

The 609th Policy Board Meeting Fargo-Moorhead Metropolitan Council of Governments THURSDAY, December 15, 2022 – 4:00 p.m.

AGENDA

1. Call to Order and Introductions
 - a. Introductions Information Item
 - b. Approve Order and Contents of the Overall Agenda Action Item
 - c. Approve Minutes of the November 17, 2022 Board Meeting Action Item
 - d. Approve December 2022 Bills Action Item
2. Consent Agenda **Action Item**
 - a. November End of Month Report
 - b. 2023-2024 NDDOT MPO Contract Agreement
 - c. Transit Section 5310/5339 Grant Applications
 - d. Metro COG 2023 Meeting Schedule
 - e. Approval of Accountant Selection
 - f. Staff Promotion – Ari Del Rosario, AICP to Associate Planner
3. Regular Agenda
 - a. Public Comment Opportunity Public Input
 - b. Public Participation Plan Update **Action Item**
 - c. 2023-2026 Transportation Improvement Program Amendment #2 **Action Item**
 - d. 2021-2022 UPWP Amendment #7 **Action Item**
 - e. 2023-2024 UPWP Amendment #1 **Action Item**
 - f. Electric Vehicle Readiness Study Information Item
 - g. 2023 Employee Salary Adjustment **Action Item**
 - h. Summary of Benefits Presentation Information Item
4. Additional Business Information Item
5. Adjourn

REMINDER: The next Metro COG Policy Board Meeting will be held Thursday, January 19, 2023 at 4:00 p.m.

Metro COG is encouraging citizens to provide their comments on agenda items via email to leach@fmmetrocog.org. To ensure your comments are received prior to the meeting, please submit them by 8:00 a.m. on the day of the meeting and reference which agenda item your comments address. If you would like to appear via video or audio link for comments or questions on a regular agenda or public hearing item, please provide your e-mail address and contact information to the above e-mail at least one business day before the meeting.

For Public Participation, please REGISTER with the following link:

https://us02web.zoom.us/webinar/register/WN_9VzfU8kR6S-vc-M-9Owzw

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.

**608th Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
Thursday, November 17, 2022 – 4:00 pm**

Members Present:

Matthew	Gilbertson	Moorhead City Council
Chuck	Hendrickson	Moorhead City Council
Steve	Lindaas	Moorhead City Council
Jenny	Mongeau	Clay County Commission
Julie	Nash	Dilworth City Council
Brad	Olson	West Fargo City Commission
Dave	Piepkorn	Fargo City Commission
Mary	Scherling	Cass County Commission
Rocky	Schneider	Fargo Planning Commission
Scott	Stofferahn	Fargo Planning Commission
Jeff	Trudeau	Horace City Council
Bob	Walton	NDDOT – Fargo District (ex-officio)

Members Absent:

Amanda	George	West Fargo City Commission
John	Gunkelman	Fargo Planning Commission
Denise	Kolpack	Fargo City Commission
Arlette	Preston	Fargo City Commission
John	Strand	Fargo City Commission
Maranda	Tasa	Fargo Planning Commission
Shiloh	Wahl	MnDOT – District 4 (ex-officio)

Others Present:

Adam	Altenburg	Metro COG
Paul	Bervik	Metro COG
Jaron	Capps	Metro COG
Ari	Del Rosario	Metro COG
Dan	Farnsworth	Metro COG
Cindy	Gray	Metro COG
Savanna	Leach	Metro COG
Michael	Maddox	Metro COG
Aaron	Murra	NDDOT
Brent	Muscha	Apex Engineering

- 1a. MEETING CALLED TO ORDER, WELCOME, AND INTRODUCTIONS, convened**
The meeting was called to order at 4:00 pm, on November 17, 2022 by Chair Piepkorn, noting a quorum was present. Introductions were made.
- 1b. Approve Order and Contents of Overall Agenda, approved**
Chair Piepkorn asked for approval for the overall agenda.

MOTION: Approve the contents of the Overall Agenda of the November 17, 2022 Policy Board Meeting.

**Mr. Hendrickson moved, seconded by Mr. Lindaas
MOTION, passed
Motion carried unanimously.**

1c. Past Meeting Minutes, approved

Chair Piepkorn asked for approval of the Minutes of the October 20, 2022 Meeting.

**MOTION: Approve the October 20, 2022 Policy Board Meeting Minutes.
Mr. Lindaas moved, seconded by Ms. Nash
MOTION, passed
Motion carried unanimously.**

1d. Monthly Bills, approved

Chair Piepkorn asked for approval of the November 2022 Bills as listed on Attachment 1d.

