Proposed Improvements			
ADT Present: <u>20,460</u>	Yr: <u>2015</u>	Travel Way Width: <u>12' lanes</u>	
ADT Design: <u>25,400</u>	Design Year <u>2040</u>	No. of Lanes: <u>5</u>	
Design Speed: <u>50 mph – Dakota Drive to I-29 East Ramp</u>		Roadway Width: <u>60'-72'</u>	
Maximum Curve: <u>NA</u>		Min. R/W Width: <u>200'</u>	
Maximum Grade: <u>NA</u>			

Right of Way	
Will Additional ROW or easement be acquired? <u>No</u>	ROW acquisition by: City (DOT)
Has any ROW easements been acquired since 7-1-72: <u>Yes</u>	ROW condemnation by: City (DOT)
Est. No. of occupied family dwelling to be displaced? <u>0</u>	
Est. No. business to be displaced? <u>None</u>	

### Impacts

Will there be any additional Impacts (Cultural and Environmental Resources): To be determined-None anticipated

Will there be any taking of any right-of-way from any public parkland (4F) or schools (6F): No

Airports: No Public Hearings: None anticipated

Environmental Classification (Cat-Ex, EA, EIS): Documented Cat-Ex

Transportation Enhancements: Shared use path to connect I-29 east ramp to existing path at Dakota Drive

Intermodal: This is a heavily used route to get to the Fargo International Airport

Pedestrian Needs: A new 10' shared use path will be installed with project on south side from the I-29 east ramp intersection to Dakota Drive.

### Railroads Crossings

RR Name	No. Xings	No. Tracks and Type of Crossing	Daily Train Movements	Train Speed	Present Protection	Proposed Protection

### Purpose and Need Statement for Regional Projects

Please refer to the attached 19<sup>th</sup> Avenue N Corridor Study that was adopted in 2012.



Remarks

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City Engineer: B. E. D.

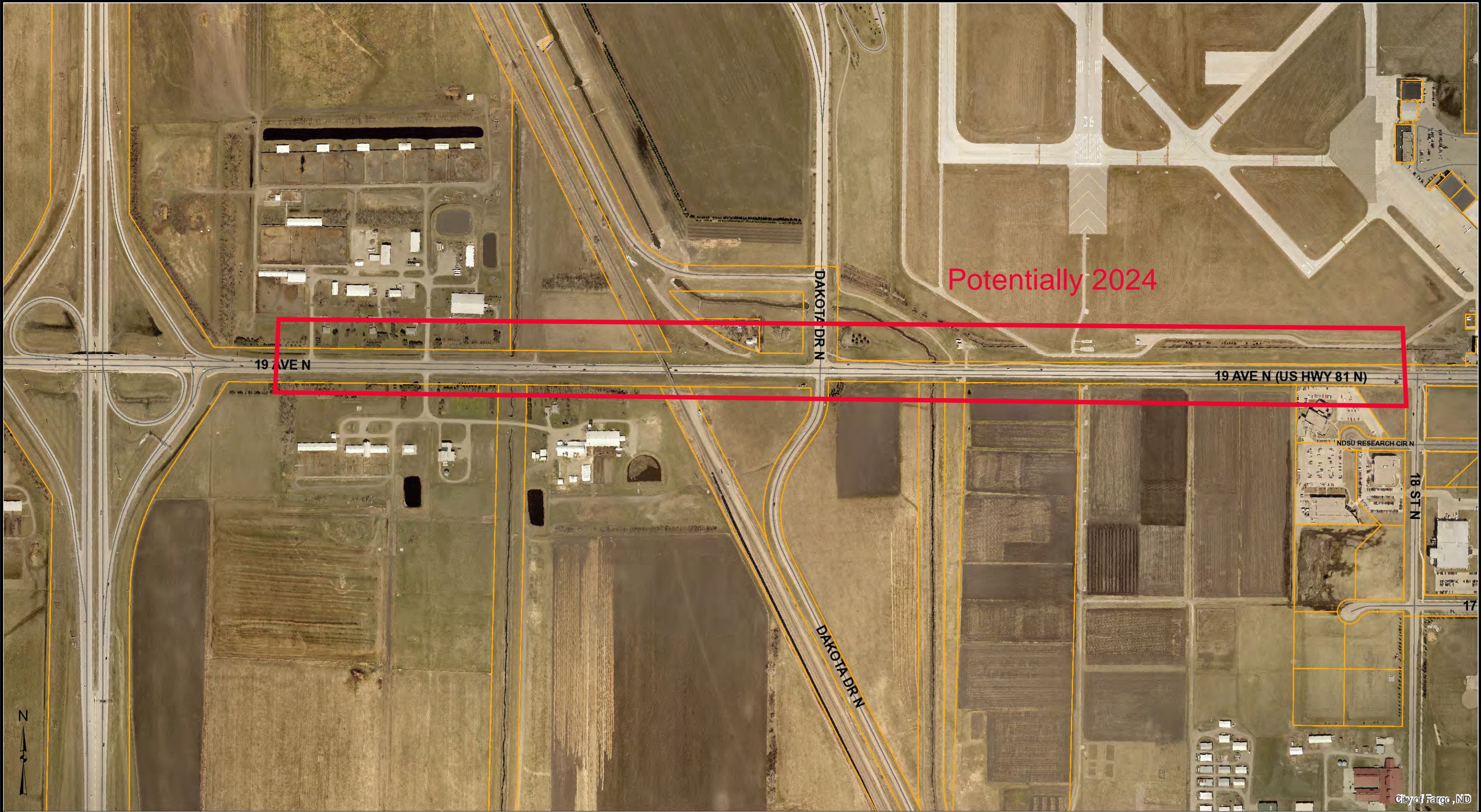
Date: 12-30-19

District Engineer: R. Chaiton

Date: 1/3/20

**Note:** Please attach a map showing location and extent of the project.





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

## 19th Ave N Project Location

1:9,028

12/3/2019 9:07:12 AM

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.







# 19th Avenue North Corridor Study

Fargo, North Dakota

October 2011

Fargo-Moorhead Metropolitan Council of Governments



**SRF** CONSULTING GROUP, INC.  
ENGINEERS | PLANNERS | DESIGNERS

## 1.0 BACKGROUND AND STUDY PURPOSE

The 2009 Metropolitan Long Range Transportation Plan identifies 19<sup>th</sup> Avenue North from 45<sup>th</sup> Street North to 10<sup>th</sup> Street North as a principal arterial and shows an illustrative (i.e. no funding source currently identified) improvement for the segment from I-29 to 45<sup>th</sup> Street North. The 45<sup>th</sup> Street North segment also includes a proposed grade separation of the BNSF railroad. Since 19<sup>th</sup> Avenue North has been identified as a major east-west transportation facility, a decision was made to conduct an updated comprehensive corridor study that addresses future transportation needs.

Over the past 15 years, three studies have been completed that address portions of the 19<sup>th</sup> Avenue North corridor from the Red River to 45<sup>th</sup> Street North. The first study, entitled the "19<sup>th</sup> Avenue North Improvement Project PCR", was completed in 1995 for the portion from Elm Street to 18<sup>th</sup> Street North. This study made several capacity and intersection configuration recommendations for the segments from North Broadway to North University Drive. The recommendations of this study have been implemented. The second study, entitled "45<sup>th</sup> Street NW, 16<sup>th</sup> Avenue to 19<sup>th</sup> Avenue NW & 19<sup>th</sup> Avenue NW, 45<sup>th</sup> Street to I-29 PCR", was completed in 1999. This PCR developed seven alignment/overpass/underpass alternatives that were presented to the City of Fargo. On September 14, 1999, the Public Works Project Evaluation Committee selected option 7A (underpass) and 7B (overpass) for further study and suggested that the corridor be officially mapped in order to preserve the right of way.

The third study, entitled "45<sup>th</sup> Street Northwest, 19<sup>th</sup> Avenue North to County Road 20 Corridor Study", was completed in 2001 and developed a recommendation for the alignment of 45<sup>th</sup> Street North between 19<sup>th</sup> Avenue North and CR 20. The recommendations from these three studies provided an excellent starting point for this study.

Since the completion of these studies, several conditions have changed along 19<sup>th</sup> Avenue North. For example, midblock pedestrian crossings of 19<sup>th</sup> Avenue North have become problematic north of the FargoDome, causing concern amongst city public safety and traffic officials. A higher demand of bicycle and pedestrian facilities has highlighted the deficiencies of this corridor with respect to the continuity of sidewalks and bike trails. NDDOT completed construction of a new interchange at I-29, including side paths along the south side of the interchange. At this time, these sidewalks have no connections along 19<sup>th</sup> Avenue North to the east or west.

NDSU and the surrounding area continues to develop and grow, adding additional students and jobs. The property owners of farmland at the west end of the study area have expressed interest in short term development, industrial and office development has occurred or is planned along the corridor west of I-29, and 19<sup>th</sup> Avenue North has become more heavily used as a major route to North Fargo, the Veterans Administration Hospital, Hector International Airport, and Sanford Medical Center.

## 1.0 BACKGROUND AND STUDY PURPOSE

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### 1.1 CORRIDOR STUDY PURPOSE AND STUDY AREA

The purpose of the study is to establish the proper level of access management, identify right of way preservation activities needed to ensure feasibility of future corridor expansion, determine the impacts of future growth on the corridor traffic volumes, identify the need for future capacity improvements and/or traffic system management improvements, and establish a series of preferred transportation improvements to be implemented both in the near future and in the next 20 to 25 years. Major components of the study also include 1) an updated analysis of the 45<sup>th</sup> Street North grade separation of the railroad and the associated realignment of 19<sup>th</sup> Avenue North needed to accommodate the grade separation and 2) identification of intelligent transportation systems (ITS) components that could integrate well with existing and future City of Fargo and NDDOT ITS components to improve event and incident management.

The 19<sup>th</sup> Avenue North corridor is an east/west arterial roadway within the City of Fargo and is currently paved throughout the project limits, from 45<sup>th</sup> Street North to 10<sup>th</sup> Street North. There is currently an interchange with Interstate 29 (I-29) at 19<sup>th</sup> Avenue North. The study focuses on the following key 19<sup>th</sup> Avenue North intersections:

- 45<sup>th</sup> Street North
- West I-29 Interchange
- East I-29 Interchange
- Dakota Drive North
- 18<sup>th</sup> Street North
- 16<sup>th</sup> Street North (Albrecht Boulevard)
- North University Drive
- 10<sup>th</sup> Street North
- North Broadway

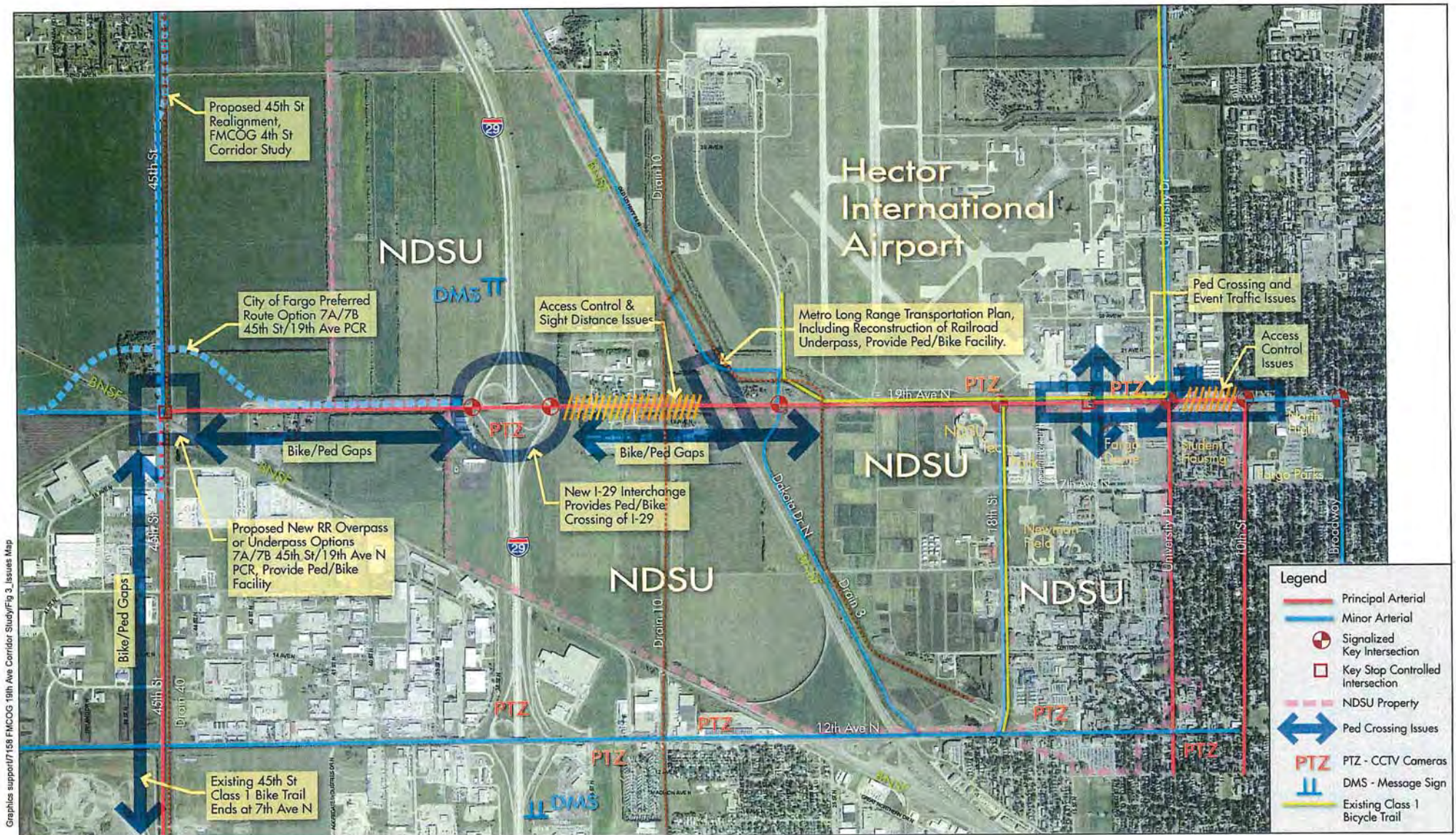
The key corridor study objectives include:

- Determine future roadway capacity needs of 19<sup>th</sup> Avenue North.









Graphics support/17168 FMCOG 19th Ave Corridor Study/Fig 3. Issues Map

Figure 5



## 3.0 EXISTING CONDITIONS & NEEDS ASSESSMENT

The study team reviewed existing documents, collected new data and analyzed the existing conditions of the study area to determine current and future transportation needs for 19<sup>th</sup> Avenue North within the project boundaries.

### 3.1 DATA COLLECTION

Table 1 displays data that was collected to analyze existing and future conditions within the study area.

Table 1: Data Collection Completed for the 19<sup>th</sup> Avenue North Corridor

Data Collected	Data Collection Source or Method
Existing AADT Volumes	Metro COG 2010 AADT Volumes Map
Existing Geometrics	SRF Field Review
Existing Access Inventory	SRF Field Review
Existing Peak Hour Turning Movements at Key Intersections	The City of Fargo provided peak hour traffic counts at all nine of the existing key intersections.
Existing Signal Timing for signals at N. Broadway, 10 <sup>th</sup> St., University Dr., 18 <sup>th</sup> St., Dakota Dr., and the I-29 east and west ramps	City of Fargo Traffic Engineering Department and NDDOT
GIS Data & Digital Aerial Photos	Cass County and City of Fargo
Existing & Future Land Use & Zoning	City of Fargo Planning Department
Pedestrian/Bicycle Facility Plans	2006 Metro COG Bicycle & Pedestrian Plan and 2011 Update
Crash Data	NDDOT Accident Data Base
Existing Utilities within project corridor	North Dakota One Call

### 3.2 RELATED PLANNING STUDIES AND PROJECTS

Several studies, plans and development projects have been adopted or approved that affect the future development of the study area. To date, they include the following:

- 2006 Metropolitan Bicycle and Pedestrian Plan (with 2011 update)
- 2009 Metropolitan Long Range Transportation Plan
- 9<sup>th</sup> Avenue North Improvement Project PCR (1995)
- 45<sup>th</sup> Street NW, 16<sup>th</sup> Avenue to 19<sup>th</sup> Avenue NW & 19<sup>th</sup> Avenue NW, 45<sup>th</sup> Street to I-29 PCR (1999)
- City of Fargo's Growth Plan (2006)

## 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

- 45<sup>th</sup> Street Northwest, 19<sup>th</sup> Avenue North to County Road 20 Corridor Study (2001)
- FargoDome Traffic Impact Study (1990)

### 3.3 CRASH DATA ANALYSIS

A crash analysis was performed within the project area, for the study period May 1, 2007 to April 30, 2010 (see Appendix E). The crash data was received from the NDDOT's crash database. Crash data was requested for the key intersections and segments along 19<sup>th</sup> Avenue North between 45<sup>th</sup> Street and North Broadway and along North University Drive between 23<sup>rd</sup> Avenue North and 17<sup>th</sup> Avenue North. The crashes that are shown to occur within an intersection include the intersection itself and the crashes that are caused by or are very close to the intersection. Crashes that do not occur at or very close to an intersection are reported by roadway segment. The severity of the accidents was divided into three categories: fatal, injury and property damage only.

A crash analysis was performed within the project area, for the study period May 1, 2007 to April 30, 2010 (see Appendix E). The crash data was received from the NDDOT's crash database. Crash data was requested for the key intersections and segments along 19<sup>th</sup> Avenue North between 45<sup>th</sup> Street and North Broadway and along North University Drive between 23<sup>rd</sup> Avenue North and 17<sup>th</sup> Avenue North. The crashes that are shown to occur within an intersection include the intersection itself and the crashes that are caused by or are very close to the intersection. Crashes that do not occur at or very close to an intersection are reported by roadway segment. The severity of the accidents was divided into three categories: fatal, injury and property damage only.

The overall intersection crash rates were calculated to determine the statistical significance of the crashes at the key intersections. The overall intersection crash rates were then compared to typical crash rates and critical crash rates for intersections with similar characteristics. NDDOT does not publish crash rates by type of roadway or traffic control. Therefore, typical crash rates published by the Minnesota Department of Transportation (MnDOT) were used for comparison purposes. While typical crash rates are presented as a point of comparison, the primary focus of the crash analysis is to identify intersections that exceed the critical crash rate.

Table 2 summarizes the corresponding crash rates that occurred at the key intersections or segments along the study corridor. Results shown in Table 2 indicate that the intersections of 19<sup>th</sup> Avenue North and 45<sup>th</sup> Street North and 19<sup>th</sup> Avenue North and North University Drive have crash rates that exceed the critical crash rate threshold for intersections with similar characteristics. One 19<sup>th</sup> Avenue North segment (North University Drive to 10<sup>th</sup> Street North) also has a crash rate higher than the critical rate for segments with similar characteristics. Results shown in Table 3 indicate that two segments on North University Drive (23<sup>rd</sup> Avenue North to 19<sup>th</sup> Avenue North and 19<sup>th</sup> Avenue North to 17<sup>th</sup> Avenue North) have a crash rate higher than the critical rate for segments with similar characteristics.



Table 2: 19<sup>th</sup> Avenue North Crash Analysis Results

Intersections with 19 <sup>th</sup> Avenue North	Number of Accidents				Calculated Crash Rate Per MEV*	Typical Crash Rate Per MEV*	Critical Crash Rate Per MEV*	Above or Below Critical Rate
	Fatal	Injury	Property Damage	Total				
45 <sup>th</sup> Street	0	4	3	7	1.03	0.50	0.72	Above
I-29 West Ramp	0	0	0	0	0.00	0.60	1.03	Below
I-29 East Ramp	0	7	14	21	0.95	0.70	1.02	Below
Dakota Drive	0	5	4	9	0.45	0.70	1.03	Below
18 <sup>th</sup> Street	0	0	4	4	0.20	0.70	1.03	Below
16 <sup>th</sup> Street	0	3	6	9	0.44	0.30	0.53	Below
North University Drive	0	6	36	42	1.76	0.70	1.01	Above
10 <sup>th</sup> Street	0	2	6	8	0.42	0.70	1.03	Below
North Broadway	0	3	10	13	0.69	0.70	1.05	Below
Segments on 19 <sup>th</sup> Avenue North	Number of Accidents				Calculated Crash Rate Per MVM**	Typical Crash Rate Per MVM**	Critical Crash Rate Per MVM**	Above or Below Critical Rate
	Fatal	Injury	Property Damage	Total				
43 <sup>rd</sup> Street to I-29 West Ramp	0	1	1	2	0.35	0.40	1.407	Below
I-29 West Ramp to I-29 East Ramp	0	0	1	1	0.33	0.70	2.572	Below
I-29 East Ramp to Dakota Drive	0	2	3	5	0.40	1.00	1.929	Below
Dakota Drive to 18 <sup>th</sup> Street	0	6	12	18	1.60	1.00	1.984	Below
18 <sup>th</sup> Street to 16 <sup>th</sup> Street	0	0	1	1	0.19	0.90	2.345	Below
16 <sup>th</sup> Street to North University Drive	0	2	3	5	1.02	0.90	2.425	Below
North University Drive to 10 <sup>th</sup> Street	0	4	5	9	3.07	0.90	2.990	Above
10 <sup>th</sup> Street to North Broadway	0	1	5	6	1.94	0.70	2.540	Below

\* MEV = Million Entering Vehicles, \*\* MVM = Million Vehicle Miles

Intersection of 19<sup>th</sup> Avenue North and 45<sup>th</sup> Street North - This intersection is believed to have a crash rate higher than the critical rate due to its status as a two-way stop controlled intersection with relatively high approach volumes on the northbound and eastbound approaches. This creates a situation where drivers may become confused about which approaches have stop control. Furthermore, the close proximity of the railroad tracks south of 19<sup>th</sup> Avenue North, combined with the northbound lane drop on 45<sup>th</sup> Street

North and the combination of paved and gravel approaches to this intersection may all have a role in contributing to the crash rate at this intersection.

Intersection of 19<sup>th</sup> Avenue North and North University Drive - This is an unusual intersection in that North University Drive is a southbound one-way on the south leg of the intersection, and a two-way street north of the intersection. The intersection is signalized and has turn lanes and left turn phasing.

Anomalies of the intersection include:

- 1) Southbound approach lanes that are somewhat off-set from the south bound departure lanes (although "cat tracking" has been provided as guidance to drivers), and
- 2) A driveway to McDonald's is located on southbound North University Drive approximately 110 feet south of 19<sup>th</sup> Avenue North. Observations of the intersection and input provided by adjacent businesses has shown that this northerly driveway to McDonald's on North University Drive, which is signed as an "exit only" driveway, is experiencing a high volume of inbound traffic from southbound North University Drive, resulting in abrupt lane changes and slowing down of vehicles just south of the intersection. In addition, the driveway is not designed as an egress only, so drivers are frequently observed turning north on the south bound one-way segment of North University Drive.

19<sup>th</sup> Avenue North from North University Drive to 10<sup>th</sup> Street North - This segment of roadway is characterized by numerous access points (eight driveways along the north side and three driveways along the south side) along this block of just over 1,000 feet in length. Current access management standards call for driveway and intersection spacing of 1/8 mile (660 feet) along an arterial roadway such as 19<sup>th</sup> Avenue North. If developed under these current standards, this roadway segment would be allowed one full access point which is aligned north and south of 19<sup>th</sup> Avenue North. Additional right-in/right-out access may be permitted with a raised median, or provided they are designed for directional ingress or egress.

The number of driveways, and the fact that very few of them are aligned across the roadway, is the most likely reason for the crash rate exceeding the critical threshold along this roadway segment.

North University Drive from 19<sup>th</sup> Avenue North to 23<sup>rd</sup> Avenue North - This roadway segment was reviewed to determine if any characteristics of the 19<sup>th</sup> Avenue North intersection were affecting the adjacent roadway segment. It appears that this roadway



segment also has issues associated with driveways to adjacent properties that could contribute to the crash rate exceeding the critical threshold. Starting at the south end of this segment, near 19<sup>th</sup> Avenue North, the driveway to Stop-N-Go Center is only 130 feet north of the intersection. As drivers accelerate to get through the eastbound to northbound left turn phase from 19<sup>th</sup> Avenue North to northbound North University Drive, other drivers who are also making this turning movement may be suddenly slowing down to turn into this driveway. Many drivers have been observed turning into the outside northbound lane rather than the inside lane, which make conflicts with this driveway more likely to occur. When turning left out of this driveway, the close proximity to the intersection makes it difficult to see and maneuver into a southbound travel lane on North University Drive. Drivers making this movement do not have the ability to make out the travel lane designations prior to entering the intersection approach area, which likely results in abrupt lane changes.

The northerly driveway to Stop-N-Go Center appears only partially aligned with an older driveway that was already in place across North University Drive. This older driveway serves the Skills and Technology Center, CVS Pharmacy, US Bank, and also provides a connection to some of the fast food restaurants to the west. Unfortunately, the offset of these two driveways adds another complication and potential conflict for drivers who are exiting these sites onto North University Drive.

The intersection of 21<sup>st</sup> Avenue North is located only 130-140 feet north of the Stop-N-Go Center and Skills and Technology Center driveway. It is very likely that these four full access driveways in a roadway segment of less than 600 feet are significantly contributing to the crash rate along this roadway segment.

North University Drive from 19<sup>th</sup> Avenue North to 17<sup>th</sup> Avenue North - Many of the crashes along this segment of roadway are attributable to the presence of the McDonald's access only 110 feet south of 19<sup>th</sup> Avenue North. Drivers have been observed making abrupt lane changes as they move south from 19<sup>th</sup> Avenue North in order to turn into this driveway, even though it is signed for egress only. Other drivers have been observed turning north towards 19<sup>th</sup> Avenue North, despite the one-way southbound direction of travel on this segment of North University Drive.

Other access points along this segment, such as the drive aisle behind University Town Center and the driveways to the FargoDome have an impact on this segment, but none are so pronounced as the northerly access to McDonald's.

Table 3: North University Drive Crash Analysis Results

Segments on North University Drive	Number of Accidents				Calculated Crash Rate Per MVM**	Typical Crash Rate Per MVM**	Critical Crash Rate Per MVM**	Above or Below Critical Rate
	Fatal	Injury	Property Damage	Total				
23 <sup>rd</sup> Avenue North to 19 <sup>th</sup> Avenue North	0	6	8	14	3.97	0.90	2.764	Above
19 <sup>th</sup> Avenue North to 17 <sup>th</sup> Avenue	0	4	6	10	3.65	0.60	2.482	Above

\* MEV = Million Entering Vehicles, \*\* MVM = Million Vehicle Miles

Morning, midday, and evening peak hour traffic counts were carried out at the following key intersections along 19<sup>th</sup> Avenue North:

### 3.4 TRAFFIC COUNTS

- 45<sup>th</sup> Street North
- West I-29 Interchange
- East I-29 Interchange
- Dakota Drive North
- 18<sup>th</sup> Street North
- 16<sup>th</sup> Street North (Albrecht Boulevard)
- North University Drive
- 10<sup>th</sup> Street North
- North Broadway

The counts were taken mid week in mid September of 2010 (see Figure 4). The morning counts were taken from 7:00 a.m. to 8:30 a.m. with the peak hour occurring from 7:15 a.m. to 8:15 a.m. The midday peak hour counts were taken from 11:00 a.m. to 1:00 p.m. with the peak hour occurring from 11:45 a.m. to 12:45 p.m. The evening peak hour counts were taken from 4:00 p.m. to 6:00 p.m. with the peak hour occurring from 4:30 p.m. to 5:30 p.m. The counts were completed by the City of Fargo.

### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

#### 3.5 EXISTING INTERSECTIONS AND ACCESSES

Access management can have a significant impact to corridor operations. Control of access to roadways, both in terms of cross-street spacing and driveway placement, is a critical means of preserving or enhancing the efficient operation of the roadway system and improving safety by reducing crash exposure. Access control guidelines are used to preserve the public investment in the roadway system and to give direction to developers for plan preparation. The guidelines balance the public interest (mobility) with the interests of property owners (access). Effective control of driveway access on the entire street system requires cooperation of municipal, county, and state officials.

To determine the existing level of access along the 19<sup>th</sup> Avenue North corridor, an access inventory review was completed. In addition to the key intersections previously mentioned, other access locations along the corridor include access to major and minor roadways, residential, commercial, and utility driveways, and farm fields. The 19<sup>th</sup> Avenue North corridor from 45<sup>th</sup> Street North to 10<sup>th</sup> Street North is approximately three miles in length (3.22 miles) and has a total of 34 access locations. Access spacing along the corridor ranges from approximately 50 feet to one-third-mile. The results of the existing access inventory are shown in Table 4 and Figures 2 and 3.

Table 4: Existing Access Inventory

19 <sup>th</sup> Avenue North Segments	Public Access	Private Residential or Field Access	Commercial or Public Institution	Length of Segment	Access Points Per Mile
45 <sup>th</sup> Street to I-29 West Ramp	1	7	3	4790	11*
I-29 West Ramp to I-29 East Ramp	0	0	0	1450	0*
I-29 East Ramp to Dakota Drive	0	1	3	3450	6.1*
Dakota Drive to 18 <sup>th</sup> Street	0	0	3	3460	4.6*
18 <sup>th</sup> Street to 16 <sup>th</sup> Street	0	0	2	1410	7.5*
16 <sup>th</sup> Street to North University Drive	0	0	3	1290	12.3*
North University Drive to 10 <sup>th</sup> Street	0	1	10	1130	51.4*

\*Segment is not equal to one mile. This rate was calculated to have an equal comparison to the other rates.



### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

The City of Fargo's subdivision regulations, which are part of the Land Development Code, contain access spacing requirements. These standards have been enforced on newly subdivided properties since they were adopted in 1997. However, on properties subdivided prior to 1997, such as the area between North University Drive and 10<sup>th</sup> Street North, driveways were either already in existence, or were allowed because property lines did not accommodate the access spacing called for in the city's regulations. The access spacing requirements are based on the functional classification of the road. Nineteenth Avenue North is classified as a principal arterial roadway. The guidelines that apply for arterial roadways include the following:

- Shared access is required wherever possible, and
- A minimum spacing of 600 feet is required between driveways and intersections, which equates to approximately seven intersections or access points per mile, excluding the section line road intersections.

Despite these access regulations, some situations require greater spacing of full access points, particularly if signalized, and only right-in/right-out or some other form of partial access is allowed between signalized intersections.

#### 3.6 EXISTING TRAFFIC OPERATIONS ANALYSIS

A review of the existing conditions was completed to determine if any operational or geometric issues currently exist along the 19<sup>th</sup> Avenue North corridor. To determine the existing intersection capacity at each key intersection, a.m. and p.m. peak hour turning movement counts were reviewed. Peak hour turning movement counts used for this intersection are described above in section 3.4.

Existing ADT, geometrics, traffic controls, peak hour traffic volumes, and LOS results for the key intersections are shown in Figure 4.

An operations analysis was conducted for the a.m. and p.m. peak hours at the key intersections to determine how traffic currently operates in the study area. Signalized intersections were analyzed using the Synchro/SimTraffic software. Signalized intersections include:

- I-29 West Ramp
- I-29 East Ramp
- Dakota Drive North
- 18<sup>th</sup> Street North
- North University Drive
- 10<sup>th</sup> Street North
- North Broadway

### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

Unsignalized intersections were analyzed using the Highway Capacity Manual (HCM). Intersections with side-street stop control include:

- 45<sup>th</sup> Street North
- 16<sup>th</sup> Street North

In both cases, the stop control is on the streets that intersect with 19<sup>th</sup> Avenue North. Capacity analysis results identify a Level of Service (LOS) which indicates the quality of traffic flow through an intersection. Intersections are given a ranking from LOS A through LOS F. The LOS results are based on average delay per vehicle. The delay threshold values are shown in Table 5. LOS A indicates the best traffic operation, with vehicles experiencing minimal delays. LOS F indicates an intersection where demand exceeds capacity, resulting in a breakdown of traffic flow. LOS A through D are generally considered acceptable by drivers. LOS E indicates that an intersection is operating at, or very near its capacity and that vehicles experience substantial delays. Capacity analysis for unsignalized intersections identify the overall intersection LOS followed by the LOS of the worst approach.

Table 5: Level of Service Criteria for Signalized and Unsignalized Intersections

LOS Designation	Signalized Intersection Avg. Control Delay/Vehicle (seconds)	Unsignalized Intersection Avg. Control Delay/Vehicle (seconds)
A	<10	<10
B	10-20	10-15
C	20-35	15-25
D	35-55	25-35
E	55-80	35-50
F	80<	50<

Source: Highway Capacity Manual 2000

Results of the existing (year 2010) operations analysis shown in Table 6 indicates that all key intersections currently operate at an acceptable overall level-of-service C (LOS C) or better during the a.m. and p.m. peak hours with the existing geometric layout and traffic control. The LOS analysis results showing the delay time for each leg of the intersection is shown in Appendix F.

### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

Table 6: Existing Peak Hour Capacity Analysis Level of Service Results

Intersections with 19 <sup>th</sup> Avenue North	AM		PM	
	LOS	Delay <sup>(1)</sup>	LOS	Delay <sup>(1)</sup>
45 <sup>th</sup> Street *	A/C	21 sec.	A/D	26 sec.
I-29 West Ramp	A	7 sec.	A	7 sec.
I-29 East Ramp	A	9 sec.	B	10 sec.
Dakota Drive	A	7 sec.	B	13 sec.
18 <sup>th</sup> Street	A	6 sec.	B	13 sec.
16 <sup>th</sup> Street *	A/C	16 sec.	A/C	18 sec.
North University Drive	C	24 sec.	C	31 sec.
10 <sup>th</sup> Street	B	13 sec.	B	15 sec.
North Broadway	B	16 sec.	C	20 sec.

(1) For signalized intersections, delays shown represent overall intersection delay. For unsignalized intersections, delays shown represent the worst side-street approach.

\* Indicates an unsignalized intersection with side-street stop control. The overall LOS is shown followed by the worst approach LOS.



### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

#### 3.7 TRAFFIC FORECASTS

Updated traffic forecasts for the 19<sup>th</sup> Avenue North corridor were developed for year 2035 conditions after reviewing the projections in the LRTP and the level of development assumed for the area surrounding the corridor. This process began with a comparison of recent count data. The 2005 base year average daily traffic (ADT) volumes along the 19<sup>th</sup> Avenue North corridor were available in the 2009 Fargo-Moorhead Metropolitan LRTP. The 2005 ADTs were used as the base year for calibration of the regional travel demand model, which is the basis from which year 2035 traffic projections were developed for use in the LRTP.

The year 2005 ADT volumes were compared with the updated year 2010 ADTs from traffic counts recently completed by Metro COG and NDDOT. This comparison was completed to identify the level of traffic growth along the study corridor over the last five years. The 2010 ADT volumes were also compared with year 2035 ADT projections from the LRTP. This review showed that the travel demand model was showing very little increase in traffic volumes along 19<sup>th</sup> Avenue North, and in some cases, year 2010 ADT volumes were near or in excess of the year 2035 projections. Further analysis showed that the reason for the low growth projections for year 2035 was the result of assigning very little growth in future jobs and households in the traffic analysis zones (TAZs) along and near 19<sup>th</sup> Avenue North. The assignment of jobs and households is generally based on community growth trends, property owner interest in development, and known development constraints.

Due to a variety of factors ranging from the readiness of property owners to develop their land, interest of the development community, and development constraints in other areas, changes to the assumptions about the location and extent of future growth are sometimes warranted. After the first 19<sup>th</sup> Avenue North Business and Agency meeting, it became apparent that certain land owners along the corridor had heightened interest in short term development than previously understood. NDSU Technology Park management indicated a desire to add future facilities along the corridor. In addition, two commercial industrial developments were in the process of being developed when the corridor study began. NDSU was in the process of completing additional housing between North University Drive and 10<sup>th</sup> Street North, additional development activity was being discussed on the Skills and Technology Center site, and NDSU began construction of a new and larger Livestock Research Facility. Furthermore, the 2009 flood and anticipated increase in the base flood elevation has placed development constraints on land in South Fargo, which is where the majority of future development was anticipated, although many of those same constraints apply on land surrounding 19<sup>th</sup> Avenue North.

After review of the growth assumptions used for the year 2035 projections, it was found that in some TAZs, development that had either already occurred since 2005, or was in the process of being constructed, was not fully accounted for in job and household

### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

growth projections. In other cases, little to no future development was assumed, contrary to recent development interest expressed by the property owners. Based on this public input and the review of the projected job and household growth, Metro COG and the City of Fargo reevaluated future job and household growth assumptions for the year 2035 regional travel demand model.

The travel demand model was modified with increased job and household projections in the appropriate TAZs. The majority of additional growth along the 19<sup>th</sup> Avenue North corridor was placed west of I-29 and at the I-29/19<sup>th</sup> Avenue North interchange, and in the commercial areas north of NDSU and the Fargo Dome. Additional growth on the NDSU campus, including the land south of University Town Center, was also accounted for. Additional information is provided in a memorandum prepared by Metro COG in which the modifications to future job and household projections were summarized in detail (Appendix A).

The revised growth projections were agreed upon by Metro COG and the City of Fargo, after which, the model was rerun, and future year 2035 ADT volumes were provided. The revised 2035 job and household assignments do not reflect a build-out condition for the 19<sup>th</sup> Avenue North travelshed. Build-out of the area was not considered reasonable or feasible in the next 25 years. However, the updated job and household allocations provide a significantly higher level of development than previously assumed. Using the existing peak hour turning movement counts, existing ADT volumes, and the modified year 2035 forecast ADT volumes as a starting point, year 2035 a.m. and p.m. peak hour turning movement volumes were developed. The forecasts, provided in Section 4.1 2035 No Build Scenario, take into account anticipated travel pattern shifts due to the location and significance of specific growth areas. Average growth rates for individual turning movements typically range from approximately one half to three percent growth per year in areas that are considered fully or mostly developed; however, it should be noted that in agricultural locations which are transitioning into urbanized areas, such as the area west of I-29, yearly growth rates are generally higher.

#### 3.8 IDENTIFICATION OF ISSUES

A number of issues have been identified along the study corridor based on the results of the traffic operations analyses at key intersections, traffic observations, crash data analysis, existing access management review, review of related planning studies and public input. Significant issues identified are shown in Figure 5, and are summarized below in more detail:

##### Safety

- Some intersections and segments along the corridor have crash rates in excess of the critical crash rate and others where the numbers of crashes and crash rates appear unusually high.



### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

- Driveway placement on portions of the corridor does not meet current driveway/intersection spacing recommendations, increasing conflict points along the corridor. These locations correlate with crash rates that exceed critical crash rates. The same is true of North University Drive both north and south of 19<sup>th</sup> Avenue North.
- Random pedestrian crossings of 19<sup>th</sup> Avenue North between 16<sup>th</sup> Street North and North University Drive are a serious safety concern for city and FargoDome officials and are primarily associated with FargoDome events.
- NDSU Agricultural Research Facility Management has expressed concern for the safety of employees and students making left turns into the research facilities east of I-29 due to the speed of traffic and the lack of left turn lanes.
- The lack of through lane alignment on North University Drive across the 19<sup>th</sup> Avenue North intersection has been observed and identified as a safety issue, as drivers have been observed changing lanes in the middle of the intersection. This is most likely due to confusion over which lane aligns with the through lane in which they are driving.
- The 19<sup>th</sup> Avenue North and 45<sup>th</sup> Street North intersection is a safety concern due to the northbound stop control and the potential for growing queues of northbound traffic, which will eventually queue as far back as the BNSF railroad tracks. The predominant westbound to southbound and the opposite northbound to eastbound traffic movement is a traffic control challenge at this intersection, which is currently controlled by two-way stop control on the NB/SB approaches.
- Bicycles and pedestrians are not accommodated west of Dakota Drive North. If bicyclists and pedestrians choose to use this portion of the roadway, or are forced to walk due to a stalled vehicle or crash, they have little choice but to walk in the travel lanes, particularly in the winter when snow is piled along the roadway.

#### Access Management and On-Site Circulation of Adjacent Properties

- Current access management policies were not in place when development occurred on 19<sup>th</sup> Avenue North between 16<sup>th</sup> Street North and 10<sup>th</sup> Street North. Consequently, numerous access points exist in close proximity to each other, and in close proximity to intersections. The same is true for North University Drive both north and south of 19<sup>th</sup> Avenue North.
- Bremer Bank has been experiencing a high volume of cut through traffic through their parking lot on the west side of their building. The cut through traffic is working its way from 19<sup>th</sup> Avenue North to and from NDSU's Niskanen Apartments north of University Town Center.

### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

- Drivers are frequently observed turning north onto the southbound one-way portion of North University Drive from the McDonald's driveway.
- Driveways in close proximity to the 19<sup>th</sup> Avenue North and North University Drive intersection result in sudden slowing of vehicles to turn into the adjacent sites after passing through the intersection.
- Due to closely spaced driveways and lack of driveway alignment, the center left turn lane on 19<sup>th</sup> Avenue North between North University Drive and 10<sup>th</sup> Street North contains several areas of conflict, where driveway placement creates overlaps in eastbound/westbound use of the left turn lane.
- The driveway to the NDSU Beef Research facility in the southwest quadrant of the I-29 interchange is in close proximity to the west ramps. Is there an alternate access configuration that would resolve this?

#### Pedestrians and Bicycles

- Pedestrians randomly cross 19<sup>th</sup> Avenue North between 16<sup>th</sup> Street North and North University Drive, particularly before, during, and after FargoDome events. This activity is sometimes condensed into a few hours surrounding a football game or concert, and is sometimes spread over two or more days during the Fargo Marathon and various sports tournaments.
- Bicycle and pedestrian facilities do not extend west of Dakota Drive. The feasibility of constructing a bicycle path under the BNSF railroad bridge without bridge reconstruction or major structural modification needs to be determined.
- Bicycle and pedestrian facilities west of Dakota Drive need to be examined to determine their optimal location and design, and the manner in which they will connect with the surrounding bicycle and pedestrian network.

#### Events and Incidents

- Prior to FargoDome events, traffic on 19<sup>th</sup> Avenue North queues out to I-29, and State Highway Patrol and NDDOT officials have observed queues of traffic on northbound I-29 nearly as far south as Main Avenue. Existing and planned ITS equipment and procedures may be part of an implementation plan to improve FargoDome and emergency event management, particularly if complemented with other compatible equipment.
- Snow drifting and poor visibility result in the need to close 19<sup>th</sup> Avenue North during winter storms. Road closure gates, which currently swing open and closed in a horizontal direction, get stuck in place by snow drifts.



### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

- Events at the FargoDome also pertain to the pedestrian safety issues discussed above under both Safety and Events and Incidents. Events draw pedestrian activity between restaurants, hotels, and parking lots north of 19<sup>th</sup> Avenue North and the FargoDome on the south side of the street.

#### Future Development in 19<sup>th</sup> Avenue North Travelshed Area

- In the LRTP, the 2035 traffic projections are not based on a significant amount of job and household growth in the travelshed area of 19<sup>th</sup> Avenue North. Therefore, 2035 ADT projections in the LRTP do not show a significant amount of traffic growth. This raises the issue of development assumptions, and if an alternate 2035 projection should be developed with an increased level of job and household growth in the traffic analysis zones surrounding 19<sup>th</sup> Avenue North.
- Input from property owners and from City of Fargo officials is needed to determine the extent to which development of the 19<sup>th</sup> Avenue North corridor is likely within the next 25 years.
- Study of 19<sup>th</sup> Avenue North and its future needs must include a reasonable identification of north/south collector and arterial roadways the City of Fargo plans to extend to 19<sup>th</sup> Avenue North.
- Ensure future right of way allows the planting of boulevard trees as required by the Fargo Land Development Code.

#### Roadway Capacity and Traffic Operations

- Stacking issues and delays already exist in the eastbound to northbound left turn movement from 19<sup>th</sup> Avenue North to North University Drive during the p.m. peak hour.
- Any improvements to the corridor need to ensure that key intersections are designed with appropriate capacity and traffic control to accommodate year 2035 traffic volumes and beyond.
- Capacity expansion for 19<sup>th</sup> Avenue North has potential effects to developed properties adjacent to the corridor, particularly between North University Drive and 10<sup>th</sup> Street North.
- Future right of way preservation should be based on the roadway capacity needs that correlate with the 2035 traffic projections.

### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

- Evaluate the extent to which the BNSF railroad bridge over 19<sup>th</sup> Avenue North west of Dakota Drive North meets current design standards.
- Traffic systems management techniques that address overall capacity/queuing issues without increasing the need for roadway widening and right of way are optimal, particularly in developed areas.
- Seek out opportunities to use more sustainable forms of traffic control and traffic management, such as ITS and roundabouts.

#### Railroad Crossing of 45<sup>th</sup> Street North

- The railroad crossing of 45<sup>th</sup> Street North is less than 100 feet south of 19<sup>th</sup> Avenue North. Traffic volume increases could increase northbound queue lengths to the point where vehicles are queued across the railroad tracks. Updated traffic projections need to be reviewed to reassess the future need for a grade separation of 45<sup>th</sup> Street North and the BNSF railroad tracks south of 19<sup>th</sup> Avenue North, which will also necessitate relocating the 19<sup>th</sup> Avenue North intersection farther to the north.
- Based on the needs of the corridor and input from property owners, there is a need to reevaluate 19<sup>th</sup> Avenue North realignment options at 45<sup>th</sup> Street North.
- Once the ultimate realignment of 19<sup>th</sup> Avenue North is identified and constructed, the need for a railroad underpass may be delayed, given the additional queuing area north of the railroad tracks on 19<sup>th</sup> Avenue North.
- A roundabout should be evaluated as a potential form of traffic control for the 19<sup>th</sup> Avenue North and 45<sup>th</sup> Street North intersection, and a determination made as to whether or not a roundabout would require additional distance from the railroad tracks.

#### Transit

- Consider transit routes while creating corridor improvements, particularly access management and traffic control modifications that are likely to affect mobility of buses.

### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

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#### Utilities and Flood Protection

- Future flood control may complicate or constrain future roadway design, particularly in the area west of I-29.
- Existing and future utilities may complicate or constrain future roadway design and need to be taken into consideration.



### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

#### 3.9 PURPOSE AND NEED

The purpose of this study is to identify the future needs of the Fargo-Moorhead metropolitan area with respect to the 19<sup>th</sup> Avenue North corridor from 45<sup>th</sup> Street North to 10<sup>th</sup> Street North. Recently, it has become apparent that property owners along the corridor, particularly west of I-29, have a heightened interest in development of land that is currently in agricultural use. If not studied and planned in advance, such development will begin to limit the options available for 19<sup>th</sup> Avenue North alignment, right of way, and access management.

The purpose of project implementation will be to:

- 1) preserve and/or acquire the necessary right of way for corridor capacity and realignment improvements,
- 2) prepare to construct the roadway in a manner that will accommodate projected traffic volumes at an acceptable LOS,
- 3) ensure that development or redevelopment of properties adjacent to the corridor is carried out in a manner that is consistent with the identified needs of the corridor, whether that development is completed prior or subsequent to project implementation,
- 4) ensure that bicycle, pedestrian, and transit modes are equally well served by future corridor improvements, with a high level of continuity and interconnectedness between bicycle, pedestrian, and transit facilities and systems,
- 5) address the extreme fluctuations of travel demand that occur before, during, and after events at the FargoDome, NDSU and Newman Outdoor Field,
- 6) accommodate high pedestrian crossing demand associated with FargoDome events between 16<sup>th</sup> Street North and North University Drive,
- 7) address intersections and segments along the corridor that have crash rates in excess of critical crash rate thresholds, and
- 8) accommodate the growing traffic volumes on 45<sup>th</sup> Street North at the BNSF railroad tracks by providing adequate queuing distance between the tracks and 19<sup>th</sup> Avenue North, and eventually by providing a grade separation of the railroad tracks and 45<sup>th</sup> Street North.

### 3.0 EXISTING CONDITIONS AND NEEDS ASSESSMENT

#### 3.9.1 NEED FOR THE PROJECT

The 19<sup>th</sup> Avenue North corridor is designated as a primary arterial roadway from 45<sup>th</sup> Street North to 10<sup>th</sup> Street North in Fargo's functionally classified roadway system. East of 10<sup>th</sup> Street North, the corridor is designated as a minor arterial as far east as Elm Street. Between I-29 and 10<sup>th</sup> Street North, 19<sup>th</sup> Avenue North is part of the US Highway 81 system. In addition, the corridor is part of the National Highway System between I-29 and the entrance to Hector International Airport.

The 19<sup>th</sup> Avenue North Corridor is vital to the east/west flow of traffic in north Fargo. It has an interchange with I-29 and provides a parallel route to County Road 20, which is two miles to the north, and 12<sup>th</sup> Avenue North which is one mile to the south. The corridor continues for another eight miles west of the 45<sup>th</sup> Street North, providing a connection to West Fargo, rural areas of Cass County, and Mapleton. Several major institutions within Fargo are served by 19<sup>th</sup> Avenue North. They include NDSU, the FargoDome, Hector International Airport, the Veterans Administration Hospital and Medical Center, UND School of Medicine and Health Sciences, Fargo North High School, the Fargo Air Museum, the National Guard facilities along North University Drive, and the Children's Museum at Yunker Farm, also along North University Drive. The Veterans Administration Hospital is currently expanding its facility at the east end of 19<sup>th</sup> Avenue North. Flight boardings at Hector International Airport increase every year, and NDSU continues to experience increased enrollment and continues to expand its building inventory, including that of the NDSU Technology Park.

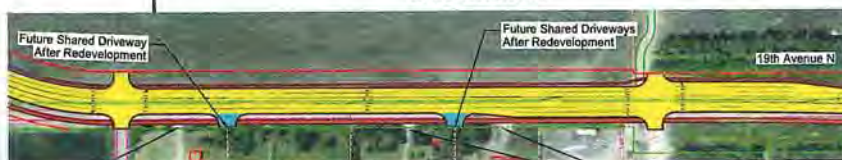
In addition, 19<sup>th</sup> Avenue North is the primary route of access to a very large residential area in the northeastern portion of Fargo. Due to the presence of the airport, the next continuous route is CR 20, which lies along the north side of the airport. Most North Fargo residents and employees choose to use 19<sup>th</sup> Avenue North rather than CR 20. This route choice is influenced by the configuration of I-29, which angles to the west, combined with the fact that most residential development in north Fargo is considerably south of CR 20.

A virtually untapped area of farmland west of I-29 has recently been the focus of a small amount of commercial/industrial development. As this area continues to experience more industrial, commercial, and residential development, the corridor's traffic volumes will increase greatly. Due to the significance of the corridor and the size of the area served by it, it is extremely important that future capacity improvements are programmed and implemented, and that existing problem areas along the corridor are corrected through access management other improvements to traffic operations. Improvements to 19<sup>th</sup> Avenue North between North University Drive and 10<sup>th</sup> Street North and at the intersection of North University Drive should be considered in the short term due to the crash rates being experienced in these areas.



## 4.0 ALTERNATIVES DEVELOPMENT AND ANALYSIS

- Full access approximately 650 feet west of 45<sup>th</sup> Street North, providing access to the property bound by the railroad tracks, 19<sup>th</sup> Avenue North, and 45<sup>th</sup> Street North.
- Full access approximately 750 feet east of 45<sup>th</sup> Street North.
- Full access to 43<sup>rd</sup> Street North, which is 650 feet east of the access described above.
- Full access at 42<sup>nd</sup> Street North, which is ¼ mile east of 43<sup>rd</sup> Street North.



### ○ Bicycle and Pedestrian Facilities

A 10-foot bicycle path is shown south of the roadway and a 4.5-foot sidewalk is shown north of the roadway. The placement of the bike path on the south side of 19<sup>th</sup> Avenue North is consistent with the pedestrian/bicycle facility on the south side of the 19<sup>th</sup> Avenue North bridge over I-29. The sidewalk ends just west of the ramp and a crosswalk is shown so pedestrians can cross 19<sup>th</sup> Avenue North to access the pedestrian/bicycle facility on the bridge over I-29.

### Segment B: 19<sup>th</sup> Avenue North – Olaf Anderson Access to 16<sup>th</sup> Street North

- **No Build Alternative** – A No Build alternative would leave 19<sup>th</sup> Avenue North as a two-lane rural roadway west of I-29. Full access to the expanding NDSU Beef Research Facility west of I-29 would remain only 300 feet west of the I-29 southbound ramps. This proximity, combined with the ability to make left turns into the site at this location, has been the cause of numerous issues for NDSU faculty and staff at this facility due to frequent use of the driveway as a turn-around location for drivers who miss the westbound to southbound I-29 access loop. As traffic volumes continue to rise on the two-lane rural section of 19<sup>th</sup> Avenue North, ingress and egress to this site will become more and more difficult, due to the steady flow of traffic on 19<sup>th</sup> Avenue North during peak hours.

## 4.0 ALTERNATIVES DEVELOPMENT AND ANALYSIS

East of I-29, the roadway would remain as a four-lane roadway with no turn lanes at the NDSU Agricultural Research facilities along the north and south sides of 19<sup>th</sup> Avenue North. The combination of traffic speeds on 19<sup>th</sup> Avenue North and left turns into the driveways of these facilities has been a source of comments and concerns expressed by NDSU faculty and staff.

The condition of the railroad bridge over 19<sup>th</sup> Avenue North has been determined as good, and the underpass meets current design standards.

Pavement condition in this segment of 19<sup>th</sup> Avenue North is deteriorating from approximately 450 feet east of the I-29 interchange north ramps to the east end of the segment.

An abrupt lane shift in the eastbound lanes approaching 18<sup>th</sup> Street North would continue to exist under the No Build alternative.

Discontinuity of the pedestrian and bicycle system would also continue to exist west of Dakota Drive, where the bicycle trail along the north side of 19<sup>th</sup> Avenue North terminates. The only other segment of 19<sup>th</sup> Avenue North with a bicycle pedestrian facility west of Dakota Drive is the bicycle/pedestrian path on the south side of the roadway through the I-29 interchange.

### ● **Alternative 1 (Preferred Alternative) – Access Modifications, Turn Lanes, and Alignment Adjustment**

#### ○ Alignment

Within Segment B, the alignment of 19<sup>th</sup> Avenue North remains on its existing alignment, with the exception of a continuation of the centerline shift to the north which is carried over from Segment A. Over the ½ mile distance between 42<sup>nd</sup> Street North and the southbound ramps of I-29, the roadway continues straight and ties in with the new improvements to the interchange.

East of the I-29 interchange, the alignment remains as is, with the exception of widening on both sides for left and right turn lanes at the NDSU Agricultural Research Centers. The roadway returns to its existing alignment under the railroad underpass east of Drain 10.

#### 4.0 ALTERNATIVES DEVELOPMENT AND ANALYSIS

Between the railroad underpass and Dakota Drive North, the alignment does not change from existing. East of Dakota Drive North, the alignment is slightly shifted for the entire distance between Dakota Drive North and 18th Street North to eliminate the abrupt lane change on eastbound 19th Avenue North west of 18th Street North.

##### ○ Roadway Capacity

Roadway capacity west of I-29 is increased to four through lanes with left and right turn lanes at 42nd Street North and at the full access shown west of the NDSU Livestock Research facility.

East of I-29, the roadway capacity consists of four lanes with turn lanes, similar to the existing capacity, with a lengthened westbound to northbound left turn lane at I-29, and with the addition of left and right turn lanes at the driveways to the NDSU Agricultural Experiment Stations.

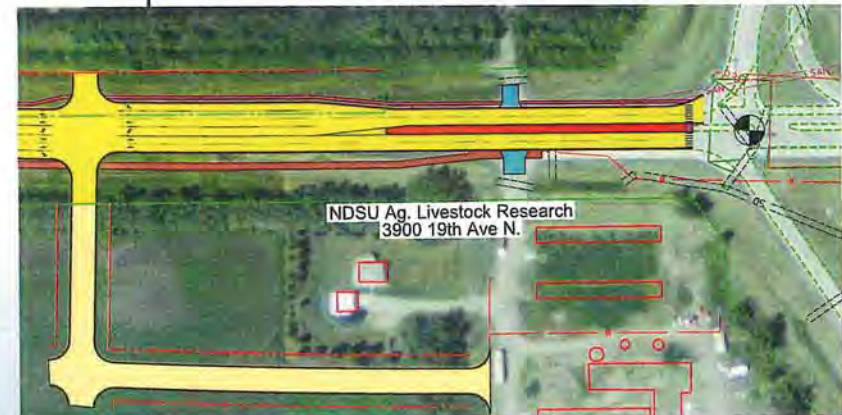
East of the NDSU Agricultural Experiment Stations, the capacity remains as it currently exists.

##### ○ Access to Adjacent Properties

Full access to adjacent properties is very limited through this segment of 19th Avenue North. This is possible due to the existing conditions adjacent to the roadway, which consist NDSU's agricultural research lands, experiment stations, and Hector International Airport. The fact that these properties do not contain any scattered rural non-farm development allows for consolidated access and intersection spacing to be planned out in a manner that optimizes future access management and intersection spacing along the corridor. Access concepts for this alternative as described:

#### 4.0 ALTERNATIVES DEVELOPMENT AND ANALYSIS

- Full access 900 to 1,000 feet west of the I-29 southbound ramps, with a local street connection to the NDSU Agricultural Livestock Research facility in the southwest quadrant of the interchange.



- Westerly extension of the existing raised median for 500 feet west of the southbound ramps to create a right-in/right-out access configuration at the research facility and the field road along the north side of the roadway.
- Easterly extension of the raised median for approximately 1,200 feet east of the northbound I-29 ramps to create a right-in/right-out access at the westerly driveway to the NDSU Agricultural Experiment Station along the north side of the roadway. A westbound right turn lane is proposed at this access, which is recommended to allow tractors and other slow moving traffic entering the site to pull out of the through lanes, in which traffic is typically traveling at a speed of approximately 45 to 55 miles per hour within in this roadway segment. Internal access roads within this site allow circulation back to the easterly driveway, which will remain as a full access as described below.



#### 4.0 ALTERNATIVES DEVELOPMENT AND ANALYSIS

- Retention of the existing full accesses to the NDSU Agricultural Experiment Stations located approximately 900 feet west of Drain 10. These driveways already align with each other. Left and right turn lane storage is proposed as part of the preferred alternative for this segment. These turn lanes are recommended to help remove stopped and slow-moving traffic from the through lanes, which carry traffic at speeds of 45-55 mph.



- A low volume field access to NDSU's research land will remain approximately 100 feet east of Drain 10.
- Two low volume utility driveways will continue to have full access approximately 250 feet east of Drain 3.
- East of 18<sup>th</sup> Street North, left turn lanes have been provided for the driveways to the Candlewood Suites and the airport related businesses along the north side of the roadway. The fact that these existing driveways are already aligned facilitates the provision of turn lanes at this location.
- Moving east into the transition between Segment B and Segment C, a raised median is introduced on the west approach to 16<sup>th</sup> Street North.
- A low volume field access to NDSU's research land will remain approximately 100 feet east of Drain 10.
- Two low volume utility driveways will continue to have full access approximately 250 feet east of Drain 3.

#### 4.0 ALTERNATIVES DEVELOPMENT AND ANALYSIS

- East of 18<sup>th</sup> Street North, left turn lanes have been provided for the driveways to the Candlewood Suites and the airport related businesses along the north side of the roadway. The fact that these existing driveways are already aligned facilitates the provision of turn lanes at this location.
- Moving east into the transition between Segment B and Segment C, a raised median is introduced on the west approach to 16<sup>th</sup> Street North.



##### ○ Bicycle and Pedestrian Facilities

- The existing sidewalk along the south side of 19<sup>th</sup> Avenue North ends approximately 700 feet west of 18<sup>th</sup> Street North, at the west edge of the NDSU Technology Park. The Segment B preferred alternative continues the sidewalk west from the Technology Park as far as Dakota Drive.
- The existing bike path along the north side of 19<sup>th</sup> Avenue North ends at Dakota Drive. East of Drain 3, the bike path branches off to the northwest into the Hector International Airport and ends at a small park which serves as a runway viewing area. The bike path is shown as continuing along the north side of US Highway 81 west of Dakota Drive to provide bike and pedestrian access to the Pepsi Soccer Complex. A connection is shown between the existing trail and a crossing of Dakota Drive. Further analysis is recommended prior to pursuing such a connection to evaluate the type of pavement markings, signs, and pedestrian/bicycle crossing features that would be needed on Dakota Drive.

#### 4.0 ALTERNATIVES DEVELOPMENT AND ANALYSIS

- The bicycle path crosses 19<sup>th</sup> Avenue North at Dakota Drive. The south side of 19<sup>th</sup> Avenue North is a more feasible location for the bike path due to the steep topography adjacent to the north side of the underpass. The slopes on the south side of the underpass are somewhat less severe.
- The railroad bridge 19<sup>th</sup> Avenue North was evaluated to determine the feasibility of extending the bike path under the bridge. A determination was made that it is feasible to modify the abutment on the south side of the bridge through the use of a retaining wall. The recommended vertical and horizontal clearances required for a bike trail appear feasible. BNSF recommends that a project to construct a bicycle trail under the railroad bridge include an overhead panel under the bridge. The purpose of this is to provide a layer of protection between the bridge and bicyclists and pedestrians, protecting them from any falling objects or materials when BNSF is performing track or bridge maintenance. Concept level sketches of an underpass are provided in Appendix I.



- The bike path is continued on the south side of 19<sup>th</sup> Avenue North west of the railroad underpass. It ties into the trail segments that were constructed with the I-29 interchanges, and continues west to the edge of Segment B.



## 7.0 SUMMARY OF RECOMMENDATIONS

The following is a summary of the recommendations of the 19<sup>th</sup> Avenue North corridor study, which also includes a review of the 45<sup>th</sup> Street North railroad crossing located approximately 100 feet south of 19<sup>th</sup> Avenue North, and is an integral part of any solution for handling future traffic projections at the 19<sup>th</sup> Avenue North and 45<sup>th</sup> Street North intersection.

### Overall Corridor Capacity

- Four lanes plus left and right turn lanes

### Pedestrian and Bicycle Accommodations

- Bicycle path extension – south side of 19<sup>th</sup> Avenue North from Dakota Drive to 45<sup>th</sup> Street North and beyond, including a bicycle path underpass of the BNSF railroad tracks west of Dakota Drive,
- Sidewalk on north side of 19<sup>th</sup> Avenue North from 45<sup>th</sup> Street North to I-29,
- Sidewalk extension – south side of 19<sup>th</sup> Avenue North from existing terminus at the west edge of the NDSU Technology Park to Dakota Drive,
- HAWK Signal, in-pavement flashers, automated pedestrian detection, and active advanced pedestrian warning signs for pedestrian crossings of 19<sup>th</sup> Avenue North at the FargoDOME.

### Intersection Spacing – Access Management

- ¼ mile intersection/access spacing for new development,
- Access modifications to existing development to improve access management while maintaining reasonable site access

### 19<sup>th</sup> Avenue North/45<sup>th</sup> Street North/BNSF Railroad Intersection Area

- 45<sup>th</sup> Street Underpass of the BNSF Railroad,
- Realignment of 19<sup>th</sup> Avenue North approximately 550-600 feet north of its current alignment to ensure a relatively flat landing area for at least 50 feet between the top of the underpass and the 19<sup>th</sup> Avenue North/45<sup>th</sup> Street North intersection,
- Four-way stop eventually followed by signalization or roundabout at the 19<sup>th</sup> Avenue North and 45<sup>th</sup> Street North intersection

## 7.0 SUMMARY OF RECOMMENDATIONS

- Four-way stop eventually followed by signalization or roundabout at the 19<sup>th</sup> Avenue North and 45<sup>th</sup> Street North intersection

### Roadway widening between 45<sup>th</sup> Street North and I-29

- Widen roadway to the north to minimize impacts to existing development on the south side of the roadway

### Roadway improvements between I-29 and 16<sup>th</sup> Street North

- Widen roadway to provide left and right turn lanes at the NDSU agricultural research facilities between the railroad underpass and I-29
- Gradually taper 19<sup>th</sup> Avenue North between Dakota Drive and 18<sup>th</sup> Street North to eliminate the abrupt lane shift in the eastbound lanes just west of 18<sup>th</sup> Street North,
- Slight roadway widening for 4.0-foot painted median with rumble strips

### Roadway improvements between 16<sup>th</sup> Street and 10<sup>th</sup> Street North

- Lengthen existing turn lane lengths to accommodate projected turning movement volumes,
- Modify accesses to existing properties in response to crash analysis, traffic operational issues, and cut-through traffic issues

### ITS Improvements for Event and Incident Management

- Closed Circuit TV (8 Pan Tilt Zoom cameras with video encoders and pole mounted cabinets)
- Digital Message Signs (DMS) consisting of 9 signs
- Pedestrian Safety Enhancements (described above)
- Queue Management System (freeway DMS, HD traffic sensors, radio communications)
- Central Monitoring Hardware (PC Workstation and additional monitor)
- Completion of an Intergovernmental Agreement (IGA) between the City of Fargo, NDDOT, and the FargoDome regarding event traffic management



## 8.0 REGIONAL DEVELOPMENT FRAMEWORK AND RELATED PERFORMANCE GOALS AND OBJECTIVES

The 2009 Fargo Moorhead Metropolitan Transportation Plan included several goals, objectives and strategies for the transportation system in its Regional Development Framework (Chapter 3). The goals, objectives, and strategies are designed to address public input, local government policies, and federal and state agency input, policy and guidance and consolidate these factors into a regional vision. These guiding principles provide important documentation of the community's priorities and guidance for corridor studies and sub-area traffic analyses completed after adoption of the Plan.

The recommendations for the 19<sup>th</sup> Avenue North corridor are intended to support and fulfill the goals and objectives of the Regional Development Framework. The goals and objectives that have particular application to the 19<sup>th</sup> Avenue North corridor study are listed below, with a brief discussion as to the manner in which study recommendations support the goal and objective.

**Goal: Reduce the number and severity of transportation system crashes**

**Objective: Improve Intersection Safety**

The access management and intersection design recommendations are specifically aimed at improving the safety of intersections along 19<sup>th</sup> Avenue North.

**Objective: Reduce roadway and lane departure crashes**

The recommended 19<sup>th</sup> Avenue North realignment, particularly between Dakota Drive and 18<sup>th</sup> Street North is a direct response to the number of crashes that occurred in recent years in the location of an abrupt lane shift.

**Goal: Be Good Stewards of the Public's Money**

**Objective: Identify and prioritize needs through good planning**

The 19<sup>th</sup> Avenue North implementation plan identifies the improvements that are recommended for the short, mid, and long term based on traffic projections generated by the regional travel demand model. In particular, the acquisition of right of way for the relocation of the 19<sup>th</sup> Avenue North/45<sup>th</sup> Street North intersection as a short term project and relocation of the intersection as a mid-term project allows the construction of a 45<sup>th</sup> Street North railroad underpass to be funded at a later date, as a long term project. This avoids unnecessary expenditure of the public's money in advance of when the project is needed.

## 8.0 REGIONAL DEVELOPMENT FRAMEWORK AND RELATED PERFORMANCE GOALS AND OBJECTIVES

Traffic projections and traffic operations analyses help to identify locations where access management, traffic control, and other low cost improvements adequately handle projected traffic volumes, thereby avoiding more expensive roadway widening projects. ITS improvements have been identified to improve the management of event traffic at the FargoDome, also helping to avoid more expensive roadway widening along 19<sup>th</sup> Avenue North.

**Goal: Maintain and Improve the Region's Economic Competitiveness**

**Objective: Maintain and improve efficient freight movement**

The 19<sup>th</sup> Avenue North corridor is an important freight corridor, particularly in the area between I-29 and 45<sup>th</sup> Street North, which provides access to a major industrial park in Fargo. Improvements to the corridor and the provision for future intersection spacing and ultimate grade separation from the railroad tracks will improve the efficiency of the corridor for freight movements to and from the interstate highway system.

**Objective: Develop and maintain roadway connectivity that is appropriate for the facility type and land-use environment**

The 19<sup>th</sup> Avenue North corridor is a major arterial roadway within the metropolitan area. It provides access to/from I-29, serves as the primary access route to Hector International Airport and the FargoDome, and serves as the northerly access route to NDSU and the NDSU Technology Park. The corridor provides connectivity to West Fargo and Cass County, and is a vitally important corridor in the northerly portion of Fargo. While the connectivity of the corridor to the west is already provided for on the section line, the proposed realignment of 19<sup>th</sup> Avenue North ensures long term continuity and connectivity of both 19<sup>th</sup> Avenue North and 45<sup>th</sup> Street North by providing adequate spacing between the 45<sup>th</sup> Street North/19<sup>th</sup> Avenue North intersection and the railroad tracks, and ultimately, for a 45<sup>th</sup> Street railroad grade separation.

Furthermore, the recommended design of 19<sup>th</sup> Avenue North recognizes the transitional nature of the corridor from a residential street east of North Broadway to a transitional street serving residential and institutional land uses between North Broadway and 10<sup>th</sup> Street North, to a neighborhood commercial area



## 8.0 REGIONAL DEVELOPMENT FRAMEWORK AND RELATED PERFORMANCE GOALS AND OBJECTIVES

between 10<sup>th</sup> Street North and North University Drive, to a major arterial roadway serving regional commercial and institutional destinations west of North University Drive.

**Objective:** *Help attract growth sector businesses*

The 19<sup>th</sup> Avenue North corridor is already attracting growth sector businesses such as those located at the NDSU Technology Park. Growth of at least one major business in the Technology Park has recently resulted in plans for another campus to be located along 19<sup>th</sup> Avenue North west of I-29. The recommended improvements account for future growth of this nature along the corridor.

**Goal:** *Manage and Operate Roadways Efficiently*

**Objective:** *Evolve toward the centralized management of transportation system devices and personnel*

An important recommendation of this study is the implementation of ITS devices that will improve event traffic management at the FargoDome. A major component of that recommendation is the formation of an IGA between NDDOT, the City of Fargo, and the FargoDome regarding coordination of personnel, monitoring of the roadway network, and operation of the ITS equipment. All of these efforts are aimed at ultimately centralizing the management of equipment and personnel. In fact, implementation of such a system for use at FargoDome events may serve as an important pilot program, helping to lead the way toward centralized metro-wide traffic management.

**Objective:** *Manage congestion to improve traffic flow and conserve energy*

All of the recommended improvements along the 19<sup>th</sup> Avenue North corridor, particularly those aimed at event traffic management, have been based on the need to provide efficient traffic flow and minimize or prevent congestion delay, thereby helping to conserve energy.

## 8.0 REGIONAL DEVELOPMENT FRAMEWORK AND RELATED PERFORMANCE GOALS AND OBJECTIVES

**Objective:** *Cooperate across jurisdictional boundaries to create a seamless transportation network*

The proposed IGA between NDDOT, the City of Fargo, and the FargoDome addresses the spirit of this objective, since jurisdictional boundaries can also apply to roadway facilities, agencies, organizations, equipment, and personnel within the boundaries of one city.

**Goal:** *Provide an Improved, Safe, and Efficient Public Transit Service*

**Objective:** *Prioritize transit corridors and provide service that corresponds to the needs and schedules of the traveling public.*

The access management recommendations for 19<sup>th</sup> Avenue North, particularly in the area between 18<sup>th</sup> Street North and North University Drive, were made in consideration of the existing and anticipated future transit route and needs within this area. The efficiency and viability of this transit route are important to NDSU students, businesses along the corridor, and residents in the surrounding area.

**Goal:** *Improve Bicycle Route Connectivity*

**Objective:** *Close gaps in the bicycle network, especially the principal bikeway network*

This objective is one of the important purposes of the study, and the plan includes recommendations for extending the 19<sup>th</sup> Avenue North bicycle path west of its current terminus at Dakota Drive. The geometric layout calls for bringing the path under the BNSF railroad tracks, and extending west to 45<sup>th</sup> Street North. Along 45<sup>th</sup> Street North, the plan calls for extending the bicycle path to the south to connect with the existing path that terminates at 12<sup>th</sup> Avenue North.

**Objective:** *Build "complete streets" that balance the needs for all modes of transportation with adjacent land uses*

The provision of a sidewalk and bicycle path along the corridor is aimed at making 19<sup>th</sup> Avenue North a complete street that provides connectivity and continuity in a safe manner for bicyclists and pedestrians.



## 8.0 REGIONAL DEVELOPMENT FRAMEWORK AND RELATED PERFORMANCE GOALS AND OBJECTIVES

**Goal:** Build a Livable Community with a High Quality of Life

**Objective:** Reinvest in core neighborhoods

Access management and improved traffic operations along 19<sup>th</sup> Avenue North between 10<sup>th</sup> Street North and 18<sup>th</sup> Street North support this objective. The commercial and residential sites along 19<sup>th</sup> Avenue North consist of a combination of 1) a recently redeveloped commercial area into a mixed use site, 2) an older strip mall that was recently rehabilitated, and 3) a newer strip mall that provides needed goods and services to a core North Fargo neighborhood. Improving the safety and efficiency of this area helps to ensure the neighborhood's continued viability.

**Objective:** Improve connections between people

The recommendations include closure of gaps in the sidewalk between 10<sup>th</sup> Street North and North University Drive. These recommendations, combined with closure of gaps in the bike path system and future provision of sidewalk facilities in newly developing areas west of I-29 fulfill this objective.

In summary, the recommendations of the 19<sup>th</sup> Avenue North corridor study fully respond to the priorities of the Metropolitan Long Range Transportation Plan as set forth in the Regional Development Framework.

## 9.0 IMPLEMENTATION PLAN

The following implementation plan is recommended for the components of 19<sup>th</sup> Avenue North. Planning level cost estimates are included for each element of the implementation plan.

### Short Term Projects (0-5 years)\*

1. Preserve right of way for realignment of 19<sup>th</sup> Avenue at 45<sup>th</sup> Street.
  - a. Prepare right of way plat
  - b. Have property appraised
  - c. Purchase right of way

The use of city funds for right of way will allow it to be purchased without gaining environmental clearance through the NEPA process. If federal funds are used to acquire the right of way, environmental clearance will be required prior to purchase.

Project Cost (2011 dollars) \$2,605,200

2. Design and construction of Segment C (16<sup>th</sup> Street North to 10<sup>th</sup> Street North)
 

Project Cost (2011 dollars) \$3,442,390

3. ITS Improvements (CCTV, DMS, Pedestrian Safety Enhancements, Queue Management System, Central Monitoring Hardware) Note - the ITS cost estimate does not include parking count system, which was determined to be a component of the analysis that is not directly related improving traffic operations on the surrounding roadway system.

Project Cost (2011 dollars) \$832,500

TOTAL SHORT TERM \$6,880,090\*

### Mid Term Projects (5-10 years)

1. Design and construction of Segment A with an interim at-grade railroad crossing
 

Project Cost minus right of way (2011 dollars) \$7,294,290

2. Design and construction of Segment B west of I-29
 

Project Cost (2011 dollars) \$2,305,988

TOTAL MID TERM \$9,600,278

### Long Term Projects (10-20 years)\*

1. Design and construction of Segment B east of I-29\*
 

Project Cost (2011 dollars) \$9,223,952\*

2. Design and construction of 45<sup>th</sup> Street North railroad grade separation
 

Project Cost (2011 dollars) \$6,951,790

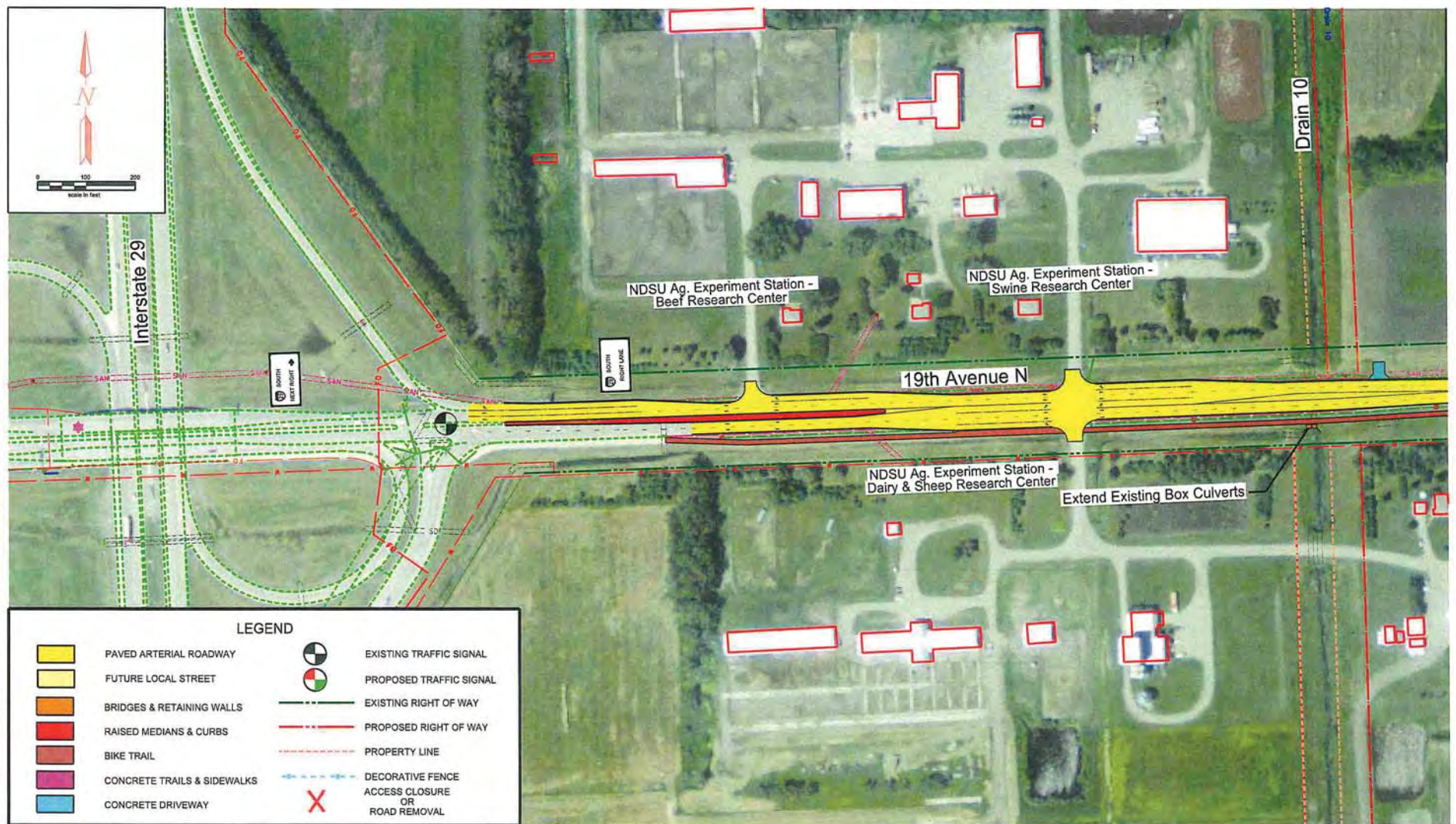
TOTAL LONG TERM \$16,175,742\*

TOTAL SHORT, MID & LONG TERM \$32,656,110

\* Based on input from NDSU at the final public and business/agency meeting, the portion of Segment B between the I-29 east ramps and the railroad underpass may be moved to the short term, which would increase total short term costs by approximately \$3,500,000 and reduce total long term costs by the same amount. The total costs would remain the same.



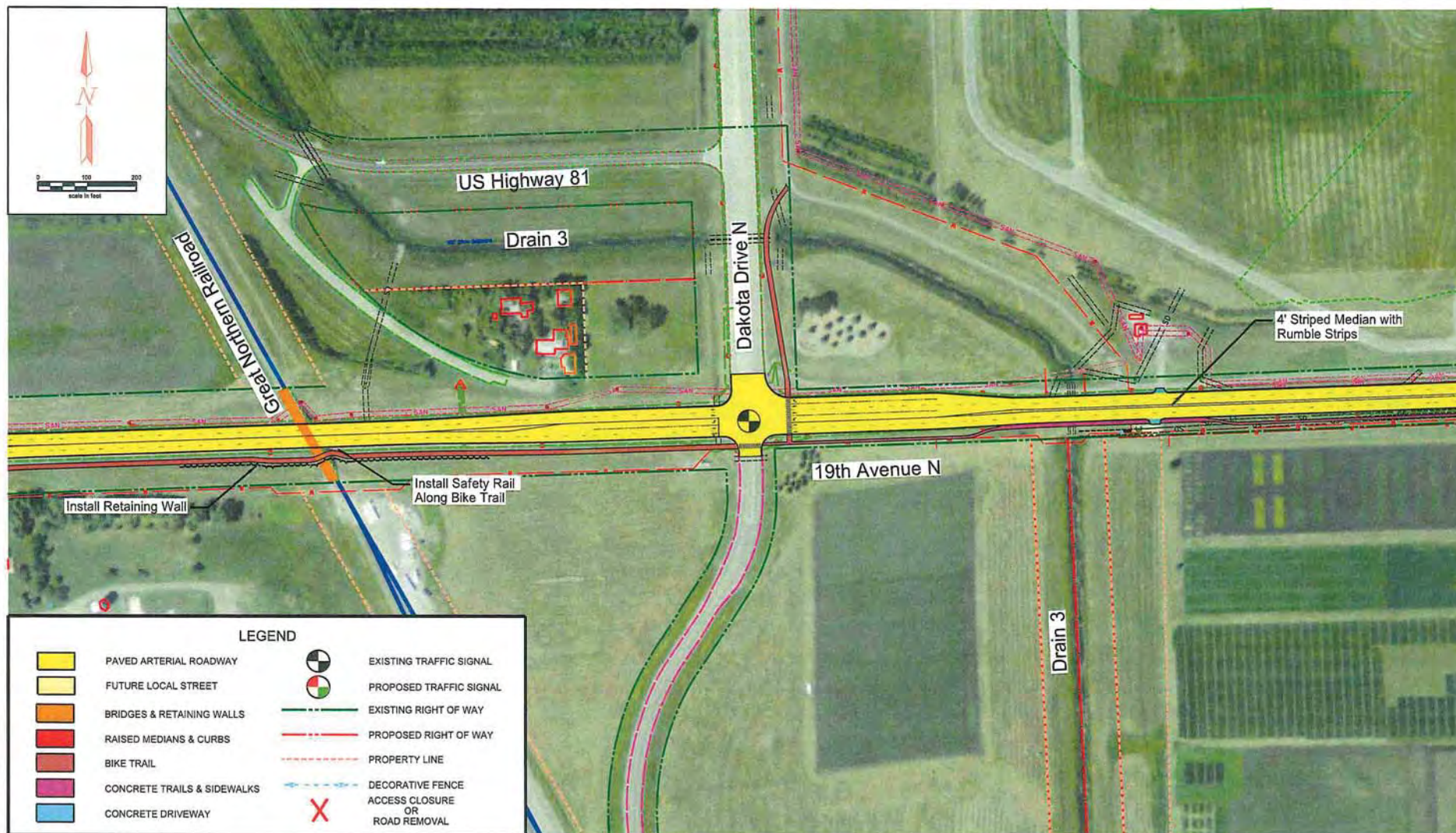
\\proj01\GIS\Design\Graphics\Segment B - Preferred Alternative - Sheet 18.dgn



**Geometric Layout, Segment B, 19th Avenue N, I-29 to Drain 10, Preferred Alternative**  
 19th Avenue North Corridor Study  
 Fargo, ND

7158  
8/19/2011







Agenda Item 3b, Attachment 3

Lead Agency	Metro COG ID State Number	Project Year	Project Location	Length	Project Limits		Project Description	Improvement Type	Total Project Cost	Federal Revenue Source	Other Revenue Source	Revenue
					From	To						
Urban Roads Program												
Fargo Transit	4162670 8017	2020	Transit				Capital Purchase	Transit Capital	\$ 1,250,000	STBGP-U	Local	\$ 1,000,000 \$ 250,000
City of Fargo	418011 21564 8015	2020	64th Ave S	2.0	25th St S	45th St S	Construction of 64th Ave S as a 3-lane urban arterial, grade separated overpass of I-29, shared use path, and bicycle/pedestrian facilities.	New Construction	\$ 30,649,984	STBGP-U	Local	\$ 9,932,907 \$ 20,717,077
City of Fargo	4190002 22292 8133	2021	N University Dr		32nd Ave N	40th Ave N	Reconstruction of 64th Avenue	Reconstruction	\$ 6,000,000	STBGP-U	Local	\$ 4,500,000 \$ 1,500,000
Fargo	4190003 8206	2022	32nd Ave S		25th St	32nd St	Reconstruction	Reconstruction	\$ 10,400,000	STBGP-U	Local	\$ 4,700,000 \$ 5,700,000
Fargo Transit	4200017 8317	2023	Transit				Capital Purchase	Transit Capital	\$ 1,250,000	STBGP-U	Local	\$ 1,000,000 \$ 250,000
City of Fargo	4200016 8316	2023	52nd Ave S		Sheyenne	63rd St	Reconstruction of 52nd Avenue S	Reconstruction	\$ 7,000,000	STBGP-U	Local	\$ 5,000,000 \$ 2,000,000
City of Fargo	PROPOSED	2024	64th Ave S Interchange		Intersection of 64th Ave S and I-29		Constructing on and off ramps at I-29 at 64th Ave S	New Construction	\$ 18,250,000	STBGP-U	Local	\$ 14,600,000 \$ 3,650,000
Fargo Transit	PROPOSED	2024	Transit				Capital Purchase	Transit Capital	\$ 1,250,000	STBGP-U	Local	\$ 1,000,000 \$ 250,000
City of Fargo	PROPOSED	2024	32nd Ave S		25th St S	University Dr	Reconstruction of 32nd Avenue S	Reconstruction	\$ 9,600,000	STBGP-U	Local	\$ 7,680,000 \$ 1,920,000
City of West Fargo	PROPOSED	2024	Sheyenne St		40th Ave S	52nd Ave S	Reconstruction of Sheyenne Street	Reconstruction	\$ 12,000,000	STBGP-U	Local	\$ 9,600,000 \$ 2,400,000



**PROJECT SCOPING WORKSHEET**DATE: 12-20-2019

PRIORITY#1 for Fargo

City: Fargo Street: 64<sup>th</sup> Ave S Ramps at I-29County: Cass Length: NAProposed Improvement: This project would consist of constructing on & off ramps at I-29 at 64<sup>th</sup> Avenue S.

Cost Estimates Breakdown (in \$1,000)							
Alternate	PE	R/W	Utility	Constr.	Bridges	Misc.	Total
				18,250			18,250

Present Road: Surface Width? NA SurfaceType? NA

On Street Parking Allowed? No Present: **(No)** One Side Both Sides Angle Parallel  
 Proposed: **(No)** One Side Both Sides Angle Parallel

Proposed Improvements			
ADT Present: <u>0</u>	Yr: <u>2019</u>	Travel Way Width : <u>11' lanes</u>	
ADT Design: <u>6000-8000</u>	Design year <u>2045</u>	No. of Lanes: <u>1</u>	
Design Speed: <u>40 mph</u>		Roadway Width: <u>NA</u>	
Maximum Curve: <u>NA</u>		Min. R/W Width: <u>NA</u>	
Maximum Grade: <u>5%</u>			

Right of Way	
Will Additional ROW or easement be acquired? <u>No</u>	ROW acquisition by: <b>(City)</b> DOT
Has any ROW easements been acquired since 7-1-72: <u>Yes</u>	ROW Condemnation by: <b>(City)</b> DOT
Est. No. of occupied family dwelling to be displaced? <u>0</u>	

Est. No. business to be displaced? 0

### Impacts

Will there be any additional Impacts (Cultural and Environmental Resources): None anticipated, but will be determined throughout environmental process.

Will there be any impacts to 4(f) or 6(f) properties: None anticipated, but will be determined throughout environmental process.

Airports: No Public Hearings: No

Environmental Classification (Cat-Ex, EA, EIS): Doc Cat-Ex

Transportation Enhancements: Yes, Shared use path on one side of roadway

Intermodal: No

Pedestrian Needs: Yes, and will be accommodated with a shared use path.

### Railroads Crossings

RR Name	No. Xings	No. Tracks and Type of Crossing	Daily Train Movements	Train Speed	Present Protection	Proposed Protection
N/A						

### Purpose and Need Statement For Regional Projects

For regional projects the cities, *in cooperation with NDDOT district offices*, will be asked to submit a Purpose and Need Statement for each regional project proposed.

The Purpose and Need Statement should be approximately two pages in length which address the following issues:

1. When was the current street section built. Has there been any additional maintenance to the street section.
2. How many driving lanes and turning lanes does the street section currently have and what is the widths of the driving and turning lanes.
3. What is the condition of the pavement section.
  - A. If the pavement section is asphalt, is there any alligator cracking, longitudinal cracking, transverse cracking, raveling, bituminous patching or rutting.
  - B. If the pavement section is concrete, is there any broken slabs, faulting, bituminous patching, joint spalling, transverse cracking,



or longitudinal cracking.

4. How are the existing geometrics of the roadway?
5. Are there any access points to adjoining properties that present a special concern?
6. Are there any existing sidewalks or shared use path in place?
7. What is the condition of the existing storm sewer? Will any additional storm sewer work need to be done along with this project?
8. What is the condition of the city's water and sewer line? Will any work have to be done to the city's water and sewer lines along with this project?
9. Describe the existing lighting system currently in place? What type of standards and luminaires are currently being used?
10. What intersections currently have traffic signals? Are there any locations that have a high accident rate? Are additional turning lanes needed?

Remarks:

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City Engineer:



Date: 12-30-19

District Engineer: \_\_\_\_\_

Date: \_\_\_\_\_

**Note:** Please attach a map showing location and extent of the project.





# 25TH STREET/64TH AVENUE SOUTH CORRIDOR STUDY

CITY OF FARGO, NORTH DAKOTA

OCTOBER 2008





The 25th Street corridor is vital to the north/south flow of traffic in Fargo. Located one mile east of I-29, the corridor is the first continuous surface street east of the interstate highway. It currently provides a parallel route to I-29 for six miles through an area of continuous urban environment, and will continue to extend to the south as the city's growth continues.



- Consider access management for both existing and future private accesses and street intersections along the corridor. Some existing access points may need to be closed or relocated.
- Should bike path be on-road, separated multi-use shared paths or both?
- Existing and future utilities may conflict with future roadway plans.
- Future right of way preservation should be based on full build scenario volumes
- Determine if future planned land use adjacent to the corridor should be changed based on recommended roadway improvements or alignment changes.

### Surrounding Networks

- Future Red River Bridge Corridor may be at either 70th Avenue or 76th Avenue South.
- Should bike paths be on-road, separated multi-use shared paths or both?
- Determine the impacts that different alternatives with projected Year 2030 traffic volumes would have on adjacent and parallel roadways within the project area.
- Determine which north/south collector and arterial roadways the City of Fargo plans to extend south into the project area.
- Identify impacts the Southside Flood Projection Plan alternatives would have on future roadway plans.

## 3.9 Purpose and Need

As the City of Fargo continues to grow to the south, the City has identified the need to plan for future urban growth along 25th Street South from 52nd Avenue South to 100th Avenue South and along 64th Avenue South between 57th Street and University Drive.

### 3.9.1 NEED FOR THE PROJECT

The 25th Street corridor is vital to the north/south flow of traffic in Fargo. Located one mile east of I-29, the corridor is the first continuous surface street east of the interstate highway. It currently provides a parallel route to I-29 for six miles through an area of continuous urban environment, and will continue to extend to the south as the city's growth continues. In fact, 25th Street South currently supports urban growth as far as 64th Avenue South. Up to this point, the traffic generated by this growth has been oriented to and from the north, which is the location of schools, jobs, and shopping. However, as orderly growth continues to fill in the remaining green fields between 52nd Avenue South and 64th Avenue South, and as new areas of development begin to occur south of 64th Avenue South, the demands on these two corridors will increase profoundly. Some of this urban expansion is currently in the process of being planned and designed.

The Fargo School District has identified their next Fargo High School site at the southwest quadrant of 25th Street and 70th Avenue South.

The Fargo School District has identified their next Fargo High School site at the southwest quadrant of 25th Street and 70th Avenue South. The school district is planning for the school to be functional by the fall of 2011. The school district has also stated that an elementary school may be located at the west end of their parcel. The extension of city services to the school site will open up the potential for other urban growth in this area. This will create the need for expanding and paving 25th Street to approximately 76th Avenue South. A preliminary layout of the future Davies High School site is shown in Appendix A, as part of the minutes from the Fourth SRC Meeting.

In the area between University Drive and I-29, the City of Fargo has either experienced urban growth or has approved the zoning and subdivisions that will lead to urban growth of all land north of 64th Avenue South. Martens Way Addition and Legacy Addition occupy the area between University Drive and 25th Street South. Silver Leaf Addition and Maple Valley Addition occupy the land between 25th Street and I-29. Additional zoning requests for commercial districts have been made on land south of 64th Avenue South and developers are currently in discussions with the City regarding the optimal timing of further residential and commercial development in this area.

Further south along 25th Street and west along 64th Avenue South, property owners continue to pressure the city for non-farm rural development in various types. As evidenced by the development currently existing along both study corridors, this premature development has resulted in driveway locations and building locations that are not compatible with the needs of an expanding urban area. Establishing the future corridor design and right of way needs will help to prevent this situation in the future.

The 64th Avenue South corridor has been designated as a future City of Fargo arterial and currently lies on a section line. It has been the City of Fargo's policy and practice to have at least one grade separated crossing of I-29 every mile. There is currently a grade separated crossing with an interchange one mile north at 52nd Avenue South. The increase in traffic volumes that occur with southerly development on both the east and west sides of I-29 will require either a grade separated crossing or interchange at I-29.

Roadway improvements will be necessary to accommodate more capacity as development continues as well as creating routes for emergency vehicles. All emergency vehicles such as ambulance and fire trucks will need a safe roadway to travel to future developed areas such as the proposed future Fargo High School and possible elementary school.



## 8.0 SUMMARY OF RECOMMENDATIONS

The SRC selected Alternative 1 as the preferred alternative for the 64th Avenue South corridor. Alternative 1 keeps the 64th Avenue South corridor on or very close to the existing alignment between 57th Street and University Drive.



The study review committee selected preferred recommendations along both study corridors and for the 64th Avenue South and I-29 intersection. Layouts of the preferred alternatives can be found in Appendix E.

### 8.1 64th Avenue South Corridor

The SRC selected Alternative 1 as the preferred alternative for the 64th Avenue South corridor. A summary of the preferred alternative is described below:

- Alternative 1 keeps the 64th Avenue South corridor on or very close to the existing alignment between 57th Street and University Drive.
- Between 57th Street and 45th Street, 64th Avenue South is proposed to have 200-feet of right of way. The roadway section should be designed as a four-lane divided roadway with a 31-foot wide median and turn lanes where appropriate.
- Between 45th Street and Maple Valley Drive, 64th Avenue South is proposed to have 200-feet of right of way. The roadway section should be designed as a six-lane divided roadway with a 32-foot wide median and turn lanes where appropriate.
- Between Maple Valley Drive and 25th Street, the 64th Avenue South alignment shifts slightly to the north before it crosses the bridge over County Drain 53. The roadway tapers down to a 3-lane undivided section with one lane in each direction, a common left-turn lane, and right turn-lanes where appropriate. A frontage road has been provided on the south side of 64th Avenue between the bridge over County Drain 53 and 25th Street. The frontage road has access on its west end, access at 27th Street and it dead ends in a cul-de-sac on its east end (just west of 25th Street).
- The frontage road south of 64th Avenue South and west of 25th Street impacts two properties (2616 64th Avenue South and 2704 64th Avenue South) where the frontage road connects into 64th Avenue at 27th Street. The frontage road dead ends into a cul-de-sac on its east end and would impact one property (2506 64th Avenue South).
- Between 25th Street and just east of 21st Street, 64th Avenue South is proposed to have 150-feet of right of way. The roadway section should be a 3-lane undivided section with one lane in each direction, a common left-turn lane, and additional turn-lanes where appropriate.
- Between just east of 21st Street to University Drive, 64th Avenue South is proposed to have approximately 115-feet of right of way. The roadway section should be a 3-lane undivided section with one lane in each direction, a common left-turn lane, and additional turn lanes where appropriate. The projected traffic volumes along this section of roadway remain fairly low, so all of the direct access onto 64th Avenue South will remain with the exception of one residence (1648 64th Avenue) which currently has two access points. At this residence the driveway on the west would be closed.



The SRC selected Alternative 2 as the preferred alternative for the 25th Street South corridor. Alternative 2 shifts the 25th Street South corridor to the east approximately 45 feet between 60th Avenue South to approximately 66th Avenue South.



- All access restrictions, bicycle/pedestrian facilities and traffic control recommendations should remain as discussed in previous sections of the report.

### 8.2 64th Avenue South & Interstate 29

The SRC decided that they would like to continue preserving right of way for a future interchange. The committee felt that an overpass may be needed before a full interchange is needed. Therefore when funds are available for the 64th Avenue South overpass of I-29, it should be designed so that future interchange ramps can be added if or when they are needed.

### 8.3 25th Street South Corridor

The SRC selected Alternative 2 as the preferred alternative for the 25th Street South corridor. A summary of the preferred alternative is described below:

- Alternative 2 shifts the 25th Street South corridor to the east approximately 45 feet between 60th Avenue South to approximately 66th Avenue South. The alignment shift would require purchasing right of way to the east of 25th Street from undeveloped properties. The alignment shift allows more space for the frontage road between 58th and 64th Avenue South and changes the design for the cul-de-sac on the south end of the frontage road. The new cul-de-sac design reduces (but does not eliminate) impacts to two properties (2505 64th Avenue and 6305 25th Street).
- Between 52nd Avenue South to just south of 58th Avenue South, 25th Street is proposed to have a minimum of 120-feet of right of way. The roadway shall be designed as a 5-lane undivided section with two lanes in each direction, a common-left turn lane and additional turn lanes where appropriate.
- Between just south of 58th Avenue South to 64th Avenue South, 25th Street is proposed to have a minimum of 140-feet of right of way. The roadway shall be designed as a 5-lane undivided section with two lanes in each direction, a common-left turn lane and additional turn lanes where appropriate. A frontage road along the west side of 25th Street will serve the existing homes between 58th and 64th Avenue South.
- Between 64th Avenue South and 100th Avenue South, 25th Street is proposed to have a minimum of 200-feet of right of way. The alignment in this section is proposed to shift to the west approximately one-half mile south of 88th Avenue South. The purpose of the alignment shift is due to the location of the Red River at this location. The roadway shall be designed as a 5-lane undivided section with two lanes in each direction, a common-left turn lane and additional turn lanes where appropriate.
- All access restrictions, bicycle/pedestrian facilities and traffic control recommendations should remain as discussed in previous sections of the report.

## 9.0 IMPLEMENTATION PLAN

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An implementation plan was developed for the selected preferred alternatives along both the 25th Street and 64th Avenue South corridors. Several of the short range projects are proposed to be completed prior the opening of Davies High School in August of 2011.

An implementation plan was developed for the selected preferred alternatives along both the 25th Street and 64th Avenue South corridors within the study area. The implementation plan splits the proposed projects into short range (0 to 5 years), mid range (5 to 10 years) and long range (10+ years) categories. The short range projects have an actual year assigned for the project to be completed. Several of the short range projects are proposed to be completed prior the opening of Davies High School in August of 2011. The study committee felt that it was important to have good, paved roadways for high school students to drive on during their commute to and from school. The implementation schedules are presented for 64th Avenue South and 25th Street in Tables 21 and 22 respectively.



Table 21: 64th Avenue South Implementation Plan

## 9.0 IMPLEMENTATION PLAN

IMPLEMENTATION MEASURES FOR THE 64TH AVENUE SOUTH CORRIDOR						
Corridor Section	Short Range (0-5 Years)			2012	Mid Range (5-10 Years) 2013-2017	Long Range (10+ Years) 2018-2027
	2008	2009	2010	2011		
University Drive to 25th Street	Acquire recommended right of way along the 64th Avenue South Corridor & add proposed improvements to the update of the MTP.			(1) Construct 64th Avenue South from 25th Street to University Drive as a permanent 3-lane roadway including utilities. (\$2.5 M)		
25th Street to East of I-29 (Maple Valley Drive)	Acquire recommended right of way along 64th Avenue South Corridor & add proposed improvements to the update of the MTP.			(1) Construct 64th Avenue South from Maple Valley Drive to 25th Street as a permanent 3-lane roadway. Includes installing remaining City utilities. (\$7.2 M)	Monitor 25th Street & 64th Avenue South intersection to determine when signal warrants are met.	
I-29 (Maple Valley Drive to 40th Street)	Acquire recommended right of way along 64th Avenue South Corridor & add proposed improvements to the update of the MTP.				(3) Construct the 64th Avenue South overpass of I-29 as recommended and Maple Valley Drive as a permanent divided 6-lane roadway.	Construct the 64th Avenue South and I-29 interchange when traffic volumes warrant construction.
West of I-29 (40th Street) to 57th Street					(1) Construct 64th Avenue South from 40th Street to	
	Acquire recommended right of way along 64th Avenue South Corridor & add proposed improvements to the update of the MTP.				(2) Construct 64th Avenue South from 45th Street to 40th Street as a permanent 3-lane roadway.	Construct 64th Avenue South from 57th to 45th Street as development occurs.
						Expand 64th Avenue South from 57th to 40th Street when additional roadway capacity is needed.

(1) Note: Along with building the roadway, pedestrian facilities, frontage roads, bridges and landscape improvements should also be designed and constructed as proposed.

(2) Note: Design the sections for future expansion to full recommended section.

(3) Note: Construct the overpass designed for future expansion to a full interchange.

(4) Note: Preliminary cost estimates do not include utility work.





Agenda Item 3b, Attachment 5

## PROJECT SUBMITTAL LIST

[illegible]

Notes	Description
(1)	PriR = Primary Regional, SecR = Secondary Regional, URP = Urban Roads Program, TA = Transportation Alternatives, INT = Interstate, BRI = Bridge
(2)	Interstate, Principal Arterial, Minor Arterial, Collector
(3)	PM = Preventive Maintenance, MiR = Minor Rehabilitation, SI = Structural Improvement, MaR = Major Rehabilitation, N/R = New/Reconstruction
(4)	Brief description of the project (Exs: Thin Lift Overlay, Mill and Overlay, Concrete Pavement Repair, etc.)





# **URBAN REGIONAL & URBAN ROADS PROJECT SCOPING WORKSHEET**

DATE: 12-9-19

PRIORITY #3

Regional: Y/N

Urban Roads: Y/N

City: Fargo

Street: 32<sup>nd</sup> Ave S – 25<sup>th</sup> Street to University Drive

County: Cass

Length: 4435'

Proposed Improvement: Full street reconstruction

Cost Estimates Breakdown (in \$1,000)							
PE	CE	R/W	Utility	Constr.	Bridges	Non-Participating	Total
				9,600			9,600

Present Road: Surface Width? 4-lane divided, 12' lanes, 18' median    Surface Typ? Concrete

On Street Parking Allowed? \_\_\_\_\_ Present: (No) One Side    Both Sides    Angle    Parallel

Proposed: (No) One Side    Both Sides    Angle    Parallel

Proposed Improvements			
ADT Present: <u>14,895</u>	Yr: <u>2018</u>	Travel Way Width : <u>66'</u>	
ADT Design: <u>17,506</u>	Design year <u>2045</u>	No. of Lanes: <u>4</u>	
Design Speed: <u>40</u>		Roadway Width: <u>66'</u>	
Maximum Curve: <u>NA</u>		Min. R/W Width: _____	
Maximum Grade: <u>NA</u>			

Right of Way	
Will Additional ROW or easement be acquired? <u>Yes</u>	ROW acquisition by: <u>City</u> DOT
Has any ROW easements been acquired since 7-1-72: <u>Yes</u>	ROW Condemnation by: <u>City</u> DOT
Est. No. of occupied family dwelling to be displaced? <u>0</u>	

Est. No. business to be displaced? 0

### Impacts

Will there be any additional Impacts (Cultural and Environmental Resources): None Anticipated

Will there be any impacts to 4(f) or 6(f) properties: None anticipated

Airports: No Public Hearings: No

Environmental Classification (Cat-Ex, EA, EIS): Cat-Ex

Transportation Enhancements: No

Intermodal: Shared Use Path

Pedestrian Needs: Sidewalk and shared use path exist today and will be replaced as needed

### Railroads Crossings

RR Name	No. Xings	No. Tracks and Type of Crossing	Daily Train Movements	Train Speed	Present Protection	Proposed Protection

### Purpose and Need Statement:

The purpose of the proposed project is to replace the existing concrete roadway which has been degrading in ride quality for years, and to replace miscellaneous underground city owned utilities.

### Existing Conditions:

1. When was the current street section built? Has there been any additional maintenance to the street section?  
The current roadway was constructed in 1987, and there has been concrete spot repair projects on the road, as well as an asphalt overlay spot repair project completed in 2019 by the Street Dept.
2. How many driving lanes and turning lanes does the street section currently have and what is the widths of the driving and turning lanes?  
32<sup>nd</sup> Avenue S is an urban 4-lane divided concrete roadway with standard width driving lanes, a sidewalk on one side and an 8' shared use path on the other.
3. What is the condition of the pavement section?

- A. If the pavement section is asphalt, is there any alligator cracking, longitudinal cracking, transverse cracking, raveling, bituminous patching or rutting?
- B. If the pavement section is concrete, are there any broken slabs, faulting, bituminous patching, joint spalling, transverse cracking, or longitudinal cracking.

The existing concrete is plain concrete with no reinforcement or dowel bars between the joints. A concrete rehabilitation project is not an option for the roadway. There are broken slabs, asphalt patching, and faulting.

- 4. Any existing geometric concerns?  
No
- 5. Are there any access points to adjoining properties that present a special concern?  
No
- 6. Are there any existing sidewalks or shared use path in place?  
There is an existing sidewalk and an existing shared use path, and they will be repaired as necessary.
- 7. What is the condition of the existing storm sewer? Will any additional storm sewer work need to be done along with this project?  
The existing storm sewer is in good shape, but a supplemental line will need to be installed as this avenue is a route for discharge to the Red River, and the road is frequently under water with even short, intense summer rainfalls.
- 8. What is the condition of the city's water and sewer line? Will any work have to be done to the city's water and sewer lines along with this project?  
The existing water line is made of asbestos cement pipe, and will be completely replaced with the project. The existing sewer line is made of reinforced concrete and should be in good shape, but spot repairs to it may be necessary.
- 9. Describe the existing lighting system currently in place? What type of standards and luminaires are currently being used?  
The existing lighting is 40' tall poles with 400 watt high pressure sodium fixtures. All will be replaced with the project and we will install 40' poles with LED fixtures, for both better lighting and for electrical savings.
- 10. What intersections currently have traffic signals? Are there any locations that have a high accident rate? Are additional turning lanes needed?  
There are traffic signals located at 25<sup>th</sup> Street, 18<sup>th</sup> Street, at 15<sup>th</sup> Street and at University Drive. The existing traffic signal at 25<sup>th</sup> will be replaced with a project programmed to occur in 2022, and the existing traffic signal at University Drive is outside this project's limits. The existing traffic signals at 18<sup>th</sup> Street and 15<sup>th</sup> Street will be removed and replaced. Fiber optic cable will be installed to connect



all of the traffic devices and continuous counting loops will be added to all the signalized intersections.