**MOTION: Approve the November 2022 Bills List.
Ms. Nash moved, seconded by Mr. Olson
MOTION, passed
Motion carried unanimously.**

2. CONSENT AGENDA

Chair Piepkorn asked for approval of Items a-e on the Consent Agenda.

- a. October Month End Report
- b. Cass-Clay Food Commission Contract 2023
- c. ATAC Addendum for 2023 Intersection Data Collection & Reporting
- d. 2023 Health/Vision/Dental Insurance Contract with BCBSND
- e. MnDOT 2023 Agreement

**MOTION: Approve Items a-e on the Consent Agenda.
Mr. Olson moved, seconded by Ms. Nash
MOTION, passed
Motion carried unanimously.**

3. REGULAR AGENDA

3a. Public Comment Opportunity

No public comments were made or received.

3b. Draft Transportation Improvement Program 2023-2026 Amendment

Mr. Bervik presented Amendment #1 to the 2023-2026 Transportation Improvement Program (TIP). The proposed amendment to the 2023-2026 TIP reflects a modified federally funded project within the Metropolitan Planning Area (MPA).

A public notice was published in The Forum of Fargo-Moorhead on Wednesday, November 2, 2022, which advertised the public meeting, detailed how to request more information, and provided information on how to make public comment regarding the proposed amendment. The public notice advertised

that all public comments will be accepted until 12:00 p.m. (noon) on Thursday, November 17, 2022.

The proposed amendment to the 2023-2026 TIP is as follows:

1. Modification of Project 3220008: City of West Fargo construction of shared use path at Eaglewood and the Lights (2023). The project year shifted from 2024 to 2023 and the project cost increased by 51%.
2. Modification of Project 4220003: City of Fargo construction of a shared use path at Bison Village (2023). Total project cost and associated funding breakdown is being increased by 9.4% to match what was approved by the Policy Board in June of 2022.
3. Modification of Project 5200003: Moorhead Transit Operating Assistance. Total project cost decrease by 6.8%. Addition of Federal share. Decrease to state and local share. (2023)
4. Modification of Project 5220032: Moorhead Transit Paratransit Operating Assistance. Total project cost increase by 19.1%. Addition of Federal share. Decrease to state and local share. (2023)
5. Modification of Project 8200011: MNDOT rehabilitation of Minnesota Project will consist of partial reconstruct, mill and overlay, shared use path, and ADA improvements. Total project cost and associated funding breakdown is being reduced by 7.9% to become consistent with the Minnesota State Transportation Improvement Plan (MN STIP).
6. Modification of Project 8230002: City of Moorhead preliminary engineering for new underpass under BNSF railroad in Moorhead (2023). The project description is being updated to match the Minnesota State Transportation Improvement Plan (MN STIP).
7. Modification of Project 9191007: NDDOT I-94 east-bound storm sewer and stormwater lift station (2023). Project changed years from 2024 to 2023.
8. New Project 4231001: City of Fargo reconstruction of the 12th Avenue North and 15th Avenue North Moorhead bridge over the Red River (2023).
9. New Project 8231001: MNDOT districtwide safety improvements (local HSIP) edgeline striping (2023).
10. New Project 8231002: MNDOT districtwide living snow fence installation (2023) (CRRSAA).
11. New Project 9231001: NDDOT rehabilitation of three structures along the Rose Coulee (2025). Deck overlay, bridge rail retrofit, approach slab repair, spall repairs, and erosion repair.

12. New Project 9231002: NDDOT rehabilitation of I-94 frontage road bridge 4 miles east of ND18 (2025). Deck overlay, bridge rail retrofit, approach slab repair, spall repairs, and erosion repair.
13. New Project 9231003: NDDOT statewide pavement marking (2023).
14. New Project 9231004: NDDOT signal revision in West Fargo at the intersection of 9th Street East/Veterans Boulevard and I-94 (2025).
15. New Project 9231005: NDDOT reconstruction of the Lynchburg interchange 3 miles west of ND18 (2025).
16. New Project 9231006: NDDOT rehabilitation chip seal of US-81 from Dakota Drive to I-29 (2023).

Chair Piepkorn asked if the revised numbers reflect the increase in cost. Mr. Maddox said that some projects reflected revised actual costs, and some projects had a change in local match, and some allocations were revised in both transit and road projects.

Chair Piepkorn opened the meeting for any public comments. No public comments were received.

MOTION: Approve Amendment #1 of the Metro COG 2023-2026 Transportation Improvement Program (TIP).

Mr. Lindaas moved, seconded by Ms. Nash.

MOTION, passed

Motion carried unanimously.