At this time there are no locations with a high crash rate, and we don't anticipate adding any additional right turn lanes.

Remarks:

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City Engineer: B. h. t. D.

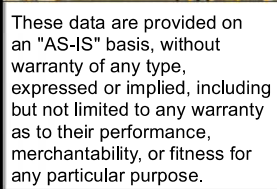
Date: 12-30-19

District Engineer: NA

Date: \_\_\_\_\_

*Note: Please attach a map showing location and extent of the project and any additional supporting documents.*





12/3/2019 8:57:32 AM

THE CITY OF  
**Fargo**  
FAR MORE 







**URBAN REGIONAL & URBAN ROADS  
PROJECT SCOPING WORKSHEET**

DATE: 12/26/2019

PRIORITY# \_\_\_\_\_

Regional: Y/N

Urban Roads: Y/N

City: West Fargo

Street: Sheyenne between 40<sup>th</sup> & 52<sup>nd</sup> Avenue

County: Cass

Length: 1 mile

Proposed Improvement: This segment of Sheyenne Street is currently a 2 lane rural roadway with a 34 foot top and no pedestrian/bikeway facilities. It is currently posted for 35 mph and no parking is allowed along this corridor. Its traffic volumes have increased and will increase dramatically with construction of a high school roughly 1 mile to the south. Estimates for 2040 are 15,800 vehicles. Observation and citizen complaints demonstrate that capacity and level of service is quickly deteriorating.

Proposed improvements consist of modified urban section with storm sewer and 4 lanes from 52<sup>nd</sup> to 40<sup>th</sup> Avenue. Added amenities will consist of: 10 foot multiuse path will be included on each side of the roadway, street lighting. Existing right of way should be adequate unless the roundabout option is chosen.

Cost Estimates Breakdown (in \$1,000)							
PE	CE	R/W	Utility	Constr.	Bridges	Non-Participating	Total
1,000	1,000	0	0	10,000	0	0	12,000

Present Road: Surface Width? 34 feet

Surface Type? Asphalt

On Street Parking Allowed? No

Present: No

Proposed: No

### Proposed Improvements

ADT Present: 5645                      Yr: 2015                      Travel Way Width : 11/12  
ADT Design: 15,800                  Design year: 2040                  No. of Lanes: 5  
Design Speed: 50                      Roadway Width: 60  
Maximum Curve: \_\_\_\_\_                  Min. R/W Width: 120  
Maximum Grade: \_\_\_\_\_

### Right of Way

Will Additional ROW or easement be acquired? No                  ROW acquisition by: City  
Has any ROW easements been acquired since 7-1-72: \_\_\_\_\_                  ROW Condemnation by: City  
Est. No. of occupied family dwelling to be displaced? 0  
Est. No. business to be displaced? 0

### Impacts

Will there be any additional Impacts (Cultural and Environmental Resources): None

Will there be any impacts to 4(f) or 6(f) properties: None

Airports: None                                      Public Hearings: \_\_\_\_\_  
Environmental Classification (Cat-Ex, EA, EIS): Cat-Ex  
Transportation Enhancements: \_\_\_\_\_  
Intermodal: \_\_\_\_\_  
Pedestrian Needs: Multi-purpose paths

### Railroads Crossings

RR Name	No. Xings	No. Tracks and Type of Crossing	Daily Train Movements	Train Speed	Present Protection	Proposed Protection
N/A						

### Purpose and Need Statement:

#### Purpose of Project

The purpose of the proposed project is to widen Sheyenne Street between 40<sup>th</sup> Avenue East and 52<sup>nd</sup> Avenue East, to address capacity needs, roadway reliability and social and economic development along the proposed corridor.

#### Need for Project

The need for the proposed project along Sheyenne Street is driven by increasing motorist delay, congestion from development along the corridor, crash susceptibility issues and lack of multimodal opportunities. Current and projected needs within this corridor include increasing capacity, addressing social demands, accommodating economic development and improving

roadway reliability.

### Capacity

According to the Sheyenne Street Corridor Study, existing land use abutting Sheyenne Street is predominantly residential (approximately 73 percent of the total land use). In addition, according to 2010 Census data, approximately 36 percent of the total West Fargo population lives in the neighborhoods surrounding the Sheyenne Street corridor. By 2040, 53 percent of the total West Fargo population is expected to live in the surrounding neighborhoods based on growth projections in the Fargo-Moorhead Metropolitan Council of Governments' 2040 Long Range Transportation Plan (LRTP). Development surrounding the Sheyenne Street corridor has increased significantly in recent decades. The area surrounding the corridor is anticipated to experience continued accelerated growth that will likely result in pronounced A.M. and P.M. peaks in traffic volumes as motorists travel out of the corridor in the morning and back into the corridor in the afternoon. Under existing conditions, the corridor operates at an acceptable level of delay. Under future conditions however, it is anticipated that driver delay will increase. The anticipated growth of roadway users would result in additional strain on the corridor.

### Social Demands and Economic Development

The lack of employment, shopping or dining opportunities compounded by the disproportionately high percentage of residential developments within the area, creates an economic demand for commercial land uses along the corridor. The lack of multimodal facilities along the Sheyenne Street corridor, coupled with existing and projected traffic capacity issues serve to reduce the attractiveness of the corridor to the expansion of neighborhood commercial developments. Improved capacity, access management and pedestrian/ bicycle accommodations would improve the conditions for neighborhood commercial retail developments.

### Existing Conditions:

1. When was the current street section built? Has there been any additional maintenance to the street section?  
The current street section was built in 1993 by the County and has been maintained by the City since 2006, when an overlay was completed by the City. No other maintenance has been completed since the 2006 overlay.
2. How many driving lanes and turning lanes does the street section currently have and what is the widths of the driving and turning lanes?  
The roadway is currently a two lane rural section with shoulders. The roadway section is 2-12' lanes with a 5' wide shoulder.
3. What is the condition of the pavement section?  
The current pavement is asphalt. A 2016 PCI inspection shows minor cracking and rutting, but no major damage to the section other than normal weathering.
4. Any existing geometric concerns?  
None



5. Are there any access points to adjoining properties that present a special concern?  
No, most access points are to local roads that access small residential subdivisions. These may require minor access control to be constructed. 47<sup>th</sup> Ave may become signalized in the near future, creating a larger access control of this roadway.
6. Are there any existing sidewalks or shared use path in place?  
No existing sidewalks or shared use paths.
7. What is the condition of the existing storm sewer? Will any additional storm sewer work need to be done along with this project?  
There is no existing storm sewer. The current rural section uses ditches for storm drainage. An upgrade to an urban section will require full addition of storm sewer connection to the existing storm lift station on the corridor. The existing station has been built to accommodate the additional storm runoff of the corridor.
8. What is the condition of the city's water and sewer line? Will any work have to be done to the city's water and sewer lines along with this project?  
The existing water line has been recently installed and is in good condition. There is no existing sanitary lines along the corridor, as the residential area to the west connects to a main west of Sheyenne Street and the residents to the east are not connected to city sewer services.
9. Describe the existing lighting system currently in place? What type of standards and luminaires are currently being used?  
There is no existing lighting system in place.
10. What intersections currently have traffic signals? Are there any locations that have a high accident rate? Are additional turning lanes needed?  
The only intersection with a traffic signal is Sheyenne and 40<sup>th</sup> Ave S. This signal was rebuilt in 2019 with the completion of the widening of Sheyenne Street north of 40<sup>th</sup> Ave. The south end of the project meets with a County road at a roundabout. Additional turning lanes may be required at the 47<sup>th</sup> Ave S. intersection into the neighborhood to the west.

Remarks:

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City Engineer: \_\_\_\_\_

Date: \_\_\_\_\_

District Engineer: \_\_\_\_\_

Date: \_\_\_\_\_

*Note: Please attach a map showing location and extent of the project and any additional supporting documents.*



## 2045 Fargo-Moorhead Transportation Plan

**TABLE 12.3: SHORT TERM (2023-2025) ROADWAY PROJECTS BY JURISDICTION**

Project ID	Corridor	From	To	Project Type	Project Jurisdiction	Cost Estimate (2019)	Short Term (2023-2025) Costs	STBG Funds	Local Funds
<b>Minnesota Projects</b>									
58*	34th St	I-94	12th Ave S	Corridor Management/ Preservation*	Moorhead	\$3,300,000	\$4,010,000	\$1,888,710	\$2,121,290
R128	S 30th Ave	S 14th St	S 20th St	Preservation	Moorhead	\$1,868,000	\$2,610,000	\$1,229,310	\$1,380,690
<b>North Dakota Projects</b>									
19	Sheyenne St	40th Ave S	52nd Ave S	Roadway Widening to 3-lane Urban Street	West Fargo	\$7,725,000	\$9,400,000	\$7,520,000	\$1,880,000
88	I-29	at 64th Ave S		Interchange	Fargo/NDDOT	\$18,000,000	\$21,900,000	\$12,797,000	\$9,103,000
R16	19th Ave N	I-29	Dakota Dr N	Preservation	Fargo	\$5,000,000	\$6,080,000	\$4,864,000	\$1,216,000
R17	19th Ave N	Dakota Dr N	18th St N	Preservation	Fargo	\$4,200,000	\$5,110,000	\$4,088,000	\$1,022,000
R27	32nd Ave S	25th St	University	Preservation	Fargo	\$7,900,000	\$9,610,000	\$6,688,000	\$2,922,000
<b>Total</b>							<b>\$58,720,000</b>	<b>\$39,075,020</b>	<b>\$19,644,980</b>
<b>Minnesota</b>							<b>\$6,620,000</b>	<b>\$3,118,020</b>	<b>\$3,501,980</b>
<b>North Dakota</b>							<b>\$52,100,000</b>	<b>\$35,957,000</b>	<b>\$16,143,000</b>



To: Policy Board  
From: Luke Champa, Assistant Planner  
Date: January 10, 2020  
Re: NDDOT Urban Grant Program Solicitation of Projects

The North Dakota Department of Transportation (NDDOT) is soliciting projects to be funded through the Urban Grant Program (UGP) for fiscal year (FY) 2022, in the development of the 2021-2024 State Transportation Improvement Program (STIP). All submittal packages have been prioritized by Metro COG's **Transportation Technical Committee (TTC)** on January 9, 2020 and then sent to NDDOT for their project selection process by the January 31, 2020 deadline.

Urban Grant Program – Metro COG received one (1) project for FY 2022 solicitation.

- 2<sup>nd</sup> Street Pedestrian Bridge (Fargo) – construction of a bicycle and pedestrian bridge over 2<sup>nd</sup> Street N., just south of Fargo City Hall. The estimated total project cost is \$3,400,000, of which \$2,700,000 is requested through federal funds, and \$700,000 through local matching funds.

With only one (1) project submitted for the Urban Grant Program, the TTC recommends the project be submitted to NDDOT as the top priority.

Staff asked the TTC to prioritize the above project for submittal to the NDDOT for consideration. The TTC voted unanimously, at their January 9<sup>th</sup> meeting, to support this application as the metro area's number one priority for the urban Grant Program. Please be aware that for projects to be considered by NDDOT, the proper paperwork shall also be submitted with the request. As of the writing of this memo, City of Fargo staff will be updating images and maps, and highlighting key information within the attached planning documents that reference the project.

Upon action by the Policy Board, staff will submit the prioritized list and sufficient project materials to NDDOT prior to the January 31, 2020 deadline.

#### Attachments

1. List of programmed and proposed UGP projects
2. 2<sup>nd</sup> Street bicycle and pedestrian bridge UGP application

Requested Action: Approve the 2<sup>nd</sup> Street bicycle and pedestrian bridge project for the NDDOT Urban Grant Program solicitation and subsequent submittal of proper project application materials to the NDDOT by the January 31, 2020 deadline.

Agenda Item 3c, Attachment 1

Lead Agency	Metro COG ID State Number	Project Year	Project Location	Length	Project Limits		Project Description	Improvement Type	Total Project Cost	Federal Revenue Source	Other Revenue Source	Revenue
					From	To						
Urban Grant Program												
City of West Fargo	3190041 22277 8018	2020	Sheyenne St		Main	7th Ave	Road Diet, Bulb-Outs, Sidewalk, Access Modifications, Parking, Streetscape, Street Furniture, Lighting, Bus Stop	Reconstruction	\$ 3,600,000	UGP	Local	\$ 2,377,446 \$ 1,222,554
City of Fargo	PROPOSED	2022	2nd Street N		S of City Hall		Bicycle and Pedestrian Bridge	New Construction	\$ 3,400,000	UGP	local	\$ 2,700,000 \$ 700,000





# Urban Grant Program Application

## Coversheet

**LPA**

City of Fargo

**Contact Person**

Jeremy Gorden

**Title**

Transportation Division Engineer

**Address**

200 3<sup>rd</sup> Street N, Fargo, ND 58102

**Telephone**

701-241-1529

**Email**

jgorden@fargond.gov

**Project Name**

2<sup>nd</sup> Street Pedestrian Bridge

**LPA Applicant Signature (Highest Elected Official)****NDDOT District Engineer Signature if project is located on/impacts a State Highway**

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**Date Submitted**

12/17/2019

**Application Attachment Checklist (check all that have been attached)**

☒ Relevant excerpts from adopted plans    ☒ Map(s) depicting project location    ☐ Cross Section of Roadway/facility

☒ Pictures, Graphics, and/or other visual aids    ☐ Relevant supporting data

☐ Other Attachments (describe)

Click here to enter text.

Information in this Box is for NDDOT to Complete

Date Received \_\_\_\_\_

Is this Project Title 23 Code of Federal Regulation Eligible including location on a federal aid route?

Yes ☒ No ☐

## General Project Information

### Project Description (including location and scope of work for which funding is requested)

The proposed project includes the construction of a bike & pedestrian bridge across 2<sup>nd</sup> Street N. The intent of this project is twofold. 1) The project would fill a gap in the existing downtown bike network by providing a grade-separated connection between the Red River and the downtown core, linking bike trails along the river with the 2<sup>nd</sup> Avenue N bike corridor. 2) The project would act as a civic amenity, providing a direct connection between the river greenway and a planned expansion to the “civic plaza” to be located between the public library, City Hall, and the Civic Center. The connection would provide an opportunity for synergies between the programming of the civic plaza and the natural amenities of the river greenway.

### Total Project Cost

\$3.4M

### Amount of Grant Funds Requested (cannot exceed 80% of total project cost)

\$2.7M

## Competitive Criteria

1. **Community Need for Project:** Explain why the project is needed including appropriate detail. Include any 100% locally funded components of the project that are part of the overall project or other planned projects that may compliment this project. Documentation of information to support the need such as relevant data, existing and if appropriate projected conditions, and any related analysis through studies or reports would be appropriate to identify in this section. Attachments such as but not limited to: maps, pictures, other graphics; and supporting data demonstrating the need for the project is encouraged.

The project is needed in order to enhance the vitality of the City’s core by improving bicycle and pedestrian circulation networks, improving the safety of those users, and providing opportunities to make better use of the underutilized river corridor.

The City of Fargo recently adopted a downtown plan, *Downtown InFocus*, which was developed over the previous year and a half. One of the major goals of this plan is to encourage alternative transportation modes in order to support a walkable, dense downtown. Some of the objectives to advance that goal include the establishment of a modal street hierarchy—to identifying pedestrian-, bicycle-, and vehicle-focused streets for use in future street design—and the creation of a downtown bicycle network. Second Avenue N is classified as being a pedestrian- and bicycle-focused street and, consequently, is identified as being one of the east/west links in the downtown network. On-street bike facilities are planned for Second Avenue N, except for the area east of Fourth Street N, where the Second Avenue N right-of-way dead-ends at the existing civic plaza. With the construction of the new City Hall, a multi-use path is planned to create east/west bike and pedestrian connectivity through the civic plaza. Heading east, the civic plaza ends at Second Street N, which separates the civic plaza from the river greenway. Additionally, a recently constructed flood wall creates a second barrier at this location. The proposed bridge is needed to allow a bicycle and pedestrian connection over Second Street N and the floodwall, in order to complete the connection to the existing trail network within the river greenway.

There are two reasons that this bike and pedestrian link needs to be to be grade-separated. First, the most

obvious reason is that the existing floodwall creates a barrier that cannot be penetrated due to its construction and purpose. The second reason is safety. Second Street N is one of the few north/south streets that transect the downtown core. As such, it handles a high volume of traffic—having an average annual daily traffic count of 12,730 vehicles in 2015. A grade-separated crossing would ensure a safe connection between the river greenway and the downtown core.

Lastly, this project would support the vitality of the area by improving the connectedness of downtown with the natural amenities of the river corridor. This will be especially apparent with the additional programming, expansion, and use of the civic plaza. Specifically regarding the programs, events, and public offerings of the Fargo Public Library. Having a connection to nature will only advance recreational and educational opportunities associated with such public programming and events.

2. **Community Impact of Project:** Describe how the project will offer significant long term value to the community specifically in addressing the following program objectives (a-f):

a) **Preserve existing transportation assets**

The project seeks to make better use out of existing transportation assets by providing additional connectivity to the bicycle and pedestrian networks, thereby increasing likelihood and opportunity for use of the existing network.

b) **Ensure safety of all users of the transportation system**

The project seeks to separate bicycle and pedestrian traffic from vehicular traffic, thereby ensuring the safe crossing of Second Street N by all users of all ages.

c) **Improve multi-modal transportation options such as walking, bicycling, and public transportation**

The project seeks to improve multi-modal transportation options such as walking and bicycling by providing improved connectivity to the bicycle and pedestrian networks.

d) **Enhance the economic vitality of the area by providing transportation assets that support: revitalization efforts; development of vacant or underutilized parcels within existing urban areas; and/or redevelopment of established portions of communities**

The project seeks to enhance the economic vitality of the area by literally bridging the divide between the downtown core and the natural amenities of the river greenway. This project will support efforts to revitalize the civic plaza—providing opportunity for a programmable public gathering space with a connection to the river. Green spaces such as this add to the livability of the downtown urban environment and, as a result, promote increased residential density and activity in the surrounding area.

e) **Support economically sustainable growth, lessening the need for outward expansion of community transportation infrastructure and associated services**

As noted above, this project will support efforts to create a community gathering space within the downtown environment and will provide a connection to nature along the river. These types of amenities add to the livability of the downtown urban environment and, as a result, promote increased residential density and activity in the surrounding area. Increased density within the urban core makes efficient use of existing infrastructure and reduces the demand for outward expansion and the construction of new infrastructure.



3. **Consistency with an LPA Associated Plan:** Document linkage between the proposed project and a publicly accepted/adopted plan(s) and/or public involvement process. Clear linkage should be demonstrated between the proposed project and the associated public acceptance/support which would include documenting the reference(s) in the plan and/or public involvement process. Relevant excerpts from such documents are encouraged to attach with the application. Examples of publicly accepted/adopted plans might include but are not limited to: Community Comprehensive Plan; Downtown Master Plan; Neighborhood/Subarea/Corridor Plan; Bicycle/Pedestrian Plan; Housing Plan; Long Range Transportation Plan; Transit Development Plan; and/or Renaissance Zone Plan. A stand-alone public involvement process which demonstrates community support for the specific project is also acceptable and should be documented in the application.

The proposed project has evolved throughout the development of several plans over the past two decades, including the following:

- The Downtown Fargo Redevelopment Framework Plan
- Riverfront Development Master Plan
- Downtown InFocus

In 2001, the City worked to develop the *Downtown Fargo Redevelopment Framework Plan*, in order to guide incremental public and private development in a way that would be mutually supportive. This planning effort resulted in a number of recommendations, many of which included graphical illustrations demonstrating these recommendations (see attached pages from the recommendations of this plan). The following recommendations relate to the proposed project:

- Recommendation A.4: *The City should take several steps to improve the riverfront as an amenity and link the core of the downtown, both visually and physically, to this asset.*
- Recommendation A.6: *The City should exploit the strengths of Fargo's history, relation to the Red River, and urban form to foster a genuine identity and sense of place.*
- Recommendation B.1.b: *2<sup>nd</sup> Avenue North should serve as the primary east-west connection from the core downtown to the Red River. A more intense streetscape treatment should be applied to the connection along 2<sup>nd</sup> Avenue North, including directional signage and visual indicators that pull people toward the Red River.*
- Recommendation B.5: *2<sup>nd</sup> Street North Parkway: Create a linkage to the River, Not a Barrier.*
- Recommendation D: Recommendation D discusses the need to link downtown Fargo to the river, specifically along the 2<sup>nd</sup> Avenue North corridor alignment. The plan proposes an urban riverfront plaza and terrace to create this amenity-rich link between 2<sup>nd</sup> Avenue North and the River. This connection point would also serve as a trailhead, connecting downtown bike and pedestrian facilities with the existing riverfront trail network.

The *Riverfront Development Master Plan* was developed based on recommendations from the Downtown Fargo Redevelopment Framework Plan, in order to refine the vision and plan for the riverfront area. The Second Avenue N/Second Street N area was identified as the most desirable physical connection between downtown Fargo and the river. This plan illustrates the proposed project as an extension of a bridged terrace over Second Street (see attached Pages 28 & 29 from the Fargo Riverfront Development Master Plan).

Most recently, in 2017, the City of Fargo adopted a downtown plan, *Downtown InFocus*, which involved a substantial public participation effort which included:

- over 50 individual interviews,
- the development of a stakeholder working committee,
- an interactive website (which drew more than 2,100 unique visitors),
- 519 resident & employee survey responses,

- three open house events (which drew 280, 180, and 140 people, respectively), and
- 10 focus group discussions.

Ultimately, the planning effort resulted in a series of recommendations to support and advance the seven major goals of the plan. Within the implementation section of the plan, there are several recommended actions that involve the proposed project, including the following:

- Recommendation 5.1: *Establish a street hierarchy downtown to inform all reconstruction projects.*
  - See Figure 24, which identifies the need to focus on pedestrian enhancements and an east/west bicycle connection between the River and 2<sup>nd</sup> Avenue N at the project location.
- Recommendation 5.3: *Create a bicycle network downtown.*
  - See Figure 28, which identifies a proposed bike network link at the project location.
- Recommendation 7.1: *Cultivate a downtown open space network.*
  - See Figure 36, which identifies proposed bike infrastructure and riverfront access at the project location.
- Recommendation 7.3: *Reconnect and activate the flood wall*
  - One specific recommendation is to “Create a new, actively programmed City Hall Plaza and pursue a bridge aligned with 2<sup>nd</sup> Avenue.”
  - See Figures 38 - 40, which illustrate several concepts for a bridge over 2nd Street N and the adjacent floodwall.

4. **Project Support of Urban Core/Central Business District:** Projects which directly support the urban core/central business district (CBD) will be given preferential consideration. Identify the project location and how it will support the urban core/CBD. (Attach 8.5” x 11” or 11” x 17” color map depicting project location in relation to urban core/CBD if applicable to the project type)

The project is located on the 200 block of 2<sup>nd</sup> Street N. The project supports the urban core in two primary ways, by providing a missing link to the bicycle & pedestrian transportation network, and improving urban livability by connecting the urban core with the natural environment of the Red River corridor.

The project would help to fill a gap in the existing downtown bike & pedestrian transportation network by providing a grade-separated connection between the Red River and the downtown core. The project supports the urban core and central business district by supporting transportation links between the river and the Second Avenue N bike corridor, which will run through the heart of the central business district. The project will support the flow of people into, and out of, the central business district, which is essential for a healthy urban core.

Additionally, the project would support the urban core by improving livability. Livability is enhanced by providing a direct connection between the river greenway and a planned expansion to the “civic plaza” to be located adjacent to the public library, City Hall, and the Civic Center. The connection would provide an opportunity for synergies between the public programming of the civic plaza and the natural amenities of the river greenway. A connection with nature and an improved public gathering space will breathe new life into an urban core that is dominated by concrete.

5. **Projects that Maximize the Return on Investment from Public Funds:** Projects which can demonstrate a positive private return on investment of public funds will be given preferential consideration. Examples of this may include but not be limited to increased retail sales, new jobs, and/or new dwelling units anticipated as a direct result of the proposed project.

The proposed project is anticipated to greatly support the addition of new dwelling units within the urban core. The City of Fargo recently acquired the Mid-America Steel facility located southeast of the project location, along the Red River east of Second Street N. It is anticipated that once the steel facility is relocated, the City will solicit redevelopment proposal from private firms. The proposed project will support the redevelopment potential of this site by providing a desirable link between the site's river location and the downtown core.

Additionally, the proposed project will add to the functionality of the planned civic plaza, which is to be located on the west end of the proposed project location. The use of this public space will only add to the livability of this area, which in turn will help to maximize the development of new dwelling units nearby, such as the Mid-America redevelopment site.

## Existing Conditions

(information requested in this section may not be appropriate for all project types)

### Functional Classification of Roadway

Minor Arterial

### Current AADT (including source)

12,730 AADT (2015 FM MetroCOG traffic counts map -

[http://www.fmmetrocog.org/new/assets/documents/Traffic%20and%20Bike-Ped%20Counts/2015%20Traffic%20Counts/2015%20AADT%20Map\\_urban.pdf](http://www.fmmetrocog.org/new/assets/documents/Traffic%20and%20Bike-Ped%20Counts/2015%20Traffic%20Counts/2015%20AADT%20Map_urban.pdf))

### Forecasted AADT (including source)

10.6k in 2040 from FM LRTP 2014

### Posted or Statutory Speed Limit

25 MPH

### Cross Section of Roadway (attach graphics depicting current dimensions and key roadway elements)

3-lane concrete road, 40' wide with curb and gutter, with 12' shared use path on east side, 8' sidewalk on west side with matching 8.5' grass boulevards, see attachment.

### Pavement rating or condition

Road was reconstructed in 2016 so it is in great condition.

### Year of Last Federal Investment at this Location

2011, as an ER project after the spring flood of 2011.

### When was the current section built?

2016



**Year last surfaced or received maintenance?**

NA

**Lighting**

There is street lighting on both sides of the street.

**Crash Rate or Number of Crashes?**

NA

**Other Known Safety Concerns?**

NA

**Intersections (how many, type, control, etc.)**

NA

**Is parking allowed and what type?**

No

**Are there any bridges, box culverts, etc. within the project corridor?**

No.

**What is the condition of the existing sanitary sewer, storm sewer, and water lines?**

Very good, as they are brand new as of 2016.

**Are there any Access points to adjoining property that present a special concern?**

No.

**Bicycle/Pedestrian, and Public Transportation Accommodations (Sidewalk, shared use paths, bicycle lanes)?**

There is both a shared use path and a sidewalk on 2<sup>nd</sup> Street, but our project would pass over 2<sup>nd</sup> Street.

**Is there an existing transit or other public transportation facility located within the project limits?**

No.

**Do any school buses, transit buses, other multi-modal vehicles, etc. use this route?**

No.

**Does a RRR or RR facility exist within the project limits?**

No.

**Other existing conditions that are not listed identified above?**

There is an existing flood wall at the project location, which acts as a barrier to transportation and access between the Red River Corridor and 2<sup>nd</sup> Street.

## Proposed Improvements

(information requested in this section may not be appropriate for all project types)

**What are the proposed Improvements (specific scope of work)?**

Constructing a pedestrian bridge from the river side of 2<sup>nd</sup> Street to the City Hall site located on the west side of 2<sup>nd</sup> Street.

**Proposed Length**

Approximately 200'.

**Proposed Cross Section (attach graphics depicting current dimensions and key roadway elements)**

Please see attachment.

**Proposed Surfacing Type**

Concrete for the shared use path portion of project, timber as the decking for the new pedestrian bridge.

**Proposed Lighting, if applicable**

2<sup>nd</sup> Street has street lighting but we'd also add it to the pedestrian bridge.

**Proposed Traffic Control changes**

None.

**Proposed Safety Improvements**

We'd be creating a grade separated crossing for pedestrians across 2<sup>nd</sup> Street, thus improving the safety greatly.

**Proposed Intersection Improvements**

NA

**Proposed Traffic Calming Measures**

NA

**Will parking be allowed and type?**

No.

**Will any bridges, box culverts, etc. be built/replaced within the project corridor and how will they be modified?**

We will be constructing a new pedestrian bridge. The new floodwall contains a bridge abutment that will serve as the east side bridge abutment, as this bridge project has been envisioned for some time now.

**Will any private utilities, water lines, sanitary sewer, and/or storm sewer lines need to be replaced or worked on with this project or potentially in the recent future (identify year)? Have private utilities been coordinated with?**

No. And all the private utilities were relocated off of 2<sup>nd</sup> Street as part of the floodwall work.

**Are there any access points along the project corridor that need to be addressed for mobility or safety concerns?**

No.

**Will a Sidewalk or shared use path be installed or replaced?**

A new shared use path will be installed with this project.

**What ADA improvements will need to be made on this project?**

The final design will include improvements consistent with ADA standards.

**Do any special accommodations need to be made for school buses, public transportation, other multi-modal vehicles, etc. on this route?**

No.

**Proposed Railroad Crossing Work**

No.

**Other Proposed Improvements**

There will be site improvements getting completed in 2019, so those will coincide with this project, but will be a separate contract led by the City of Fargo.

**Environmental/Cultural Issues on the proposed Projects**

Identify *Yes*, *No*, or *Unknown* for each environmental/cultural issue. If *Yes*, provide a brief description of the issue in the *Comments* box.

There won't be any environmental or cultural issues with this project as the floodwall project was completed in 2016 and disturbed the entire area.

**Agricultural, Archeological sites, and/or Historical sites**

No.

**Lakes, waterways, floodplains Wetland**

The ramp necessary to bring the path users to the river side of the floodwall will be located in the floodplain, but won't adversely affect it.

**Stormwater management**

No.

**Hazardous materials sites**

No.

**Hazardous materials on existing structure**

No.

**Upland habitat**

No.

**Endangered/threatened/migratory species**

No.

**Section 4(f)** (Refers to the use of publicly owned park and recreational lands, wildlife and waterfowl refuges, and significant historical or archeological sites in transportation project development.)

The ramp to bring the path users to the river side of the floodwall may land on Fargo Park District land, but it is unknown at this time if it will land on that property or not.

**Section 6(f)** (Refers to Land and Water Conservation Fund (LWCF) Act - the conversion to other use of lands or facilities acquired with LWCF Act funds and requires replacement of used land with lands of equal value and use.)

No.

**Through/adjacent to tribal land**

No.

**Additional comments on Environmental/Cultural Issues section**

No.

## Miscellaneous Issues of Proposed Improvements

**Construction Restrictions (*migratory bird, local events, etc.*)**

No.

**Right-of-Way Required (parcels, owners, relocations, etc.)** (NOTE: It is recommended that local funds be used to acquire right-of-way on the LPA system.)

No.

**Proposed Traffic Control during Construction**

The path on the river side will be impacted for a short period of time when the ramp coming down from the bridge gets constructed.

**Ineligible Project Items**

None.



**Additional comments on Miscellaneous Issues section**

No additional comments.

**Cost Estimate**

**Itemized Project Cost Estimate (For roadway projects this might include things like preliminary engineering, right-of-way, utilities, construction, construction engineering, bridges, and miscellaneous. For other types of projects include relevant items. Rows can be added as to the following table as necessary).**

Item	Total	Federal	State	Local
Preliminary Engineering	300,000	0	0	300,000
Construction Administration and				
Construction Staking	100,000	0	0	100,000
Bridge and Shared Use Path	3,400,000	2,700,000	0	700,000
Totals	3,800,000	2,700,000	0	1,100,000

**What is the source of the local funds?**

Infrastructure Sales Tax and Special Assessments.

## *2nd Avenue/2nd Street*

**Opportunities:** This segment of the River and 2<sup>nd</sup> Avenue North has been identified by several studies as the most desirable physical connection between Downtown Fargo and the River. Plans for the replacement of City Hall,



and the possibility of housing, performing arts center or other development in the Civic Center campus could greatly enhance this corridor and the connection to the River. The steep slope of the bank would provide an ideal site for an overlook feature, and possibly a pedestrian connection to Moorhead. This high profile, highly visible, central location could be developed into the primary pedestrian connection and plaza that would link the Downtown with the River and with Moorhead.

**Constraints:** 2<sup>nd</sup> Street runs parallel to the river along most of this node, and is frequently the site of a temporary earthen dike during flood events. Any development should incorporate permanent flood protection. The steepness of the bank, the narrow width of the bank, the density of the trees and underbrush in the supralittoral zone, and the proximity to 2nd Street limit the potential uses.

**Suggested Uses:** There was a strong feeling by the Committee that was further re-enforced by the Sioux City/Sioux Falls tour group that this node was the prime location for the “bulls-eye” that could excite the public and generate future riverfront development. An urban plaza, complete with public art, cultural/interpretive features, and flexible space should be located on the bank. The signature feature of this site should be an attractive, well-designed icon that would attract visitors and residents alike. Something akin to the Oodena Celebration Circle at The Forks in Winnipeg would be appropriate. This may necessitate a westward relocation of 2<sup>nd</sup> Street and traffic calming techniques to provide safe pedestrian crossing. Some trees may have to be removed, but the overall appearance would be upgraded to that of a true urban riverfront. Flood protection should be incorporated into the design of a parking deck or other development that would occur on the site of the Civic Center Parking Lot. The strong connection between Downtown and the river on this corridor should be further strengthened by promoting year-round commercial activities. A pedestrian bridge to Viking Ship Park would allow for greatly improved access and joint programming.



Oodena Celebration Circle,  
The Forks in Winnipeg.



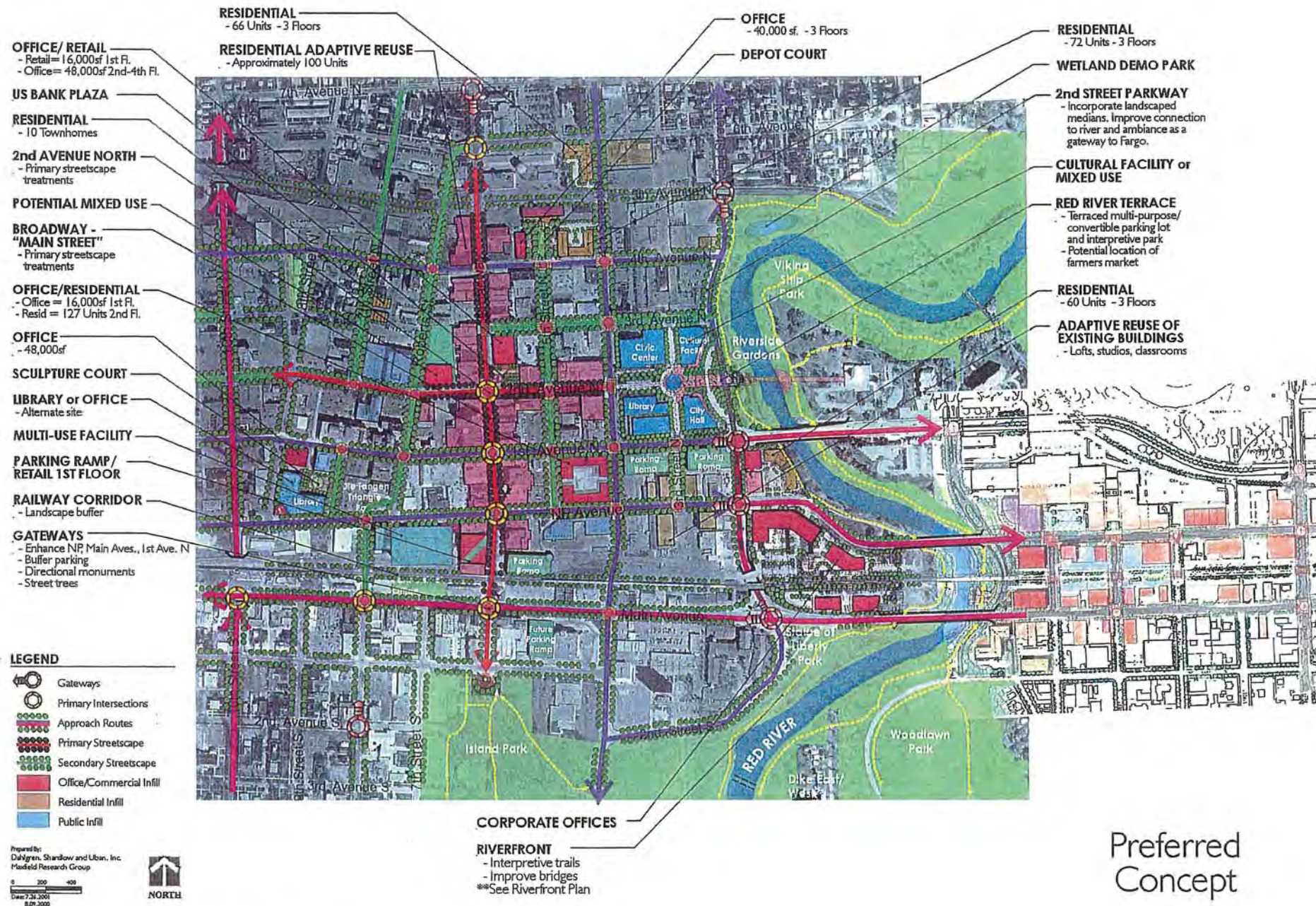


Figure 8 - Downtown Redevelopment Framework Plan



## 2. US Bank Plaza: Primary Gathering Space in Downtown

The core downtown lacks an exciting and functional open space that could be used for festivals, public gatherings, or simply outdoor lunches. Because Broadway is the focus of downtown pedestrian circulation, the existing US Bank plaza on the corner of Broadway and 2<sup>nd</sup> Avenue North offers the potential to create a dynamic public space within the core downtown. The existing US Bank parking lot north of the plaza should be redeveloped as a four-story mixed-use building containing first floor retail and offices above. The plaza in front of this building, which will be connected to the proposed Red River Terrace along 2<sup>nd</sup> Avenue North, will incorporate a variety of seating options, entry gateway/monument features, and designated areas for outdoor dining, plaza landscaping, and a signature water feature.



Existing view at Broadway and  
2nd Avenue North

## D. Red River Terrace: Linking Downtown Fargo to the River

An urban riverfront plaza should be created on the existing City Hall public plaza and parking lot site, requiring the removal and relocation of the existing City Hall to the Civic Center campus site. The plaza will provide the important physical and visual link to the Red River from the downtown area, thus creating a new setting for public festivals, the Farmers Market and other outdoor events.



Existing view at Broadway and  
2nd Avenue North

The view corridor along 2<sup>nd</sup> Avenue North will be enhanced with the removal of City Hall and the creation of the Red River Terrace. The newly created view along 2<sup>nd</sup> Avenue North will terminate across the Red River at the Hjemkomst Center in Moorhead. Entry monument features will be installed where the Red River Terrace and 2<sup>nd</sup> Street North intersect, and decorative paving will highlight a pedestrian crossing to the river.

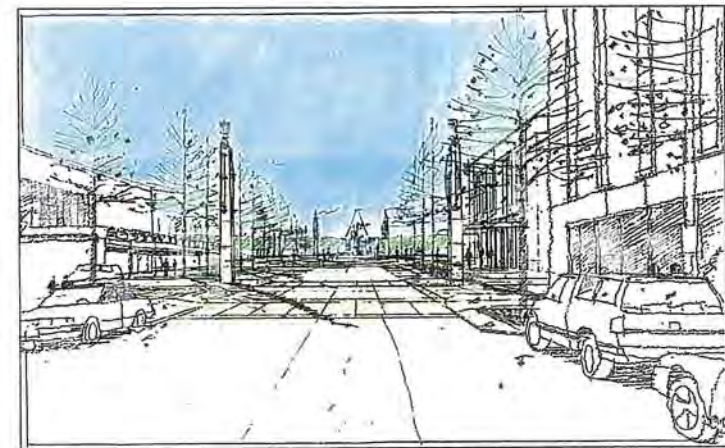
The Red River Terrace could also serve as a potential trailhead, not only connecting to trails both



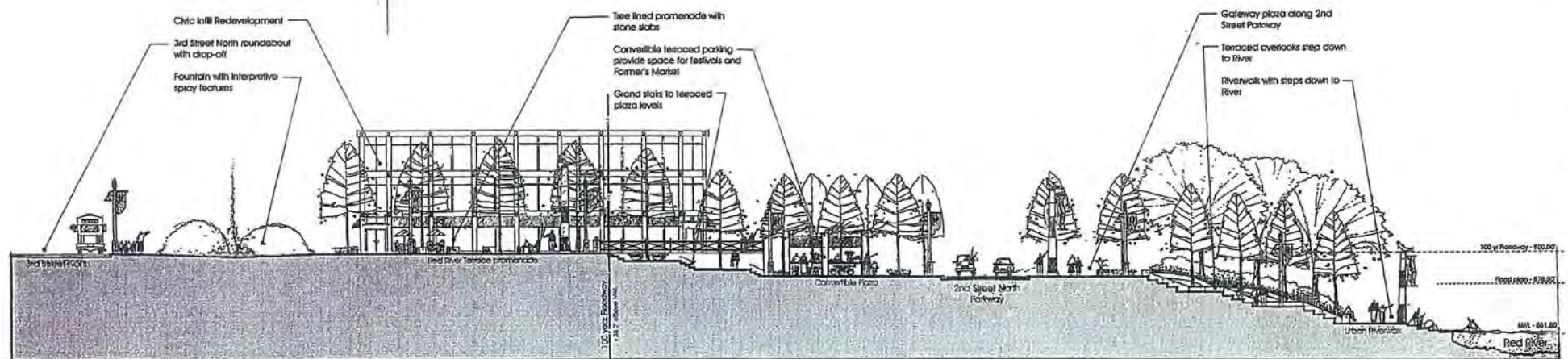


Proposed Red River Terrace

north and south of the downtown, but also connecting to trails on the other side of the Red River in Moorhead. Two alternative Red River Terrace plans have been created, the first a short-term plan and the second is a long-term one.



View along 2nd Avenue North at 4th Street



Section - Red River Terrace



### 1. Short-Term Redevelopment Alternative.

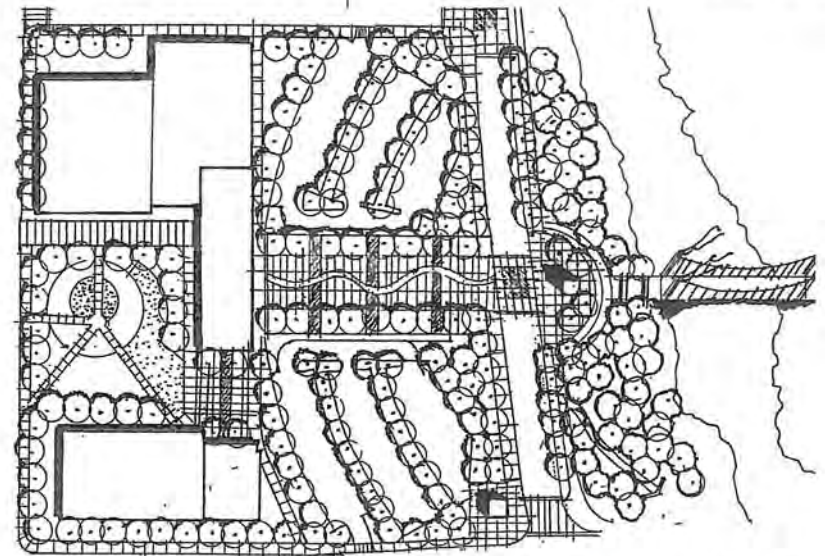
The short-term alternative assumes the City Hall site will remain virtually unchanged, with both the Civic Memorial Auditorium and Fargo Public Library being expanded out to the nearby street edge. The City Hall/Auditorium/Library green will be completely redesigned to create a more functional public downtown gathering space. A stronger connection will be created between the green and 3rd Street North in front of City Hall. A tree-lined promenade will step down from 3rd Street North to create a series of terraces toward 2nd Street North and the river and which will act as floodwalls.

The existing City Hall parking lot will be reconfigured to allow parking on the separate terraces. Each terraced level of the plaza and parking lot will act as an interpretive element, highlighting historic river flood events or other aspects of Fargo's history. Gateway monuments will be located at the intersection of the plaza and 2nd Street North, and decorative paving will highlight a pedestrian crossing to the river. A series of overlooks will terrace down to the river and terminate in a pedestrian bridge that will cross the river and connect to an improved trail system in Moorhead.

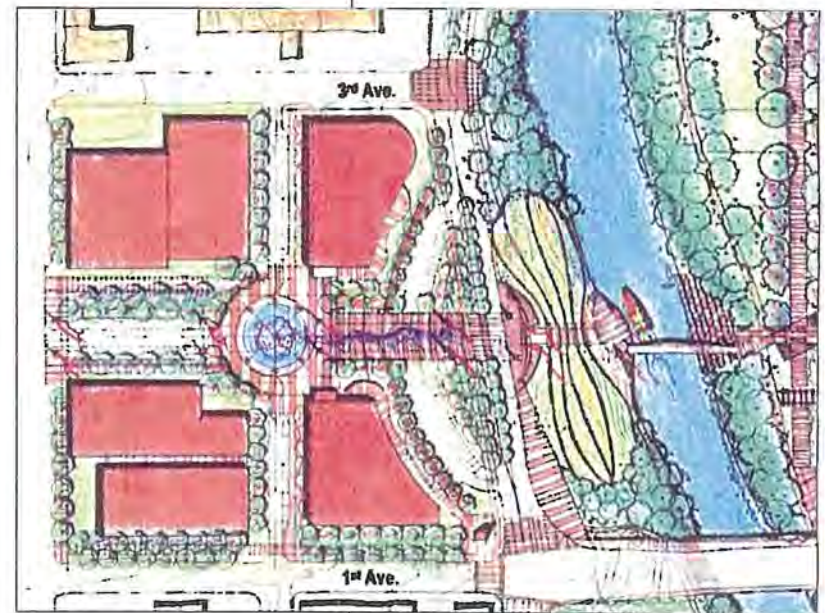
### 2. Long-Term Redevelopment Alternative.

The long-term alternative for the Red River Terrace calls for infill of other civic uses, such as a potential cultural facility and a proposed relocation for City Hall and/or Library building. In this alternative, the Library will remain in its existing building, which in turn will be expanded to meet programming needs. The City Hall will move into a new building on the corner of 1st Avenue North and 2nd Street North. A new civic use, such as a cultural facility, will move into a new building on the corner of 3rd Avenue North and 2nd Street North. Any future infill development would consist of a combination of upper floor civic uses and ground floor retail and/or restaurants to create a more active street/plaza environment. The new infill civic structures will also incorporate one level of underground parking accessible off 1st and 3rd Avenues North.

The plaza design will resemble the short-term alternative. Terraces could include interpretive sculpture highlighting historic aspects of



Short Term Redevelopment Alternative



Long Term Redevelopment Alternative



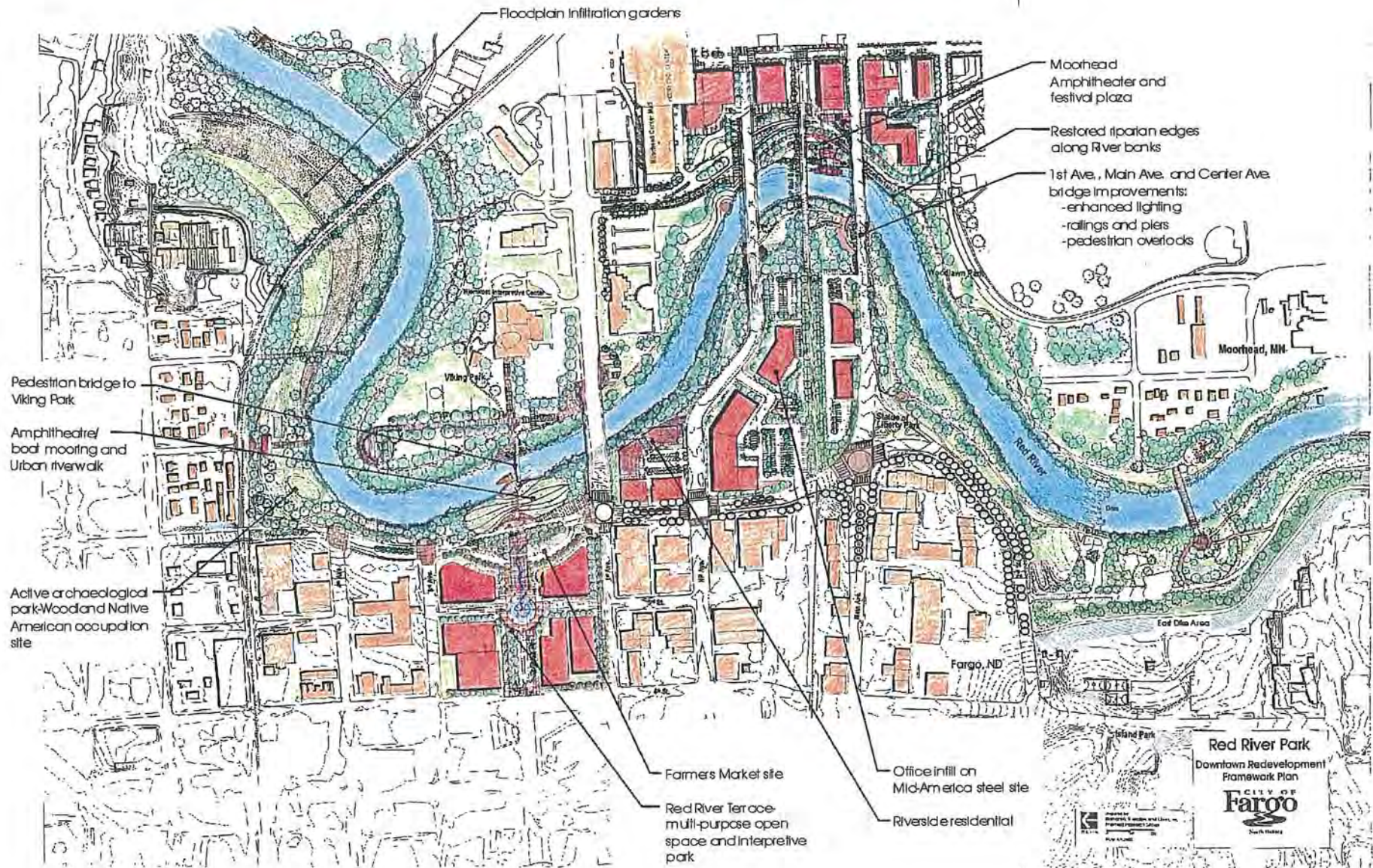


Figure 9 - Red River Park Corridor Plan





“I’m from Grand Forks – I lost 20 pounds from walking everywhere, the health benefits are huge for living in a more walkable community.”

– interview

# Complete Our Streets

Make complete streets common place and encourage trips by foot, bicycle, and bus, as well as car.

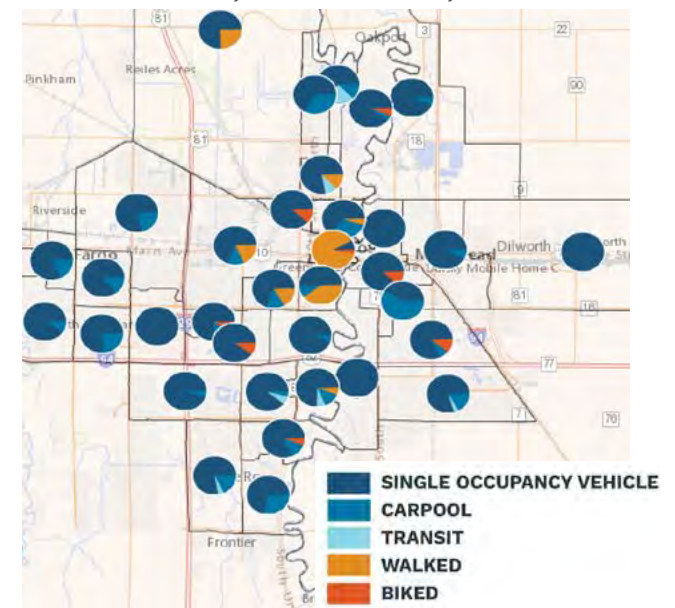


## WHY IS THIS IMPORTANT?

**In a dense, walkable Downtown like Fargo’s, streets must serve many purposes and multiple modes.**

Fargo’s Downtown is growing, putting more demand on Fargo’s streets than ever before. Housing in Downtown and the nearby neighborhoods is becoming more popular with students and young professionals who want to live in a walkable urban area. But, Fargo’s businesses still rely on customers coming Downtown from throughout the region. It is important to consider the daily local and regional flows of people in and out of Fargo.

Commute mode analysis shows walkability Downtown



Source: U.S. Census Bureau, ACS 2006-2010 5 year estimates.  
Special Tabulation: Census Transportation Planning



Cities all over the country are starting to see a shift in priorities for urban streets. People living in or close to urban centers are choosing to drive less. However, the ability of people to make this choice requires supporting infrastructure to make non-driving modes safe, accessible, and enjoyable.

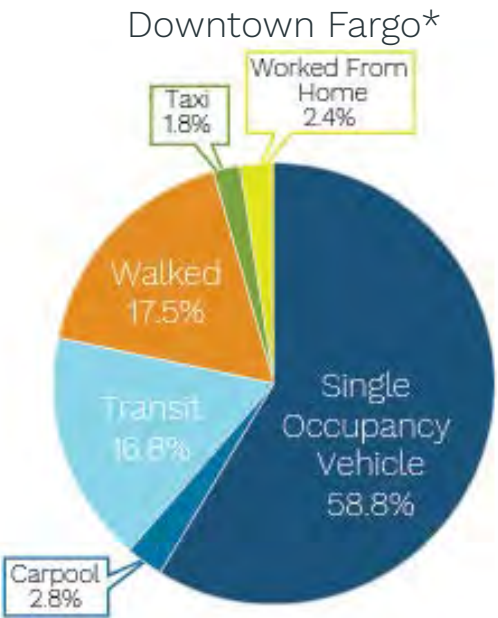
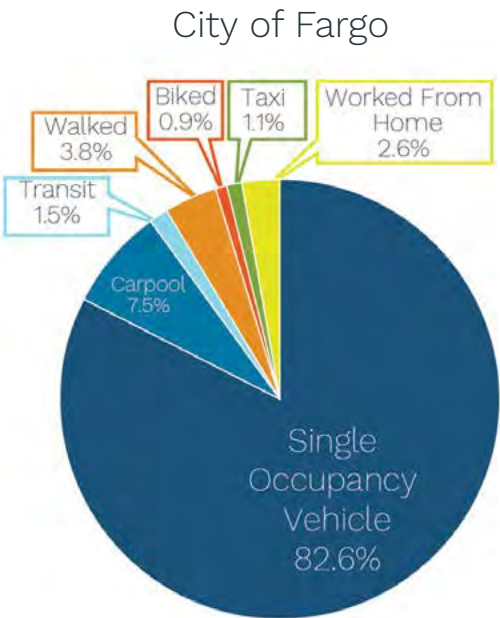
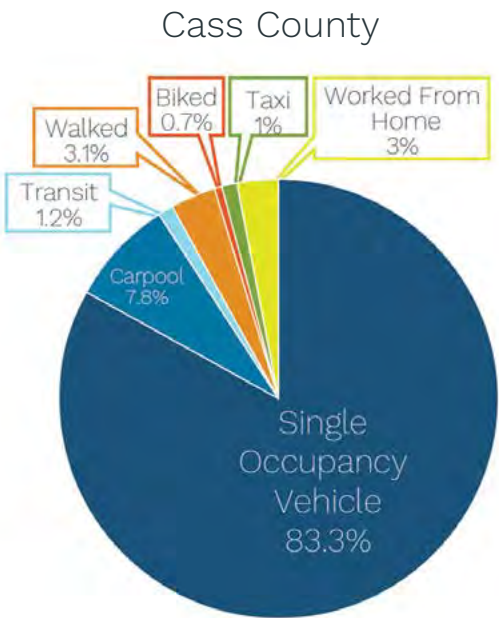
Mode share analysis based on U.S. Census data shows the proportion of people who chose to walk, bike, taxi, carpool, take transit or drive for their journey to work on a typical day. Illustrated in these charts, it is clear that people living in the most central census tract, which covers most of the Downtown study area, walk (17.5%) and take transit (16.8%) for their commute much more often (by percentage) than residents of the City as a whole or Cass County.

People living in communities that give them the option to walk, bike or take transit to their destinations often pay less in total housing and transportation costs than those who live in areas with lower housing prices that are more auto-dependent.

-Center for Neighborhood Technology (March, 2010)



Live/work flows illustrated here show that people who work in Downtown Fargo commute from homes throughout the region, primarily by car.



Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates  
 \* Census Tract 7 Only

**Changing the look, feel, and function of Downtown streets can shift behaviors and support alternative transportation choices and active lifestyles.**

Fargo's Downtown is a small geographic area that is dense with destinations. For areas closer to Downtown, there is a big opportunity to shift mode choice toward more walking, biking, and use of bikeshare and transit to get to and around Downtown. The quality of the experience traveling on foot or by bike, however, has a significant impact on a person's mode choice. Fargo's streets today support driving first and foremost. Vehicle lanes are wide, and parking is available along most streets. *Downtown InFocus* proposes a new approach to street design.

With more activity Downtown comes the demand for more trips. Achieving the fewest trips that can be made with a car results in less traffic on the road and less space needed for parking. But, this requires better infrastructure supporting non-driving modes. In recent years, the lane miles of bike facilities on-street in Fargo has grown, but there is work to be done in creating a connected network of all-ages facilities spanning Downtown and reaching desirable destinations.



Corner of 4th Street and 1st Avenue today lacks street trees, shade, and degraded crosswalks

7-minute walkshed from the center of Downtown



4-minute bikeshed from the center of Downtown



A person on foot at a central point near Broadway and 2nd Avenue can walk to almost any point in Downtown in under 10 minutes. On a bike traveling at a moderate speed, a person can reach beyond the study area boundary in less than 5 minutes.



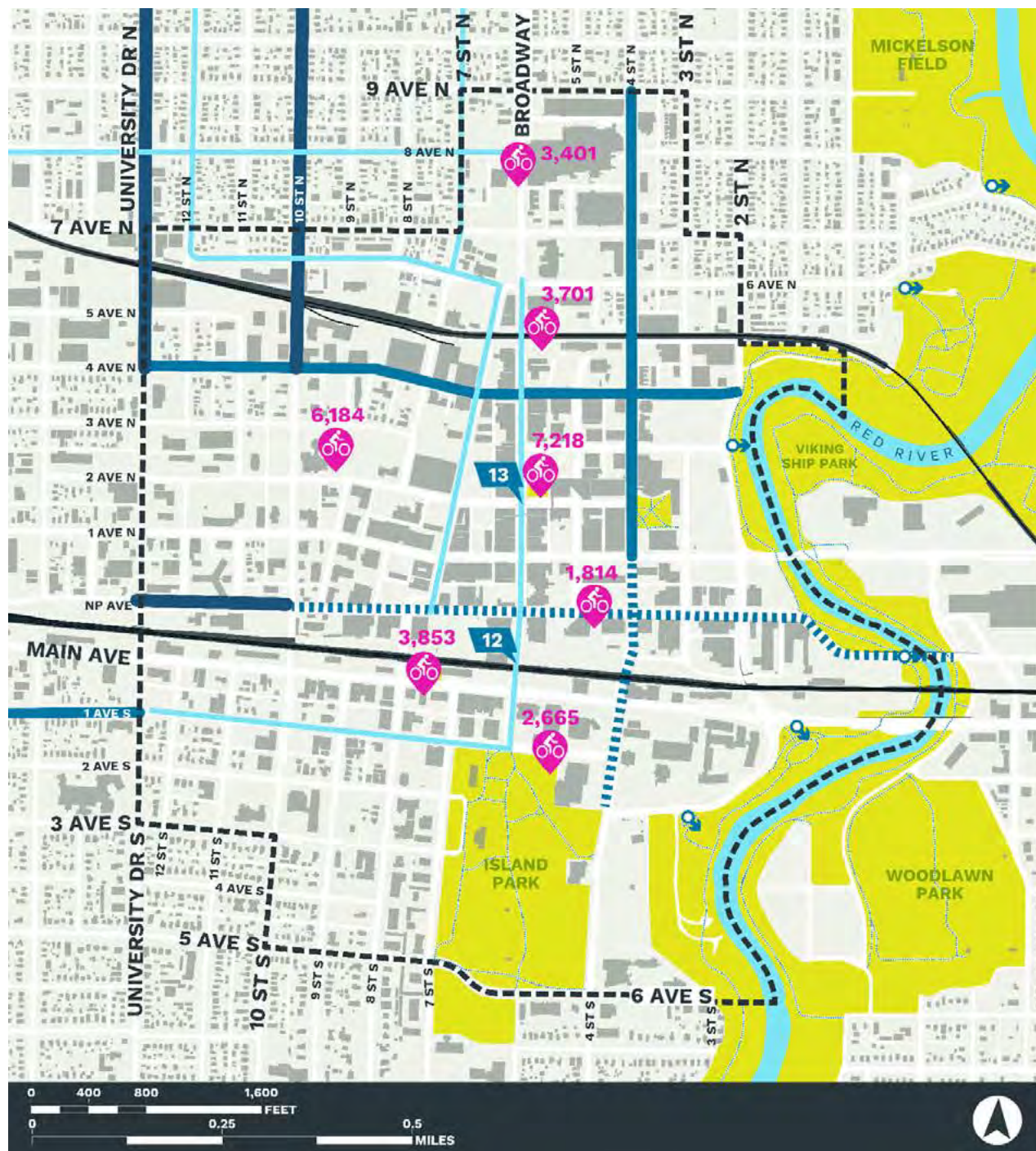


FIGURE 20: Existing and [previously] Planned Bike Facilities

Fargo has a robust network of off-street pathways and trails, mostly centered around the Red River, but no on-street bike network. Dedicated on-street bike facilities make the experience less stressful for a cyclists, as they have a dedicated space to use on the street. There are acres of riverfront green space and parks in the Downtown area. Most are accessible for people walking, but for people who want to bike, safe, on-street bike facilities in Downtown are limited and disconnected.

## Existing & Planned Bike Facilities

Source: City of Fargo

- EXISTING SHARED LANES
- EXISTING BIKE LANES
- EXISTING PROTECTED/ BUFFERED
- PLANNED ON-STREET FACILITY
- RECREATIONAL PATHWAYS
- TRAILHEAD

#,###



HealthyRide STATION & RIDERSHIP



MetroCOG Bike Counts (2015)  
1:00pm-5:00pm



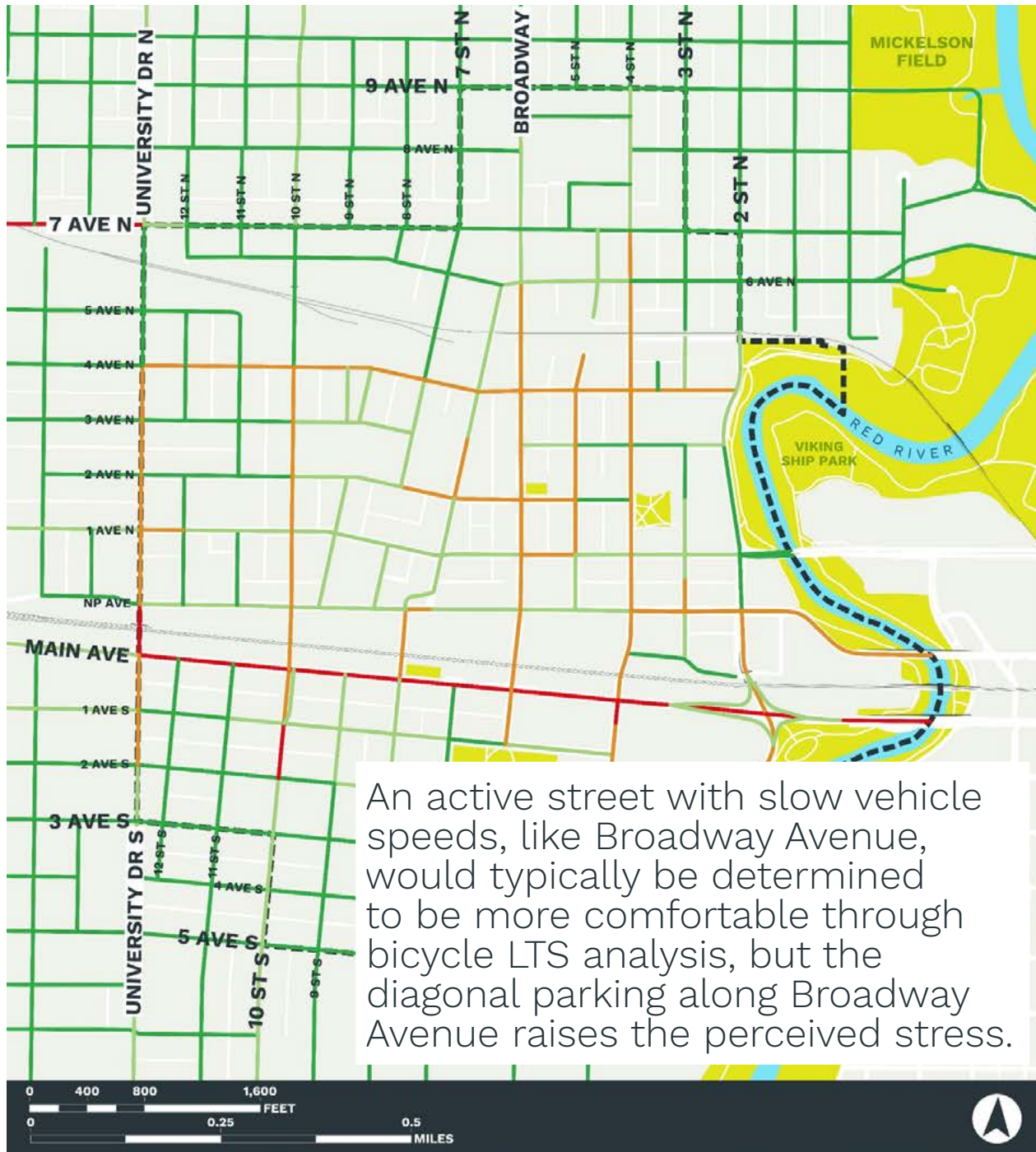


FIGURE 21: Street Level of Stress Analysis

There are many streets in Fargo, including those with and without bike facilities, that have conditions that pose a higher-stress environment for cyclists. Bike Level of Stress Analysis (LTS) depicts the experience of biking in Downtown Fargo. Bicycle Level of Street analysis uses qualities of a street like posted speed, number of lanes, typical traffic, and other factors to determine the level of stress a cyclist might feel when biking down a street. Factors like on-street parking make an environment more stressful because the experience is less predictable. When biking alongside parked cars, there is a risk that someone may open their door to exit their vehicle at any moment. Cyclists are less visible to drivers backing out of diagonal parking spaces, and there is a higher incidence of vehicle fender-benders along streets with diagonal parking. The presence of a dedicated bike facility, on the other hand, makes a street feel more comfortable because it offers a biker dedicated space within the street.

## Level of Stress

Source: City of Fargo

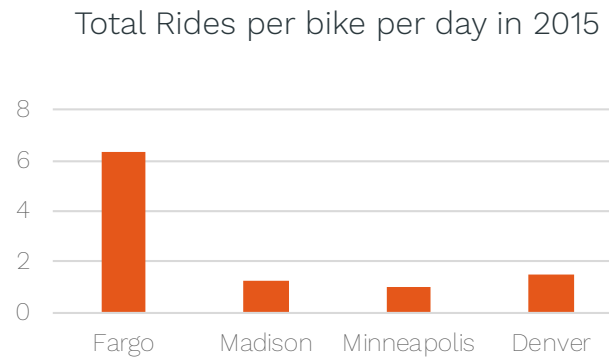
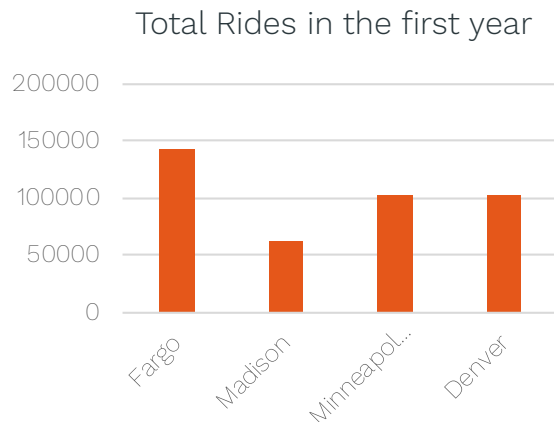
- LTS 1 (High Comfort, Low Stress)
- LTS 2 (Med. Comfort, Med. Stress)
- LTS 3 (Low Comfort, High Stress)
- LTS 4 (Extremely Low Comfort, High Stress)
- OPEN SPACE
- DOWNTOWN FOCUS AREA

In 2015, the total Great Rides bike rides in the first year of operation exceeded Madison, Minneapolis, and Denver's first year of rides reported. Within this same timeframe, the total number of rides per bike exceeded Madison, Minneapolis, and Denver almost sixfold. In 2015, 95% of Great Rides ridership can be attributed to student members, 3% to guest users, and 2% to non-student memberships.

The changing transportation habits of students and young professionals create an opportunity for a culture shift in how people get around. Fargo has a huge advantage in achieving the adoption of a car-lite lifestyle: the Great Rides Bike Share and its early adopters, NDSU students. Students are building habits that they should be able to continue as young professionals in Downtown, but today the enthusiastic adoption of bike share demonstrates this potential in Fargo.

As these students graduate, many will have incorporated Great Rides into their daily routine. For those desiring to move into Downtown Fargo, the availability of a Great Rides station near their future home and place of work can be a big draw and ensure transportation habits and membership in the Great Rides system continue into the future.

## Great Rides by the numbers



Fargo Membership Types, April 2016

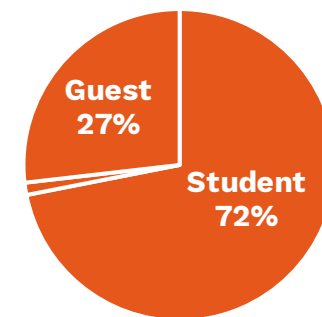
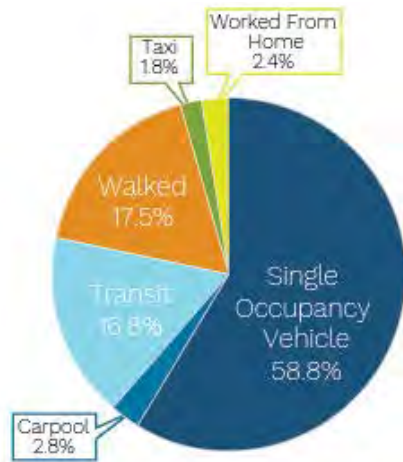
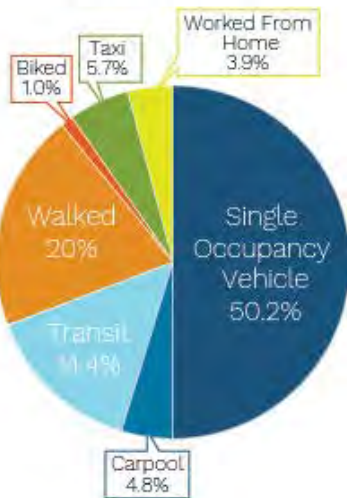


FIGURE 22: Great Rides ridership compared to other cities

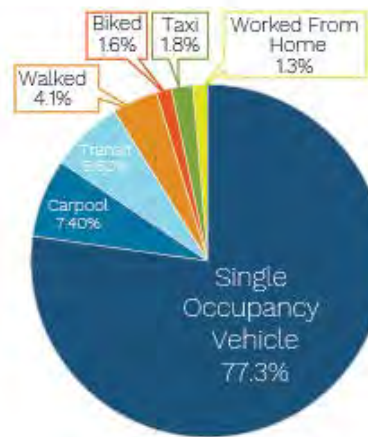
### Downtown Fargo\*



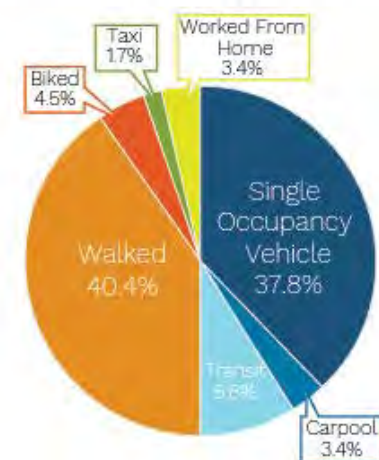
### Downtown Grand Rapids



### Downtown Sioux Falls



### Downtown Iowa City



MATBUS is the public transportation system serving Downtown Fargo. Twenty-five routes extend in all directions from the City of Fargo into West Fargo, Moorhead, and Dilworth. Most of these routes converge in Downtown at the Ground Transportation Center (GTC) located at NP Avenue and 5th Street North. This transit hub is an asset in Downtown. In an effort to improve connectivity between Downtown Fargo and Moorhead, the LinkFM was created in 2014. This free service connects riders to the GTC, City Hall, and several stops around the Moorhead Mall. MATBUS is actively partnering with local businesses and organizations to offer discounts to help encourage people to go shopping with the Link. Today, ridership is low, but increasing. LinkFM is able to provide flexible service hours to help manage event-based demand for access to Downtown, and to provide access to available parking amenities farther afield.

Car-ownership is part of the Fargo status-quo. Pro-car design and parking policy discussed in Chapter 6 illustrate just how deeply rooted is the relationship between car-ownership and daily life for Fargoans. Student habits break from the norm and seed the potential for more people to live car-lite in Downtown, sharing vehicles, making use of rideshare, relying less on a car for day-to-day trips. The change doesn't happen overnight. It is a long process of building infrastructure supportive of non-single occupancy vehicle (SOV) modes, and disentangling the assumption that getting around Downtown means owning a car.

FIGURE 23: Commute Mode as compared to other cities  
\* Census Tract 7 Only



“Growing up, I never thought I’d live here. I’m a 5<sup>th</sup> generation North Dakotan and the first to live an urban lifestyle. I walk to work. I fell in love with the possibilities.”

– interview



## WHAT ARE WE TRYING TO ACCOMPLISH?

**Fargo must rebalance its streets such that they continue to move cars while also making space for other modes.**

Downtown Fargo is at a crossroads. The demographic data illustrate that people in Downtown are shifting toward a more progressive attitude about urban mobility. There is growing enthusiasm for a livable, walkable Downtown full of active spaces and safe streets. Changes to design approach and policy in support of growth are needed to maintain this momentum. Fargo needs “Complete Streets,” streets designed to serve everyone. A Complete Streets approach integrates people and place in the planning, design, construction, operation, and maintenance of the transportation network.

Street space is in high-demand. Although every street can be a Complete Street, not every street needs to have specific space dedicated to each and every mode. For example, a neighborhood street should be comfortable for cyclists with or without a bike lane because there is typically less traffic, and cars should move more slowly along the street. In Fargo, the approach to transportation improvements must happen at the network level. This helps to ensure streets are safe for people of all ages and abilities, balance the needs of different modes, and support local businesses, residents, and natural environments.

To best position Fargo to develop a coordinated future network of Complete Streets, *Downtown InFocus* created the *Downtown Fargo Playbook*. The *Downtown Fargo Playbook* outlines a coordinated approach to street reconstruction that **aims to improve safety and offer transportation choice by rebalancing important car-moving streets to create space for other modes where it is most needed to ensure safe movement no matter how people choose to get around.**

Designing a streetscape goes far beyond the curbs. *Downtown InFocus* **aims to create a more beautiful and resilient Downtown by integrating greening and stormwater management into street design.**

Streets and sidewalks that lead into Downtown are the first impression offered to Fargo’s visitors. **Economic development in Downtown is reinforced by improving the look and feel of Downtown’s streets.** Ensuring not only access, but an enjoyable experience reaching Downtown destinations, will help the business district to flourish.

## HOW WILL WE ACCOMPLISH OUR GOALS?

### 5.1 Establish a street hierarchy Downtown to inform all reconstruction projects

Downtown's streets have growing demand from new and different users. In the past, the decision to reconstruct Fargo's streets was driven solely by the physical condition of the pavement and underground infrastructure. The prioritization of street projects by functional demand, or the state of underground utilities and surface condition, is still important today. The *Downtown Fargo Playbook* proposes that the role a street plays in the street network Downtown and the potential benefits to street users should also play a role in project prioritization. This presents a new lens through which projects can be prioritized. New technology and greater mode choice should be supported by the design of Downtown's streets. The *Playbook* lays out a roadmap for the redesign of Downtown's streets, so that when the time comes to rebuild them, design and construction yields a coordinated network that can meet new transportation demands as time goes on.

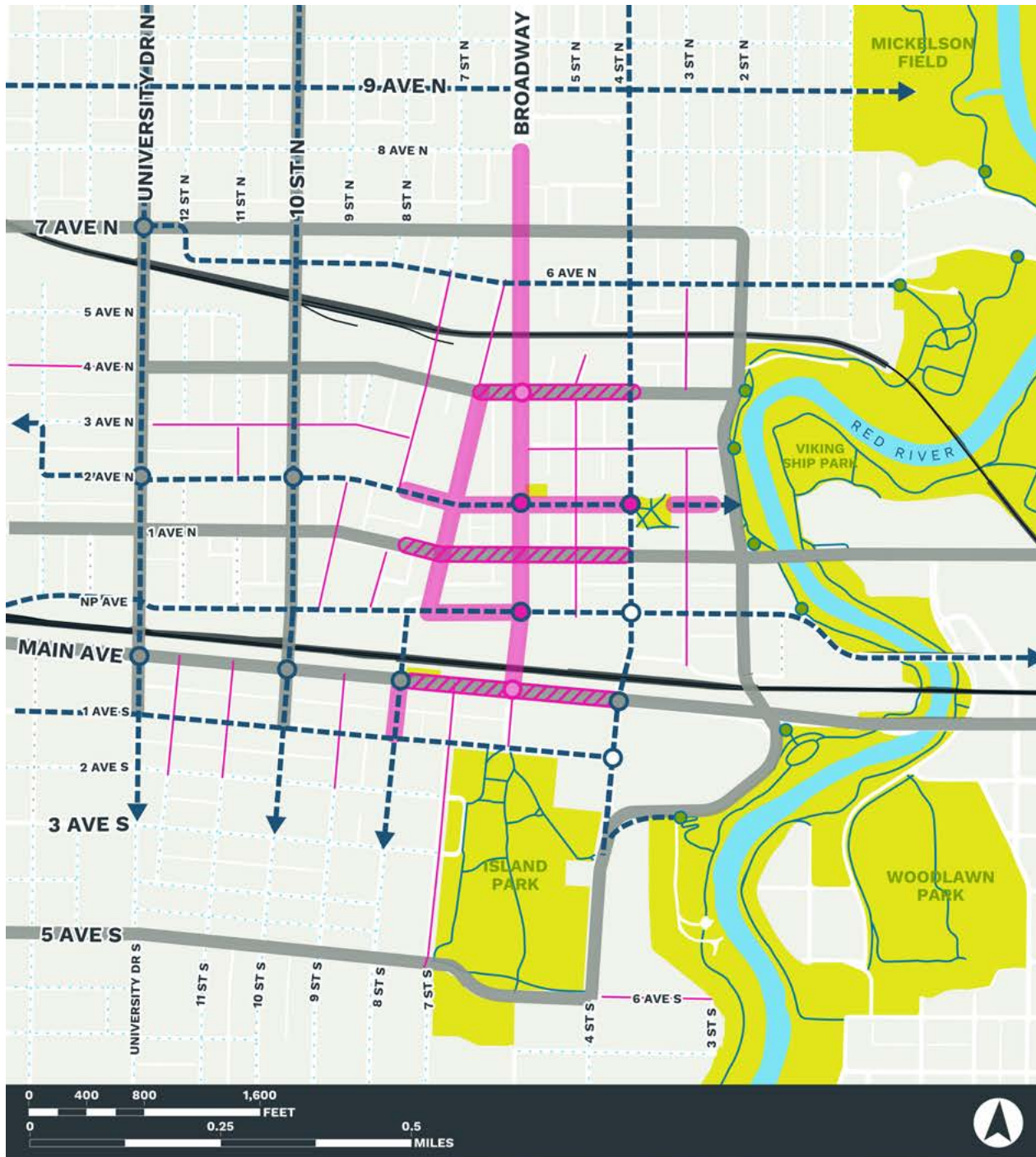
As seen in the map to the right, streets work as a network, and not all streets play the same role. A Proposed Street Network was developed to illustrate the role different streets might play in a coordinated future vision for the transportation network in Downtown.

Some key factors influenced the future role of a street:

- > Current business density, and future capacity along each segment
- > Parking demand in the area based on a zone analysis of parking demand (see the next chapter)
- > Coordination with the proposed on-street bike network
- > Proximity to parks, open space, and riverfront access
- > Arterials that play a key role in connecting to the regional highways network
- > Capacity of a street segment to carry vehicles, and
- > Flexibility to rebalance vehicular lanes to other uses

The *Downtown Playbook* documents the existing streets in Downtown, their existing and future roles in the street network, and illustrates a proposed street configuration that better supports future conditions. The *Playbook* identifies streets that play key roles in the street network and for which modes, and makes recommendations that take advantage of streets with excess capacity with the flexibility to change.





# Proposed Street Network

Source: Sam Schwartz

- EXISTING OFF-STREET TRAILS
- PEDESTRIAN ENHANCEMENT FOCUS
- VEHICLE FLOW FOCUS
- BICYCLE CONNECTION
- INTERSECTION ENHANCEMENT
- LOCAL / FLEX STREETS
- NEIGHBORHOOD CHARACTER SLOW STREETS
- INTERSECTION ENHANCEMENT
- EXISTING TRAILHEADS

FIGURE 24: Proposed Street Network





A Street Capacity Analysis was performed for all streets within Downtown. Inputs considered were average daily traffic, number of vehicle lanes including through lanes and turn lanes, and the presence of parking. Based on these factors, a volume range was determined for the various inputs associated with a Level of Service E which was deemed to be "At Capacity." This is the traffic engineering equivalent to a volume to capacity ratio of close to 1.0; in other words, the existing street design meets the vehicular travel demand. A Level of Service above an E indicates that the capacity of the existing street design is greater than traffic demand on the street, and the street segment is Under Capacity. A Level of Service grade at F indicates that traffic demand was higher than the capacity of the existing street design, or Over Capacity and congestion is likely.

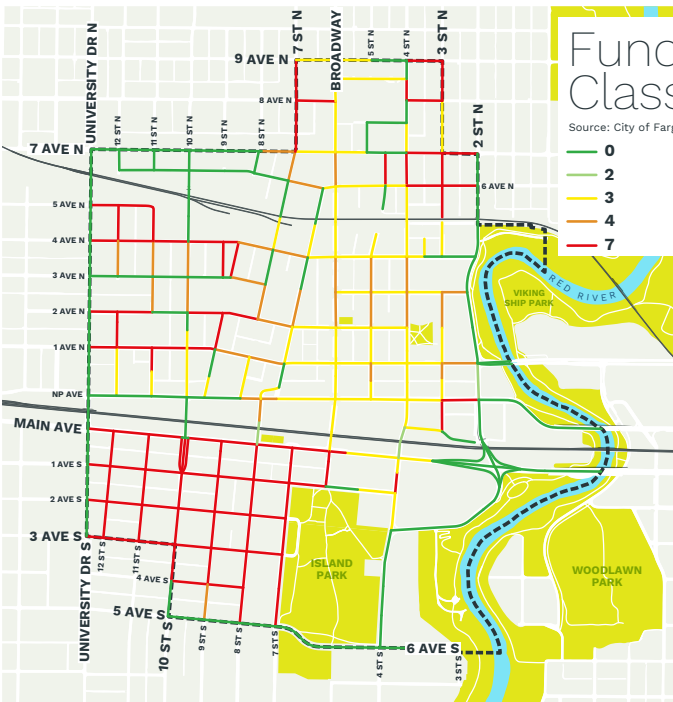
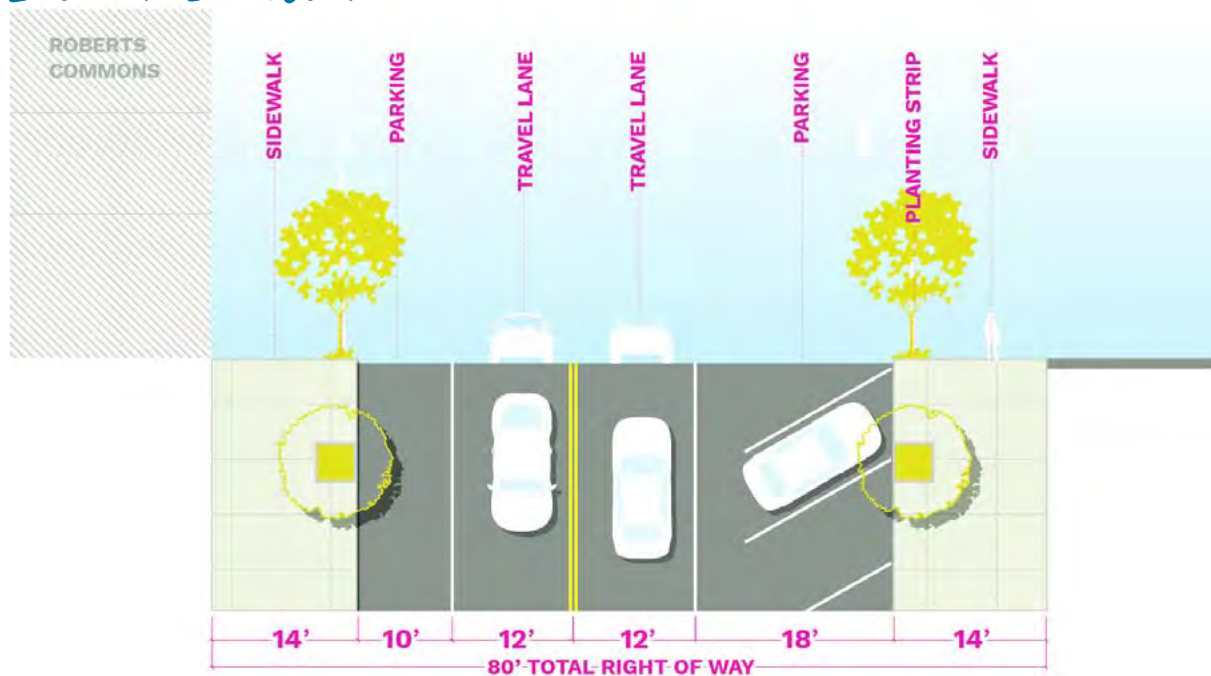


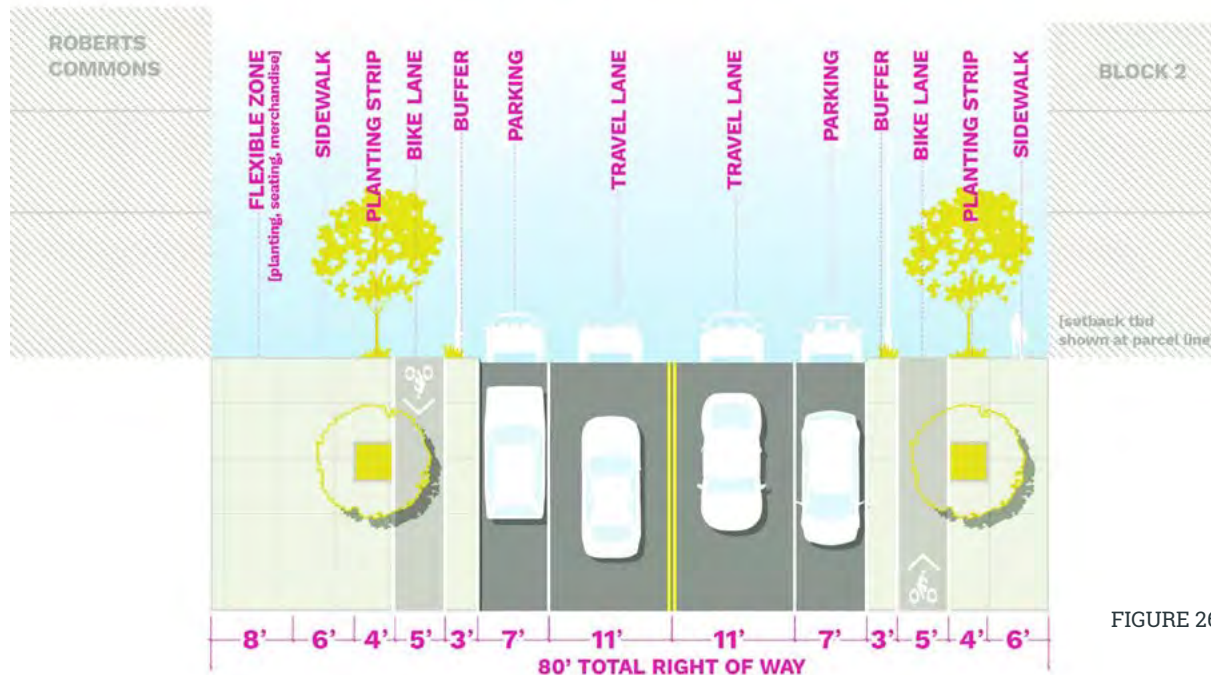
FIGURE 25: Street Capacity Analysis

88 Downtown InFocus: A Blueprint for Fargo's Core

## 2ND AVE: TODAY



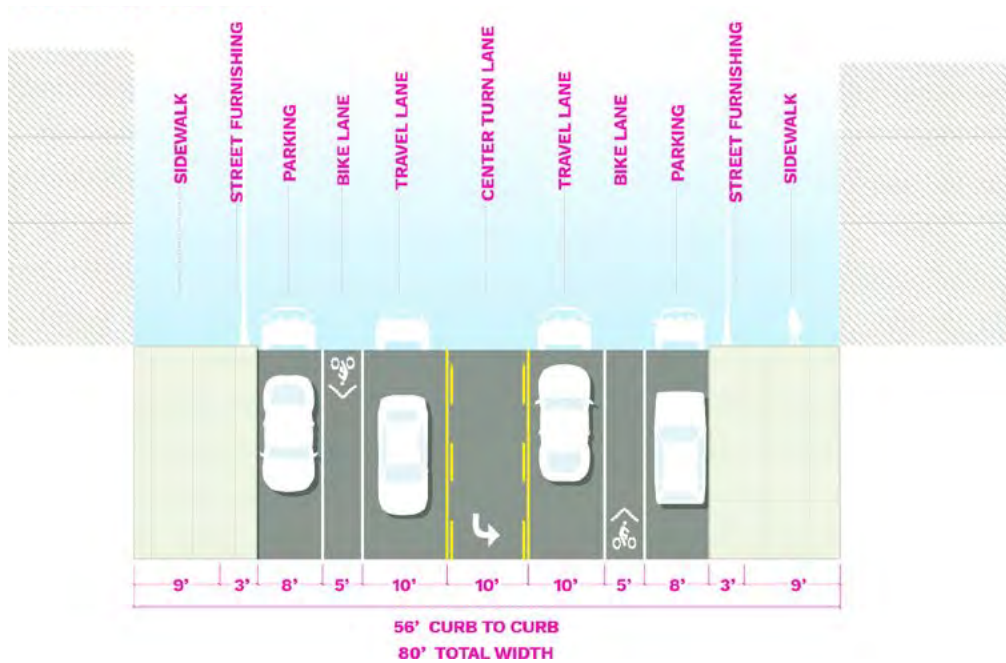
## 2ND AVE: PROPOSED



An example of a before and after street section from the *Downtown Streets Playbook*. This section depicts the potential 2nd Avenue. Currently, it is a critical east-west corridor that connects NDSU facilities with City Hall, the Library and River. For these reasons it's a great street for bikes. The opportunity is to make this a bike-friendly street and improve pedestrian safety –create safe bike lanes, wider sidewalks and more greening.

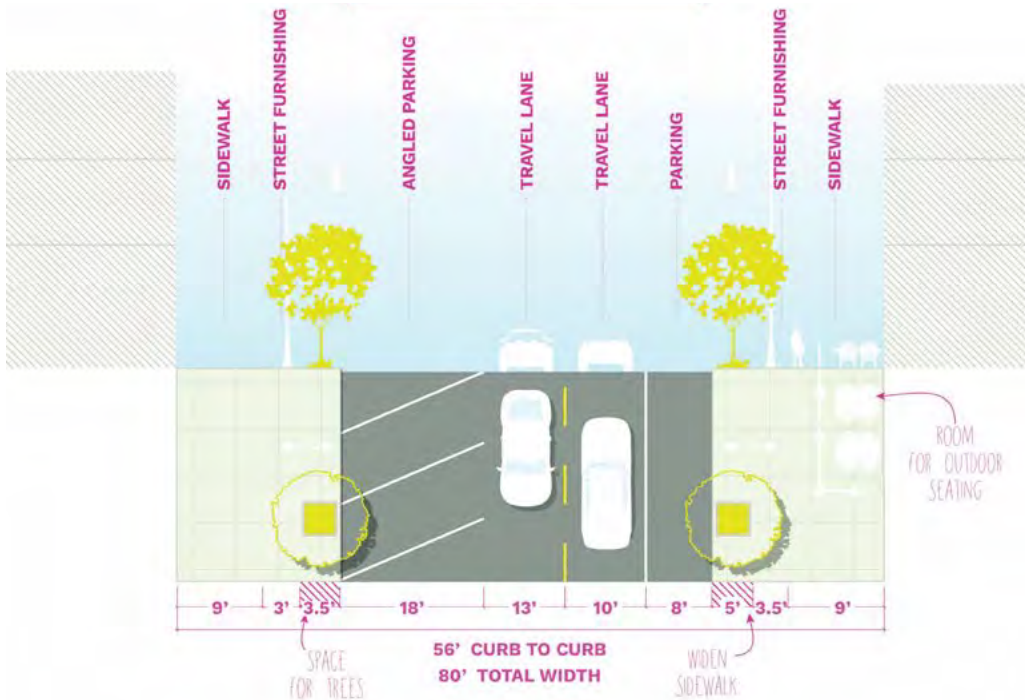
FIGURE 26: 2nd Avenue Street Sections





## 4TH AVE: TODAY

[draft]



## 4TH AVE: PROPOSED

4th Avenue, however, is an opportunity to increase street parking and ensure it is a safe street for pedestrians. Here Downtown would be able to retain bike lanes while increasing the amount of on street parking.

FIGURE 27: 4th Avenue Street Sections



## 5.2 Prioritize safety for the slowest speeds first

Safety should be the number one priority in a street's design. People on foot are the most vulnerable on any street. Designing for the slowest speeds means safer conditions for everyone. Everyone is a pedestrian at some point in their journey.

### **Improve pedestrian safety throughout Downtown**

An intersection that is well designed should make people at the corners waiting to cross visible from all approaches. When a person steps into the crosswalk it should be no surprise to others around them. A predictable environment is safer for everyone. Along with street enhancements outlined in the *Downtown Playbook*, some intersections in Downtown need design enhancements to ensure pedestrian safety.

### **Retrofit streets to calm traffic; focus on near residential typology and side-streets not called out in Playbook**

Outside of Fargo's core commercial heart are growing neighborhoods. As drivers transition out of the commercial center, they should experience a transition to a more residential context. Visual elements like neighborhood gateways should signal to drivers there is a change in context. Design treatments such as chicanes and neck-downs divert drivers from a straight path along the street forcing slower speeds and more attentive driving. These elements have an equally positive impact for other modes. They can be installed without impeding cyclists, and provide opportunities for small-scale water retention and planting in the public way.

## 5.3 Create a bicycle network Downtown

### Ensure safe, connected spaces for bicycles.

In recent years, more bicycle lanes have been designed and installed on Fargo's streets than ever before. With the increasing use of the Great Rides Bike Share, there is increasing demand for facilities that serve all riders. Bike share systems play a key role in helping communities embrace cycling by removing the barrier of ownership.

The proposed bike network identifies streets that provide the safest and most direct pathways for cyclists to navigate Downtown. The network connects cyclists to Downtown commercial destinations, and offers key links between parks and open spaces. A network of bike facilities is one layer of the proposed street network proposed in Strategy 5.1. The proposed bike network as it is illustrated in the Proposed Bike Network Map to the right also categorizes some segments as in-fill, on-street bike lanes, and extension lanes.

- > **In-fill Lanes** shown on the map should be higher priority for Fargo to design and implement, as these are the street segments that connect between existing on-street facilities and local trailheads.
- > **Extension / On-street Bike Facilities** are segments that play a key role in bringing cyclists into Downtown from nearby neighborhoods in all directions.
- > A **Proposed Greenway Trail** is introduced in Chapter 7. These green corridors provide an opportunity for a "rail-trail," or off-street bike trail running parallel to freight corridors and designed to connect Downtown with a regional trail network. Research and assessment of new Rails-with-Trails projects are gaining momentum in the U.S., as many cities are realizing the opportunity that open, off-street rail right-of-way presents for bike and ped connectivity. Some unique design elements outlined here can help to ensure a safe and enjoyable bike facility design in the context of freight rail, including maximizing the setback between the trail and active railway, and providing a secondary pathway for the trail around constrained areas such as bridges.

In a Downtown area where streets are slower and more active, cyclists should be able to bike comfortably on any street. But, the traffic demand on some streets requires more robust bike facilities to ensure cyclists of all ages and abilities can feel comfortable. There are design elements that help enhance these slow streets for all users and signal to drivers to be alert for cyclists:

- > Increase shade cover - trees provide a sense of enclosure which tends to slow drivers
- > Consider chicanes and neck-downs on neighborhood streets - changes to a street's geometry or perceived narrowing of a street typically result in slower vehicle speeds
- > Clear bicycle markings - consider "Bike BLVD" striping on key neighborhood streets
- > Install signs along preferred routes - direct people to nearby trails and bike-related amenities like Great Rides Stations and bike shops.

“It's so much safer to ride my bike on the streets. The obvious and protected bike lanes finally got drivers to pay attention to people on bikes. There is so much more art installed outside, too - very cool- especially the interactive ones like the water feature in Island Park. Hope you can come up to see it soon.”

– community vision statement

Survey responses about cyclist priorities

Which improvement would all residents most like to see to encourage more **bicycling** Downtown?



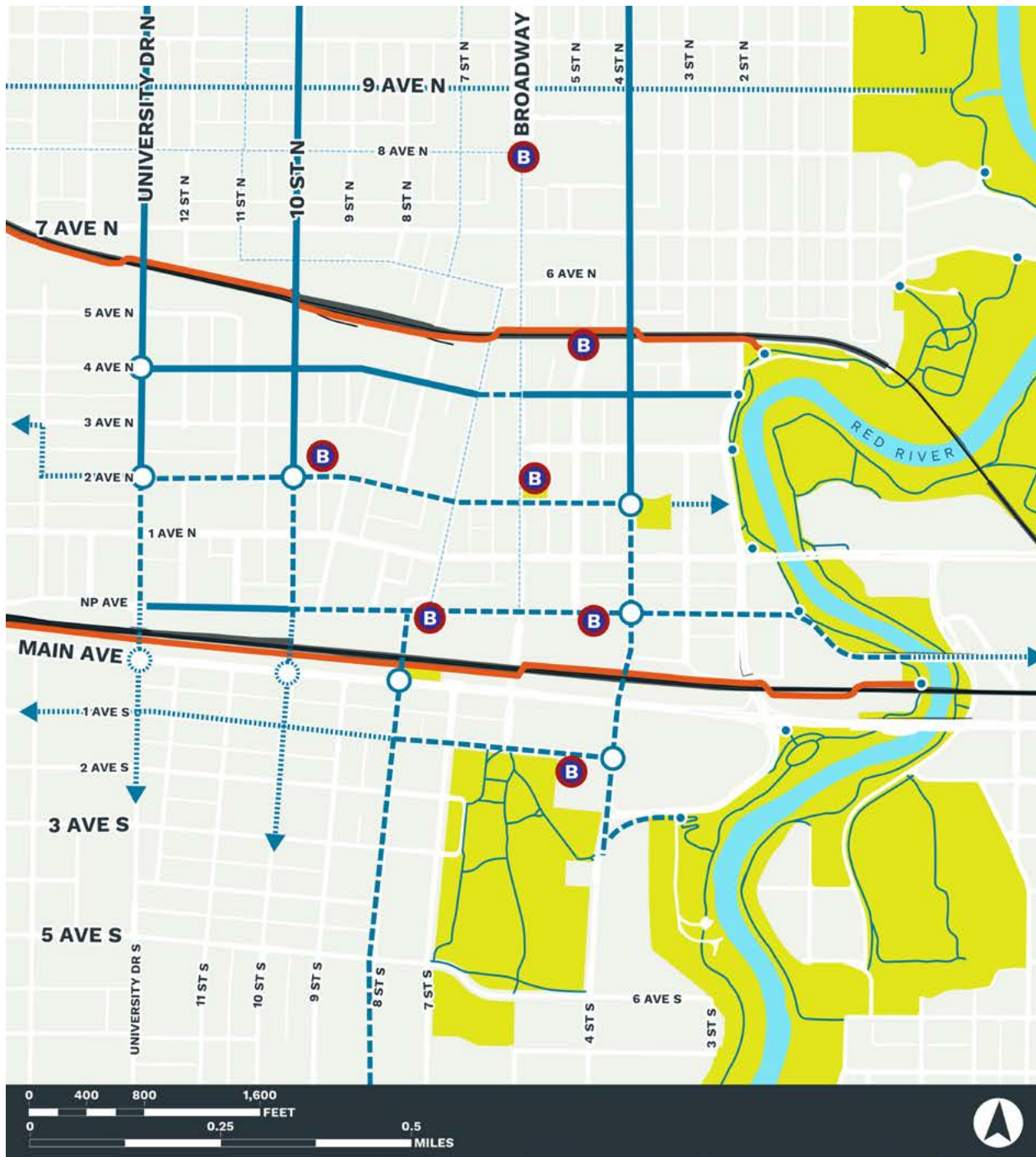


FIGURE 28: Proposed Bike Network

## Proposed Bike Network

Source: Sam Schwartz

- EXISTING OFF-STREET TRAILS
- EXISTING ON-STREET BIKE LANES
- EXISTING SHARROWS
- INFILL ON-STREET BIKE LANES
- EXTENSION OF ON-STREET NETWORK
- PROPOSED GREENWAY TRAIL
- BIKE FACILITY THROUGH INTERSECTION
- TRAILHEAD
- EXISTING GREAT RIDES BIKE SHARE STATION



5.4 Enhance local transit stops

Increase the visibility and improve the quality of bus stops.

Many bus routes along the same street segment result in a high frequency of buses. For riders making a short trip into or around Downtown, this means transit already provides frequent service. But many have not embraced the use of transit in their travel habits. Fargo should celebrate the network of transit service in Downtown by increasing the visibility and improving the quality of bus stops.

The cultural shift away from car-ownership toward transit adoption will be slow. Investment in bus stops with amenities and an improved street presence will help to reassure riders that service is present and reliable. Physical infrastructure at bus stops, such as covered benches and lighting, make riders feel more comfortable waiting for the bus, and give the service a permanent presence in Downtown.

Transit service in Fargo is flag-stop on all routes, which allows riders to “flag” a bus to pick them up anywhere along the route in addition to designated stop locations. This type of service is very flexible for the rider, but is less intuitive to new users. Within Downtown, once improvements are made to the visibility of stops, the City should transition to provide service to fixed stops only. Signed stops with rider amenities reinforce to riders that the bus service is reliable and consistent, and will aid in adoption of transit service by new users.

Improve main pathways to the GTC and better integrate the station into the fabric of Downtown

The GTC is in the heart of Downtown Fargo, but it is disconnected from Downtown destinations. The GTC building and transit plaza is an island surrounded by fences and an expanse of parking lots. The entrance to the GTC should be visible, and pathways should be accessible for all modes. In addition, enhanced intersection accommodations should be designed at the GTC along NP Avenue in concert with the proposed bike facility to minimize potential conflicts with turning vehicles.

Over time, underutilized portions of the GTC and surrounding properties should be evaluated for potential redevelopment. The infusion of new housing and/or offices would help better connect the GTC with the fabric of Downtown and potentially provide MATBUS with revenue to upgrade their facility and other stations Downtown.

Survey responses about public transit priorities

Which improvement would all residents most like to see to encourage more **public transit** Downtown?



## 5.5 Make it easy to get around without owning a car

### Leverage transit habits of students, and bolster ridership with intentional marketing and connections to necessary destinations

Similar to Great Rides Bike Share, NDSU provides partnership and financial incentives for MATBUS to provide transit service specifically tailored to student needs. Fargo-Moorhead Transit relies on revenue from student use, and students rely on public transit to get around. This is evident in higher ridership numbers during the school year, and lower counts during summer months. As with the use of bike share, this presents a great opportunity to capture a population that has already adopted public transit, as they move into Downtown. The City should strive to support these habits.

Currently, it is very easy to own a car in Fargo. Parking in residential neighborhoods is available and even employers work hard to accommodate parking demand of employees. To maintain the ridership from students and young professionals, the City should support MATBUS in engaging local employers, employees, and residents to identify key connections and services that would help to extend the use of public transit Downtown. This includes exploring:

- > Transportation Demand Management (TDM) strategies like employee transit passes
- > Marketing connections to daily services and destinations like groceries, pharmacies, etc. and
- > Tap-in, Tap-out type fee structure

### Make walking, biking and taking transit more comfortable in the winter

There are two key components to this:

- > Prioritize investment in bike lane snow clearing and sidewalk clearing (particularly around transit stops)
- > Create warming shelters and weather-appropriate transit stops to support riders through the winter months. Winter winds were a common concern voiced by local transit riders. Waiting for buses to pick up at unprotected transit stations is a daunting experience for any rider; doubly so for older riders or those with impaired mobility. Providing shelters, lighting, and wind panels or other wind-protective design at stations can make conditions more comfortable for all riders.



Bus stop & winter warming hut!