3c. Transportation Alternatives 2024-2025 Project Selection

Mr. Farnsworth presented the Transportation Alternatives 2024-2025 Project Selections and scoring. A total of seven applications were received by the October 31st deadline. At the November 9th Bicycle & Pedestrian Committee meeting, the applications were scored, ranked, and assigned TA funding accordingly. The scoring, ranking, and funding was then brought to the Transportation Technical Committee (TTC) on November 10th where the TTC recommended Policy Board approval.

Below is a description of each project as well as the score and recommended funding per project. This includes the scoring matrix as well as the TA application funding table as vetted through the Bicycle & Pedestrian Committee and TTC.

City of Fargo – Connecting the Trails Path Project - Drain 27 Crossing at Timberline

The City of Fargo is seeking funding to construct a shared use path and crossing over Drain 27 which would connect the Oak Creek neighborhood to the Timberline/Fox Run neighborhood. The project would connect the south end of the Milwaukee Trail to the trail network on the west side of Drain 27. By connecting the trails, a continuous trail system would be achieved in south Fargo. The crossing of Drain 27 would be a low-level culvert.

- Evaluation scoring: 35 points
- Funding:
 - Total construction cost: \$875,045
 - **Recommended TA funding (FY 2025): \$700,036 (80%)**

- o Local match: \$175,009 (20%)

City of Fargo – Red River Shared Use Path – Phase 2 – 35th Ave S to 40th Ave S

The City of Fargo is seeking funding to construct a shared use path that will run along the Red River between 35th Ave S and 40th Ave S (0.79 miles in length). This project would be phase 2 of an overall path system running from Harwood Dr to 40th Ave S. Phase 1 (Harwood Dr. to 35th Ave S) of the of the project has been awarded funding for fiscal year (FY) 2023.

- Evaluation scoring: 40 points
- Funding:
 - o Total construction cost: \$739,941
 - o FY 2024
 - **Recommended TA funding: \$352,649 (48%)**
 - Local match: \$88,162
 - o FY 2025
 - **Recommended TA funding: \$144,134 (19%)**
 - Local match: \$36,033

City of Fargo – Red River Shared Use Path – VA to Park Lane

The City of Fargo is seeking funding to construct a shared use path that would connect the Woodlawn neighborhood to the Woodcrest neighborhood with the path running along the Red River. The alignment of the path would begin on the south edge of the VA Hospital property (18th Ave N) and would run north behind the floodwall adjacent to the VA hospital and terminate at Park Lane. The project would be approximately 0.95 miles in length.

- Evaluation scoring: 30 points
- Funding:
 - o Total construction cost: \$840,508
 - o **Recommended TA funding: \$0**

City of Fargo – Drain 27 & Deer Creek Shared Use Path

The City of Fargo is seeking funding to construct a shared use path that would connect the Deer Creek neighborhood with the existing path network north of 52nd Ave S. The alignment of the path would begin at 52nd Ave S and be constructed on a shelf following the alignment of Drain 27, and would connect to the existing path at 63rd St across from the Deer Creek Elementary School.

- Evaluation scoring: 30 points
- Funding:
 - o Total construction cost: \$848,206
 - o **Recommended TA funding: \$0**

City of Horace – County Rd 17 Shared Use Path Phase 4

The City of Horace is seeking to construct a shared use path along the west side of County Rd 17 from 64th Ave S to 68th Ave S (approximately 0.3 miles in length). The path would terminate to the south at 68th Ave S at the existing Westwood Park. At this time the shared use path will terminate without an immediate connection. However, the City of Horace expects the parcel to the south to develop in the near future.

- Evaluation scoring: 20 points
- Funding:
 - o Total construction cost: \$433,090
 - o **Recommended TA funding: \$0**

City of Horace – County Rd 17 Shared Use Path Phase 5

The City of Horace is seeking to construct a shared use path along the east side of County Rd 17 from the existing crosswalk directly north of the 3rd Ave N and CR 17 "T" intersection to 81st Ave S (approximately 0.45 miles in length). The path will provide pedestrian access from 81st Ave S to the existing crosswalk at 3rd Ave N, which leads to Horace Elementary School. In addition, this project will eliminate path that extends into an active commercial parking lot and instead route users onto this proposed path along CR 17.

- Evaluation scoring: 35 points
- Funding:
 - Total construction cost: \$590,140
 - **Recommended TA funding (FY 2024): \$472,112 (80%)**
 - Local match: \$118,028 (20%)

City of West Fargo – Sheyenne River Pedestrian Bridge

The City of West Fargo is seeking to construct a connection between the eastern portion of West Fargo and the western portion of West Fargo, south of I-94. This connection would entail a bridge over the Sheyenne River as well as shared use paths connecting the bridge to the adjacent neighborhoods and path network. Approximately 0.45 miles of path would be installed.