Taking care of bike lanes in the winter, Montreal  
Credit: Bartek Komorowski

## 5.6 Build out the bike share system in and around Downtown

Fargo's bike share system received national attention after launching, with some of the highest ridership numbers in the nation. The small system was embraced immediately by the NDSU student population. Station locations and student memberships indicate that they are still the most likely users of the system. But, bike share is an amenity that can be integrated into everyone's lives in Downtown. As the system grows, it needs to grow to be more of an asset for more of Fargo's population, particularly the near neighborhoods that would benefit from connectivity to existing stations in Downtown.

### **Increase year over year programmatic and financial commitment to the bike share program to ensure its longevity**

The Great Rides Bike Share system is a non-profit entity. The majority of its upstart funding came from private entities in the Fargo area and from NDSU. Therefore, it is no surprise to see that the station locations today cater to the student population at NDSU. The City of Fargo contributed to the system's start-up, but is minimally committed to funding the program into the future.

72% of Great Rides memberships are NDSU student memberships, which are included in student fees annually. 27% of memberships are "guest users," or less than one-hour rides by the day (\$4), and only 1% are non-student memberships.

Although NDSU and private partners have been generous contributors, crucial to the success of the Great Rides Bike Share system, there is no long-term commitment of support from these funding partners.

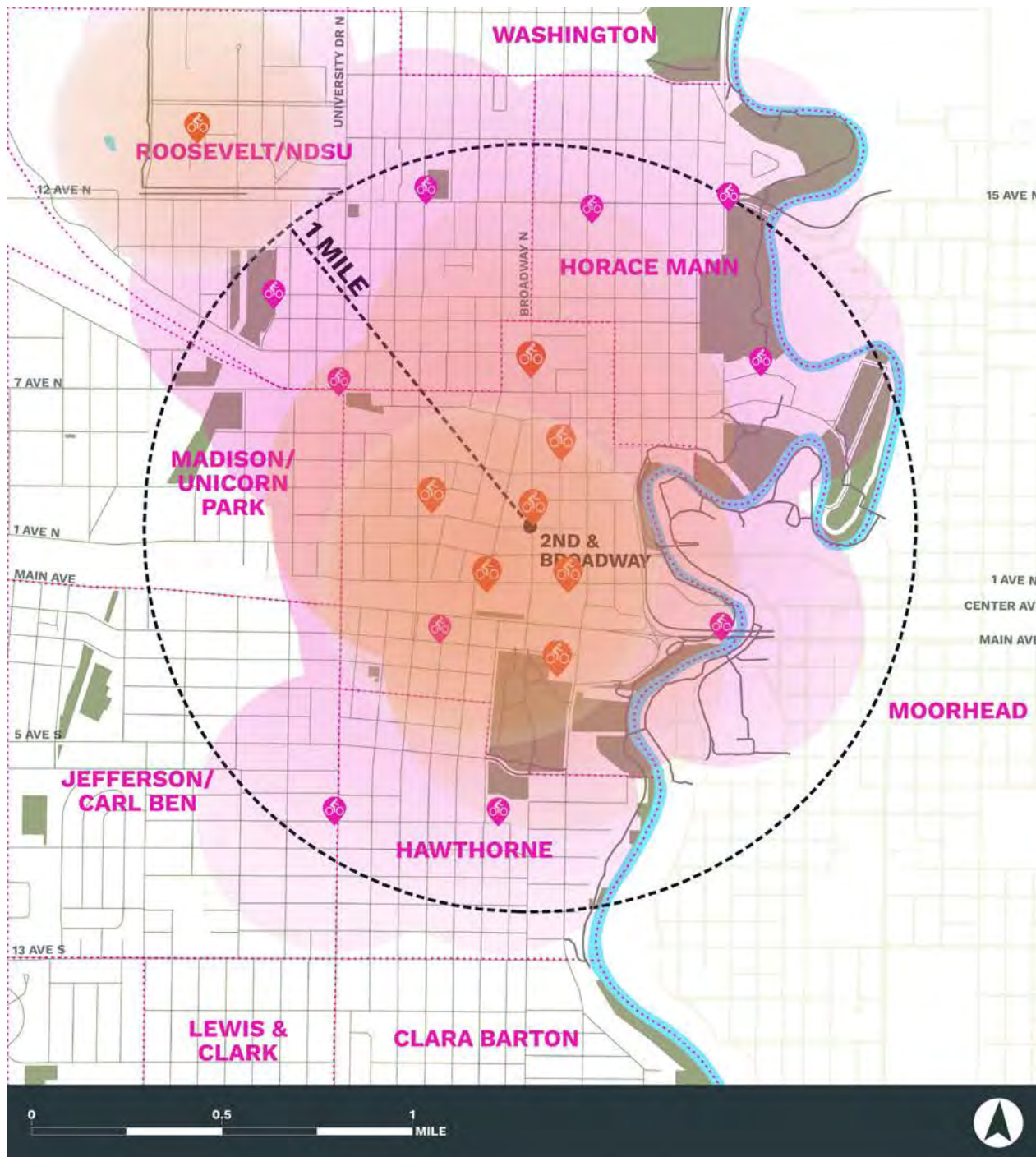
Bike share in Fargo should be seen as a public amenity, and supported as such by the City of Fargo. This is not only to ensure the longevity of the transportation asset, but also the City's investment in the future of Great Rides Bike Share would facilitate an expansion approach that could better serve existing Downtown residents, and help to make bike share an integral part of local transportation patterns.

### **Grow the program to be most useful for Downtown and near-neighborhood residents and employees (who are not served by the current system)**

Looking to the future of the system, bike share systems in urban areas tend to thrive when bike share stations are located no more than ¼-½ mile apart. Co-location of stations near major employers, commercial pockets, and institutions or recreational destinations helps to grow ridership. Co-location of bike share stations with other transportation hubs, like the GTC or large parking amenities, can help make bike share an integral part of a commuter's journey to work by offering a transportation option to make the last mile connection from one's bus or car to the door of their office or home.

The following map offers guidance on station placement based on an expansion model to better serve Downtown Fargo as a whole.





## Bike Share Expansion

Source: Sam Schwartz, Great Rides, MetroCOG

-  **EXISTING BIKE SHARE STA.**
-  **PROPOSED STATIONS**
-  **NEIGHBORHOOD BOUNDARY**
-  **DOWNTOWN FOCUS AREA**

FIGURE 29: Proposed Bike Share Expansion Locations



# Play with Purpose

Develop a system of connected all-season green spaces designed for people (of a range of ages and interests) and purpose (as infrastructure that absorbs stormwater).



## WHY IS THIS IMPORTANT?

**New flood infrastructure aims to protect against riverine flooding, but it does not reduce the threat of localized flooding of Downtown property caused by rain events.**

Fargo is long familiar with the hazards of living next to the Red River of the North, but the conditions that exist in and around the city were set in place over 13,000 years ago when the glacial Lake Agassiz receded, leaving behind several distinct layers of clay that are nearly impermeable to water.

The drained lake bed became the vast floodplain of the Red River of the North, which, flowing northward as the name suggests, creates another seasonal flooding phenomenon when the northern part of the river has yet to thaw and the spring floodwaters to the south have few places to go. This natural phenomenon is exacerbated by the change in land cover from the native prairie to agricultural

use, which speeds up the rate of water flow, thus exaggerating the peak flow.

To protect the metropolitan region from flooding, the FM Diversion project was created. The FM Diversion introduced a large levy and canal flood protection system which traps water to the south of the city then releases it at a slower rate via a canal west of the city and through the Red River. In addition, flood walls and levies have been created in Downtown Fargo to protect the City from the regional flooding events.

This massive infrastructure protects the City from regional flooding events occurring at the scale of the watershed, but it does not protect or reduce the threat of localized flooding of Downtown properties caused by local rain events. In some cases, it may exacerbate or limit the flow of these local events because the evacuation of water from the Downtown watershed is now limited by underground pumps and the flood walls when previously it could more easily flow into the river.

## Clay soils limit Downtown stormwater absorption potential.

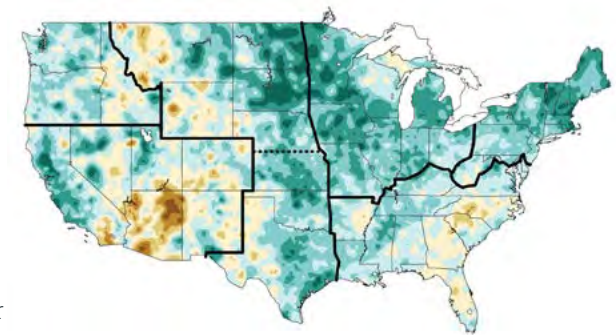
Clay soils limit stormwater absorption potential, which rules out one major tool for managing stormwater infiltration (i.e. allowing water to slowly seep into the soils). However, functional landscapes can be created to utilize other blue/green infrastructure techniques that ultimately create spaces that add beauty, value, and recreational spaces while contributing to Downtown's infrastructure system.

Prior to human development, the prairie soils that developed after the glaciers receded formed a sponge-like layer of organic material. This beneficial layer helped to store water, reducing flash flood events while anchoring down sediments that can negatively impact water quality. The landscape-based infrastructure that we look to create in Downtown aims to accomplish similar goals.

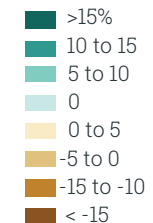
One of the critical goals is to reduce the threat to property from localized flooding. Several factors contribute to current issues, but we must also consider how future climate projections are shifting the previously established baseline for the design of the current infrastructure.

The mean precipitation in the Fargo area has increased by 22% over the past 20 years. The storms themselves are becoming more frequent with higher peak precipitation. Shallow grading of roads due the relatively flat terrain reduces the rate at which the stormwater moves to the inlets. Because of the storms' increasing intensity, the stormwater system that was initially accommodating a 2-year, 24-hour event is now performing at a 0.5 year, 24-hour event.

There are two issues that the creation of functional landscapes can help to solve; one is the issue of water quality, the other is water quantity. Water quality can be managed by controlling the amount of nitrogen, phosphorus, sediment, and other pollutants such as oil that are entering the Red River directly from a grey infrastructure outfall without treatment. The May 2012 study by the Minnesota Pollution Control Agency describes two major fish kill events in 2003 and 2006 that illustrate the current impact of these contaminants and conditions in the Fargo-Moorhead area.



PRECIPITATION CHANGE  
BETWEEN 1991 - 2012



## Total Yearly Precipitation



Total annual precipitation has been increasing.

Source: <http://earthobservatory.nasa.gov/IOTD/view.php?id=83624>



## The water quality of the Red River is impacted by localized flooding.

Fargo's separated sewer system creates an opportunity to intercept that water and polish or clean it before it enters the River by running it through a landscape that will strip out nutrients, allow the sediment to drop out of the water column, and increase oxygen levels.

The amount of water that needs to be treated for water quality is called the first flush and is the amount of water that is generated by a 1- or 2-year, 24-hour storm, which is usually about 0.6-1.5" of rain. Specific techniques will be discussed further in this document, but the goal of water quality is to protect and enhance the habitat of the Red River of the North, but even more critically for those who call the area home, it is to protect the primary source of drinking water for the region.

Blue and green infrastructure solutions for water quality help us to find the types of living systems that we need to integrate within Downtown open spaces, but handling the issues related to localized flooding and water quantity help us to define the scale and extent of the open space system.

## We need to reduce the threat of localized flooding.

The lack of large scale detention basins that exist elsewhere in the City means that the roads themselves become the temporary storage for local rain events. During high intensity storms (storms exceeding a 50-year storm or 6.5"/hour) cascade events can occur where catchment areas overflow into adjacent catchment areas, leading to greater flood depths and higher velocity water movement that ultimately creates greater amounts of property damage and risks to health and safety.

This study looks to understand the scale of landscape needed to have the capacity to deal with both events – local rain events and high intensity storms. Understanding the movement, flow and subsequent risks to individual property owners will require further study and is listed as a future task in the action matrix provided at the end of *Downtown InFocus*. It is critically important to understand that reducing capacity within one or all of the systems would put additional burden on the other.

## An investment in functional landscapes can save the City money over time.

The construction of landscapes that work as infrastructure helps to shift and reduce the cost burden of expanding grey infrastructure - which has cost limitations as systems scale up. Grey infrastructure is also harder to maintain, takes significantly more energy to construct and operate, and offers no additional amenity to the public, being that it is underground and unseen. Functional landscapes:

Additional synergies exist as water is collected in the various systems and at various elevations. Collected water in green roofs and rooftop systems can be utilized for enhancing fire suppression and water

can be drawn from landscape retention systems to irrigate street trees and other landscape vegetation. Further, these systems help conserve energy from a passive standpoint, by decreasing heating loads, shading building facades, and providing additional insulation on rooftops which reduces heating and cooling costs.

The integration of blue/green infrastructure into open spaces will lead to a healthier and safer Downtown, but public spaces will do even more to support, grow, and bring vitality to the Downtown's residents and visitors.

“The City is design starved – because design is seen as a frill.”

– interview

## Regional flooding



## Localized flooding



Design is a necessity when it comes to stormwater and flood protection infrastructure

## WHAT ARE WE TRYING TO ACCOMPLISH?

The working landscapes that support the unique and necessary stormwater infrastructure are, in many cases, linked to road, rooftop, railway and flood infrastructures; however, it is also important to increase the capacity of the stormwater infrastructure system by creating new public spaces in Downtown that can support a growing number of residents and visitors, and will connect the Downtown to the region.

### Create new public spaces Downtown that bring together the community AND serve as infrastructure

Through the public engagement process, people identified strongly with landscapes that allow for social gathering. Given the topographical position of Downtown next to the River, it is critical that the development of new public open spaces serve a greater function related to the blue/green infrastructure systems than just servicing the just needs of that particular park or site.

Open space programming prioritized by Downtown visitors and residents

We look to the design of the landscape to integrate stormwater infrastructure, not as a burden to the site, but as an amenity and feature that brings a unique identity to Downtown. Retention/detention basins can be ponds, streams or fountains, and an increased tree canopy to help green Downtown and control air pollution. The creation of these larger connected systems allows for more robust habitat to develop, and for people to access trails and greenways at various points throughout Downtown, the City, and the region.

### Connect Downtown to regional and national trails

Exploring different methods for connecting Downtown Fargo to the region becomes a critical way to support Downtown's growth and economy. Fargo's position amongst regional and national trail systems helps to support this type of connectivity. New trails can serve residents locally for recreation

and commuting, while regionally and nationally they allow Fargo and its Downtown to become a destination, a hub that will expand visitors' interest in outdoor and active lifestyles.

FARGO

#### WHAT TYPES OF PROGRAMMING WOULD DOWNTOWN VISITORS LIKE TO SEE?

summary of 96 responses from non-downtown residents



#### WHAT TYPES OF PROGRAMMING WOULD DOWNTOWN RESIDENTS LIKE TO SEE?

summary of 48 responses from downtown residents





## HOW WILL WE ACCOMPLISH OUR GOALS?

### 7.1 Cultivate a Downtown open space network

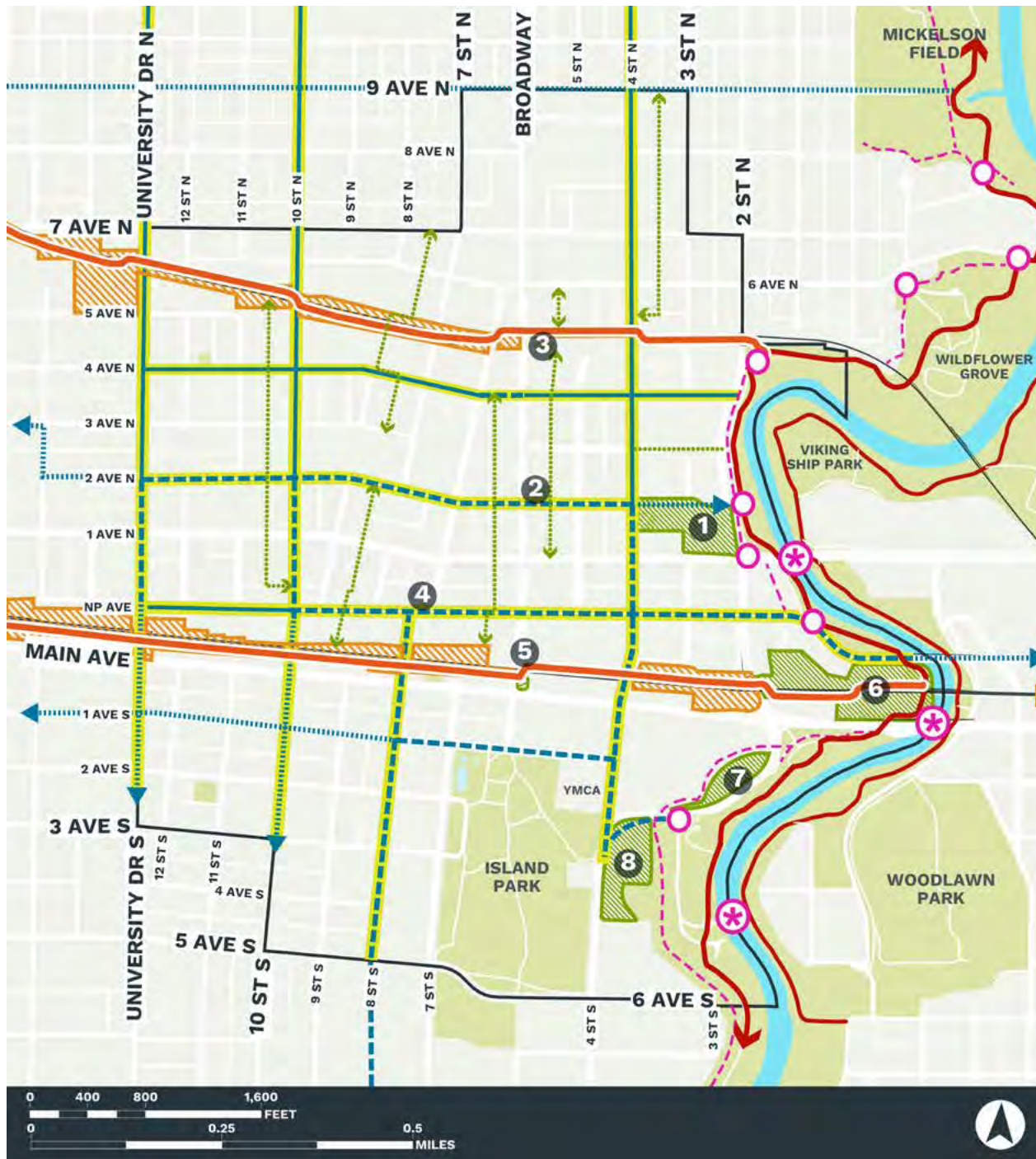
#### **Program open spaces to welcome families and visitors to Downtown while providing Downtown residents with a vibrant “front yard”**

It is also important that when visitors arrive to Downtown the public spaces feel welcoming to families and visitors of all ages. New open spaces should serve as a social gathering space, a “front yard,” and be supported by programs that encourage interactions between generations, rather than just adults.

#### **Stitch together alleys, small parks, the Block 9 Plaza, City Hall Plaza, and the River**

The creation of a robust open space network in Downtown starts with the recognition and improvement of existing assets like Block 9, City Hall Plaza, and Riverfront Park, but instead of being singular destination points, they become a system connected via new greenways, improved streetscapes, bikeways, and alleyways.





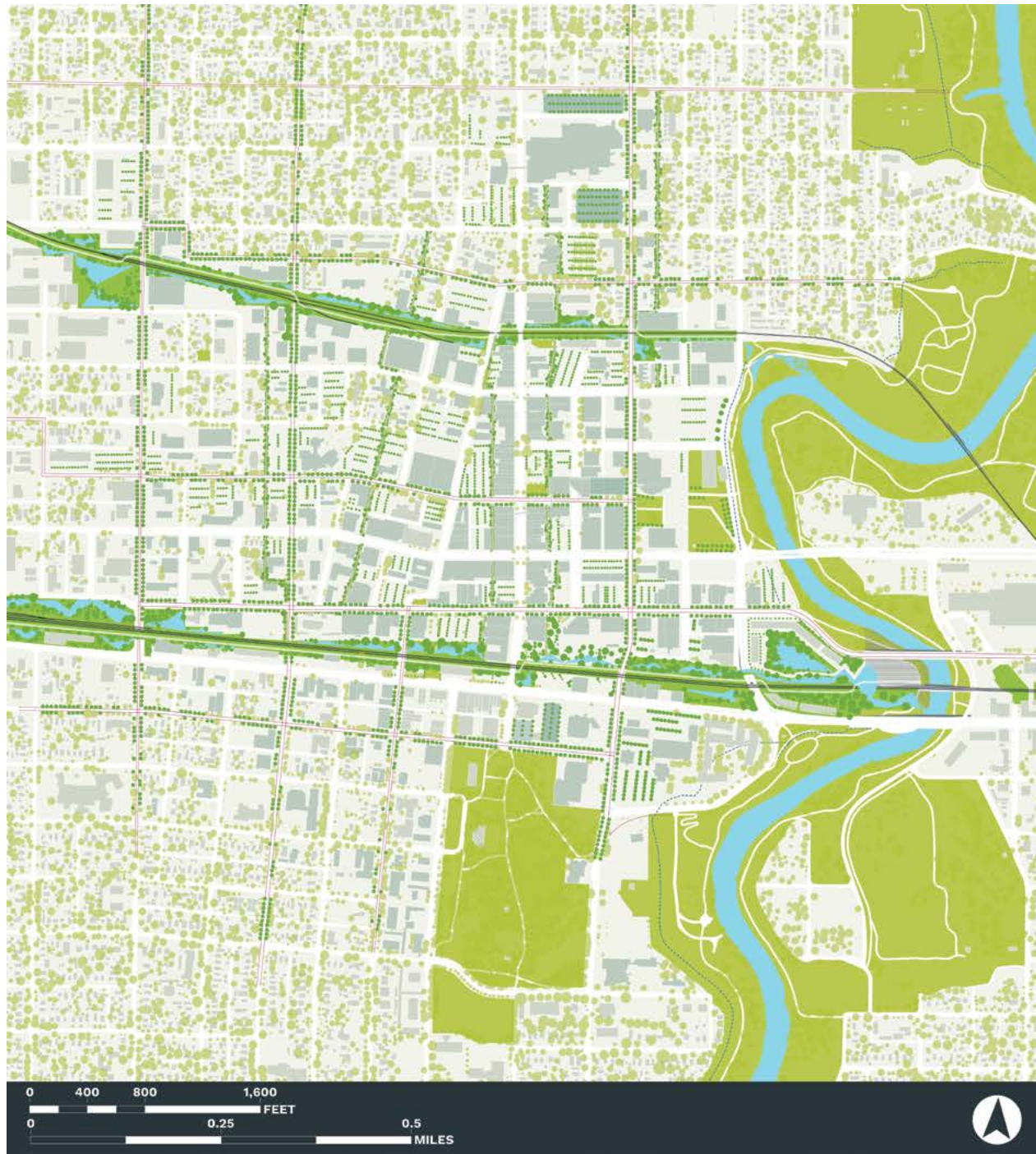
# Potential Open Space Network

Source: BLD, Interface Studio

- 1 **CIVIC PLAZA**
- 2 **BLOCK 9 PLAZA**
- 3 **GREAT N. BIKES PARK**
- 4 **OLE TANGEN PARK**
- 5 **GATEWAY PLAZA**
- 6 **MID AMERICA STEEL PLAZA**
- 7 **DIVERSION PARK**
- 8 **ISLAND PARK/DIKE CONNECTOR**
- **URBAN GREENWAY**
- ▨ **GREENWAY INFRASTRUCTURE SITE**
- ▨ **OPEN SPACE IMPROVEMENTS**
- ⋯ **ALLEYWAYS**
- **GREEN STREETS**
- **BIKE INFRASTRUCTURE**
- ⊛ **MOORHEAD TRAIL ACCESS**
- **RIVERFRONT ACCESS**
- - - **FLOOD PROTECTION**
- **EXISTING OPEN SPACE**
- **EXISTING TRAIL**

FIGURE 36: Potential Open Space Network





These linear and connective systems are enhanced by increased programming and opportunities to boost the environment with more trees and vegetation. The open space network is a long-term goal to be built out by investing in upgrading streets and creating new parks and plazas over time.

## Potential Open Space Network

Source: BLD

- GREENWAY**
- RETENTION BASINS**
- POTENTIAL GREENROOFS**
- BIKE LANES**
- STEEL YARD DECK**
- FLOODWALL**
- PROPOSED TREES**
- EXISTING TREES**

FIGURE 37: Potential Open Space Network with Existing and Proposed Trees



## 7.2 Program for families

### Focus on programming for families with children and for students under the age of 21

Currently, Downtown serves primarily those over 21 with its restaurants, shops, and bars. Many of the events that are held throughout the year also tend to cater to that age group (with the exception of Street Fair). By expanding program opportunities for people under 21, entire families are invited to participate in Downtown activities, like outdoor reading and story time, aboriginal and historical presentations and tours, dog parades, live animal exhibitions, community snowball fights, snowman and fort building contests, puppet shows, outdoor cooking demonstrations, temporary play equipment, concerts, picnics, and many more.

### Program the City Hall Plaza to encourage regional visitors

The new City Hall Plaza should be one of the "Front Yard" experiences in Downtown, programmed to encourage visitors from throughout the region. These types of programs could include larger outdoor performances, outdoor viewing of global sporting events like the Olympics or the World Cup, classic car or boat shows, and food and wine/beer events.

“We want to see strollers on Broadway. That’s the sign of a safe, healthy neighborhood.” – *interview*



Range of programming potential for Library/City Hall Plaza



## DRAFT

122 Downtown InFocus: A Blueprint for Fargo's Core

**DRAFT**

Water park  
for summer!

122 **Downtown InFocus:** A Blueprint for Fargo's Core

Water park  
for summer!



## 7.3 Reconnect and activate the flood wall

In order to activate the riverfront sites, the plan considers different ways that we can reconnect people to the River, a connection that has been fractured by the introduction of the floodwalls that block direct access from Downtown to the Red River of the North's riverfront.

### Design spaces on both sides of the flood wall to help people navigate the barrier

By designing solutions for people to get up, over, and back down the flood wall, such as vegetated berms or unique structured switchbacks, access points can be dramatically expanded and can serve as gateways to the riverfront. In some cases, where stormwater outfalls exist, they can serve as an end of system blue/green water quality control mechanism.

### Integrate public art and programming at nearby open spaces

Public art activation is another way to ameliorate the negative aspects of flood wall and overpass infrastructure. The public art master plan, developed in 2017, should be referenced as it further outlines key goals. In addition to those recommendations, this plan proposes that gateway spaces to the river be further enhanced with the addition of public art to draw visitors and explorers to the river's edge.

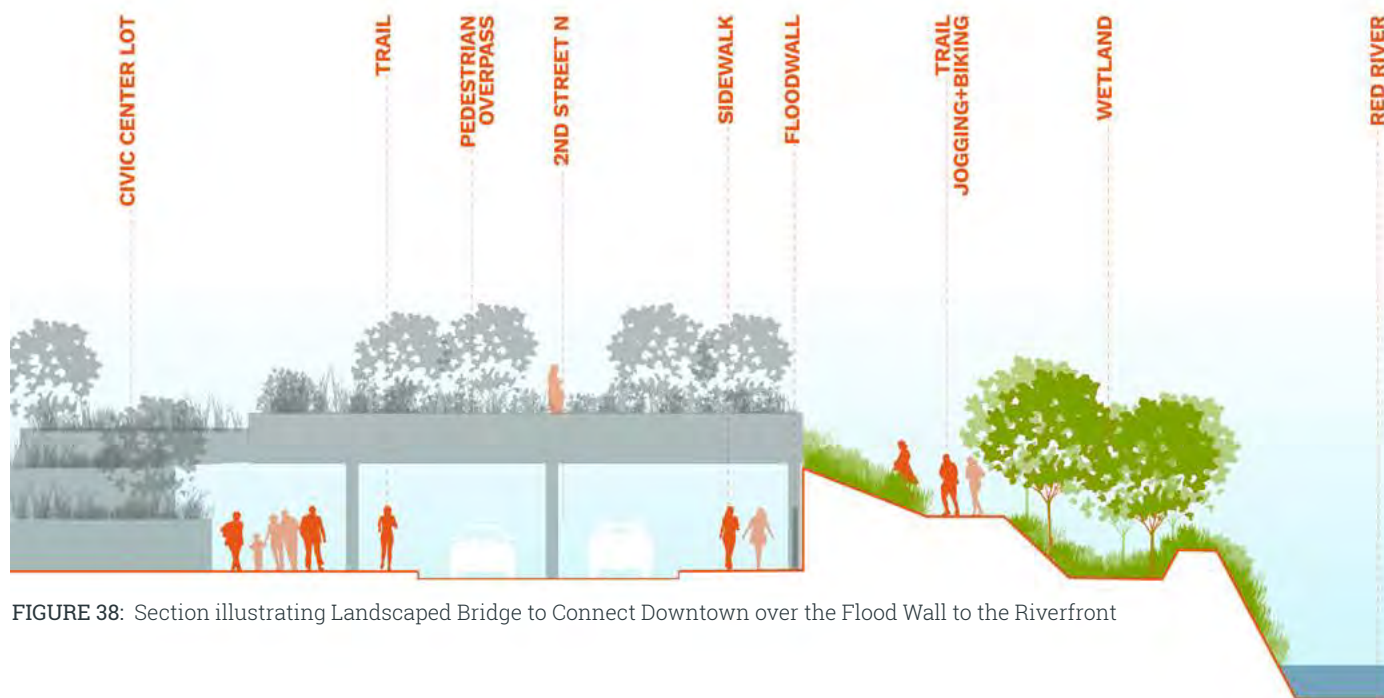


FIGURE 38: Section illustrating Landscaped Bridge to Connect Downtown over the Flood Wall to the Riverfront



Riverfront trail



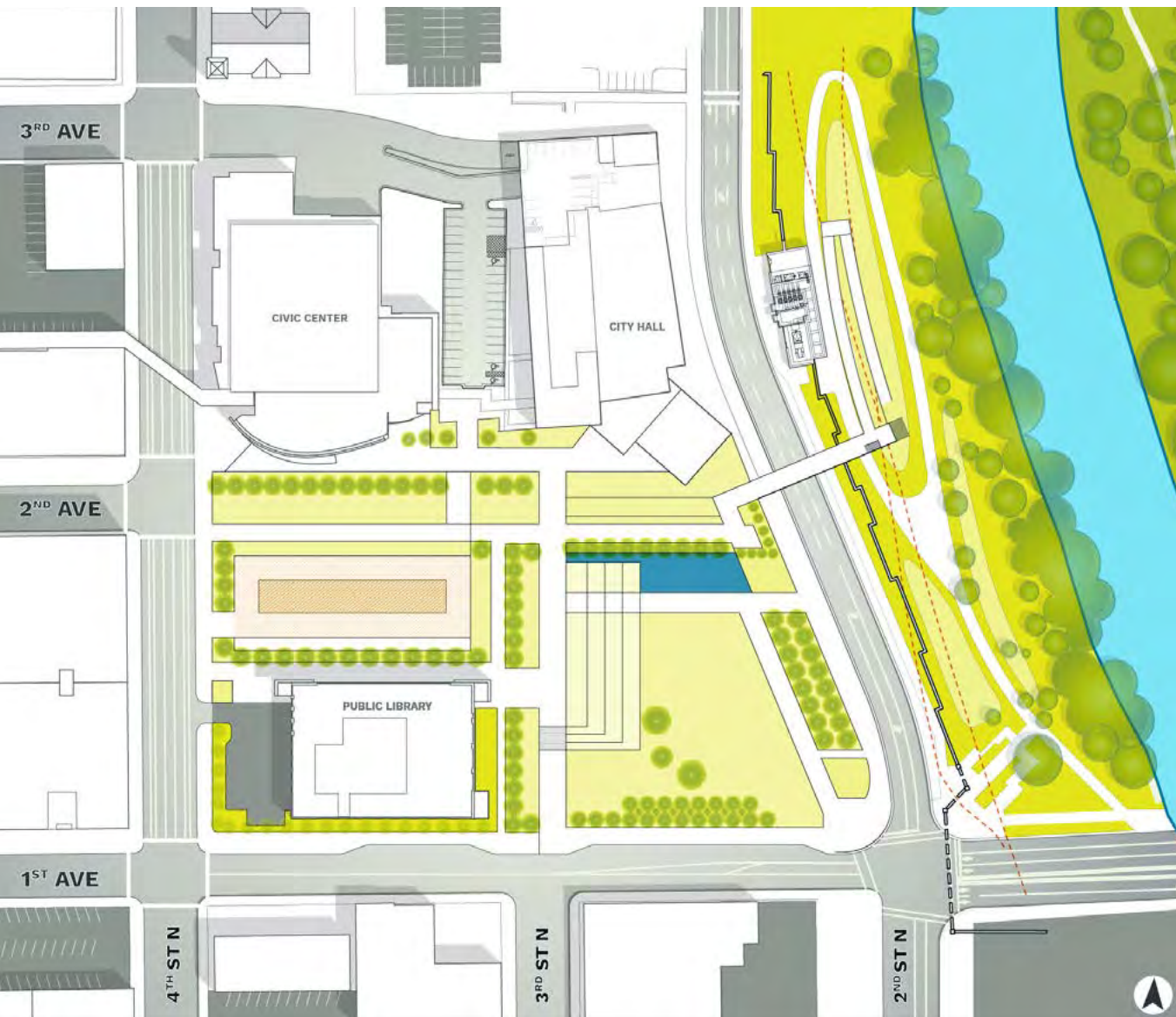


FIGURE 39: Current Concept Drawing for City Hall Plaza

### Create a new, actively programmed City Hall Plaza and pursue a bridge aligned with 2nd Avenue

City Hall Plaza has been in active discussion for some time. With City Hall under construction, a design for the plaza needs to be finalized to serve City Hall and provide a true amenity in this portion of Downtown. There is a current concept drawing for the plaza that shows a number of elements including a stepped green space with an outdoor amphitheater and a surface parking lot for the library that can double as a space for outdoor markets.

*Downtown InFocus* has developed two approaches for the design of the plaza for consideration. It is important to note that both designs bring with them unique opportunities and challenges.



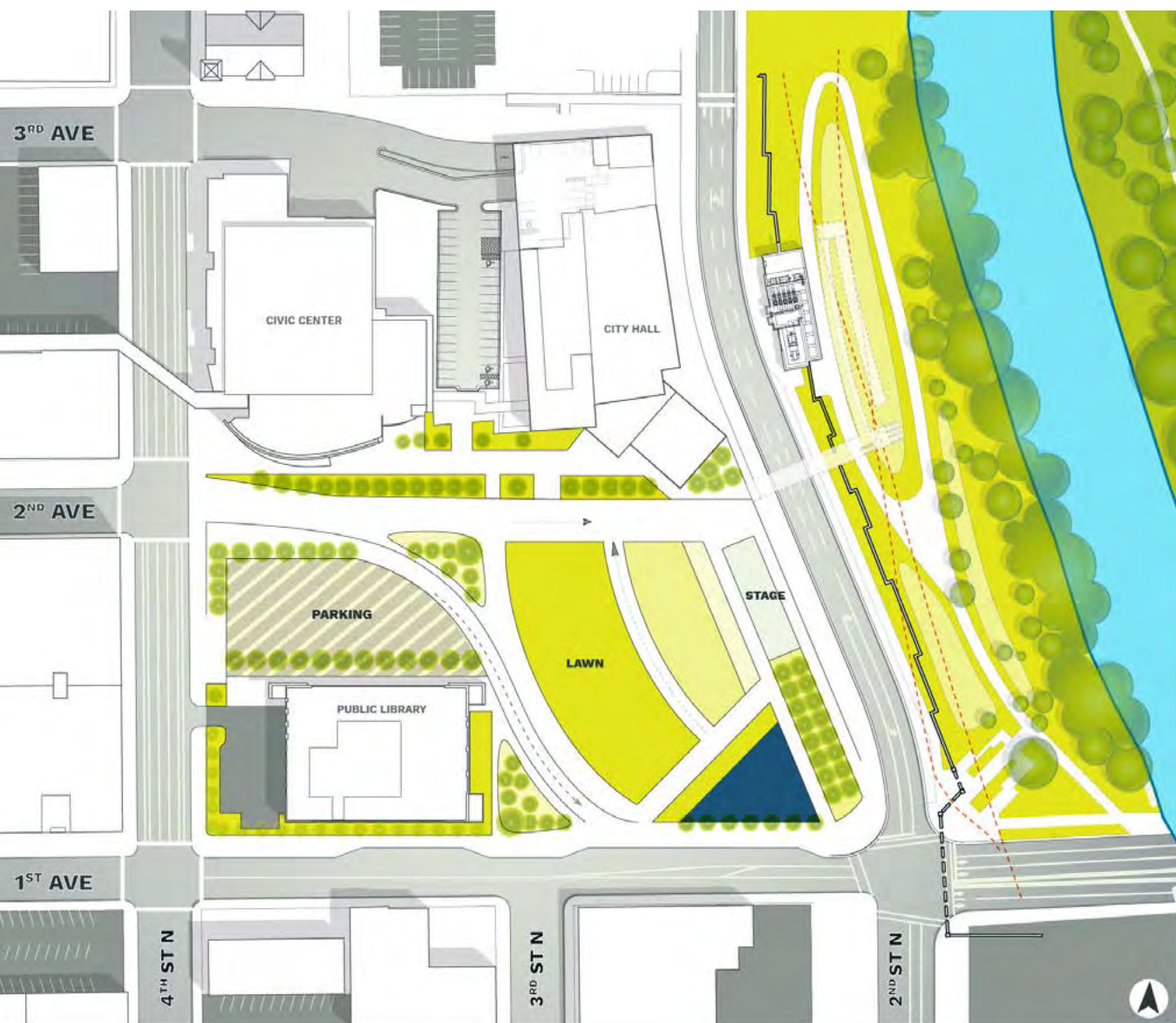


FIGURE 40: Conceptual Site Plan Alternative extending 2nd Ave through Site to River

The first option is a simple tweak from the design that is already in discussion. The approach creates one large, sloped green space from 4th Street to 2nd Street. The critically important connection that runs through this space is the connection from 2nd Avenue over 2nd Street and to the River. This connects pedestrians and new bike infrastructure to the Riverfront trail system. The amphitheater is moved to back up to 2nd Street and provides a stronger eastern edge to the space. Coming from Moorhead, there will be a clear view through the plaza toward the heart of Downtown Fargo. This option is easier to build but raises concerns about the use of the space at all times of the day and week. Without active uses like housing facing the plaza, the risk is that it becomes a space used only when the Library or City actively programs it.

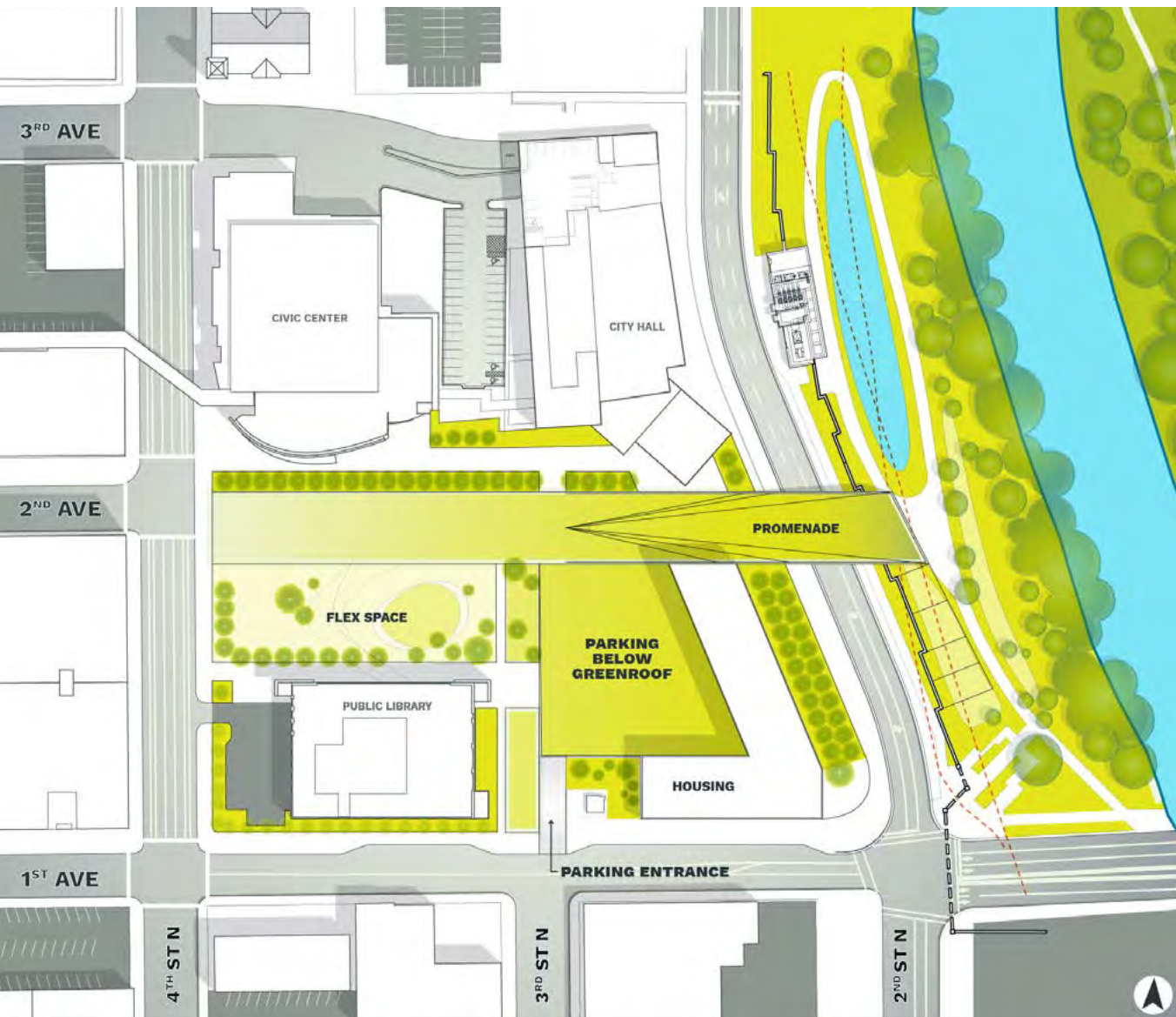


FIGURE 41: Conceptual Site Plan Alternative with Cantilevered Promenade connecting City Hall Plaza with Riverfront

The second option is to redevelop the plaza as a flat space stretching east from 4th Street, integrating both new housing and underground parking. One large park would connect the Library, City Hall, and Civic Center, and new housing would anchor the southeastern edge. This housing would serve to naturally activate the plaza throughout the day and week, as residents would use it as their front yard at times when it is not programmed for an event. Parking to serve the Library as well as the new housing would be tucked underneath the plaza. This option has the potential to provide a vibrant, multi-use plaza that is a true destination and amenity for Downtown.<sup>6</sup> The new development would also provide revenue to help offset the cost of construction. However, this approach is more difficult to implement due to the need for structured parking and coordination with private developers.

It is important to note that both options illustrate a potential bridge connection over the floodwall to better connect riverfront trails and Downtown. Complications have arisen in the original design of this bridge, as a portion of the newly constructed City Hall exists where the bridge abutment was planned. There is a resulting misalignment between the planned abutment of the bridge and of the abutment structure that was built into the current floodwall and foundation. This, however, should not prevent further work on making this important connection to grant the community access over the floodwall.

There are several possible approaches outlined in the plan as options for the Civic Plaza that are technically feasible and have the potential to create an iconic visual gateway to the river. It is recommended that a cantilever option be explored further not only for its visual aspect, but because it conforms to strict limits and regulations imposed by the FM Diversion Authority on loading of the wall and the addition of overburden on the river side of the wall.

<sup>6</sup> This design provides the same amount of green space as the first option due to the removal of surface parking, which is now tucked underground.



## Design a river park on the Mid-America Steel site

A river park and plaza concept design at the Mid-America Steel site emerged from input at the first Open House. Participants expressed a strong desire for a Riverfront Plaza that could host markets and other events on the Red River of the North. This is a space unique to Fargo, and was a great fit for redevelopment of the former steel site.

Positioned at the end of a potential urban greenway system that parallels the rail, the new hydrological system containing biologically cleaned stormwater makes its way from the greenway, cascading down the bluffs of the Red River in a series of wetland terraces and ponds that are surrounded by riparian woodlands. The multi-use regional trail, site circulation, and local circulation culminate on a new Riverfront Plaza.

Market vendors can set up booths and tents under each of the bridges passing overhead, while a boardwalk edge defines a public landing suitable for a variety of boats. The water elements work their way around the plaza and become an ecological habitat, as clean water flows into the river and aquatic life makes its way into the wetland system.

“The river was a huge asset in the 40s and 50s – they had a ski jump down there! They used to use it as their playground.” – *interview*

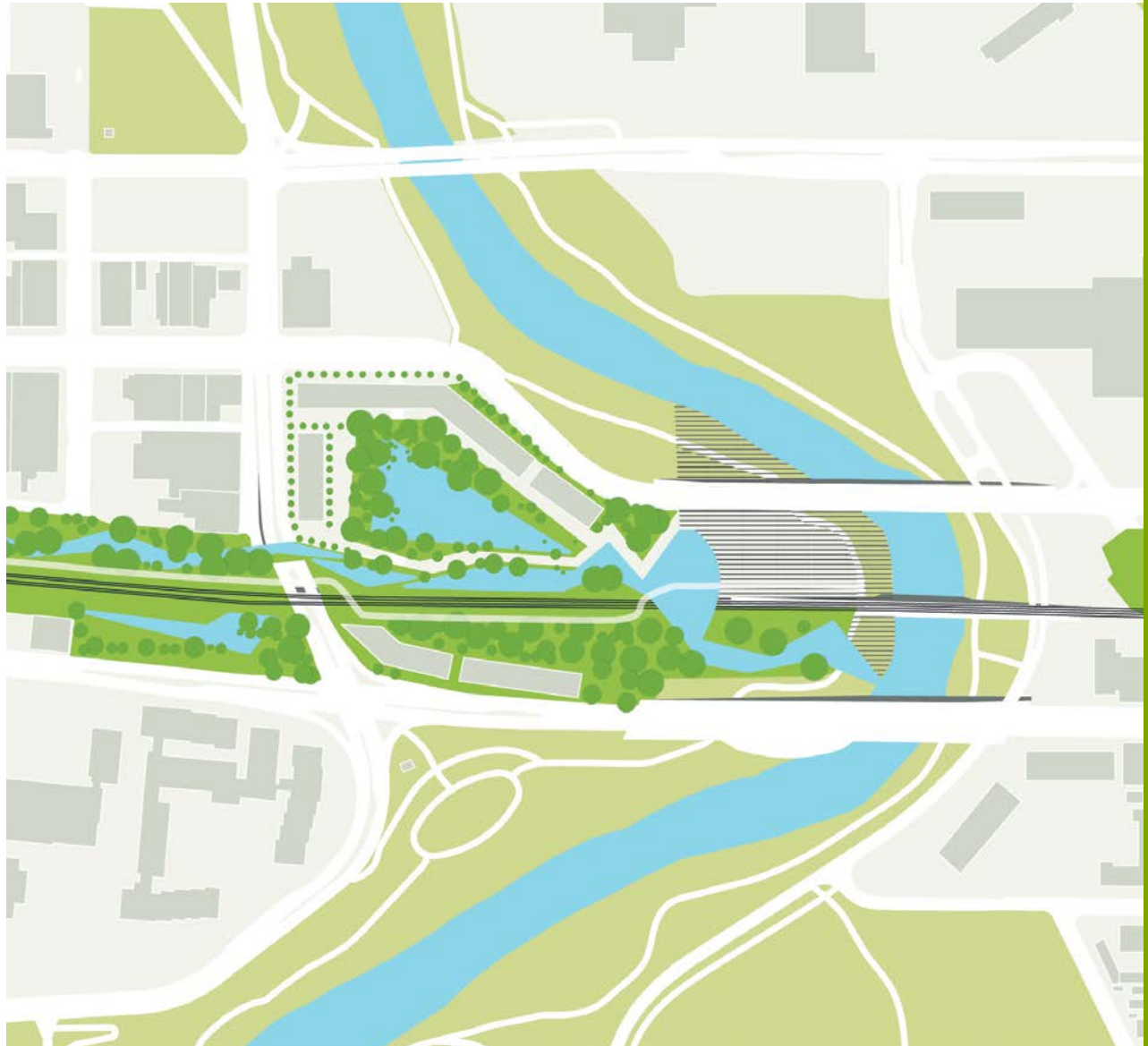


FIGURE 42: Conceptual Site Plan of Stormwater Infrastructure and Park Space at Proposed Riverfront Plaza



# PEDESTRIAN BRIDGE OPTION 7C

- ASSUMES A PREFABRICATED STEEL TRUSS BRIDGE (CONTINENTAL BRIDGE).
- PROS
- CONS



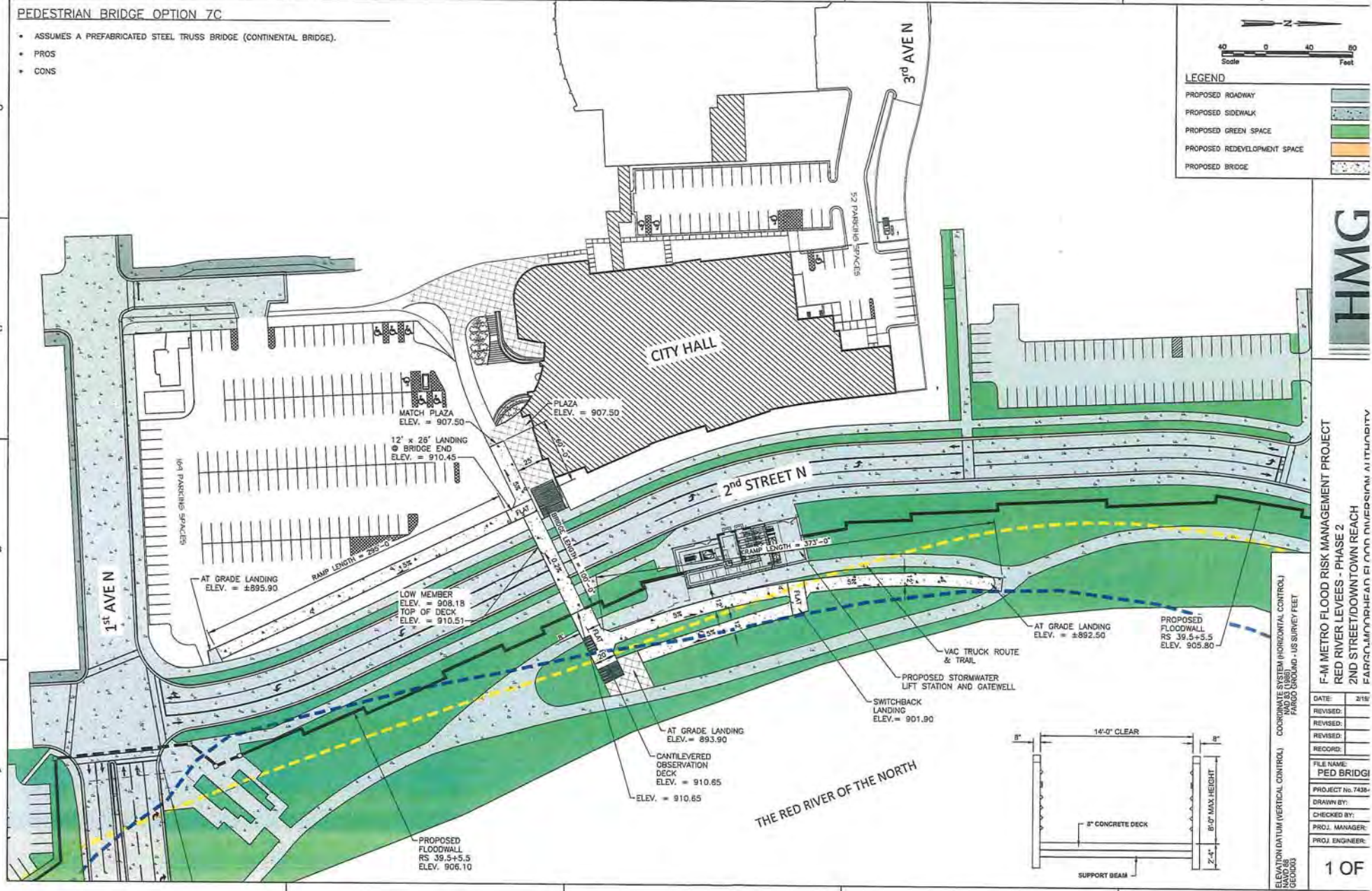
LEGEND	
PROPOSED ROADWAY	
PROPOSED SIDEWALK	
PROPOSED GREEN SPACE	
PROPOSED REDEVELOPMENT SPACE	
PROPOSED BRIDGE	

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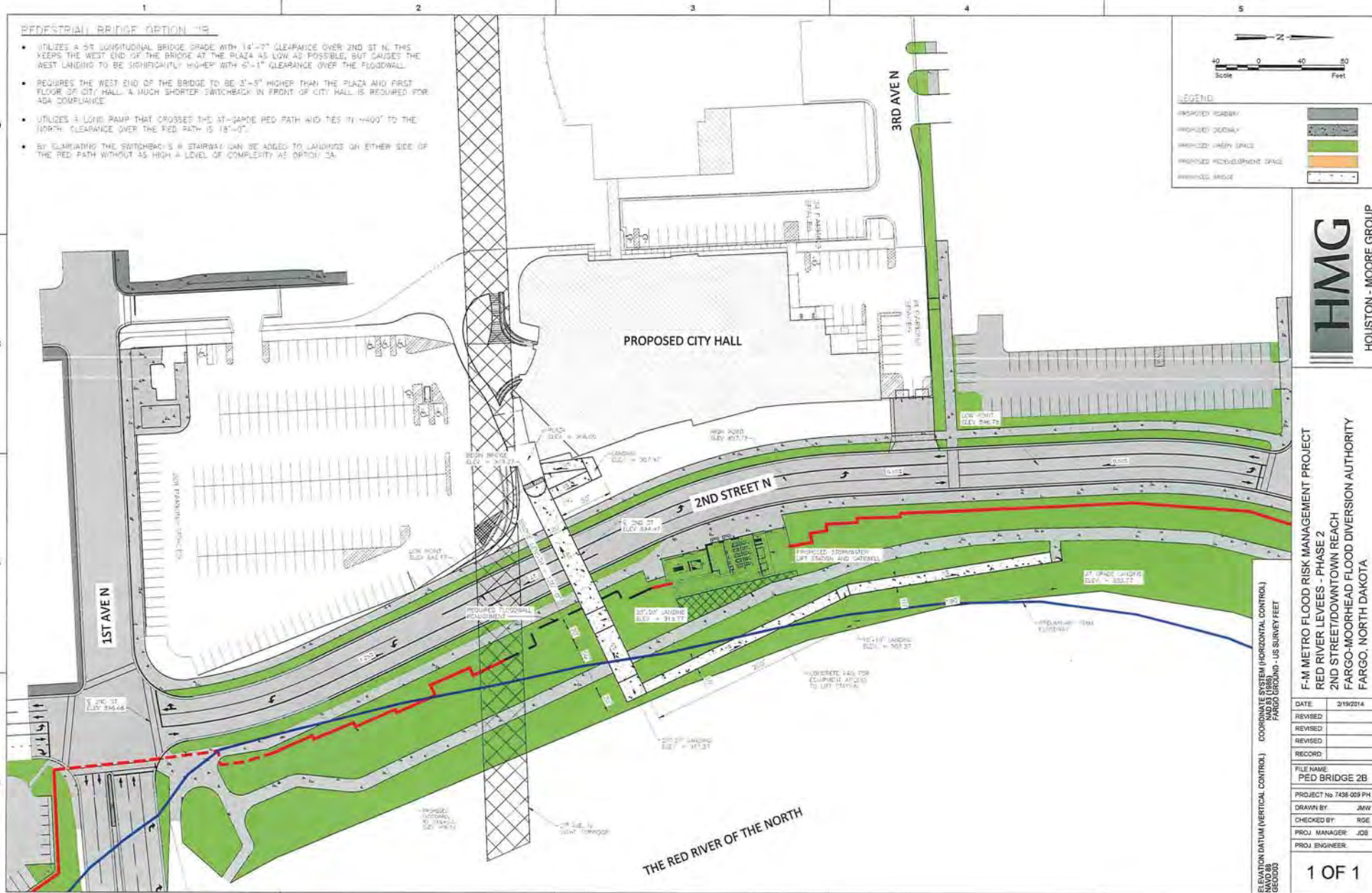
F-M METRO FLOOD RISK MANAGEMENT PROJECT  
RED RIVER LEVEES - PHASE 2  
2ND STREET/DOWNTOWN REACH  
FARGO, MINNESOTA

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PROJ. ENGINEER:	

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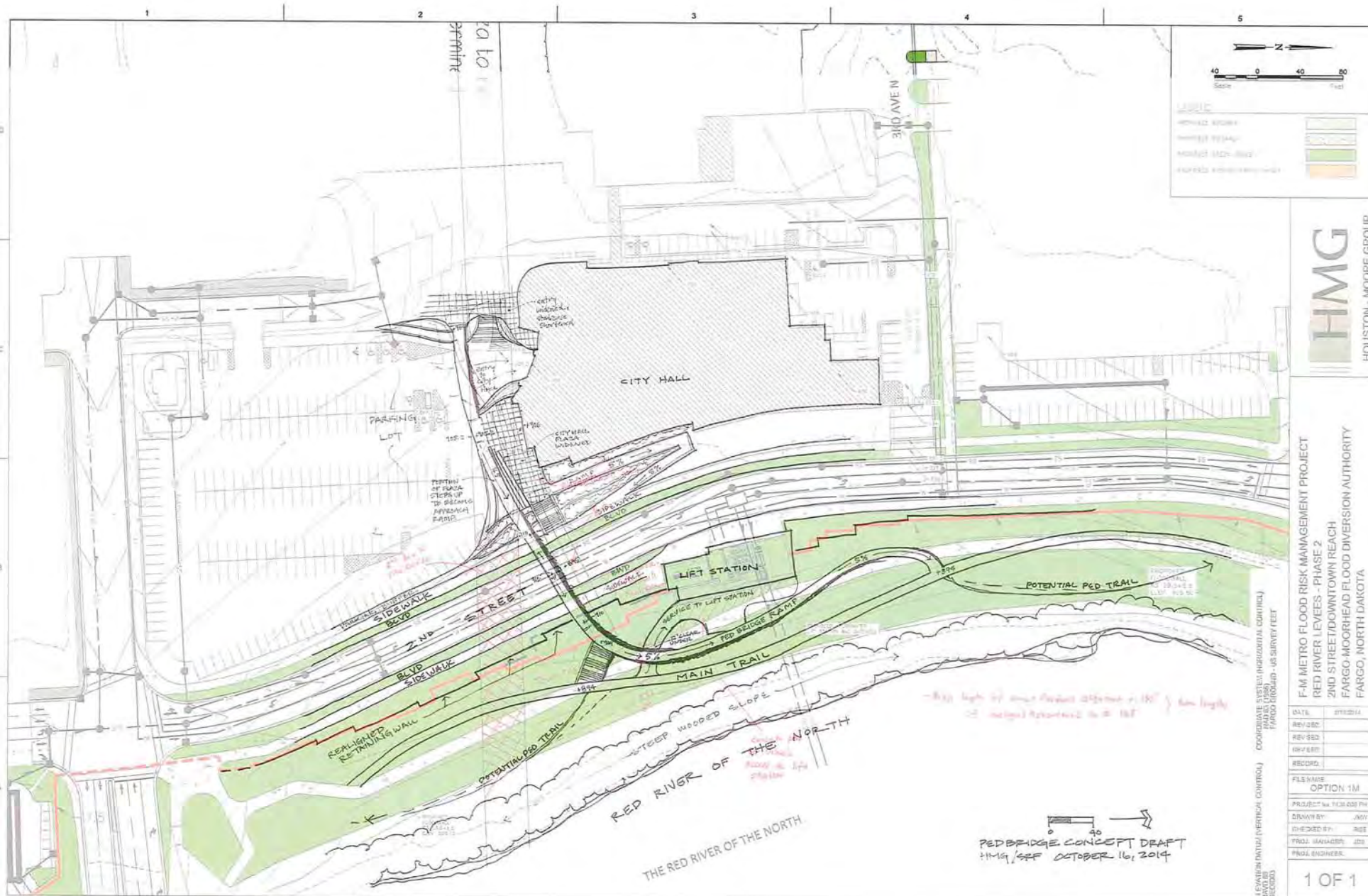




F-M METRO FLOOD RISK MANAGEMENT PROJECT  
RED RIVER LEVEES - PHASE 2  
2ND STREET/DOWNTOWN REACH  
FARGO-MOORHEAD FLOOD DIVERSION AUTHORITY  
FARGO, NORTH DAKOTA

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HOUSTON - MOORE GROUP

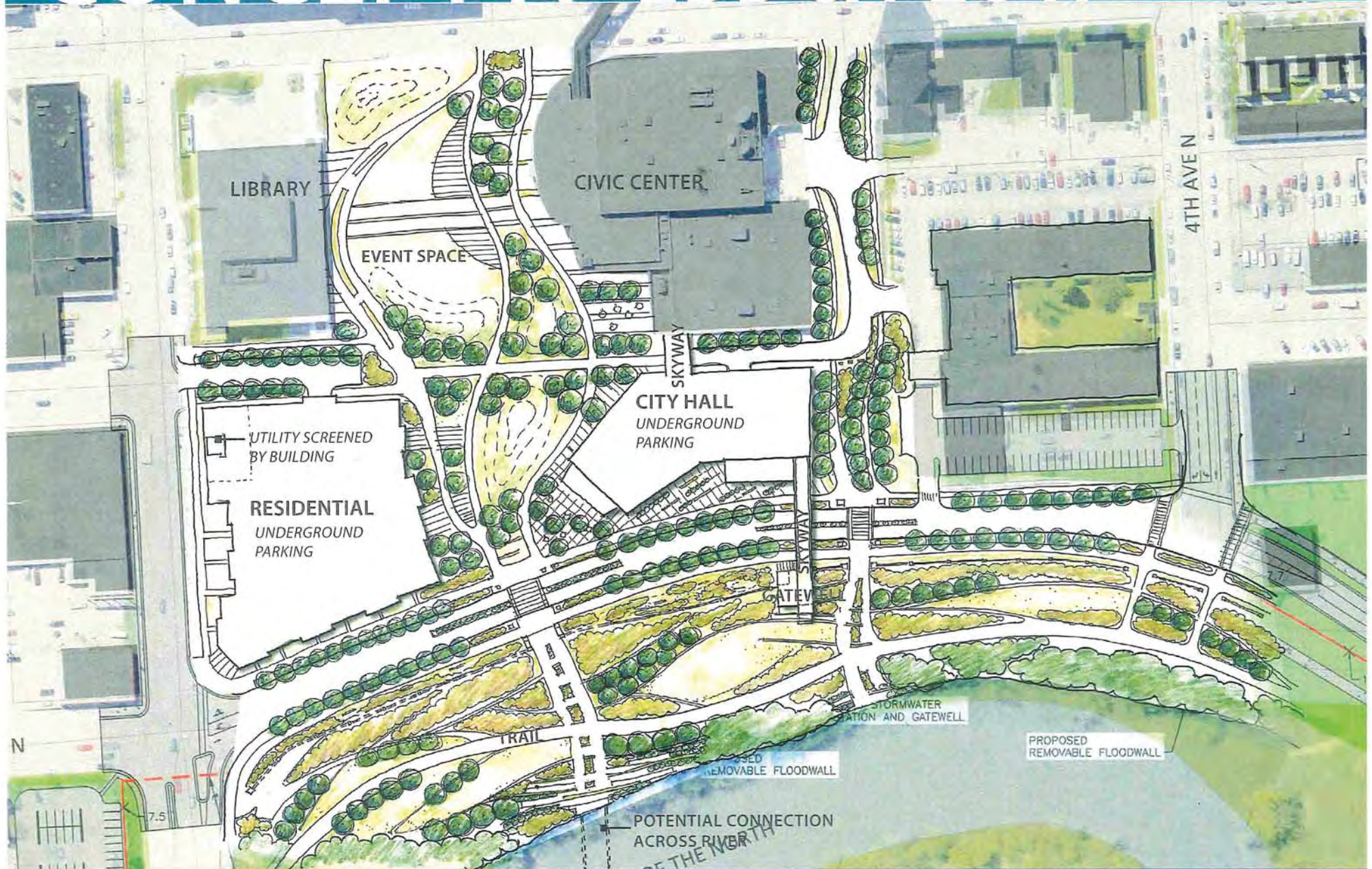
F-M METRO FLOOD RISK MANAGEMENT PROJECT  
RED RIVER LEVEES - PHASE 2  
2ND STREET/DOWNTOWN REACH  
FARGO MOORHEAD FLOOD DIVERSION AUTHORITY  
FARGO, NORTH DAKOTA

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PROJ. MANAGER	JM
PROJ. ENGINEER	JM

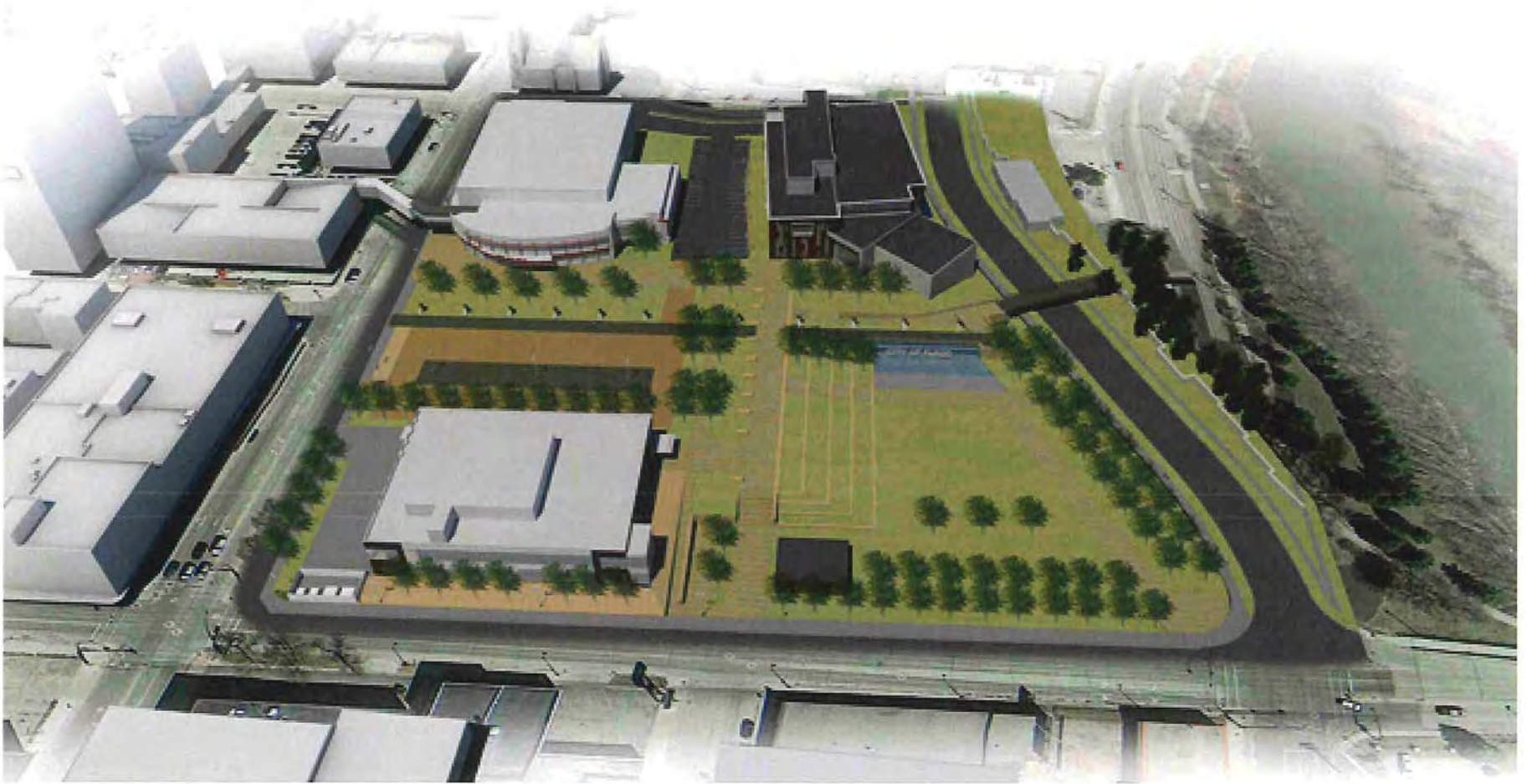
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HMG/SEF OCTOBER 16, 2014



# CONCEPT A- EBB & FLOW







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Fargo-Moorhead Metropolitan  
Council of Governments

Case Plaza Suite 232 | One 2nd Street North  
Fargo, North Dakota 58102-4807  
p: 701.532.5100 | f: 701.232.5043  
e: metrocog@fmmetrocog.org  
www.fmmetrocog.org

To: Policy Board  
From: Cindy Gray, Executive Director  
Anna Pierce, Assistant Planner  
Date: January 3, 2020  
Re: Limited English Proficiency Plan (Agenda Item 3d)  
Title VI and Non-Discrimination Plan Update (Agenda Item 3e)

On July 16, 2019 Metro COG was audited by NDDOT on its Title VI and Non-Discrimination program. The audit resulted in nine findings and recommended corrective actions and three general comments, which were received by Metro COG on August 19, 2019.

Metro COG was required to provide a response to NDDOT explaining corrective actions that would be taken as a result of the audit. This response was provided in the form of a letter on September 19, 2019. Metro COG committed to making the necessary changes to documents and taking the necessary actions to address the findings of the audit and explained how that would be carried out.

Since that time, Metro COG staff have completed an update of the Title VI and Nondiscrimination and Limited English Proficiency Plan (LEP) and taken other related actions to address the recommended corrective actions. The Title VI Plan was previously adopted in 2017 and is required to be updated every three (3) years. Metro COG needs to adopt an updated Title VI Plan in 2020. Instead of amending the current 2017 Title VI Plan in late 2019, Metro COG staff, with the support of NDDOT, decided to complete the required three-year update of the Title VI Plan and incorporate the recommended corrective actions into that update.

NDDOT is in the process of reviewing Metro COG's draft updated Title VI and Non-Discrimination Plan and our LEP Plan. Due to uncertainty as to their ability to get comments back to us prior to the January TTC meeting, we have been advised to recommend approval contingent upon further comments from NDDOT. Attached for your reference are the following:

- Letter to NDDOT responding to the audit findings and documenting the submittal of the draft Title VI and Non-Discrimination Plan and the LEP Plan (Attachment 1)
- Draft LEP Plan (Attachment 2)
- Draft Title VI and Non-Discrimination Plan (Attachment 3)

Background Information regarding Title VI and Non-Discrimination Plans

The U.S Department of Transportation's (USDOT) Title VI regulations require that all programs which receive funding from the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) must be compliant with Section 601 of Title VI of the Civil Rights Act of 1964, which states:

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

Recipients of USDOT financial assistance are required to prepare a Title VI Program in accordance with the guidance contained in FTA Circular 4702.1B, with the objectives to:

- Ensure that the level and quality of transportation facilities and services are planned for and provided in a nondiscriminatory manner;
- Promote full and fair participation in transportation decision-making without regard to race, color, or nation origin;

- Ensure meaningful access to transportation planning-related programs and activities by person with limited English proficiency.

As a subrecipient of USDOT funding, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is required to prepare a Title VI Program containing:

- Metro COG's Title VI notice to the public;
- Procedures for filing a discrimination complaint;
- Listing of any public transportation-related Title VI investigations, complaints, or lawsuits filed against MATPB;
- Public participation plan;
- Limited English proficiency (LEP) plan; and
- Overview of minority representation on Metro COG's planning and advisory bodies.

#### Limited English Proficiency (LEP) Plan (Attachment 2)

The LEP Plan is a separate document that requires a separate action to approve. The document, once approved, will become an appendix to the 2020 Title VI and Non-Discrimination Plan. Actions taken include:

- Changes were made to update the LEP Plan to include up-to-date resources regarding translation services and LEP resources,
- Changes were made to the LEP Plan to address the findings of the audit,
- Updated materials have been made available both in the Metro COG reception area and in the hallway, out of sight of any Metro COG staff, and
- Education of the staff regarding LEP, through both a video prepared jointly by several Federal agencies, and through discussion and internal education regarding translation services and LEP resources within the community.

#### Title VI and Non-Discrimination Plan (Attachment 3)

The Title VI and Non-Discrimination Plan has been updated. The item described above, the LEP, will be an appendix to this Plan. Actions taken to update the plan and address the issues identified in the audit include:

- Changes were made to the Plan to address the findings of the audit, including the make-up of the staff and committees (thank you to those of you who completed the applicable survey forms),
- Updated materials have been made available both in the Metro COG reception area and in the hallway, out of sight of any Metro COG staff, and
- Education of staff regarding Title VI and Non-Discrimination, through both videos and through internal discussion.

#### Transportation Technical Committee Action

At their January 9, 2020 meeting, the Transportation Technical Committee (TTC) recommended approval of the LEP Plan and the Title VI and Non-Discrimination Plan to the Policy Board, contingent upon final edits needed as a result of NDDOT's review.

Requested Action – Agenda Item 3d: Approval of the Limited English Proficiency Plan, contingent upon final **edits needed as a result of NDDOT's review.**

Requested Action – Agenda Item 3e – Approval of the Title VI and Non-Discrimination Plan, contingent upon final edits needed **as a result of NDDOT's review.**

December 20, 2019

Mr. Paul Benning, P.E.  
Local Government Engineer  
North Dakota Department of Transportation  
608 E Boulevard Avenue  
Bismarck, ND 58505-0700

Subject: Follow-up Actions to NDDOT Findings re. Metro COG Title VI Audit – July, 2019

Dear Mr. Benning:

Metro COG sent its initial response to NDDOT's Title VI Audit findings on September 19, 2019. We committed to following up in a manner that would ensure continued compliance with Title VI requirements. Over the past three months, we have been working on updating our Title VI Plan and our Limited English Proficiency (LEP) Plan. We have also noted some changes that will be made as further follow-up to our Public Participation Plan (PPP). However, we believe the Recommended Corrective Actions and General Comments made by NDDOT have been addressed. Once we receive NDDOT's comments on the proposed updated Title VI Plan and LEP Plan, we intend to bring these to our Transportation Technical Committee (TTC) and Policy Board for review and approval.

Information about how the audit findings have been addressed are provided below.

#### **SUBRECIPIENT AUDIT CHECKLIST**

##### **Section II, Items 1.d and 1.e**

#### **FINDING**

Metro COG noted they provide the demographics map with the transportation projects overlay in their TIP document; however, per the FTA Circular, this map must also be included in the Title VI Plan. Metro COG noted they rely on public engagement to identify any disparate impacts from transportation investments, but this information is needed in their Title VI Plan.

#### **RECOMMENDED CORRECTIVE ACTION**

Metro COG needs to update their Title VI plan with the appropriate documentation as noted in the FTA Circular.

#### **September, 2019 RESPONSE**

*Metro COG will update its Title VI plan with a demographics map that shows minority and low income areas of the metropolitan area with transportation projects overlaid on the map. Potential disparate impacts from transportation investments will be identified. We will coordinate with you further to determine the appropriate TIP years to include, but we are initially planning to include a map or maps that represent all future TIP years out to 2023.*



**FOLLOW-UP ACTION**

*The above corrective action is addressed on pp. 1, 4, 27 and 35-36 of the updated draft Title VI Non-Discrimination Plan.*

**Section III, Item 2**

**FINDING**

Metro COG had a summary listing of their employees with a breakout by percentages of race and sex. The employee listing must be by individual position and must be tracked by Metro COG accordingly.

**RECOMMENDED CORRECTIVE ACTION**

Metro COG needs to update their EEO information to make sure all employees, by position, are tracked by race and sex and made available as part of the documentation for the Title VI Plan.

**RESPONSE**

*Metro COG will update its Title VI Plan to provide the required information as described above.*

**FOLLOW-UP ACTION**

*The above corrective action is addressed on p. 16 of the updated draft Title VI Non-Discrimination Plan (Table 6).*

**Section III, Item 3**

**FINDING**

Metro COG had a summary listing of their committees with a breakout by percentages of race and sex. The committee listings must be by position or jurisdiction represented and must be tracked by Metro COG accordingly.

**RECOMMENDED CORRECTIVE ACTION**

Metro COG needs to update their committee information to make sure all members, either by position or jurisdiction represented, are tracked by race and sex and made available as part of the documentation for the Title VI plan.

**RESPONSE**

*Metro COG plans to survey committee members and alternates and will add the resulting information to our Title VI plan. We will update the information annually, or more frequently if elections result in significant turnover on our committees or boards.*

**FOLLOW-UP ACTION**

*The above corrective action is addressed on pp. 11-15 of the updated draft Title VI Non-Discrimination Plan (Tables 1-5).*

### Section III, Item 4.a and 4.b

#### **FINDING**

As part of Metro COG's recruiting opportunities for both vacancies and promotions they are not collecting race and sex information from applicants. After employee selection, Metro COG does collect this information for promotions but not new hires.

#### **RECOMMENDED CORRECTIVE ACTION**

Metro COG needs to update their Title VI plan to make sure race and sex information are collected during the job recruitment process.

#### **RESPONSE**

*Metro COG will update its employment application to include a section about race and sex of the applicant, and will require any future applicants to complete the application. We will amend our Title VI plan to state this. We will seek input from a local Human Resources Director to ensure that we are using appropriate terms and format for this information.*

#### **FOLLOW-UP ACTION**

*The above corrective action is addressed in Appendix A of the updated draft Title VI Non-Discrimination Plan.*

### Section IV, Item 4

#### **FINDING**

Metro COG does list an ADA coordinator as part of their plan documentation; however, the person listed is no longer an employee of Metro COG.

#### **RECOMMENDED ACTION**

Metro COG needs to update their documentation to note the new ADA coordinator for internal and external information.

#### **RESPONSE**

*Metro COG will update documentation regarding the ADA coordinator in all applicable documents.*

#### **FOLLOW-UP ACTION**

*The above recommended action is addressed on pp. 19 (Policy Statement) and 33 (Metro COG Title VI Coordinator).*

### Section V, Item 2 and 6

#### **FINDING**

Metro COG does provide information about its Title VI program on its website and also in their Personnel Manual, but nothing is available to the public using their facilities.

**RECOMMENDED CORRECTIVE ACTION**

Metro COG needs to make information related to the Title VI/Nondiscrimination and ADA program available for public access in conspicuous areas at their office building. Locations near the entrance to their offices or the entrance to the building can be considered.

**RESPONSE**

*Metro COG has coordinated with the owner of the building about placing a form holder with this information and Title VI complaint forms in either the entrance to the building or the hallway outside the Metro COG offices. A form holder will be purchased and placed in this area, and up-to-date forms, with the current Title VI and ADA coordinator will be placed in either of these locations. We will choose the location based on the best level of visibility and accessibility.*

**FOLLOW-UP ACTION**

*The above corrective action is addressed in Appendix D (Title VI Complaint Form) and pp. 20-22 of the updated draft Title VI Non-Discrimination Plan.*

**Section V, Item 5**

**FINDING**

Metro COG does list a Title VI coordinator as part of their plan documentation; however, the person listed is no longer an employee of Metro COG.

**RECOMMENDED CORRECTIVE ACTION**

Metro COG needs to update their documentation to note the new Title VI coordinator for internal and external information.

**RESPONSE**

*Metro COG updated the name of the Title VI coordinator in our annual Title VI report, and did not go back and update the Title VI coordinator in our 2017 Title VI and Limited English Proficiency (LEP) Plan document. We will amend the 2017 document and make sure updated information is posted on our website and on any other documents related to Title VI and LEP.*

**FOLLOW-UP ACTION**

*The above corrective action has been addressed in the Policy Statement on p. 19 of the updated draft Title VI Non-Discrimination Plan.*

**Section VIII, Item 1**

**FINDING**

Metro COG has not provided the one-hour minimum training for each of their employees for the reporting period.

**RECOMMENDED CORRECTIVE ACTION**

Metro COG needs to complete a one-hour, either individual or as a group, training session for all employees as soon as possible.



**RESPONSE**

*Please refer to the attachment to this letter. We have identified a series of on-line training modules that each staff member will be required to watch individually, or we will carry this activity out as a group. Upon completion, each individual will sign the Certificate of Completion, and these certificates will be made part of the annual report.*

**FOLLOW-UP ACTION**

*The above corrective action has been addressed on p. 23 of the updated draft Title VI Non-Discrimination Plan as well as in Appendices F and G.*

**Section XI, Item 1.a and 1b**

**FINDING**

Metro COG's Title VI Plan references their program areas but it is lacking a more detailed breakdown of information on each program area based on the bulleted items in the checklist.

**RECOMMENDED CORRECTIVE ACTION**

Metro COG needs to expand on their program areas within the Title VI plan on how they perform reviews of those programs. They should also add this information to their annual Title VI report.

**RESPONSE**

*Metro COG will update its Title VI plan to provide a more detailed breakdown and description of our program areas, and how we perform reviews of those programs relative to Title VI. We will also add this to the template for our annual report. We are not quite certain of the format that these changes will take, but will review examples from other MPO's Title VI and LEP Plans and determine an approach that addresses this finding.*

**FOLLOW-UP ACTION**

*The above corrective action has been addressed on pp. 28-29 of the updated draft Title VI Non-Discrimination Plan.*

**Other General Comments**

- Information and templates on the NDDOT Title VI Program website – *Metro COG will attend to these forms on a more regular basis.*
  - *Follow-up Action: Metro COG has consulted this information in the preparation of the updated Title VI Non-Discrimination Plan and LEP Plan.*
- Metro COG's website and Title VI information – *Metro COG will update Title VI information, plans, reports, coordinator information, and complaint form information as updated as a result of this audit, and will continue to update the website information in the future, as changes are made.*
  - *Upon review of the draft documents by NDDOT and Policy Board adoption, Metro COG will update all relevant information on our website.*
- Public access to services and requests for accommodations – *Metro COG will expand exposure of the Title VI, LEP, and ADA information and complaint opportunities by providing forms in both*

*our reception area and in a common area of the building, either in the main entryway or in the shared hallway outside our office suite entrance (i.e. near the elevator).*

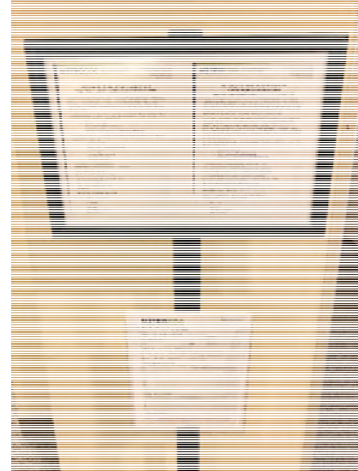
- The action described above has been taken, as shown in the photos below:



Front Desk Display



Hallway Display near Elevator




Hallway Display near Elevator

As discussed with Michael Johnson in the Local Government Division, Metro COG intends to bring the updated Title VI Non-Discrimination Plan and the LEP Plan to the TTC for a recommendation of adoption in January of 2020, followed by Policy Board adoption. Prior to distribution of these documents to the TTC and Policy Board, we would very much appreciate NDDOT's review and comments to ensure we have appropriately addressed the findings of the Title VI Audit. It is our intent to go above and beyond to ensure that we are addressing the needs of everyone in our community.

Please contact me if you have any questions or comments regarding Metro COG's responses to the audit findings and recommended corrective actions ([gray@fmmetrocog.org](mailto:gray@fmmetrocog.org) or 701-532-5103).

Sincerely,



Cindy Gray, AICP  
Executive Director

c: Michael Johnson, P.E.  
Bryon Fuchs, P.E.  
Wayne Zacher, P.E.

Attachments: Updated Draft Title VI Non-Discrimination Plan  
Updated Draft Limited English Proficiency Plan

FARGO-MOORHEAD  
METROPOLITAN COUNCIL OF GOVERNMENTS

# LIMITED ENGLISH PROFICIENCY PLAN

PREPARED BY:  
FARGO-MOORHEAD METROPOLITAN  
COUNCIL OF GOVERNMENTS  
ADOPTON: January ##, 2020  
1 - 2nd Street N, Suite 232,  
 Fargo, ND 58102  
visit our webpage at: [www.fmmetrocog.org](http://www.fmmetrocog.org)



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# Fargo-Moorhead Metropolitan Council of Governments

## Policy Board

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Anna Pierce  
Assistant Planner

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Assistant Planner

Savanna Leach  
Executive Assistant



U.S. Department  
of Transportation  
**Federal Transit  
Administration**



U.S. Department  
of Transportation  
**Federal Highway  
Administration**



The preparation of this report has been financed in part through grants from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the Metropolitan Planning Program, Section 104(f) of Title 23, U.S. Code, and by the North Dakota Department of Transportation (NDDOT).

The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation or NDDOT.

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Resolution No. ###  
Approving the Limited English Proficiency Plan

WHEREAS Title VI of the Civil Rights Act of 1964 and U.S. Department of Transportation (USDOT) regulations to implement the law (49 CFR, Part 21) require all recipients and sub-recipients of Federal transportation funds such as the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) to establish and maintain a Title VI Program that carries out the regulations and integrates the activities and considerations outlined in the USDOT's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005) ; and

WHEREAS the Federal Transit Administration (FTA) issued Circular FTA 4702.1B, Title VI Requirements and Guidelines for FTA Recipients, on October 12, 2012 providing further guidance and instructions necessary to carry the USDOT Title VI regulations and policy guidance related to LEP persons; and

WHEREAS a Title VI Non-Discrimination Program has been developed for the Metro COG as its administrative and fiscal agent, which aims to meet these requirements; and

WHEREAS the Title VI Program includes an updated Limited English Proficiency (LEP) Plan contained in Appendix F; and

WHEREAS Metro COG intends that no person shall, on the grounds of race, color, and/or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Metro COG program or activity, regardless of funding source; and

WHEREAS Metro COG as its agent intends that any agencies or firms with whom the MPO contracts will comply with the Title VI Program as appropriate and the Metro COG will take reasonable steps to ensure such compliance:

NOW, THEREFORE, BE IT RESOLVED that the Fargo-Moorhead Metropolitan Council of Governments as the designated Metropolitan Planning Organization (MPO) for the Fargo-Moorhead Metropolitan Area, approves the Limited English Proficiency Plan dated January 2020 which reflects the draft document dated December 2019 without change; and

BE IT FURTHER RESOLVED, in accordance with 23 CFR 450.334(a) the Madison Area Transportation Board hereby certifies that the metropolitan transportation planning process is addressing major issues facing the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

1. 23 U.S.C. 134 and 49 U.S.C. 5303, and this subpart;
2. Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d-1) and 49 CFR part 21;
3. 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
4. Sections 1101(b) of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114-357) and 49 CFR Part 26 regarding the involvement of disadvantaged business enterprises in the US DOT funded projects;
5. 23 CFR part 230, regarding the implementation of an equal employment opportunity

program on Federal and Federal-aid highway construction contracts;

6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR Parts 27, 37, and 38;
7. The Older Americans Act, as amended (42 U.S.C 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
8. Section 324 of title 23, U.S.C regarding the prohibition of discrimination based on gender; and
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR 27 regarding discrimination against individuals with disabilities.

---

Jenny Mongeau

Chair, Metro COG Policy Board

---

Date

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# Introduction

## Purpose

Fargo-Moorhead Council of Governments (Metro COG) is the designated Metropolitan Planning Organization (MPO) responsible for ongoing, cooperative, comprehensive transportation planning and decision making in the Fargo-Moorhead metropolitan area. As a recipient of federal financial assistance, Metro COG is obligated under Title VI of the Civil Rights Act of 1964 and Executive Order 13166 to develop and implement a plan to ensure accessibility to its programs and services for persons who are not proficient in the English language.

The *Limited English Proficiency Plan* outlines the policies and procedures Metro COG uses to address the needs of individuals with limited English proficiency (LEP) that wish to **access or participate in Metro COG's programs and** planning activities. 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. This plan updates the previous one adopted in March 2017.

## Statutory Authorities

Executive Order 13166: *Improving Access to Services for Persons with Limited English Proficiency*, issued in 2000 clarified Title VI of the Civil Rights Act of 1964. It stated that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI in order to access public services or benefits for which they are eligible. It directed federal agencies to prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons consistent with LEP guidelines. Recipients of federal financial assistance are also required to implement LEP plans in accordance with guidelines of the federal agency from which the funds are provided.

The U.S. Department of Transportation published guidance in December 2005 concerning **recipients' responsibilities to LEP persons**. The guidance specifically identifies MPOs as organizations that must follow the guidance. In October 2012, the Federal Transit Administration (FTA) published Title VI Requirements and Guidance for FTA Recipients in FTA Circular 4702.1B, which provides guidance and instructions for carrying out U.S. DOT Title VI regulations and **integrating into FTA recipients' programs and activities** (the considerations expressed in the U.S. DOT's 2005 policy guidance).

The Executive Order 13166 applies to all state and local agencies, which receive federal funds, including Metro COG and its jurisdictions receiving federal grant funds.

The following Limited English Proficiency (LEP) Plan was approved by the Metro COG on **January ##, 2020**.

## Definitions

The following are a selection of definitions applicable to the Title VI Program, which can be found in Chapter 1 of FTA Circular 4702.1B:

*Discrimination*: Refers to any action, or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

*Limited English Proficiency (LEP) Person*: Refers to person for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

*Low-Income Person*: a person whose median household income is at or below the [U.S. Department of Health and Human Service poverty guidelines](#) per FTA's Title VI circular

*Low-Income Population*: USDOT, FHWA, and FTA define a low-income population as 1) any readily identifiable group of low-income persons who live in geographic proximity, or 2) geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

*Metropolitan Planning Organization (MPO)*: The transportation policy-making organization created and designated to carry out the federally required metropolitan transportation planning process.

*Minority Person*: Includes the following:

1. American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
2. Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
3. Black, or African American, which refers to peoples having origins in any of the Black racial groups of Africa.
4. Hispanic, or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
5. Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

## About Metro COG

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is both the designated Council of Governments (COG) and Metropolitan Planning Organization (MPO) for the greater Fargo-Moorhead Metropolitan Area.

The Federal Surface Transportation Assistance Act of 1973 requires the formation of a MPO for any urbanized area with a population greater than 50,000. The Act also requires, as a condition for federal transportation financial assistance, that transportation projects be based upon a continuous, comprehensive, and cooperative (3-C) planning process for the Fargo-Moorhead Metropolitan Planning Area (MPA). MPOs help facilitate implementing agencies (including municipal public works departments, county highway departments, and state departments of transportation) prioritize their transportation investments in a coordinated way consistent with regional needs, as outlined in a long-range metropolitan transportation plan.

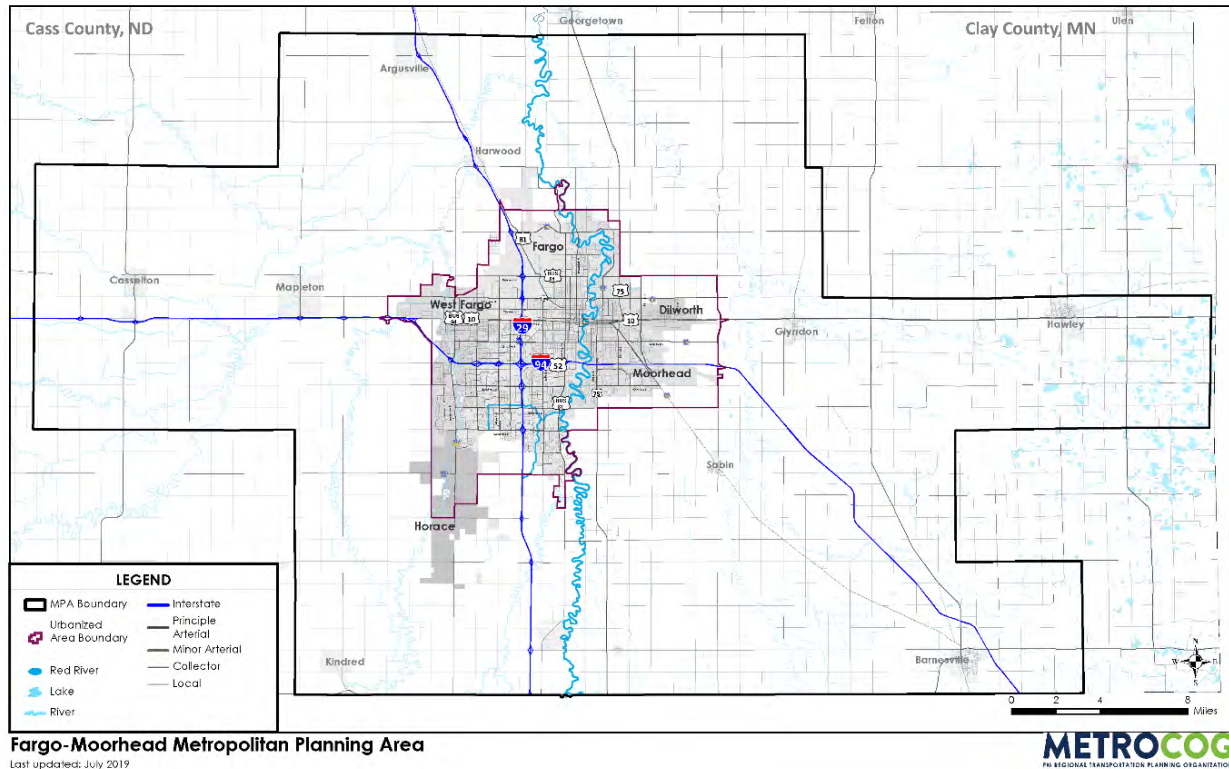
The core of an MPO is the urbanized area, which is initially identified and defined by the U.S. Census Bureau as part of the Decennial Census update. This boundary is adjusted by local officials and approved by the overseeing state Department of Transportation (DOT). The result of which is the official Adjusted Urban Area Boundary (known as the UZA). In Metro COG's case, the overseeing DOT is North Dakota Department of Transportation (NDDOT). The UZA boundary is used to determine the type of transportation funding programs potential projects may be eligible to receive.

In addition to the UZA, the MPO boundary includes any contiguous areas, which may become urbanized within a twenty-year forecast period. Collectively, this area is known as the Metropolitan Planning Area (MPA). Metro COG's MPA boundary was most recently expanded in 2013 and is currently comprised of approximately 1,073 square miles (687,000 acres), across 2 states, 2 counties, 14 cities, and 30 townships. The MPA boundary is effectively Metro COG's "study area" or area of influence respective to the metropolitan transportation planning program. These areas are significant not only as potential future population centers, but also due to their proximity to existing and future transportation assets of regional significance.

Map 1 provides an overview of these boundaries for the Fargo-Moorhead area, specifically depicting:

- a) The Metropolitan Planning Area Boundary;
- b) The Adjusted Urbanized Area boundary; and
- c) Cities within the MPA.





Map 1: Fargo-Moorhead Planning Boundaries

Metro COG serves a bi-state area. This area is unique that it covers 14 townships in Cass County, ND, and 16 townships in Clay County, MN.

Within the MPA there are seven (7) member jurisdictions, which pay dues and have voting rights on the policy board and transportation technical committee. The following are the member jurisdictions:

- Cass County, ND
- Clay County, MN
- City of Fargo, ND
- City of Moorhead, MN
- City of West Fargo, ND
- City of Dilworth, MN
- City of Horace, ND

Additionally, there are Associate Jurisdictions located within the MPA. These towns have populations over 700, do not pay dues, and do not have voting rights on the policy board and transportation technical committee. In Minnesota, these include Barnesville, Glyndon, and Hawley; and in North Dakota include Casselton, Harwood, and Mapleton.

Additionally, there is a third designation of jurisdiction, which are non-member jurisdictions. These jurisdictions have populations under 700 and/or have chosen not to

participate in Metro COG. These include in Minnesota: Comstock and Sabin; and in North Dakota: Argusville, Briarwood, Frontier, Kindred, North River, Oxbow, Prairie Rose, and Reiles Acres.

The (14) Townships within the MPA in North Dakota include: Barnes, Berlin, Casselton, Durbin, Everest, Harmony, Harwood, Mapleton, Normanna, Pleasant, Raymond, Reed, Stanley, Warren.

The (16) Townships within the MPA in Minnesota include: Alliance, Barnesville, Eglon, Elkton, Elmwood, Glyndon, Hawley, Holy Cross, Humboldt, Kragnes, Kurtz, Moland, Moorhead, Morken, Oakport, Riverton.

Metro COG provides regional coordination and approves the use of federal transportation funds within the MPA, responsibility for the implementation of specific transportation projects lies with NDDOT, MnDOT, and the local units of government as transportation providers.

## Governance and Organizational Structure

Metro COG is governed by a 24-member Policy Board appointed by local units of government within the Metropolitan Planning Area, Minnesota Department of Transportation, and North Dakota Department of Transportation. Federal law requires that the Policy Board shall consist of:

- Elected officials;
- Officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and
- Appropriate State officials

Figure 1 provides an overview of Metro COG's organizational structure. The light blue branch are staff positions. The green branch are technical committees and subcommittees. The technical committees, executive committee, and staff provide recommendations to the Policy Board.

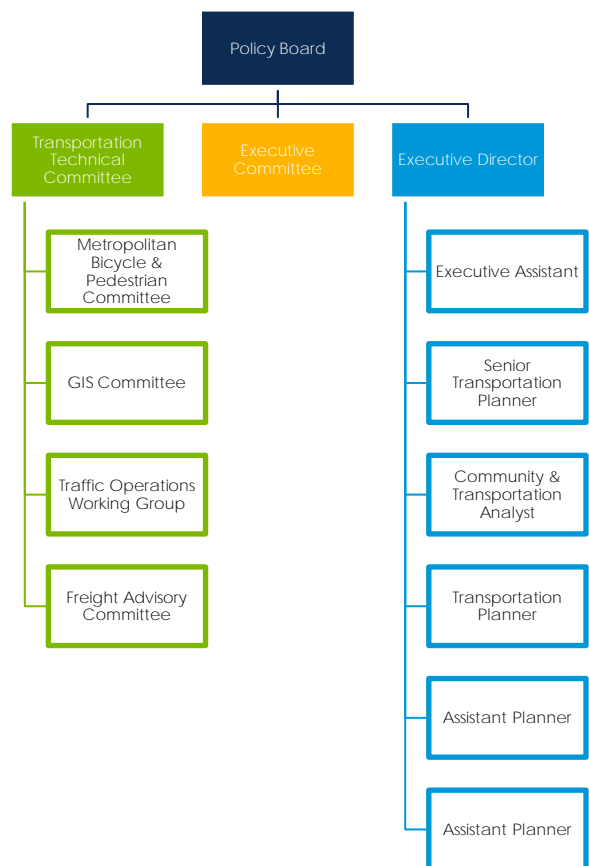


Figure 1: Fargo-Moorhead Metropolitan Council of Governments Organizational Chart

## Plan Summary

Metro COG seeks to ensure access to the regional transportation planning process, information published by Metro COG, and Metro COG's programs to area residents who do not speak or read English proficiently. It is Metro COG's policy to inform residents with LEP of the right to free language assistance and interpreter services at no cost to them. This plan outlines the procedures and practices Metro COG uses to provide meaningful access to its programs and activities for LEP populations within the Fargo-Moorhead Metropolitan Planning Area.

The plan outlines the following elements:

- Meaningful Access: Four Factor Analysis
  - a. LEP Assessment, which includes the results of the Four Factor Analysis
  - b. LEP populations in the Fargo-Moorhead Metropolitan Statistical Area
- Language Assistance
  - a. Language Assistance Services Provided
  - b. Translation of Documents
  - c. Public Outreach
  - d. Monitoring, Evaluating, and Updating the Language Assistance program
  - e. Staff Training



# Meaningful Access: Four-Factor Analysis

In order to prepare this plan, Metro COG used the four-factor LEP analysis, which considers the following factors:

## Factor 1: Demography

*The number or proportion of LEP persons in the service area who may be served by Metro COG.*

Metro COG staff have reviewed the 2013-2017 American Community Survey 5-year Estimates and determined that 5,486 individuals have limited English proficiency; that is that they speak English less than “very well” or “not at all.” This is 2.5% of the overall population over the age of 5 in the Fargo-Moorhead Metropolitan Statistical Area (MSA).

Table A presents the above data and compares it to the counties, states, and country jurisdictional population breakdowns that Metro COG’s MSA is located within.

Among persons speaking English less than “very well,” the most common languages in the MSA are Indo-European languages, which includes:

- |  |   |   |
|--|---|---|
| – French (incl. Cajun)   | – Serbo-Croatian (Bosnian, Croatian, Serbian)                       | – Nepali, Marathi or other Indic languages  |
| – Haitian  | – Ukrainian or other Slavic languages (Bulgarian, Czech, Ukrainian) | – Other Indo-European languages (Albanian, Lithuanian, Pashto (Pushto), Romanian, Swedish, Norwegian) |
| – Italian, Sicilian  | – Armenian  | – Telugu  |
| – Portuguese, Kabuverdianu                                     | – Persian (incl. Farsi, Dari)                                       | – Tamil   |
| – German, Luxembourgish  | – Gujarati  | – Malayalam, Kannada, or other Dravidian language   |
| – Yiddish, Pennsylvania Dutch or other West Germanic languages | – Hindi   |   |
| – Greek  | – Urdu  |   |
| – Russian  | – Punjabi (Panjabi)   |   |
| – Polish   | – Bengali   |   |

Table A: LEP Populations by Community for the Fargo-Moorhead MSA

Geographic Area	2017 Total Population	# Who Speak English Less Than "Very Well"	% of Total Population	% of total population speaking			
				Spanish	Indo-European Languages	Asian-Pacific Island Languages	Other Languages
United States	301,150,892	25,654,421	8.5%	5.4%	1.2%	1.6%	0.3%
Minnesota	5,140,764	236,363	4.6%	1.6%	0.5%	1.6%	0.9%
North Dakota	693,709	11,266	1.6%	0.4%	0.6%	0.3%	0.3%
Clay County, MN	57,645	1,084	1.9%	0.3%	0.6%	0.4%	0.6%
Cass County, ND	158,535	4,402	2.8%	0.3%	1.2%	0.6%	0.7%
Fargo-Moorhead MSA	216,180	5,486	2.6%	0.3%	1.0%	0.6%	0.7%
Fargo-Moorhead UZA	181,567	3,194	1.7%	0.1%	0.7%	0.3%	0.6%

USDOT has adopted the Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision applies to eligible LEP language groups that constitute five percent (5%) or 1,000 persons, whichever is less of the total population of persons eligible to be served or likely to be affected or encountered.

Based on the 1,000 person or 5% threshold, there is no individual language group that falls under the Safe Harbor Provision in the Fargo-Moorhead MSA.

Discussions with the Language Services at Family Health Care Center in Fargo, ND led Metro COG staff to have a more complete understanding of the current (as of November 2019) Metropolitan Area LEP community. Family Health Care Center noted that there has been a consistent trend in illiteracy amongst individuals in the region that use their services, so translation services seem to be ineffective. Conversely, interpreter services are in high demand. The top four languages that are most requested and used at Family Health Care Center (which has a pulse on the LEP population in the Fargo-Moorhead region) from highest demand to less demand are Nepali, Somalian, Arabic, and then Kurdish. Interestingly, the demand for Vietnamese and Bosnian/Croatian language translations has decreased over the past few years, which Family Health Care Center staff attributed to the length of time first generation immigrants and their families have been within the United States.

This information is helpful to understand that if Metro COG is considering translating documents, that Nepali, Somalian, Arabic, and Kurdish may be the most needed, but also understanding that translation services may not be as valuable as interpretive services.

## Factor 2: Frequency

*The frequency with which LEP persons come in contact with Metro COG services.*

Metro COG staff reviewed the frequency with which its Policy Board, staff, and contractors have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, Metro COG has had no requests for interpreters and no requests for translated program documents. Metro COG staff, contractors, and the Policy Board have had very little contact with LEP persons.

Agendas for all Metro COG Policy Board meetings include the following notice:

*Metro COG is committed to ensuring all individuals, regardless of race, color, sex, age, national origin, disability/handicap, sexual orientation, and/or income status have access to Metro COG's programs and services. Meeting facilities will be accessible to mobility-impaired individuals. Metro COG will make a good faith effort to accommodate requests for translation services for meeting*



*proceedings and related materials. Please contact Savanna Leach, Metro COG Executive Secretary, at 701-532-5100 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in the meeting.*

Metro COG has not had a request for interpreter services at any of its meetings, but has flexibility in its budget each year for such services.

### Factor 3: Importance

*The nature and importance of services provided by Metro COG to the LEP population.*

Metro COG plans and programs the use of federal funds for future transportation projects. However, Metro COG does not provide a direct service or program that requires vital, immediate, or emergency assistance. Metro COG also does not conduct required activities, such as permit applications. Involvement by citizens with Metro COG or its committees is voluntary.

There is no large geographic concentration of any type of LEP individuals in the Fargo-Moorhead MSA. The majority of the population in the MSA, 92.8%, speak only English. Overall, 97.4% of the MSA population speaks either only English or **speaks another language and English “very well”**. As a result, few social, service, or professional and leadership organizations within the MSA focus on outreach to LEP individuals. The Policy Board, Metro COG staff, and Metro COG contractors or sub recipients are most likely to contact LEP individuals through public meetings and other general public involvement opportunities, which is voluntary.

While Metro COG does not provide an essential service, it is committed to ensuring that all segments of the population, including LEP persons, are involved or at the very least have the opportunity to be involved in the transportation planning process and benefit from programs. Special efforts are made to involve LEP persons and other traditionally under-represented populations in the planning process through a three-phase approach. The [Public Participation Plan \(PPP\)](#) further details Metro COG's public involvement approach.

Metro COG also evaluates the impact of proposed transportation investments on underserved and under-represented population groups as part of the planning and programming process consistent with Title VI, Executive Order 12898, and other federal guidance.

The impacts of federally-funded transportation investments in the Fargo-Moorhead area are monitored and assessed annually in its [Transportation Improvement Program](#). As noted in Part 3: Demographic Profile, the upcoming four-year program of projects will have no significant or disproportionate negative impacts and are expected, instead, to provide positive transportation improvements for community members in proximity to those projects. See Title VI Non-Discrimination Plan, Part 3: Demographic Profile for further information.

## Factor 4: Resources

*The resources available to Metro COG and overall costs to provide LEP assistance.*

As noted in Factor 1 and Factor 3, there is no large geographic concentration of any type of LEP individuals in Metro COG's planning area. The majority (97.4%) of the population speaks English only or another language and English "very well".

Given the small size of the LEP population (2.6%) and our financial constraints, full multi-language translations of our planning and meeting documents are not warranted at this time, but can be made available on a case-by-case basis and upon request.

Metro COG has reviewed its available resources that can be used for providing LEP assistance. Currently, there are no less than seven resources within the Fargo-Moorhead region to assist Metro COG with interpretive services should the need arise. Metro COG keeps a list of these services updated and on file. The list can also be viewed in Appendix A: Interpretive Services.

## 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 Metro COG programs and 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.

After applying the four-factor analysis, Metro COG has examined the following language assistance options and identified which methods will provide Metro COG with an effective LEP Plan.

The following are measures Metro COG staff may use to notify and identify a LEP person:

1. Post a notice in a conspicuous and accessible place in the Metro COG office of the LEP Plan and of the availability of interpretation or translation services free of charge in languages LEP persons would understand.
2. Post the LEP on Metro COG's website
3. Greet participants as they arrive at Metro COG - sponsored informational meetings or events. By informally engaging participants in conversation or by using language identification flashcards (next bullet point), 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.
4. Make language identification flashcards (see Appendix B) available at public meetings and other community input events.
5. Survey Metro COG staff periodically on their experience concerning any contacts with LEP persons during the previous year.



## Language Assistance Measures

Although there is a very low percentage of LEP individuals in the Metro COG planning area, that is, persons who speak English less than "very well" or "not at all", Metro COG will strive to offer the following measures:

1. Metro COG staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
2. The following resources will be available to accommodate LEP persons:
  - a. Interpretative services, within reason, will be provided for public meetings, if advance notice is provided to Metro COG and such services are readily available;
  - b. Metro COG will make translated versions (or provide for the interpretation of relevant sections) of all documents/publications available upon request, within a reasonable time period and as resources permit.

Additionally, Metro COG includes the following disclaimer on all public meeting notifications:

*"Metro COG will make a good faith effort to accommodate requests for translation services for meeting proceedings and related materials. Please contact the Metro COG Executive Assistant at 701.532.5100 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in this meeting."*

## Staff Training

Metro COG will take steps to insure staff has appropriate training and resources available to assist LEP individuals. These steps are completed annually and in coordination with employee orientation:

1. Provide staff with information on the Title VI Policy and LEP responsibilities
2. Provide staff with information on the use of language identification cards
3. Provide staff with information on language assistance services available and offered to the public
4. Train staff on how to document language assistance requests
5. Train staff on how to handle potential Title VI / LEP complaints

Appendix C identifies the LEP Training and Certificate of Completion and is amended annually in February. Appendix D identifies the LEP Training Log, which is amended annually in February.

## Contractors / Consultants

All contractors or subcontractors performing work for Metro COG will be required to follow Title VI / LEP guidelines. Such assurance is made at the time the contract is established.

## Translation of Documents

Metro COG staff weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, Metro COG will consider the translation of documents (or portions thereof) on a case-by-case basis, as requested.

Translation resources have been identified (see Appendix A) and are kept on file by Metro COG.

As an interim tool, Metro COG can use Google's Translate program, located at <http://translate.google.com>, to provide users with HTML content in other languages. This resource is an imperfect system, but has a potential to provide enough information for a LEP individual or group to gain an initial understanding of Metro COG documents in response to an initial contact. Outside of that service, because Metro COG staff level is small and does not possess in-house translation capabilities or expertise, Metro COG staff can only assist LEP persons, but cannot accurately assess or guarantee the accuracy of translation services provided by others.

## Monitoring, Evaluating, and Updating the Plan

Metro COG will update the LEP Plan annually with its self-certification procedure per 23 CFR 450.334. An annual review and update will include the following:

1. Completion of Appendix E: Language Assistance Requests
  - a. Document the number of LEP person contacts encountered in the previous calendar year, if any
  - b. Document how the needs of LEP persons that were encountered were addressed, if any
2. Completion of Appendix F: LEP Annual Assessment
  - a. Current LEP population in the service area; subject to available Census data
  - b. Assessment and determination whether:
    - i. The need for translation services has changed
    - ii. Local language assistance programs have been effective and sufficient to meet the need
    - iii. Staff training is sufficient
    - iv. **Metro COG's** financial resources are sufficient to fund language assistance resources needed
    - v. Metro COG fully complies with the goals of this LEP Plan

- c. Document the complaints that have been received concerning the agency's failure to meet the needs of LEP individuals. These are recorded and maintained in the Title VI complaint log, which includes LEP to determine issues and basis of complaints (see Title VI Non-Discrimination Plan Appendix D and E for Complaint Forms and Logs).

### **Dissemination of Metro COG's LEP Plan**

Metro COG will make good faith efforts to notify the public that a LEP Plan and language assistance is available through the following means:

1. Post a notice in a conspicuous and accessible place in the Metro COG office of the LEP Plan and of the availability of interpretation or translation services free of charge in languages LEP persons would understand
2. Post the LEP on the Metro COG website
3. Include as part of public notices and related materials that LEP person needing interpretative service need to contact Metro COG. The following disclaimer is on all public meeting notifications:

*"Metro COG will make a good faith effort to accommodate requests for translation services for meeting proceedings and related materials. Please contact the Metro COG Executive Assistant at 701.532.5100 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in this meeting."*



# Appendices

## Appendix A: Interpretive Services

### FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

## INTERPRETIVE SERVICES AVAILABLE FOR PUBLICATIONS AND MATERIALS

### Services Available

- Local Translation
- Document Translation
- Website Translation

### Resources

#### Cultural Diversity Resources

112 N University Drive #305

Fargo, ND 58102

701-526-3000

[www.culturaldiversityresources.org](http://www.culturaldiversityresources.org)

#### Minnesota Translations

19 8<sup>th</sup> Street South #103

Fargo, ND 58103

701-353-7686

[www.minnesotatranslations.com](http://www.minnesotatranslations.com)

#### Lutheran Social Services of North Dakota

3911 20<sup>th</sup> Avenue South

Fargo, ND 58103

701-235-7341

[www.lssnd.org](http://www.lssnd.org)

#### North Dakota Assistive

3240 15<sup>th</sup> Street South

Fargo, ND 58104

701-365-4728

[www.ndipat.org](http://www.ndipat.org)

#### Language Services

Family Health Care Center

301 NP Avenue

Fargo, ND 58102

701-271-6369

[www.famhealthcare.org](http://www.famhealthcare.org)

#### North Dakota State Contracted Services

Telephone Based Interpreter Services

Contract Administrator: 701-328-2690

<https://apps.nd.gov/csd/spo/services/bi-der/listCurrentContracts.htm>

- Linguistica 801-617-1958
- Language Link 360-823-2287
- Humble Translations

## Appendix B: Language Index Cards

To be able to communicate with LEP persons, Metro COG staff will make the following language identification flashcards available at public meetings and other community input events.

Developed by the U.S. Census Bureau, these cards have the phrase, "Mark this box if you read or speak 'name of language'", translated into 38 languages. They were designed for use by government and nongovernment agencies to identify the primary language of LEP individuals during face-to-face contacts.

Once a language is identified, a relevant point of contact will be notified to assess feasible translation or oral interpretation assistance.

Language Index Cards are on the following pages.



- |                          |   |                        |
|--------------------------|---|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.                                   | 1. Arabic              |
| <input type="checkbox"/> | Խոսողո՞ւմ ե՞ս, և՛ խոսում կատարե՞ք այս քանակություն, եթե խոսում կամ կարդում ե՞ք հայերեն: | 2. Armenian            |
| <input type="checkbox"/> | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।                                  | 3. Bengali             |
| <input type="checkbox"/> | ល្អប្រសើរណាស់ប្រសិនបើ ប្រើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។                                    | 4. Cambodian           |
| <input type="checkbox"/> | Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.            | 5. Chamorro            |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。  | 6. Simplified Chinese  |
| <input type="checkbox"/> | 如果你能讀中文或講中文，請選擇此框。  | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.                         | 8. Croatian            |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.                                  | 9. Czech               |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken.                             | 10. Dutch              |
| <input type="checkbox"/> | Mark this box if you read or speak English.   | 11. English            |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.                            | 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 megérte vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această casuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukranian
<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



## Appendix C: LEP Training and Certificate of Completion

Form is on the following page.

## 2020 LIMITED ENGLISH PROFICIENCY (LEP) TRAINING AND CERTIFICATE OF COMPLETION

As a direct recipient of federal assistance, the North Dakota Department of Transportation (NDDOT) is required to comply with Title VI laws, related statutes, and regulations. It is necessary that any agency receiving federal and/or state financial assistance from NDDOT receive training on U.S. Department of Transportation (DOT) and Federal Highway Administration (FHWA) Limited English Proficiency laws and regulations on an annual basis.

As a sub-recipient of NDDOT's federal funds, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is required to comply with Title VI and related nondiscrimination laws and regulations, which includes Limited English Proficiency assistance. Employees of Metro COG are required to complete one hour of Title VI training each year.

Metro COG employees shall review the following module in order to fulfill their LEP training requirements for 2020:

- MODULE I – Communicating Effectively with Limited English Proficient Members of the Public (50 minutes):

<https://www.youtube.com/watch?v=vv3IBZkUgwg&feature=youtu.be>

This video training series, in production since 2013, is part of a training toolkit designed to educate federal personnel on interacting with limited English proficient individuals. It was developed in response to the Attorney General's February 2011 memorandum to all federal agencies, calling upon them to ensure that limited English proficient individuals can access federal government programs and services under Executive Order 13166. The training series is intended to help establish consistent and legally sound practices across the government when engaging in communications with limited English proficient individuals.

More information can be found at [www.LEP.gov](http://www.LEP.gov)

Declaration of Employee: I have completed annual LEP training on \_\_\_\_\_ (date) as required by the Fargo-Moorhead Metropolitan Council of Governments and the North Dakota Department of Transportation. I have also received information on:

- Title VI Policy and LEP responsibilities;
- The use and location of language identification cards;
- Language assistance services available and where the resources can be found;
- How to document language assistance requests; and
- How to handle potential Title VI / LEP complaints.

Printed Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix D: LEP Training Log

[illegible]



## Appendix E: Language Assistance Requests

A blank form is on the following page.

For each calendar year, a new form is amended into this plan and added subsequently to this Appendix. This amendment shall occur no later than February of the year following the calendar year that is assessed.

## Language Assistance Requests

The first line of the table, shaded in yellow, is an example of how to fill in the table when / if a request is received.

	Name of Requester		Date Requested		Language Requested	Type of Service Requested	Comments about Request	Metro COG Response		Date Request Completed
	First Name, Last Name Address Phone Email	Year	Month/ Day					Action	Service Used	
EXAMPLE	John Doe 1234 This Town Rd Small Town, XX #####  xxx-xxx-xxxx xxxxxx@blahblah.com	YYYY	MM/DD		Nepali	Document Translation	Requested the entire 2045 MTP be translated from English to Nepali.	Translated document in entirety	NDDOT Linguistica	MM/DD/YYYY

\*As of December 2019, no language assistance requests have been received.

## Appendix F: LEP Annual Assessment

A blank form is on the following page.

For each calendar year, a new form is amended into this plan and added subsequently to this Appendix. This amendment shall occur no later than February of the year following the calendar year that is assessed.



## LEP Annual Assessment

Per the Limited English Proficiency (LEP) Plan, Metro COG needs review annually the following:

1. Current LEP population in the service area, which is subject to available Census data
2. Assess and determination whether:
  - a. The need for translation services has changed
  - b. Local language assistance programs have been effective and sufficient to meet the need
  - c. Staff training is sufficient
  - d. **Metro COG's** financial resources are sufficient to fund language assistance resources needed
  - e. Metro COG fully complies with the goals of this LEP Plan

Every January, Metro COG staff will review the previous calendar year's Unified Plan Work Program activities and the interactions staff, consultants, and contractors had with LEP individuals. The information noted above in items 1 and 2 are reviewed and noted in the following form. Once the form is completed in January, it will be brought to the Transportation Technical Committee and Policy Board for adoption and amendment into the current LEP Plan.

## LEP Annual Assessment Form

### 1. CURRENT LEP POPULATION IN SERVICE AREA (METROPOLITAN STATISTICAL AREA)

DATE RETRIEVED \_\_\_\_\_ SOURCE: \_\_\_\_\_

COMMENTS REGARDING DATA: Note changes that have occurred since previous calendar year; note any data limitations

Table A: LEP Populations by Community for the Fargo-Moorhead MSA

Geographic Area	20XX Total Population	# Who Speak English Less Than "Very Well"	% of Total Population	% of total population speaking			
				Spanish	Indo-European Languages	Asian-Pacific Island Languages	Other Languages
United States	301,150,892	25,654,421	8.5%	5.4%	1.2%	1.6%	0.3%
Minnesota	5,140,764	236,363	4.6%	1.6%	0.5%	1.6%	0.9%
North Dakota	693,709	11,266	1.6%	0.4%	0.6%	0.3%	0.3%
Clay County, MN	57,645	1,084	1.9%	0.3%	0.6%	0.4%	0.6%
Cass County, ND	158,535	4,402	2.8%	0.3%	1.2%	0.6%	0.7%
Fargo-Moorhead MSA	216,180	5,486	2.6%	0.3%	1.0%	0.6%	0.7%
Fargo-Moorhead UZA	181,567	3,194	1.7%	0.1%	0.7%	0.3%	0.6%

Replace data in the table as it becomes available. This is the same information listed in Factor 1: Demography of the LEP Plan.

**2. ASSESSMENT & DETERMINATION**

DATE OF ASSESSMENT: \_\_\_\_\_

A. HAS THE NEED FOR TRANSLATION SERVICES CHANGED: \_\_\_\_\_YES \_\_\_\_\_NO

RATIONAL: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. WERE LOCAL LANGUAGE ASSISTANCE PROGRAMS USED IN THE PREVIOUS CALENDAR YEAR: \_\_\_\_\_YES \_\_\_\_\_NO

If yes, which programs and type of assistance were used: \_\_\_\_\_  
\_\_\_\_\_If yes, which languages were requested for translation or interpretation: \_\_\_\_\_  
\_\_\_\_\_BASED ON THE ABOVE ASSESSMENT, WERE THE LOCAL LANGUAGE ASSISTANCE PROGRAMS EFFECTIVE AND SUFFICIENT TO MEET THE  
NEEDS? \_\_\_\_\_YES \_\_\_\_\_NOIf no, what changes need to be made in the next year: \_\_\_\_\_  
\_\_\_\_\_

If no, the changes listed above shall be amended into the LEP Plan with the amendment of this assessment.





C. IS STAFF TRAINING SUFFICIENT:

\_\_\_\_ YES \_\_\_\_ NO

RATIONAL: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. ARE METRO COG'S FINANCIAL RESOURCES SUFFICIENT TO FUND THE NEEDED LANGUAGE ASSISTANCE: \_\_\_\_ YES \_\_\_\_ NO

RATIONAL: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. DOES METRO COG FULLY COMPLY WITH THE GOALS OF THE CURRENT ADOPTED LEP: \_\_\_\_ YES \_\_\_\_ NO

If no, what amendments need to occur, to bring Metro COG into compliance: \_\_\_\_\_  
\_\_\_\_\_

When will these amendments occur: \_\_\_\_\_

#### CERTIFICATE

I, \_\_\_\_\_, represent Metro COG as the Title VI, limited English proficiency, and Americans with Disabilities Act Coordinator, and warrant the answers that have been made to each and all of the foregoing questions are full and true to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Metro COG Executive Director,  
whom is the Title VI - limited English proficiency – Americans with Disabilities Act Coordinator

Date: \_\_\_\_\_

FARGO-MOORHEAD  
METROPOLITAN COUNCIL OF GOVERNMENTS

TITLE VI  
NON-DISCRIMINATION  
PLAN

PREPARED BY:  
FARGO-MOORHEAD METROPOLITAN  
COUNCIL OF GOVERNMENTS  
ADOPTON: January ##, 2020  
1 - 2nd Street N, Suite 232,  
Fargo, ND 58102  
visit our webpage at: [www.fmmetrocog.org](http://www.fmmetrocog.org)

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# Fargo-Moorhead Metropolitan Council of Governments

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Community and Transportation Analyst



U.S. Department  
of Transportation  
**Federal Transit  
Administration**



U.S. Department  
of Transportation  
**Federal Highway  
Administration**



The preparation of this report has been financed in part through grants from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the Metropolitan Planning Program, Section 104(f) of Title 23, U.S. Code, and by the North Dakota Department of Transportation (NDDOT).

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Resolution No. ###  
Approving the Title VI Non-Discrimination Plan

WHEREAS Title VI of the Civil Rights Act of 1964 and U.S. Department of Transportation (USDOT) regulations to implement the law (49 CFR, Part 21) require all recipients and sub-recipients of Federal transportation funds such as the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) to establish and maintain a Title VI Program that carries out the regulations and integrates the activities and considerations outlined in the USDOT's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005) ; and

WHEREAS the Federal Transit Administration (FTA) issued Circular FTA 4702.1B, Title VI Requirements and Guidelines for FTA Recipients, on October 12, 2012 providing further guidance and instructions necessary to carry the USDOT Title VI regulations and policy guidance related to LEP persons; and

WHEREAS a Title VI Non-Discrimination Plan has been developed for Metro COG as its administrative and fiscal agent, which aims to meet these requirements; and

WHEREAS the Title VI Program includes an updated Limited English Proficiency (LEP) Plan contained in Appendix F; and

WHEREAS Metro COG intends that no person shall, on the grounds of race, color, and/or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Metro COG program or activity, regardless of funding source; and

WHEREAS Metro COG as its agent intends that, any agencies or firms with whom the MPO contracts will comply with the Title VI Program as appropriate and Metro COG will take reasonable steps to ensure such compliance:

NOW, THEREFORE, BE IT RESOLVED that the Fargo-Moorhead Metropolitan Council of Governments as the designated Metropolitan Planning Organization (MPO) for the Fargo-Moorhead Metropolitan Area, approves the Title VI Non-Discrimination Plan dated January xx 2020, which reflects the draft document dated December 2019 without change; and

BE IT FURTHER RESOLVED, in accordance with 23 CFR 450.334(a) the Fargo-Moorhead Metropolitan Council of Governments hereby certifies that the metropolitan transportation planning process is addressing major issues facing the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

1. 23 U.S.C. 134 and 49 U.S.C. 5303, and this subpart;
2. Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d-1) and 49 CFR part 21;
3. 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
4. Sections 1101(b) of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114-357) and 49 CFR Part 26 regarding the involvement of disadvantaged business enterprises in the US DOT funded projects;



5. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR Parts 27, 37, and 38;
7. The Older Americans Act, as amended (42 U.S.C 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
8. Section 324 of title 23, U.S.C regarding the prohibition of discrimination based on gender; and
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR 27 regarding discrimination against individuals with disabilities.

---

Jenny Mongeau

Chair, Metro COG Policy Board

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Date

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# Introduction

## Purpose

The U.S Department of Transportation's (USDOT) Title VI regulations require that all programs which receive funding from the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) must be compliant with Section 601 of Title VI of the Civil Rights Act of 1964, which states:

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

Recipients of USDOT financial assistance are required to prepare a Title VI Program in accordance with the guidance contained in **FTA Circular 4702.1B**, with the objectives to:

- Ensure that the level and quality of transportation facilities and services are planned for and provided in a nondiscriminatory manner;
- Promote full and fair participation in transportation decision-making without regard to race, color, or nation origin;
- Ensure meaningful access to transportation planning-related programs and activities by person with limited English proficiency.

As a subrecipient of USDOT funding, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is required to prepare a Title VI Program containing:

- Metro COG's Title VI notice to the public;
- Procedures for filing a discrimination complaint;
- Listing of any public transportation-related Title VI investigations, complaints, or lawsuits filed against Metro COG;
- Public participation plan;
- Limited English proficiency (LEP) plan; and
- Overview of minority representation on Metro COG's planning and advisory bodies.

Additionally, as Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is both the designated Council of Governments (COG) and Metropolitan Planning Organization (MPO) for the Fargo-Moorhead Metropolitan Area. As an MPO, Metro COG is required to include a demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate, a description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process, demographic maps that overlay the percent minority and non-minority populations and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation

purposes, and an analysis of any actions that could result in a disparate impacts on the basis of race, color, or national origin.

The Title VI program must be approved by the MPO Policy Board and submitted to the North Dakota Department of Transportation (NDDOT) every three years. Metro COG will ensure that members of the public within the Metro COG planning area be aware of Title VI provisions and the responsibilities associated with Title VI of the Civil Rights Act of 1964.

This document serves as the Title VI Non-Discrimination Plan and the Limited English Proficiency (LEP) Plan for Metro COG.

The following Title VI program was approved by the Metro COG on January ##, 2020.

### Statutory Authorities

Section 601 of Title VI of the Civil Rights Act of 1964 states the following:

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

The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI. Title VI covers all of the operations of covered entities without regard to whether specific portions of the covered program or activity are Federally funded. The term "program or activity" means all of the operations of a department, agency, special purpose district, or government; or the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government.

The U.S. Department of Justice ("DOJ") Title VI regulations can be found at 28 CFR § 42.401 et seq., and 28 CFR § 50.3. The U.S. Department of Transportation ("DOT") Title VI implementing regulations can be found at 49 CFR part 21.

Since the Civil Rights Act of 1964, other nondiscrimination laws have been enacted that expand the range and scope of Title VI coverage and applicability. These include the follow:

- THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federal and federal-aid programs and projects.
- THE FEDERAL AID HIGHWAY ACT OF 1973 states that no person shall, on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- SECTION 504 OF THE REHABILITATION ACT OF 1973 states that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination

under any program or activity that receives or benefits from federal financial assistance. This Act protects qualified individuals from discrimination based on their disability.

- *THE AGE DISCRIMINATION ACT OF 1975* states that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act prohibits age discrimination in Federally Assisted Programs.
- *THE CIVIL RIGHTS RESTORATION ACT OF 1987, P.L. 100-209* amends Title VI of the 1964 Civil Rights Act to make it clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.
- *THE AMERICAN DISABILITIES ACT (ADA) OF 1990* prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.



## Definitions

The following are a selection of definitions applicable to the Title VI Program, which can be found in Chapter 1 of [FTA Circular 4702.1B](#):

*Discrimination*: Refers to any action, or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

*Limited English Proficiency (LEP) Person*: Refers to person for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

*Low-Income Person*: a person whose median household income is at or below the [U.S. Department of Health and Human Service poverty guidelines](#) per FTA's Title VI circular

*Low-Income Population*: USDOT, FHWA, and FTA define a low-income population as 1) any readily identifiable group of low-income persons who live in geographic proximity, or 2) geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

*Metropolitan Planning Organization (MPO)*: The transportation policy-making organization created and designated to carry out the federally required metropolitan transportation planning process.

*Minority Person*: Includes the following:

1. American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
2. Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
3. Black, or African American, which refers to peoples having origins in any of the Black racial groups of Africa.
4. Hispanic, or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
5. Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

## Relationship between Title VI and Environmental Justice

President Clinton issued Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" in 1994, which builds upon Title VI principles by including the consideration of low-income populations in addition to minority populations into the transportation planning and decision-making process. The principles of environmental justice (EJ) are to:

1. Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.
2. Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Although Title VI and EJ intersect and are closely related, they each have their own distinct authorities and requirements. Title VI prohibits intentional discrimination or disparate treatment on the basis of race, color, and national origin and is enforceable in court, whereas environmental justice policies require that in addition to intentional discrimination disproportionately high and adverse effects of proposed decisions on low-income and minority populations must be considered, but it provides no legal rights or remedies. A series of orders have been issued by Federal agencies, including USDOT, requiring the incorporation of Environmental Justice principles into Federal programs and policies. FTA issued Circular 4703.1 in 2012 containing the EJ requirements and guidelines for MPOs.

Metro COG is committed to achieving the broader goal of environmental justice as part of its mission. While this program primarily focuses on meeting the statutory requirements for Title VI and its prohibition of discrimination on the basis of race, color, and national origin, EJ considerations are also integrated in this program in order to promote equity and inclusion within the Fargo-Moorhead area.

## About Metro COG

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is both the designated Council of Governments (COG) and Metropolitan Planning Organization (MPO) for the greater Fargo-Moorhead Metropolitan Area.

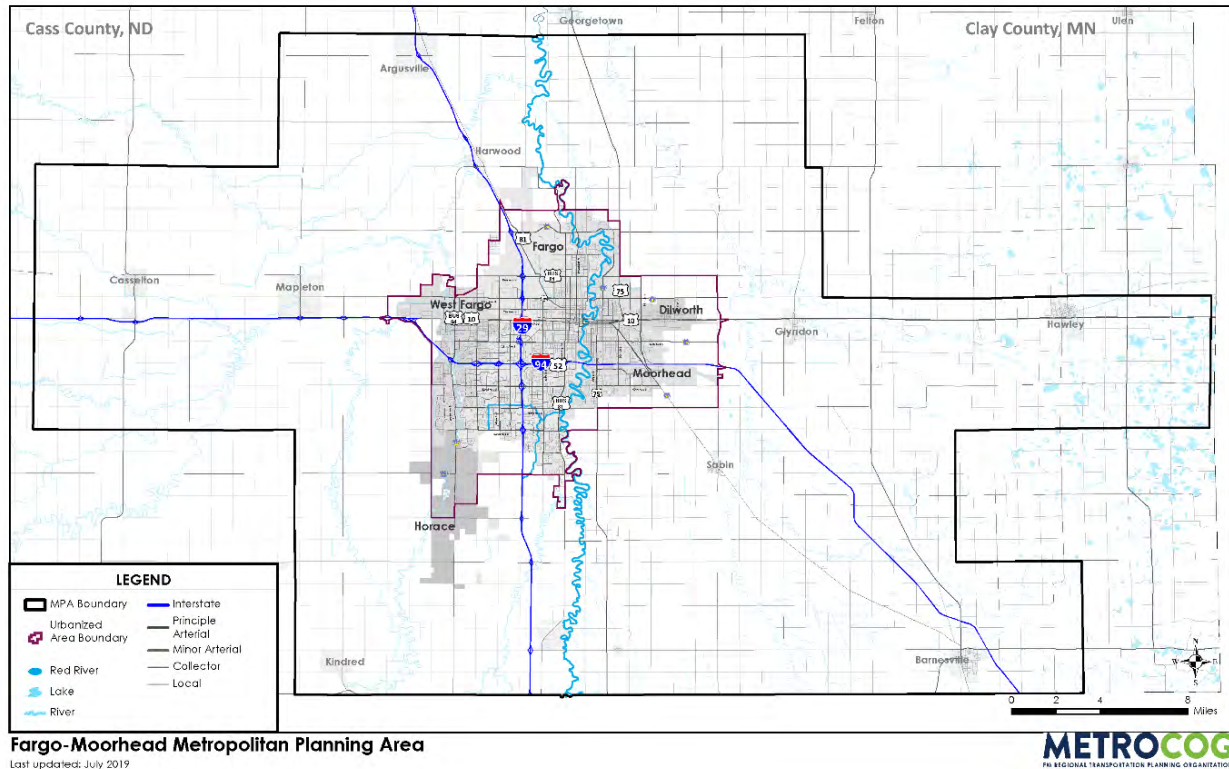
The Federal Surface Transportation Assistance Act of 1973 requires the formation of a MPO for any urbanized area with a population greater than 50,000. The Act also requires, as a condition for federal transportation financial assistance, that transportation projects be based upon a continuous, comprehensive, and cooperative (3-C) planning process for the Fargo-Moorhead Metropolitan Planning Area (MPA). MPOs help facilitate implementing agencies (including municipal public works departments, county highway departments, and state departments of transportation) prioritize their transportation investments in a coordinated way consistent with regional needs, as outlined in a long-range metropolitan transportation plan.

The core of an MPO is the urbanized area, which is initially identified and defined by the U.S. Census Bureau as part of the Decennial Census update. This boundary is adjusted by local officials and approved by the overseeing state Department of Transportation (DOT). The result of which is the official Adjusted Urban Area Boundary (known as the UZA). In Metro COG's case, the overseeing DOT is North Dakota Department of Transportation (NDDOT). The UZA boundary is used to determine the type of transportation funding programs potential projects may be eligible to receive.

In addition to the UZA, the MPO boundary includes any contiguous areas, which may become urbanized within a twenty-year forecast period. Collectively, this area is known as the Metropolitan Planning Area (MPA). Metro COG's MPA boundary was most recently expanded in 2013 and is currently comprised of approximately 1,073 square miles (687,000 acres), across 2 states, 2 counties, 14 cities, and 30 townships. The MPA boundary is effectively Metro COG's "study area" or area of influence respective to the metropolitan transportation planning program. These areas are significant not only as potential future population centers, but also due to their proximity to existing and future transportation assets of regional significance.

Map 1 provides an overview of these boundaries for the Fargo-Moorhead area, specifically depicting:

- a) The Metropolitan Planning Area Boundary;
- b) The Adjusted Urbanized Area boundary; and
- c) Cities within the MPA.



Map 1: Fargo-Moorhead Planning Boundaries

Metro COG serves a bi-state area. This area is unique that it covers 14 townships in Cass County, ND, and 16 townships in Clay County, MN.

Within the MPA there are seven (7) member jurisdictions, which pay dues and have voting rights on the policy board and transportation technical committee. The following are the member jurisdictions:

- Cass County, ND
- Clay County, MN
- City of Fargo, ND
- City of Moorhead, MN
- City of West Fargo, ND
- City of Dilworth, MN
- City of Horace, ND

Additionally, there are Associate Jurisdictions located within the MPA. These towns have populations over 700, do not pay dues, and do not have voting rights on the policy board and transportation technical committee. In Minnesota, these include Barnesville, Glyndon, and Hawley; and in North Dakota include Casselton, Harwood, and Mapleton.

Additionally, there is a third designation of jurisdiction, which are non-member jurisdictions. These jurisdictions have populations under 700 and/or have chosen not to participate in Metro COG. These include in Minnesota: Comstock and Sabin; and in North Dakota: Argusville, Briarwood, Frontier, Kindred, North River, Oxbow, Prairie Rose, and Reiles Acres.



The (14) Townships within the MPA in North Dakota include: Barnes, Berlin, Casselton, Durbin, Everest, Harmony, Harwood, Mapleton, Normanna, Pleasant, Raymond, Reed, Stanley, Warren.

The (16) Townships within the MPA in Minnesota include: Alliance, Barnesville, Eglon, Elkton, Elmwood, Glyndon, Hawley, Holy Cross, Humboldt, Kragnes, Kurtz, Moland, Moorhead, Morken, Oakport, Riverton.

Metro COG provides regional coordination and approves the use of federal transportation funds within the MPA, responsibility for the implementation of specific transportation projects lies with NDDOT, MnDOT, and the local units of government as transportation providers.

### Governance and Organizational Structure

Metro COG is governed by a 24-member Policy Board appointed by local units of government within the Metropolitan Planning Area, Minnesota Department of Transportation, and North Dakota Department of Transportation. Federal law requires that the Policy Board shall consist of:

- Elected officials;
- Officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and
- Appropriate State officials

Figure 1 provides an overview of Metro COG's organizational structure. The light blue branch are staff positions. The green branch are technical committees and subcommittees. The technical committees, executive committee, and staff provide recommendations to the Policy Board.

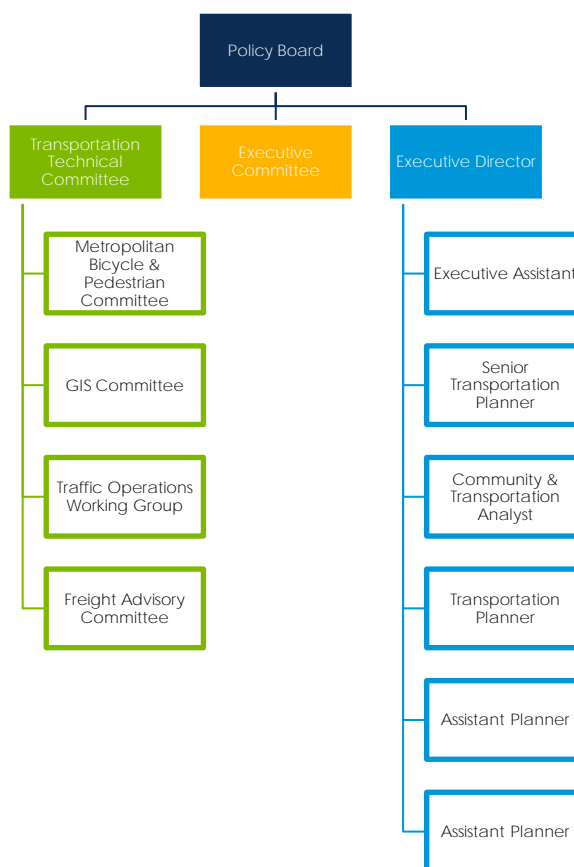


Figure 1: Fargo-Moorhead Metropolitan Council of Governments Organizational Chart

The appointments to Metro COG's Policy Board are made as follows:

- The Mayor of Fargo appoints seven members. Four of the seven appointees must be elected officials.
- The Mayor of Moorhead appoints three members. Two of the three appointees must be elected officials.
- The Mayor of West Fargo appoints two members, of which one must be an elected official.
- The Mayor of Dilworth appoints one member, of which must be an elected official of the Dilworth City Council.
- The Mayor of Horace appoints one member, of which must be an elected official of the Horace City Council.
- The Clay County Administrator appoints one member, of which must be an elected official of the Clay County Commission.
- The Cass County Administrator appoints one member, of which must be an elected official of the Cass County Commission.
- Associate member jurisdictions, which include the City of Casselton, City of Harwood, City of Mapleton, City of Barnesville, City of Glyndon, and City of Hawley, are entitled to one non-voting member.
- There are two ex-officio members, one from NDDOT- Fargo District and one from MnDOT- District 4.

The Policy Board is advised by a 22-member Transportation Technical Committee (TTC) made up of representatives from MnDOT, NDDOT, FHWA, Fargo, Moorhead, West Fargo, Dilworth, Horace, Cass County, Clay County, North Dakota Universities, Minnesota Universities, Freight, Bicycle and Pedestrian, and Economic Development. The Metro COG Executive Director, who also has a vote, chairs the TTC. There are three additional ex-officio members and all associate member jurisdictions may choose to participate, but do not have voting privileges.

The appointments to Metro COG's Transportation Technical Committee are made as follows:

- The Metro COG Executive Director represents staff and is the Chair of the committee
- City of Fargo has three representatives, one from each of the following: Engineering Department, Planning Department, and Fargo Transit
- City of Moorhead has three representatives, one from each of the following: Engineering Department, Planning Department, and Moorhead Transit
- City of West Fargo has two representatives, one from each of the following: Public Works Department and Planning Department
- City of Dilworth has one representative
- City of Horace has one representative
- Cass County has two representatives, one from each of the following: County Engineer's Office, County Planning Department

- Clay County has two representatives, one from each of the following: County Engineer's Office, County Planning Department
- Minnesota Department of Transportation has one representative
- North Dakota Department of Transportation has one representative
- Economic Development community has one representative
- Freight community has one representative
- Bicycle and Pedestrian community has one representative
- North Dakota University/Colleges have one representative
- Minnesota University/Colleges have one representative

It is important to note that Metro COG does not have any control over the racial and ethnic composition of the TTC.

Metro COG encourages participation of all citizens in the regional transportation planning and programming process. All Policy Board, TTC, and subcommittee meetings are public meetings.

The MPO continues to make efforts to encourage and promote diversity. To encourage participation in its committees, Metro COG continues to reach out to community, ethnic and faith-based organizations to connect with all populations. Specifically, Metro COG has reached out to minority group representatives in the region to find out how we can better serve and reach minority populations.

Additionally, Metro COG strives to find ways to make participating on its committees convenient. This includes scheduling meetings in locations with good transit service and in or near neighborhoods with a high concentration of minority and low-income populations. Some further goals and strategies to actively engage minority populations are included in the Public Participation Plan.

## Staff and Committee Composition

Metro COG understands that diverse representation on the Policy Board and its committees helps result in sound policy reflective of the needs of the entire population. The Policy Board is comprised of elected officials from the communities within the Metropolitan Planning Area. These officials are chosen by the corresponding jurisdiction (see the Governance and Organizational Structure section for more information), and, per agreement, the Chair and Vice Chair rotate on an annual basis.

In addition to the Policy Board, Metro COG has one permanent advisory committee, the Transportation Technical Committee. Similar to the Policy Board, members from this committee are chosen by local jurisdictions, with the intent that they represent a broad range of technical knowledge and experience (see the Governance and Organizational Structure section for more information). The committee includes both staff from local jurisdictions, as well as representatives from MnDOT, NDDOT, and persons with expertise on particular relevant subject matter (e.g. freight, economic development, and bicycle and pedestrian issues). Metro COG makes every effort to encourage a diverse collection of individuals on the Transportation Technical Committee, but the members are ultimately chosen by each participating jurisdiction.

FTA Title VI Circular 4702.1B requires that for any recipients, which have transportation-related, non-elected planning boards, advisory council or committees, or similar bodies, membership of these committees must be broken down by race and accompanied by a description of efforts made to encourage the participation of minorities on these committees.

Metro COG has established two advisory committees – an intergovernmental Transportation Technical Committee (TTC) and an Executive Committee. Additionally, four supportive technical committees have been established – Metropolitan Bicycle and Pedestrian Committee, GIS Committee, Traffic Operations Working Group, and the Freight Advisory Committee.

Table 1 provides the racial and sexual composition of the Metropolitan Statistical Area (MSA), Metro COG's staff and committees.



**Table 1: Demographic Composition of Metro COG Committees**

Committee [Number of Members]	Appointment Mechanism	Race								Sex		
		White (not Hispanic or Latino)	Hispanic or Latino	Black / African American	Native Hawaiian or Other Pacific Islander	Asian / Asian American	American Indian or Alaska Native	Two or More Races	No Response	Male	Female	Preferred Not To Say
<i>Metropolitan Statistical Area (MSA)[232,660]</i>		207,843	6,878	8,977	66	5,707	2,561	6,128	0	116,897	115,763	0
<i>Policy Board [24]</i>	See Table 2	14	-	1	-	-	-	-	9	12	3	9
<i>Transportation Technical Committee [22]</i>	See Table 3	21	-	-	-	1	-	-	-	15	7	-
<i>Metropolitan Bicycle and Pedestrian Committee [22]</i>	See Table 4	15	-	-	-	-	-	-	6	10	5	6
<i>GIS Committee [9]</i>	See Table 5	7	-	-	-	-	1	-	1	6	2	1
<i>Traffic Operations Working Group [#]</i>	*	-	-	-	-	-	-	-	*	-	-	*
<i>Freight Advisory Committee [#]</i>	**	-	-	-	-	-	-	-	**	-	-	**
<i>Metro COG Staff [7]</i>	See Table 6	6	-	-	-	-	-	-	1	3	3	1

Demographic information on the Fargo-Moorhead MSA taken from the 2013-2017 U.S. Census Bureau's American Community Survey. Committee members are surveyed annually and as committee member turnover occurs; this table is updated subsequently.

\*The Traffic Operations Working Group meets on an as-needed basis, so positions may be left vacant between meetings. For this reason, the Traffic Operations Working Group does not have a complete demographic composition represented in this table.

\*\*Formation of a Freight Advisory Committee was identified as a follow-up action in the 2017 Regional Freight Plan. At this time, neither membership nor bylaws denoting voting members, appointments, or terms have been determined. For these reasons, committee demographics are not represented in this table.

**Table 2: Policy Board Jurisdictional Representation**

Jurisdiction [total representatives]	Race										Sex		
	Voting Representatives	Non-voting Representatives	White (not Hispanic or Latino)	Hispanic or Latino	Black / African American	Native Hawaiian or Other Pacific Islander	Asian / Asian American	American Indian or Alaska Native	Two or More Races	No Response	Male	Female	Preferred Not To Say
<i>Policy Board [24]</i>	16	8	14	-	1	-	-	-	-	9	12	3	9
<i>City of Fargo</i>	7	-	3	-	-	-	-	-	-	4	2	1	4
<i>City of Moorhead</i>	3	-	2	-	1	-	-	-	-	-	2	1	-
<i>City of West Fargo</i>	2	-	2	-	-	-	-	-	-	-	2	-	-
<i>City of Dilworth</i>	1	-	1	-	-	-	-	-	-	-	1	-	-
<i>City of Horace</i>	1	-	1	-	-	-	-	-	-	-	1	-	-
<i>Cass County</i>	1	-	1	-	-	-	-	-	-	-	1	-	-
<i>Clay County</i>	1	-	1	-	-	-	-	-	-	-	-	1	-
<i>Minnesota Department of Transportation</i>	-	1	1	-	-	-	-	-	-	-	1	-	-
<i>North Dakota Department of Transportation</i>	-	1	1	-	-	-	-	-	-	-	1	-	-
<i>City of Casselton</i>	-	1	-	-	-	-	-	-	-	1	-	-	1
<i>City of Harwood</i>	-	1	-	-	-	-	-	-	-	1	-	-	1
<i>City of Mapleton</i>	-	1	-	-	-	-	-	-	-	1	-	-	1
<i>City of Barnesville</i>	-	1	1	-	-	-	-	-	-	-	1	-	-
<i>City of Glyndon</i>	-	1	-	-	-	-	-	-	-	1	-	-	1
<i>City of Hawley</i>	-	1	-	-	-	-	-	-	-	1	-	-	1

Committee members are surveyed annually and as committee, member turnover occurs; this table is updated subsequently.

**Table 3: Transportation Technical Committee Jurisdictional Representation**

Jurisdiction	Voting Representatives	Race								Sex		
		White (not Hispanic or Latino)	Hispanic or Latino	Black / African American	Native Hawaiian or Other Pacific Islander	Asian / Asian American	American Indian or Alaska Native	Two or More Races	No Response	Male	Female	Preferred Not To Say
<i>Transportation Technical Committee [22]</i>	22	21	-	-	-	1	-	-	-	15	7	-
<i>Metro COG Executive Director</i>	1	1	-	-	-	-	-	-	-	-	1	-
<i>City of Fargo</i>	3	3	-	-	-	-	-	-	-	2	1	-
<i>City of Moorhead</i>	3	3	-	-	-	-	-	-	-	1	2	-
<i>City of West Fargo</i>	2	2	-	-	-	-	-	-	-	2	-	-
<i>City of Dilworth</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>City of Horace</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>Cass County</i>	2	2	-	-	-	-	-	-	-	2	-	-
<i>Clay County</i>	2	2	-	-	-	-	-	-	-	2	-	-
<i>Minnesota Department of Transportation</i>	1	-	-	-	-	1	-	-	-	-	1	-
<i>North Dakota Department of Transportation</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>Economic Development Community</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>Freight Community</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>Bicycle &amp; Pedestrian Community</i>	1	1	-	-	-	-	-	-	-	-	1	-
<i>Minnesota University/Colleges</i>	1	1	-	-	-	-	-	-	-	-	1	-
<i>North Dakota University/Colleges</i>	1	1	-	-	-	-	-	-	-	1	-	-

Committee members are surveyed annually and as committee, member turnover occurs; this table is updated subsequently.

**Table 4: Metropolitan Bicycle and Pedestrian Committee Representation**

Jurisdiction	Voting Representatives	Race								Sex		
		White (not Hispanic or Latino)	Hispanic or Latino	Black / African American	Native Hawaiian or Other Pacific	Asian / Asian American	American Indian or Alaska Native	Two or More Races	No Response	Male	Female	Preferred Not To Say
<i>Bicycle &amp; Pedestrian Committee [21]</i>	21	15	-	-	-	-	-	-	6	10	5	6
<i>Metro COG Transportation Planner</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>City of Fargo</i>	2	2	-	-	-	-	-	-	-	1	1	-
<i>Fargo Park District</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>Fargo Police Department</i>	1	-	-	-	-	-	-	-	1	-	-	1
<i>City of Moorhead</i>	2	2	-	-	-	-	-	-	-	1	1	-
<i>City of West Fargo</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>West Fargo Park District</i>	1	-	-	-	-	-	-	-	1	-	-	1
<i>City of Dilworth</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>City of Horace</i>	1	-	-	-	-	-	-	-	1	-	-	1
<i>Cass County (Vacant)</i>	1	-	-	-	-	-	-	-	1	-	-	1
<i>Clay County (Vacant)</i>	1	-	-	-	-	-	-	-	1	-	-	1
<i>Minnesota DOT – District 4</i>	1	1	-	-	-	-	-	-	-	-	1	-
<i>North Dakota DOT – Fargo District</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>PartnerSHIP 4 Health</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>Fargo Cass Public Health</i>	1	1	-	-	-	-	-	-	-	-	1	-
<i>Great Rides</i>	1	-	-	-	-	-	-	-	1	-	-	1
<i>NDSU</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>River Keepers</i>	1	1	-	-	-	-	-	-	-	-	1	-
<i>Citizen Representative</i>	1	1	-	-	-	-	-	-	-	1	-	-

Committee members are surveyed annually and as committee, member turnover occurs; this table is updated subsequently.



**Table 5: GIS Committee Representation**

Jurisdiction	Voting Representatives	Race								Sex		
		White (not Hispanic or Latino)	Hispanic or Latino	Black / African American	Native Hawaiian or Other Pacific Islander	Asian / Asian American	American Indian or Alaska Native	Two or More Races	No Response	Male	Female	Preferred Not To Say
<i>GIS Committee [9]</i>	9	7	-	-	-	-	1	-	1	6	2	1
<i>Metro COG Assistant Planner</i>	1	1	-	-	-	-	-	-	-	-	1	-
<i>City of Fargo</i>	1	-	-	-	-	-	1	-	-	1	-	-
<i>City of Moorhead</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>City of West Fargo</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>City of Dilworth</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>City of Horace</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>Cass County</i>	1	1	-	-	-	-	-	-	-	-	1	-
<i>Clay County</i>	1	1	-	-	-	-	-	-	-	1	-	-
<i>Moorhead Public Service</i>	1	-	-	-	-	-	-	-	1	-	-	1

Committee members are surveyed annually and as committee, member turnover occurs; this table is updated subsequently.

**Table 6: Demographic Composition of Metro COG Staff by Position**

Position [Number of Staff]	Race							Sex		
	White (not Hispanic or Latino)	Hispanic or Latino	Black / African American	Native Hawaiian or Other Pacific Islander	Asian / Asian American	American Indian or Alaska Native	Two or More Races	No Response	Male	Female  Preferred Not To Say
Overall Metro COG Staff [7]	6	-	-	-	-	-	-	1	3	3
Executive Director [1]	1	-	-	-	-	-	-	-	-	1
Senior Transportation Planner [1]	-	-	-	-	-	-	-	1	-	-
Transportation Planner [1]	1	-	-	-	-	-	-	-	1	-
Community & Transportation Analyst [1]	1	-	-	-	-	-	-	-	1	-
Assistant Planner [2]	2	-	-	-	-	-	-	-	1	1
Executive Assistant [1]	1	-	-	-	-	-	-	-	-	1
Interns [0]	-	-	-	-	-	-	-	-	-	-

Surveys are completed annually and as new hires occur.

Overall, staff received 15 responses from of the 24 members of the Policy Board and all 22 members of the Transportation Technical Committee responded. The figures included in Table 1 represent the committees as of December 2019, and will fluctuate annually based upon rotation of appointees from individual jurisdictions and other factors.

Staff demographics are collected upon employment. See Appendix A for Metro COG's employment application and detachable Equal Employment Opportunity Survey.

## Part 1: Title VI/Non-Discrimination Plan

Metro COG is committed to preventing discrimination and to fostering a just and equitable society, and recognizes the key role that transportation facilities and services provide to the community. Metro COG assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100-259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Metro COG further assures that every effort will be made to ensure nondiscrimination in all of its federally funded program activities.

Metro COG adopted its first Title VI Non-Discrimination Program in 2012. MPOs are required to update their Title VI program every three years.

To view a copy of Metro COG's Title VI Assurances, please see Appendix B.

On the following page is Metro COG's official Title VI / Nondiscrimination and ADA Policy Statement.



# Fargo-Moorhead Metropolitan Council of Governments

## Title VI/Nondiscrimination and ADA Policy Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Specifically, 42 USC 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

In addition to Title VI, there are other Nondiscrimination statutes, which include:

- Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex);
- Age Discrimination Act of 1975 (age), and
- Section 504 of the Rehabilitation Act of 1973/ADA of 1990 (disability).

Taken together, these requirements define an over-arching Title VI / Nondiscrimination and 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.

Two Presidential Executive Orders place further emphasis upon the Title VI protections of race and national origin. Executive Order 12898 ensures nondiscrimination 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 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.

I, as Chair of the Policy Board of the Fargo-Moorhead Metropolitan Council of Governments (Metro COG), am personally committed to and support taking all steps to ensure that no person or groups 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 Metro COG, its recipients, sub recipients, and contractors.

The Executive Director of Metro COG is the appointed Title VI Coordinator and ADA Coordinator. Thus, he/she/they is granted the authority to develop, administer, and monitor the Title VI / Nondiscrimination and ADA Program as is adopted.

Anyone who believes that he/she/they has been discriminated against should contact the Executive Director, Title VI Coordinator and ADA Coordinator via mail, phone, or email.

Metro COG's address is 1 - 2<sup>nd</sup> Street North, #232, Fargo, ND 58102

Metro COG's phone number is 701-532-5100. TTY users may call Relay North Dakota at 711 or 1-800-366-6888 (toll free).

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Jenny Mongeau

Chair, Metro COG Policy Board

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Date

# Fargo-Moorhead Metropolitan Council of Governments

## Title VI Notice to the Public

Information must be provided to the public regarding the recipient's obligations under U.S. DOT Title VI regulations and members of the public must be apprised of the protections against discrimination afforded to them by Title VI.

Metro COG's Title VI notice to the public is posted under the [Resources/ Title VI Plan](#) link on the agency's website. The notice is also posted at the front desk in the agency office and in the hallway near the elevator on the second floor of the Case Plaza building. To view a copy of Metro COG's Title VI notice to the public, please see Figure 2.

**METROCOG** Fargo-Moorhead Metropolitan Council of Governments

Case Plaza Suite 232 | 1 - 2nd Street North  
Fargo, North Dakota 58102-4807  
P: 701.532.5100 | F: 701.232.5343  
E: metrocoq@fmmetrocoq.org  
www.fmmetrocoq.org

### Notifying the Public of Rights under Title VI

#### Fargo-Moorhead Metropolitan Council of Governments

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he/she/they has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Metro COG.

For more information on Metro COG's civil rights program, and the procedures to file a complaint contact the Title VI Coordinator via

- Phone: 701.532.5100
- Email: [metrocoq@fmmetrocoq.org](mailto:metrocoq@fmmetrocoq.org)
- Website: [www.fmmetrocoq.org/resources/title-vi-plan](http://www.fmmetrocoq.org/resources/title-vi-plan)

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the

Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building, 5th Floor-TCR  
1200 New Jersey Avenue SE  
Washington, DC 20590

Complaint forms are provided below,

Los formularios de queja se proporcionan a continuación.

Formên gili li jêr tene peyda kirin.

U nastavku su navedeni formulari za žalbe.

Foomamka cabashada ayaa hoosta laga bixiyay.

उजुरी फारमहरू तल प्रदान गरिएको छ।

Формы жалоб представлены ниже.

投诉表格如下。

Mẫu đơn khiếu nại được cung cấp dưới đây.

يتم تقديم نماذج الشكاوى أدناه.

- English
- Spanish
- Urdu
- Bosnia
- Arabic
- Hindi
- Polish
- Chinese
- Vietnamese
- Russian

- 701.532.5100

- Case Plaza  
1 - 2nd Street N, Suite 232  
Fargo, ND 58102

Figure 2: Fargo-Moorhead Metropolitan Council of Governments Title VI Notice to the Public

## Title VI Complaint Procedure

### Scope of Title VI Complaints

Discrimination complaints can be based on race, sex, color, age, national origin, disability, limited English proficiency, and income status. The scope of Title VI covers all internal and external Metro COG activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Discrimination complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with Metro COG for the furnishing of goods and/or services. Examples include:

- Advertising for bid proposals;
- Prequalification or qualification;
- Bid proposals and awards; or
- Selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Discrimination complaints can originate as a result of project impacts on individuals or groups. Examples may include:

- Social and economic hardships
- Traffic
- Noise
- Air quality
- Access
- Accidents
- Failure to maintain facilities

### How to File a Formal Title VI Complaint

The Metro COG Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, sex, age, national origin, income status, sexual orientation, and disability or handicap, 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 Metro COG, its recipients, subrecipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

Any person(s) or organization(s) believing they have been discriminated against on the basis of race, color, or national origin by Metro COG may file a Title VI complaint by completing and submitting Metro COG's **Title VI Complaint Form** or by sending an email or letter with the necessary information to Metro COG:

Fargo-Moorhead Metro COG  
Attn: Title VI Complaint  
1 – 2<sup>nd</sup> Street N, Suite 232  
Fargo, ND 58102

PH: 701-532-5100

Email: [metrococg@fmmetrococg.org](mailto:metrococg@fmmetrococg.org)

A person may also file a complaint directly with the Federal Transit Administration (FTA), at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

Discrimination complaints addressed to Metro COG must be received no more than 180 days after the alleged incident. Filing times may be extended if deemed necessary. Once the complaint is received, Metro COG's Title VI Coordinator will review it to determine which agency has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our agency within ten (10) business days. The complainant has ten (10) business days from the date of the acknowledgement letter to send requested information to the investigator assigned to the case.

Discrimination complaints will be investigated within thirty (30) calendar days from the date the original complaint was received. If more information is needed to resolve the case, the city may contact the complainant.

Once the complaint is investigated, the investigator will issue either a letter of finding if a case of discrimination is found, or a closure letter if no discrimination is found. A copy of the letter will be sent to the U.S. Department of Transportation and North Dakota Department of Transportation. Every effort will be made to complete the investigation process and issue a letter within sixty (60) days of the complaint.

If the complainant wishes to appeal the decision, she/he/they has thirty (30) days after the date of the letter to do so.

Metro COG's complaint form and detailed procedures for investigating a complaint are posted under the [Resources/ Title VI Plan](#) link on the agency's website. The complaint form is also posted in the second floor of Case Plaza Lobby: 1 -2<sup>nd</sup> Street N, Fargo, ND 58102 and at the front desk in the agency office.

To view a copy of Metro COG's detailed complaint investigation procedures please see Appendix C. To view a copy of Metro COG's Complaint Form please see Appendix D.

#### Title VI Investigations

All recipients of federal financial assistance are required to maintain a list of any complaints alleging discrimination on the basis of race, color, or national origin.

As of November 2019, there have been no Title VI investigations, complaints, or lawsuits filed with Metro COG.

In order to comply with federal requirements Metro COG maintains Appendix E, in case a complaint arises. To view a copy of Metro COG's Complaint Log please see Appendix E.



## Organizational Responsibilities

The general responsibility for overseeing compliance with applicable nondiscrimination authorities in each transportation planning and programming area Metro COG is involved in resides with the Title VI Coordinator. The Title VI Coordinator ensures compliance with provisions of the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21, administering the Title VI complaint procedures, and insuring compliance with Title VI by recipients, sub-grantees, contractors and sub-contractors of Metro COG.

### Promote Inclusive Public Participation

Additionally, Metro COG promotes inclusive public participation through:

1. Implementing Policy (i.e. Public Participation Plan)
2. Developing and amending plans and programs (i.e. Metropolitan Transportation Plan and Transportation Improvement Programs)
3. Conducting general transportation plans and studies (i.e. neighborhood or corridor studies; transit studies; and bicycle/pedestrian studies)

In order to comply with Federal Policy 23 CFR Section 450.316 and MAP-21 requirements, as well as to provide structure, consistency and accountability in its public involvement processes, Metro COG maintains and conducts its planning activities in accordance with the Public Participation Plan (PPP). The PPP is available at Metro COG's office and on the website at [Resources/Public-Participation-Plan](#).

### Provide Access to Limited-English Proficient (LEP) Persons

See Appendix J: Limited English Proficiency (LEP) Plan for details.

### Encourage Minority Representation on Planning and Advisory Committees

See Staff and Committee Composition within this document for further details on how Metro COG strives to achieve this.

### Training

As an organization, staff will complete one hour of training per calendar year. The Title VI Coordinator will determine the required training annually. Each year, the Title VI Training and Certificate of Completion will be amended into the appendices, along with the Title VI Training Log for Employees.

To view the 2019 Title VI Training and Certificate of Completion view Appendix F. The Title VI Training Log for Employees can be viewed in Appendix G.

### Metro COG Title VI Coordinator

Metro COG's Executive Director is responsible for ensuring the implementation of the MPO's overall Title VI Program. This includes responsibility for ensuring compliance, program monitoring, reporting, and education on Title VI issues within the MPO.

Fargo-Moorhead Metro COG

Attn: Executive Director

1 – 2<sup>nd</sup> Street N, Suite 232

Fargo, ND 58102

PH: 701-532-5100

Email: [metrococog@fmmetrococog.org](mailto:metrococog@fmmetrococog.org)

### Title VI Coordinator Responsibilities

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring Metro COG's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by Metro COG.
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. (See Appendix F)
3. Conduct annual Title VI reviews to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of consultant contractors and other recipients of federal-aid highway fund contracts administered through Metro COG.
5. Review Metro COG program directives. Where applicable, include Title VI language and related requirements.
6. Conduct training programs on Title VI and other related statutes for Metro COG employees and recipients of federal highway funds. Post a copy of the Title VI Plan on Metro COG web-site. Post the Title VI Plan on bulletin boards near the front desk at the Metro COG 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 Metro COG web- site and on bulletin boards near the front desk.
9. Conduct post-grant reviews of Metro COG 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.

## Part 2: Title VI and Environmental Justice Considerations in the Planning and Programming Process

### Procedures by which mobility needs of minority populations are identified and considered

Metro COG seeks to identify the mobility needs of minority populations during the transportation planning and programming process through early and continuing public outreach to minority populations to obtain their input, and through data and GIS analysis of the location of minority population concentrations relative to existing and planned jobs and services and their travel patterns. The following sections outline in more detail how Title VI and environmental justice considerations are incorporated into Metro COG's planning and programming process.

### Promoting Inclusive Public Participation and Providing Meaningful Access to Limited English Proficient Persons

#### Public Participation Plan (PPP)

Metro COG's Public Participation Plan, approved in May 2016, provides a framework for engaging the public in the regional transportation planning and programming process. Metro COG recognizes that effective public involvement is inclusive of the needs of all transportation system users with an emphasis on traditionally underserved populations. The goals of the PPP include:

1. Inform the Public and Engage Citizens in the Transportation Planning Process
2. Facilitate two-way communication between the public and key decision makers.
3. Evaluate effectiveness of public participation strategies

The PPP identifies multiple stakeholders that are important participants in the transportation planning process. Further information regarding the PPP can be found on Metro COG's website at: <http://www.fmmetrocog.org/resources/public-participation-plan>

The Public Participation Sign-in Sheet is available in Appendix H.  
The Public Participation Survey is available in Appendix I.

#### Limited English Proficiency Plan

Under Title VI of the Civil Rights Act of 1964, individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI in order to access public services or benefits for which they are eligible.



Metro COG seeks to ensure access to the regional transportation planning process, information published by Metro COG, and Metro COG's programs to area residents who do not speak or read English proficiently. It is Metro COG's policy to inform residents with LEP of the right to free language assistance and interpreter services at no cost to them. This plan outlines the procedures and practices Metro COG uses to provide meaningful access to its programs and activities for LEP populations within the Fargo-Moorhead Metropolitan Planning Area.

The plan outlines the following elements:

- Meaningful Access: Four Factor Analysis
  - a. LEP Assessment, which includes the results of the Four Factor Analysis
  - b. LEP populations in the Fargo-Moorhead Metropolitan Statistical Area
- Language Assistance
  - a. Language Assistance Services Provided
  - b. Translation of Documents
  - c. Public Outreach
  - d. Monitoring, Evaluating, and Updating the Language Assistance program
  - e. Staff Training

For more detailed information regarding Metro COG's LEP Plan, please refer to Appendix J.

#### Procedure for Conducting an Environmental Justice Analysis

Metro COG is committed to continuing efforts to enhance the analytical capability for assessing impact distributions of transportation programs, policies, and projects in its transportation plans and the TIP. The object of Executive Order 12898 on Environmental Justice is to ensure that Federal agencies and programs that receive Federal funding promote and enforce nondiscrimination as one way of achieving the overarching objective of environmental justice. FTA issued FTA Circular 4703.1 in 2012 to provide guidance on how recipients of Federal funding can integrate environmental justice principles into the transportation planning and programming process. This section provides a brief overview of the process that Metro COG follows to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

An equity or environmental justice (EJ) analysis is conducted for the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP). This includes a qualitative analysis in which planned or programmed roadway, transit, and bicycle projects are overlaid or superimposed on a map highlighting the areas with concentrations of minority populations and low-income populations to determine the extent to which these areas are negatively or positively impacted by projects. The EJ analyses of the MTP and TIP are conducted at the draft stage well before they are finalized in order to inform the MTP and TIP development process and address any disproportionate impacts if discovered.

These analyses for the 2045 MTP and annual TIP updates have concluded that the planned and programmed projects do not impose disproportionately high and adverse impacts on minority and other EJ population groups. Additionally, the analyses identified the benefits of the recommended and programmed transportation projects and services are reasonably distributed to meet the needs of all populations in the metropolitan planning area. See Figure 3 for how the 2020-2023 programmed Transportation Improvement Program projects overlap EJ population areas.

### **Title VI and Environmental Justice in Metro COG's Planning Documents**

Federal regulations require the formation of an MPO for each urbanized area with a population over 50,000 people to facilitate a 3-C (comprehensive, coordinated, and continuing) transportation planning process. Listed in this section are some of the major Metro COG planning efforts that reflect Title VI and EJ issues most closely.

### **Metropolitan Transportation Plan (MTP)**

The purpose of the metropolitan transportation plan is to set a policy direction and identify how the region intends to invest in the transportation system across all modes. The MTP ensures that transportation projects are coordinated between the various levels of government (municipal, county, state, and federal). The Fargo-Moorhead 2045 MTP: *Metro Grow* contains the coordinated vision for our region. MTPs must:

- Have at least a 20-year planning horizon that supports the ten Federal metropolitan transportation planning factors
- Be updated every 5 years

The goals of the 2045 MTP are:

- *Safety System & Security*: Provide a transportation system that is safer for all users and resilient to incidents
- *Travel Efficiency & Reliability*: Improve regional mobility
- *Walking & Biking*: Increase walking and biking as a mode of transportation
- *Transit Access*: Support enhanced access to the existing and future MATBUS system
- *Maintain Transportation Infrastructure*: Provides a financial plan that supports maintaining transportation infrastructure in a state of good repair
- *Environmental Sustainability*: Provide a transportation system that provides access equitably and limits impacts to the natural and built environment
- *Economic Development & Transportation Decisions*: Promote transportation projects that support regional economic goals, support freight movement, and promote projects that can be financially sustained for the long-term
- *Emerging Transportation Trends*: Incorporate transportation trends and new technologies in regional transportation plans

Each of these goals look to improve equity for all users of the transportation system.

### **Transportation Improvement Program (TIP)**

The Transportation Improvement Program (TIP), which Metro COG updates annually, is a coordinated listing of short-range transportation improvement projects anticipated to be undertaken in the next four-year period. The TIP is the mechanism by which the MTP is implemented, and represents the transportation improvement priorities of the region.

Projects within Metro COG's metropolitan planning area must be included in the TIP in order to be eligible to receive federal funding assistance. To be included, projects must be included in the MTP or determined to be consistent with the MTP

The TIP project list is multi-modal. In addition to streets/ roadways, it includes transit, pedestrian, and bicycle projects. The coordinated listing of projects in the TIP is a cooperative effort by state and local implementing agencies and the staff of Metro COG, and is primarily based upon state and local capital improvement programs and budgets. Implementing agencies submit their lists of proposed projects to Metro COG staff to coordinate into a comprehensive list of proposed transportation improvements, with information about project scope, cost timing, etc. The listing is subject to review by local units of government, Metro COG's Technical Transportation Committee (TTC), and Policy Board. A public comment period is opened fourteen (14) days directly prior to Policy Board meetings.

### **Unified Planning Work Program (UPWP)**

The Metro COG work program is an bi-annual publication that outlines major transportation planning issues, describes the planning activities Metro COG will undertake and be involved in during the following **two years**, summarizes Metro COG's recent planning activities and accomplishments, and identifies how federal, state, and local transportation funding will be spent on the different planning activities.

The publication of an MPO work program is required by federal law as a condition of receiving federal transportation funding.

Metro COG includes a Statement of Non-discrimination as part of the UPWP. The UPWP also includes a self-certification summary that details how Metro COG complies with the applicable federal laws, including Title VI.

### **Transit Development Plan (TDP)**

The Transit Development Plan (TDP) for the Fargo-Moorhead Urbanized Area is a short- to medium range strategic plan intended to identify transit needs and proposed improvements and studies over a five-year planning horizon. Metro COG is responsible for developing and maintaining the TDP. Metro COG works in close cooperation with MATBUS, funding partners, and jurisdictions in the region to develop the plan. An Environmental Justice (EJ) analysis is typically conducted for the TDP and will be done as part of the next update, which will be initiated in early 2020.

### **Coordinated Public Transit – Human Services Transportation Plan**

Federal transit law requires that projects selected for funding under the Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) Program be "included

in a locally developed, coordinated public transit-human services transportation plan," and that the plan be "developed and approved through a process that includes participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers and other members of the public" utilizing transportation services. These coordinated plans identify the transportation needs of individuals with disabilities, older adults, and people with low incomes, provide strategies for meeting these needs, and prioritize transportation services for funding and implementation. Plans include:

- An assessment of available services;
- An assessment of transportation needs, strategies, activities, and/or projects to address identified gaps between current services and needs and to improve efficiencies in service delivery; and
- Priorities for implementation based upon available resources, time, and feasibility.

This plan is included within the TDP and will be updated as a part of that effort starting in early 2020.

### **Bicycle and Pedestrian Plan**

Metro COG is responsible for maintaining a comprehensive, coordinated, and continuous transportation planning process for all modes of transportation in the region. This update of the Bicycle and Pedestrian Plan is a sub-element of Metro COG's MTP and is updated every five years. The Bicycle and Pedestrian Plan has a twenty-year planning horizon in which it looks at all types of bicycle and pedestrian facilities that have a transportation element. Facilities that are strictly recreational are not considered on in this Plan. The purpose of the Plan is listed below:

*"The purpose of the Plan is to identify current issues and needs as they relate to bicycling and pedestrian movements in the area; develop goals, objectives, and recommendations to enhance bicycle and pedestrian accommodations and safety for all types of users regardless of age, gender, race, social status, or mobility needs."*

One of the goals of the Bicycle and Pedestrian Plan is to 'Ensure equal bicycle and pedestrian opportunities for all.' The objective of this goal is to 'Ensure a network where equal bicycle and pedestrian accommodations are provided to all regardless of age, gender, race, social status, or mobility needs per Metro COG's Title VI policies.'

### **Title VI and Environmental Justice in Metro COG's Programming**

NDDOT and MnDOT select the projects for the federal program funds that they control. For NDDOT and MnDOT this includes programs that fund state highway projects (e.g., National Highway Performance Program) and programs that fund local projects which NDDOT and MnDOT administers (e.g., Local Bridge, Highway Safety Improvement Program). These projects are submitted to Metro COG for inclusion in the TIP.



## Part 3: Demographic Profile

### Introduction

Title VI and related federal regulations regarding non-discrimination establish that the mobility needs of communities of concern, such as minorities, low income or the disabled, should be considered in the MPO planning process at the plan development, program and project level. Metro COG, as the metropolitan planning organization for the Fargo-Moorhead region, is responsible for developing long and short-range transportation plans and programs and coordinates its planning and programming activities with the North Dakota and Minnesota Departments of the Transportation, local governments, FHWA, and FTA.

Metro COG facilitates consideration of communities of concern in its planning and programming activities primarily through the following activities:

- Collection, analysis and distribution of demographic data,
- Public involvement activities, and
- Performing program and project analyses.

As part of Metro COG's public involvement efforts, the agency seeks out locations and methods of engagement that facilitates and encourages participation by potentially affected minority groups, people with disabilities, and low-income individuals and households. Some of these methods are described in Metro COG's Public Participation Plan; however, and each project is approached differently, depending upon the location and type of project.

### Data Analysis, Demographic Profile of the Region and Identification of Environmental Justice Areas

As part of the Title VI program, Metro COG closely monitors and tracks statistical demographic data on race, national origin, age, languages spoken, income level, persons with disabilities, and sex of the population of the Fargo-Moorhead metropolitan area. This data is incorporated into the annual *Metropolitan Profile*, which is a document designed for use by both professional staff within Metro COG's jurisdictions as well as the public at large. Figure 3 depicts the racial composition of the Fargo-Moorhead MSA according to the U.S. Census Bureau's 2013-2017 American Community Survey (ACS) estimates.

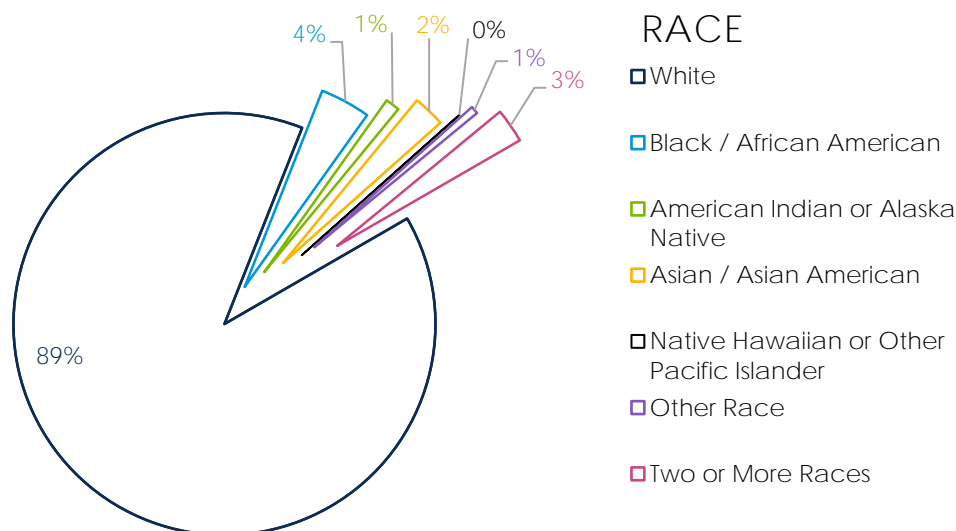


Figure 3: Fargo-Moorhead Metropolitan Council of Governments Organizational Chart

Based on 2013-2017 American Census Survey 5-year data

## Environmental Justice Areas in the Fargo-Moorhead Urbanized Area

Pending the availability of data, Metro COG annually updates the Environmental Justice database to most accurately identify and map these areas. Environmental Justice areas are identified, considered, and addressed in all aspects of the transportation planning and programming process. The map depicted in Figure 5 shows the spatial distribution of minority and low income populations in the urbanized area.

The maps and data pertaining to Environmental Justice areas are published in the annual *Metropolitan Profile*, Transportation Improvement Program (TIP), and available on Metro COG's website.

## Low-income Populations

The currently approved definition of low-income persons is defined by the FTA Title VI circular, which states that a person whose median household income is at or below the [U.S. Department of Health and Human Service \(HHS\) poverty guidelines](#) is considered a low-income person.

USDOT, FHWA, and FTA define a low-income population as 1) any readily identifiable group of low-income persons who live in geographic proximity, or 2) geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy, or activity. State and local/regional agencies, including Metro COG, are encouraged to use a locally developed threshold in determining low-income populations in their areas, provided that the threshold is at least as inclusive as HHS poverty guidelines for low-income individuals. Setting the low-

income threshold above the official HHS poverty guideline allows Metro COG to detect larger populations that may still experience economic hardships.

Metro COG has established a process to determine where low-income populations are located. Metro COG staff calculate the MSA median household low-income threshold using the HHS poverty guidelines and the five-year American Census Survey (ACS) MSA median household size. Then staff use the MSA low-income threshold to determine which **block groups' median household income is lower than the MSA low-income threshold**. These block groups are then considered to be areas of low-income populations and can be depicted visually on maps, such as in Figure 4.

Metro COG uses the following steps and formulas to calculate and determine the median household low-income value.

Step 1: Calculate Average Household Size for Fargo-Moorhead Metropolitan Statistical Area (MSA)

This is done by using the most recent ACS five-year data set available, which for this Plan is the 2013-2017 ACS data set.

$$\begin{aligned} & \text{[5-year Population estimate]} \div \text{[5-year Occupied Housing Units estimate]} = \\ & \text{Average Household Size} \end{aligned}$$

Step 2: Calculate Poverty Guideline for the Average Household Size for Fargo-Moorhead Metropolitan Statistical Area (MSA)

This is done using the most current year's [U.S. Department of Health and Human Services \(HHS\) Poverty Guideline](#) data and the Average Household Size calculated in Step 1.

$$\begin{aligned} & \text{[Average Household Size]} - \text{[Lowest whole number of Persons in Family/Household]} \\ & = \text{Portion of Additional Persons} \end{aligned}$$

$$\begin{aligned} & \text{[Current Year HHS Poverty Guideline for Additional Persons]} \times \text{[Portion of Additional Persons]} = \\ & \text{Portion of Additional Persons Poverty Guideline} \end{aligned}$$

$$\begin{aligned} & \text{[Portion of Additional Persons Poverty Guideline rounded to the nearest \$1]} + \\ & \text{[Current Year HHS Poverty Guideline for Lowest whole number of Persons in Family/Household]} = \\ & \text{Poverty Guideline per Average Household Size in the Fargo-Moorhead MSA} \end{aligned}$$

Step 3: Calculate Low-Income Threshold for Fargo-Moorhead Metropolitan Statistical Area (MSA)

This is done using the Poverty Guideline per Average Household Size in the Fargo-Moorhead MSA and the 125% factor that was noted at the beginning of this section.

$$\begin{aligned} & \text{[Poverty Guideline per Average Household Size in the Fargo-Moorhead MSA]} \times 1.25 = \\ & \text{Fargo-Moorhead MSA Low-income Threshold (Rounded to the nearest \$1.)} \end{aligned}$$

The following are the previous steps used to calculate the 2019 Fargo-Moorhead MSA Low-income Threshold that Metro COG uses.

Step 1:

$$232,660 \div 96,492 = 2.41 \text{ as the Average Household Size}$$

Step 2:

$$2.4 - 2 = 0.41 \text{ as the Portion of Additional Persons}$$

$$\$4,420 \times 0.41 = \$1,812.20$$

$$\$1,812.20 + \$16,910 = \$18,722.20, \text{ round to the nearest \$1}$$

$$\$18,722 \text{ as the Poverty Guideline per Average Household Size in the Fargo-Moorhead MSA}$$

Step 3:

$$\$18,722 \times 1.25 = \$23,402.50, \text{ round to the nearest \$1}$$

$$\$23,403 \text{ Fargo-Moorhead MSA Low-income Threshold}$$

As of 2019, block groups with an annual median household income less than \$23,403 are considered “Low-income” block groups.


### 2010 Minority Populations

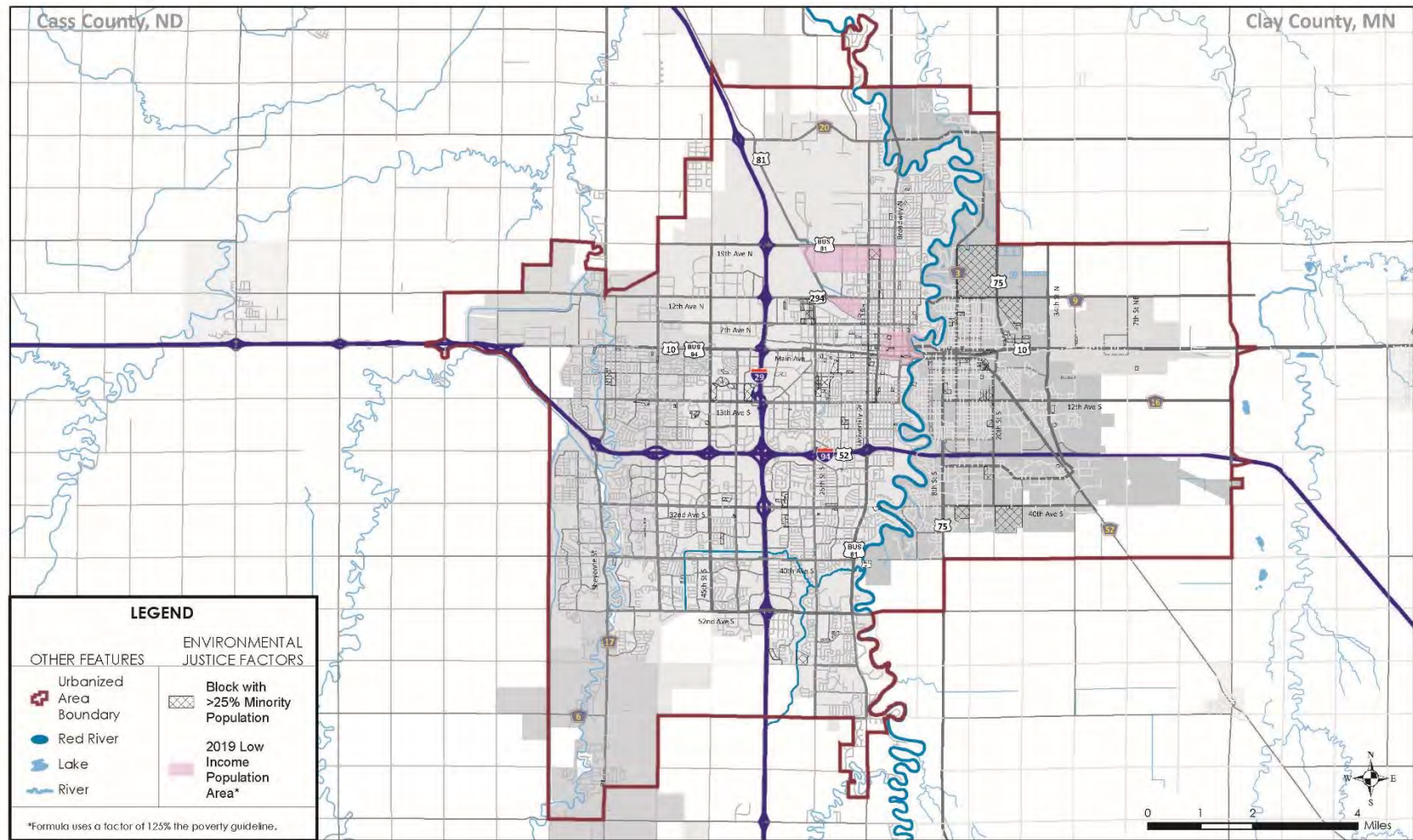
A minority person is an individual that identifies as having a race other than “white-alone” on their census questionnaire. In order to determine areas of minority populations within the Fargo-Moorhead MSA, Metro COG has set the following methodology.

Minority populations are identified geographically at the Census block level. Census blocks with minority populations equaling or exceeding 25% of the total block population are determined to be areas of minority populations.

The ACS does not provide Census block-level race estimates, so the minority population areas can only be updated with the decennial Census. Therefore, 2010 census data was used to establish the minority population areas in the 2012, 2016, and 2020 Title VI Plans. Figure 2: Environmental Justice Areas within the Metro COG urbanized Area identifies the minority population areas and the low-income areas. When 2020 Census data becomes available, the 2020 decennial Census data will be used to re-evaluate where minority populations exist within the Fargo-Moorhead MSA.



Figure 4: Environmental Justice Areas within the Metro COG Urbanized Area 



### Environmental Justice Factors

Metro COG has established a process to determine where low-income populations are located. Metro COG staff calculate the MSA median household low-income threshold using the HHS poverty guidelines and the five-year American Census Survey (ACS) MSA median household size. Then staff use the MSA low-income threshold to determine which block groups' median household income is lower than the MSA low-income threshold.

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FM REGIONAL TRANSPORTATION PLANNING ORGANIZATION

## Analysis of State/Federal Funding Distribution on Environmental Justice Areas

FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, discusses the need for MPO Title VI Plans to analyze the distribution of state and federal funds in aggregate for transportation purposes and to identify any disparate impact on the basis of race, color or natural origin. Further, the Federal Highway Administration identifies three fundamental Environmental Justice principles, which need to be addressed in the planning and programming of transportation projects:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

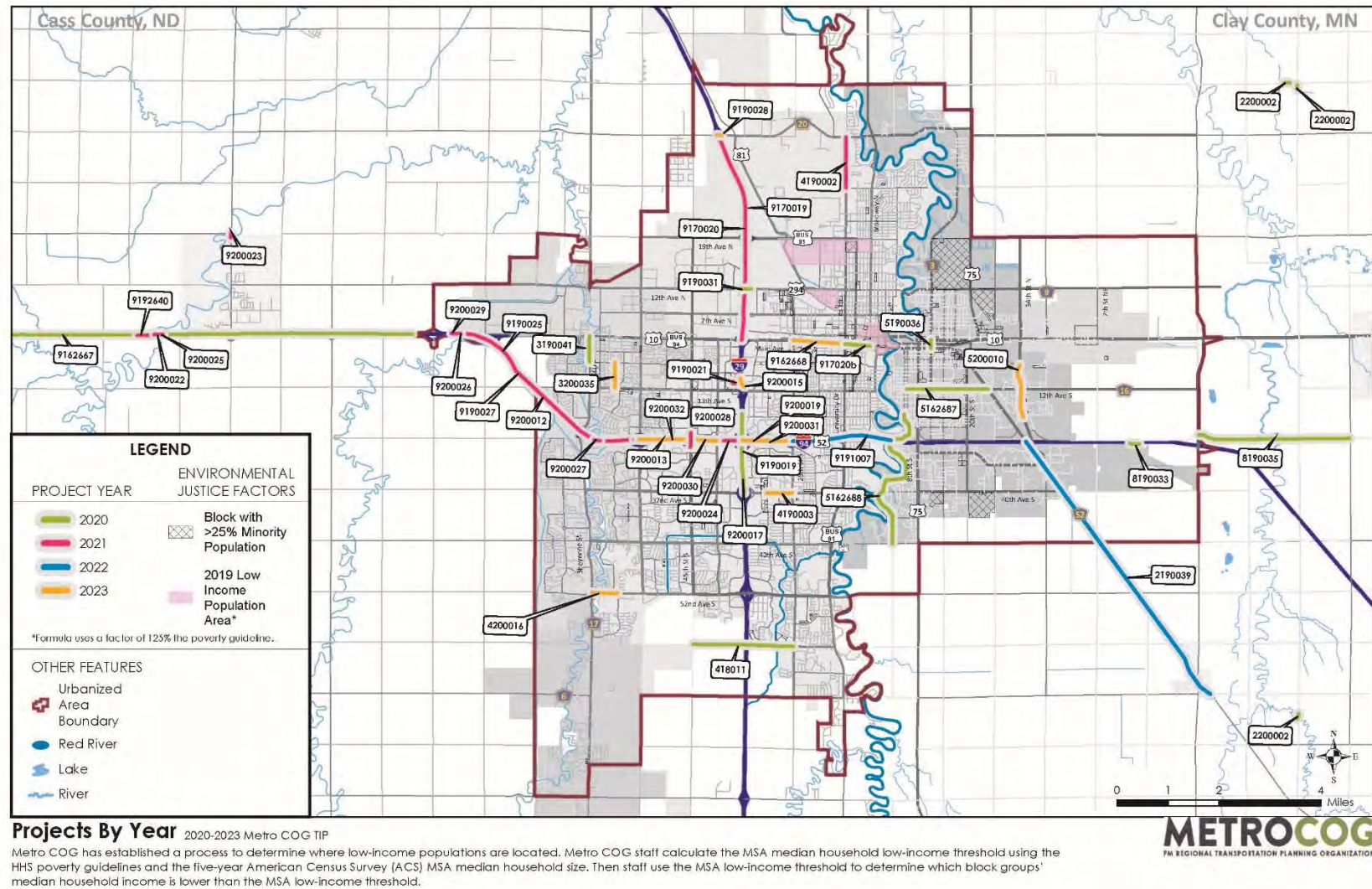
The information shown in Figure 3 depicts the Environmental Justice areas within Metro COG's UZA and their proximity to projects programmed in the 2020-2023 Transportation Improvement Program (TIP).

As identified in Figure 5, a number of projects programmed within the 2020-2023 TIP come within close proximity to current Environmental Justice areas. The dispersion of projects throughout the Metro COG urbanized areas will have equal benefit to both Environmental Justice populations and the public as a whole by improving safety and traffic operations for all roadway users.

Metro COG's analysis shows that no projects will have a disproportionately negative impact on Environmental Justice populations.



Figure 5: Programmed Transportation Projects and Environmental Justice Areas



## Part 4: Appendices



## Appendix A: Employment Application & Equal Employment Opportunity Survey

Forms are on the following pages

## EMPLOYMENT APPLICATION

EMAIL: metrocog@fmmetrocog.org

Read the certificate at the end of this questionnaire before filling in your answers. Print or type all answers. All questions and statements must be complete. If the appropriate answer is no or none, please state that as an answer. Fill out, print, and sign this form. If more space is required, provide an additional attachment.

Position Applying For: \_\_\_\_\_ Available Start Date: \_\_\_\_\_

### 1. PERSONAL INFORMATION

Last Name: \_\_\_\_\_ First: \_\_\_\_\_ Middle: \_\_\_\_\_

Legal Name Change / Maiden Name \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home/Cell Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

### 2. EDUCATION LIST

School, Address	Did you Graduate?	Certificate / Diploma / Degree Earned	Major / Minor
High School	Yes No GED		N/A
College/University/Technical School	Yes No		
College/University/Technical School	Yes No		
College/University/Technical School	Yes No		

### 3. SPECIALIZED EDUCATION/SKILLS/CERTIFICATIONS

4. WORK EXPERIENCE (Past 5 years; all employment including part time, self-employment, and unemployment)

Current/Most Recent Employer: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Employed From: \_\_\_\_\_ To: \_\_\_\_\_ Total Years: \_\_\_\_\_ Total Months: \_\_\_\_\_

Last Salary: \_\_\_\_\_ Reason for Leaving: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_ May we contact this person? \_\_\_\_\_

Supervisor's Title: \_\_\_\_\_ Supervisor's Phone: \_\_\_\_\_

Primary Responsibilities: \_\_\_\_\_

\_\_\_\_\_

Prior Employer: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Employed From: \_\_\_\_\_ To: \_\_\_\_\_ Total Years: \_\_\_\_\_ Total Months: \_\_\_\_\_

Last Salary: \_\_\_\_\_ Reason for Leaving: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_ May we contact this person? \_\_\_\_\_

Supervisor's Title: \_\_\_\_\_ Supervisor's Phone: \_\_\_\_\_

Primary Responsibilities: \_\_\_\_\_

\_\_\_\_\_

Prior Employer: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Employed From: \_\_\_\_\_ To: \_\_\_\_\_ Total Years: \_\_\_\_\_ Total Months: \_\_\_\_\_

Last Salary: \_\_\_\_\_ Reason for Leaving: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_ May we contact this person? \_\_\_\_\_

Supervisor's Title: \_\_\_\_\_ Supervisor's Phone: \_\_\_\_\_

Primary Responsibilities: \_\_\_\_\_

\_\_\_\_\_

Number of additional employer sheets attached: \_\_\_\_\_  
For additional employer information sheets, see last page of application.

5. CURRENT LICENSES

Do you have a Driver's License? Yes No Do you have a CDL? Yes No

Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_

#### 6. CURRENT PROFESSIONAL LICENSES / EXPERIENCE

License: \_\_\_\_\_ License Number: \_\_\_\_\_

Type of License/Skill: \_\_\_\_\_

License: \_\_\_\_\_ License Number: \_\_\_\_\_

Type of License/Skill: \_\_\_\_\_

License: \_\_\_\_\_ License Number: \_\_\_\_\_

Type of License/Skill: \_\_\_\_\_

#### 7. REFERENCES

Name: \_\_\_\_\_ Relationship/Type of Reference: \_\_\_\_\_

Total Years Known: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship/Type of Reference: \_\_\_\_\_

Total Years Known: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship/Type of Reference: \_\_\_\_\_

Total Years Known: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

#### 8. ARREST RECORD

Include traffic violations, but not parking tickets – list dates, places, charges, disposition, and details of the crime

---

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---

Have you every pled guilty or been found guilty of a felony, including a felony that was later dismissed?

---

#### 9. ADDITIONAL INFORMATION

How were you referred to the position? \_\_\_\_\_

Are you related to a current employee?    Yes    No                      Name: \_\_\_\_\_

If hired, can you provide proof that you are eligible to work in the United States?                      Yes    No

Are you a veteran?    Yes    No                      Please attach a copy of your DD-214 form.



## 10. RESIDENCES (Past 5 years)

Current Residence

From: \_\_\_\_\_ To: \_\_\_\_\_

Total Years: \_\_\_\_\_ Total Months: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### Prior Residence

From: \_\_\_\_\_ To: \_\_\_\_\_

Total Years:\_\_\_\_\_ Total Months:\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### Prior Residence

From: \_\_\_\_\_ To: \_\_\_\_\_

Total Years:\_\_\_\_\_ Total Months:\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### Prior Residence

From: \_\_\_\_\_ To: \_\_\_\_\_

Total Years:\_\_\_\_\_ Total Months:\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### Prior Residence

From: \_\_\_\_\_ To: \_\_\_\_\_

Total Years:\_\_\_\_\_ Total Months:\_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

## 11. REASONS FOR APPLYING FOR THE POSITION

[illegible]

## 12. ATTACHMENTS TO APPLICATION

Cover Letter	Yes	No	Additional Attachment #1	Yes	No
Resume	Yes	No	Additional Attachment #2	Yes	No

## CERTIFICATE

I represent and warrant the answers I have made to each and all of the foregoing questions are full and true to the best of my knowledge and belief, AND FURTHER, in order that the AGENCY be fully informed as to my personal character and qualifications for employment, I refer to each of my former employers and to any other person who may have information concerning me, agreeing, as this information is furnished at my express request and for my benefit, I do hereby release them from any and all liability for damage of what so ever nature on account of furnishing such information. I acknowledge that any false statement knowingly made in answering the above questions is good cause for removal from eligible register or discharge during or after probation.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## EEO STATEMENT

It is the continuing policy of the FM Metro COG to afford equal opportunity to qualified individuals regardless of their sex, race, creed, disability, or national origin, and to conform to applicable laws and regulations. Equal opportunity encompasses all aspects of employment practices to include, but not limited to, recruiting, hiring, training, compensation, benefits, promotions, transfers, layoffs, recall from layoffs, discipline, and agency-sponsored educational, social, recreational programs. Additionally, it is the policy of this agency to provide its members a viable means for communicating and resolving grievances and complaints regarding unlawful discriminatory employment practices. Any employee of the FM Metro COG who fails to comply with this policy is subject to appropriate disciplinary action.

EMAIL FORM

## ADDITIONAL WORK EXPERIENCE

Prior Employer: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Employed From: \_\_\_\_\_ To: \_\_\_\_\_ Total Years: \_\_\_\_\_ Total Months: \_\_\_\_\_

Last Salary: \_\_\_\_\_ Reason for Leaving: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_ May we contact this person? \_\_\_\_\_

Supervisor's Title: \_\_\_\_\_ Supervisor's Phone: \_\_\_\_\_

Primary Responsibilities: \_\_\_\_\_

\_\_\_\_\_

Prior Employer: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Employed From: \_\_\_\_\_ To: \_\_\_\_\_ Total Years: \_\_\_\_\_ Total Months: \_\_\_\_\_

Last Salary: \_\_\_\_\_ Reason for Leaving: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_ May we contact this person? \_\_\_\_\_

Supervisor's Title: \_\_\_\_\_ Supervisor's Phone: \_\_\_\_\_

Primary Responsibilities: \_\_\_\_\_

\_\_\_\_\_

Prior Employer: \_\_\_\_\_ Position/Title: \_\_\_\_\_

Employed From: \_\_\_\_\_ To: \_\_\_\_\_ Total Years: \_\_\_\_\_ Total Months: \_\_\_\_\_

Last Salary: \_\_\_\_\_ Reason for Leaving: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_ May we contact this person? \_\_\_\_\_

Supervisor's Title: \_\_\_\_\_ Supervisor's Phone: \_\_\_\_\_

Primary Responsibilities: \_\_\_\_\_

\_\_\_\_\_

## Equal Employment Opportunity Survey

To All Applicants:

The information request on this sheet regarding race, sex, and gender is needed to analyze and assure compliance with State and Federal Equal Employment Opportunity Laws and to meet the reporting requirements of those laws. Your cooperation in voluntarily giving this information is important to the success of our Equal Employment Opportunity Programs.

This Application Identification Sheet will be detached and kept separate from your application. It is not to be used in hiring or interviewing. It will be available only to authorized personnel for research and evaluation purposes. Refusing to provide this information will not subject you to adverse treatment.

This information is sought not for employment decisions, but for record keeping in compliance with Federal Law.

NAME: \_\_\_\_\_

JOB POSITION: \_\_\_\_\_

DATE COMPLETED: \_\_\_\_\_

SEX:

Please check one of the options below.

☐ Male

☐ Female

☐ PREFER NOT TO SAY

GENDER:

Which of the following do you identify as (Please check one of the options below.)

☐ Male

☐ Female

☐ Gender neutral

☐ PREFER NOT TO SAY



RACE/ETHNICITY:

Please check one of the descriptions below corresponding to the ethnic group with which you identify.

☐ Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

☐ White (Not Hispanic or Latino): A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

☐ Black or African American (Not Hispanic or Latino): A person having origins in any of the black racial groups of Africa.

☐ Native Hawaiian or Pacific Islander (Not Hispanic or Latino): A person having origins in any of the peoples of Hawaii, Guam, Samoa or other Pacific Islands.

☐ Asian or Asian American (Not Hispanic or Latino): A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

☐ American Indian or Alaska Native (Not Hispanic or Latino): A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

☐ Two or more races (Not Hispanic or Latino): All persons who identify with more than one of the above five races.

☐ I do not wish to disclose.

## Appendix B: Title VI Assurances

The Fargo-Moorhead Metropolitan Council of Governments (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

### Statutory/Regulatory Authorities

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

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

### General Assurances

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

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration."*

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

### Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Fargo-Moorhead Metropolitan Council of Governments 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:
  - f. 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
  - g. 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 Fargo-Moorhead Metropolitan Council of Governments 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. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Fargo-Moorhead Metropolitan Council of Governments) 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 Fargo-Moorhead Metropolitan Council of Governments, 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.

---

Jenny Mongeau  
Chair, Metro COG Policy Board

---

Date

Attachments: Appendices I and II



# Fargo-Moorhead Metropolitan Council of Governments

## Appendix I 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 Nondiscrimination 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.

# Fargo-Moorhead Metropolitan Council of Governments

## Appendix II 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).



## Appendix C: Title VI Complaint Investigation Procedures

Metro COG uses the following detailed, internal procedures for prompt processing of all Title VI complaints received directly by it. These procedures include, but are not limited to:

1. Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with Metro COG. **Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of Metro COGs programs for it to be considered and processed as an allegation of a discriminatory practice.**
2. The complaint must be filed, in writing, no later than 180 calendar days after the date of **the alleged discrimination. Metro COG's Title VI Complaint Form** must be used. (See Appendix C).
3. The complaint may also be filed with the U. S. Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE (S-33), Washington, D.C. 20590. The complaint must be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary, U. S. Department of Transportation.
4. Immediately, upon receipt of a Title VI complaint, Metro COG determines a course of action. Possible courses of action include:
  - a. Title VI complaints filed against Metro COG are referred to the North Dakota Department of Transportation (NDDOT) for processing. NDDOT notifies the Federal Highway Administration (FHWA) Division Office of the complaint.
  - b. Title VI complaints filed against Metro COG recipients and subrecipients (e.g., contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.) are processed by Metro COG in accordance with FHWA approved complaint procedures, as required under 23 Code of Federal Regulations Part 200. NDDOT is available to provide assistance.
    - i. A copy of the complaint, together with a copy of **Metro COG's report of the investigation and recommendations**, are forwarded to the FHWA Division Office within sixty (60) days of the date the complaint was received by Metro COG.
    - ii. **A copy of the complaint, together with a copy of Metro COG's report of the investigation and recommendations**, are provided to NDDOT, Local Government Division, 608 East Boulevard, Bismarck, ND 58505-0700, for informational purposes only.
    - iii. The FHWA Headquarters Office of Civil Rights makes the final agency decision.

5. Metro COG reviews and determines the appropriate action regarding every complaint. Metro COG will recommend to the FHWA Division Office, with a copy to NDDOT, not to proceed with or continue a complaint investigation if:
  - a. The complaint is, on its face, without merit.
  - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
  - c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.
6. If an investigation is to be initiated, Metro COG determines the method of investigation and who will conduct the investigation.
7. The entire investigation process, including the submission of the final report of the investigation and recommendations to the FHWA Division Office, with a copy to NDDOT, is to be carried out in a period not to exceed sixty (60) calendar days from the date the original complaint was received by Metro COG.
8. Metro COG acknowledges receipt of the allegation(s) within ten (10) working days. The complainant is notified of the proposed action to be taken to process the allegation(s). The notification letter contains:
  - a. The basis for the complaint.
  - b. A brief statement of the allegation(s) over which Metro COG has jurisdiction.
  - c. A brief statement of Metro COG jurisdiction over the recipient to investigate the complaint; and
  - d. An indication of when the parties will be contacted.

Depending on the nature of the complaint, the complaint will be referred to the following for final decision:

- i. Federal Highway Administration (FHWA)
  - ii. U.S. Department of Justice
9. Metro COG also notifies the FHWA Division Office and/or FTA Region 8 Office, with a copy to NDDOT, within ten (10) calendar days of receipt of the allegations. The following information is included in the notification to FHWA:
    - a. Name, address, and phone number of the complainant.
    - b. Name(s) and address(es) of persons alleged to have been involved in the act.
    - c. Basis of alleged discrimination (i.e., race, color, sex, age, national origin, disability/handicap, or income status).
    - d. Date of alleged discriminatory act(s).
    - e. Date complaint was received by Metro COG.
    - f. Brief statement concerning the nature of the complaint.
    - g. Other agencies (federal, state, or local) with which the complaint has been filed.

- h. An explanation of the actions Metro COG proposes to take to resolve the issues raised in the complaint.
- 10. The investigation consists of an in-depth, personal interview with the complainant(s). Information gathered in this interview includes, but is not limited to:
  - a. Identification of each complainant by race, color, sex, age, national origin, disability/handicap, or income status;
  - b. Name of the complainant;
  - c. A complete statement concerning the nature of the complaint, including names, dates, places, and incidents involved in the complaint;
  - d. The date the complaint was filed; and
  - e. Any other pertinent information the investigator(s) feels is relevant to the complaint.

The interview(s) is recorded, either on audio tape or by an investigator taking notes. The investigator(s) arranges for the complainant to read, make necessary changes to, and sign the interview transcript or interview notes.

- 11. Following the interviews, the investigator(s) develops a report of the investigation and recommendations based on the facts. The report contains the investigator's(s'):
  - a. Findings;
  - b. Conclusions concerning each issue raised in the complaint; and
  - c. Recommendations for corrective action.

The report is the last document prepared by the investigator(s). Any other actions taken **as a result of the investigator's(s') findings and conclusions are the responsibility of Metro COG management.**

- 12. The complainant receives a letter from Metro COG detailing the findings and any recommendations for corrective action to be taken based on the facts. All issues in the complaint are addressed. The complainant is informed that the FHWA Headquarters Office of Civil Rights makes the final determination.
- 13. Metro COG forwards the report of the investigation and recommendations to the FHWA Division Office, with a copy to NDDOT. Included with the report is
  - a. A copy of the complaint;
  - b. Copies of all documentation pertaining to the complaint;
  - c. The date the complaint was filed;
  - d. The date the investigation was completed; and
  - e. Any other pertinent information.

- 14. The FHWA Office of Civil Rights makes the final agency decision.

## Appendix D: Title VI Complaint Form

Form is on the following page





## TITLE VI / ADA COMPLAINT FORM

## PART I - COMPLAINANT INFORMATION [Print all items legibly.]

Name		Telephone
Street Address/P.O. Box		Email Address
City	State	Zip Code

## PART II - CAUSE OF DISCRIMINATION BASED ON [Check all appropriate box(es).]

- ☐ Race
 ☐ Color
 ☐ National Origin
 ☐ Limited English Proficiency
- ☐ Sex
 ☐ Age
 ☐ Disability
 ☐ Income Status

## PART III - THE PARTICULARS ARE:

Include names, dates, places, and incidents involved in the complaint.

[If additional space is needed, attach extra sheet(s).]


## PART IV - REMEDY SOUGHT [State the specific remedy sought to resolve the issues(s).]


## PART V - VERIFICATION

Complainant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**POSTED AT:** Fargo-Moorhead Metropolitan Council of Governments: 1 - 2<sup>nd</sup> Street N #232, Fargo, ND 58102  
 Case Plaza Lobby: 1 - 2<sup>nd</sup> Street N, Second Floor, Fargo, ND 58102 just outside the elevator.

## 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 Metro COG'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 groups(s) of persons shall, on the grounds of race, color, national origin, sex, age, national origin, 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 Metro COG. Members of the public, external applicants for employment, or groups(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 Metro COG'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  
Metro COG  
Attn: Title VI / ADA Coordinator  
1 - 2<sup>nd</sup> Street N #232  
Fargo, ND 58102  
  
(701) 532-5103, 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.

**POSTED AT: Fargo-Moorhead Metropolitan Council of Governments: 1 - 2<sup>nd</sup> Street N #232, Fargo, ND 58102  
Case Plaza Lobby: 1 - 2<sup>nd</sup> Street N, Second Floor, Fargo, ND 58102 just outside the elevator.**

## Appendix E: Title VI Complaint Log

Form is on the following page

## Title VI Complaint Log

The first line of the table, shaded in yellow, is an example of how to fill in the table when / if a complaint is received.

EXAMPLE

Name of Complainent		Date Requested		Basis of Complaint (race, sex, color, age, national origin, disability, limited English proficiency, income status)	Additional information regarding Complaint	Metro COG Response		
First Name, Last Name Address Phone Email	Year	Month/ Day	Action			Status (Active, pending comment, closed)	Date Complaint Closed	
John Doe 1234 This Town Rd Small Town, XX #####  xxx-xxx-xxxx  xxxxxx@blahblah.com	YYYY	MM/DD	Race		Translated document in entirety	Active	MM/DD/YYYY	

\*As of December 2019, no Discrimination Complaints been received.



## Appendix F: Title VI Training and Certificate of Completion

Forms are on the following pages

## 2019 TITLE VI TRAINING AND CERTIFICATE OF COMPLETION

As a direct recipient of federal assistance, the North Dakota Department of Transportation (NDDOT) is required to comply with Title VI laws, related statutes, and regulations. It is necessary that any agency receiving federal and/or state financial assistance from NDDOT receive training on U.S. Department of Transportation (DOT) and Federal Highway Administration (FHWA) Title VI laws and regulations on an annual basis.

As a sub-recipient of NDDOT's federal funds, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is required to comply with Title VI and related nondiscrimination laws and regulations. Employees of Metro COG are required to complete one hour of Title VI training each year.

Metro COG employees shall review the following modules in order to fulfill their Title VI training requirements for 2019:

- **MODULE I** (approximately 6 minutes): [https://www.youtube.com/watch?v=MU\\_SfdA6E5w](https://www.youtube.com/watch?v=MU_SfdA6E5w)  
Created by the US Department of Justice several years ago, this video provides a brief overview of Title VI and has appropriate closed captioning.
- **MODULE II** (approximately 26 minutes): <https://www.youtube.com/watch?v=90uNM-aZwdI>  
Created by the US Department of Justice several years ago, this video provides an extended overview of Title VI.
- **MODULE III** (approximately 24 minutes): <https://www.youtube.com/watch?v=RPCIqDtRUkA>  
Created in 2010 by the US Office for Civil Rights, US Department of Health & Human Services, this video explains Title VI, Limited English Proficiency (LEP), and the use of interpreters.
- **MODULE IV** (approximately 6 minutes): <https://www.youtube.com/watch?v=mL-R1-WoLAc>  
Created by the Federal Highway Administration, this video provides an overview of Title VI program requirements for local public agencies

**Declaration of Employee:** I completed annual Title VI training on \_\_\_\_\_ (date) as required by the Fargo-Moorhead Metropolitan Council of Governments and the North Dakota Department of Transportation.

Printed Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix G: Title VI Training Log for Employees

[illegible]

## Appendix H: Public Participation Sign-in Sheet

Form is on the following page



# SIGN-IN SHEET

North Dakota Department of Transportation, Civil Rights  
SFN 59531 (5-2018)

Page \_\_\_\_ of \_\_\_\_

Division/District/Consultant		
Meeting Location	Meeting Type	Meeting Date
Project Number		PCN
Project Description		

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address		Telephone Number	

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address		Telephone Number	

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address		Telephone Number	

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address		Telephone Number	

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address		Telephone Number	

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address		Telephone Number	

Name (Please print)	Title/Representing		
Address	City	State	ZIP Code
Email Address		Telephone Number	

## Appendix I: Public Participation Survey

Form is on the following page



## Appendix J: Limited English Proficiency Plan



Document starts on the following page.



## Appendix K: Federal Clauses

Form is on the following page



To: Policy Board  
From: Cindy Gray, Executive Director  
Date: January 9, 2020  
Re: United Way Workforce Transportation Project - TapRide Service Update

In June 2019, the City of Fargo approved the United Way Workforce Transportation Project, a request by the United Way of Cass-Clay and MATBUS to collaboratively provide public transportation for employees working in the Fargo Industrial Park. Transportation services began in August 2019 through TapRide, an on-demand technology platform provided by MATBUS that allows riders to receive "curb-to-curb rides" via access to existing main MATBUS systems. This service is intended to address a long-standing need to eliminate a significant transportation barrier to the Industrial Park, and empower more than 40 employers to attain and maintain employees.

Ahmid Shiil, United Way of Cass-Clay Community Impact Manager, will speak briefly about the experience and level of use over the first few months of the United Way Workforce Transportation Project and TapRide service.

Requested Action: None