- Evaluation scoring: 30 points
- Funding:
 - Total construction cost: \$761,450
 - **Recommended TA funding: \$0**

MOTION: Approve the TA project scoring, ranking, and associated funding as vetted through the Metropolitan Bicycle & Pedestrian Committee and Transportation Technical Committee (TTC).

Mr. Trudeau moved, seconded by Ms. Nash.

MOTION, passed

Motion carried unanimously.

3d. STBG Solicitation Release

Mr. Maddox presented information on the solicitation release of the Surface Transportation Block Grant (STBG). Metro COG is opening a solicitation for projects that intend to use Surface Transportation Block Grant (STBG) program funds. The agency will be accepting projects for federal fiscal years 2026 and 2027. FY2026 was not fully programmed at the development of the FY2023-2026 TIP cycle.

Metro COG has programmed its expected suballocation in fiscal years 2024 and 2025. Currently Metro COG is overprogrammed in FY2025 with the City of Fargo 36th Street at Rose Coulee project (\$307,534 federal) and the City of West Fargo 9th Street E project (\$9,600,000 federal).

As previously discussed, Metro COG will not become a Transportation Management Area (TMA) in FY2023 due to the final census urban area population data being unavailable. Metro COG and NDDOT have been discussing the ramifications of this delay.

NDDOT has confirmed with Metro COG that funding in FY2023 going toward the City of Fargo's 52nd Avenue South project will change as far as how the funding

is being pulled together, but total amount of federal funding and the status of the project will not be affected. This consists of a total of \$9,000,000 in federal funds (\$5M FY2022 and \$4M FY2023). Instead of coming from the metro area's direct suballocation as a TMA, the \$4M in FY2023 funds will come from the STBG category referred to as Urban Roads, which is allocated between the MPO cities throughout the state (Fargo-West Fargo-Horace, Bismarck-Mandan and Grand Forks), totals only \$8.4M. NDDOT does not anticipate funding for our chosen Transportation Alternatives (TA) projects to be affected.

The 42nd Street/I-94 structure rehab project is expected to be rescheduled due to a) the need for NDDOT to carry out further internal coordination and coordination with the City of Fargo regarding the project, and b) the TMA status impact. NDDOT has informed Metro COG that Phase 2 of 32nd Avenue South (Project #4210002: 25th to University Drive) will lose approximately \$4.4M in federal FY2023 funding due to the delay in the TMA designation. In order to recoup federal funding on that project, the City of Fargo may elect to use Advance Construction (AC) to pull funding from FY2026 or FY2027 through this solicitation.

3e. 2050 Demographic Forecast

Mr. Altenburg presented the 2050 Demographic Forecast update. Metro COG develops demographic forecasts for the Fargo-Moorhead metropolitan area every five years as part of its long-range transportation planning process. Demographic forecasts developed by Metro COG are used to revise and update the region's Travel Demand Model (TDM).

The 2050 Baseline Demographic Forecast includes socioeconomic factors from the 2017 Demographic Forecast Study, the most recently completed study for the metro area. The study also set out a framework for two unique growth scenarios based primarily on trend variables (cohort age structures, industry labor distribution), dynamic variables (birth rates, death rates, migration), and constants (housing to demographic relationships, labor force participation rates, gender ratio). Population, household, and employment forecasts from these scenarios are provided in five-year increments, from 2025 through 2050.

Two projection scenarios were created: a "Most Likely" forecast which outlines a baseline projection, and a "High Growth" scenario which outlines a fast-growing situation in the metropolitan area. These scenarios were created by manipulation of the birth, death, and migration rates that underpin the forecast model.

It is Metro COG's suggestion to adopt the "Most Likely" scenario rather than the "High Growth" scenario for use in the TDM.

Chair Piepkorn asked if this presentation could be made at the jurisdictions' respective commission/council meetings, as this is a useful tool and good information to be disseminated. Ms. Nash asked if a one-page summary could be shared, and Mr. Olson asked if the power point slides could be shared as well.

MOTION: Approve the 2050 Baseline Demographic Forecast and selection of the “Most Likely” growth scenario for use within Metro COG’s transportation planning process.

Mr. Lindaas moved, seconded by Mr. Olson

MOTION, passed

Motion carried unanimously.

3f. 2022 Metro Profile

Mr. Del Rosario presented the 2022 Metropolitan Profile (Metro Profile). The report is split into five sections (community profile, roadways, freight, bike & ped and transit) with metrics to be continually tracked in the future to reveal larger trends.

Chair Piepkorn also encouraged the agency to share this information at the jurisdictions’ respective commission/council meetings.

MOTION: Approve the final draft of the 2022 Metropolitan Profile.

Ms. Nash moved, seconded by Mr. Trudeau

MOTION, passed

Motion carried unanimously.

4. Additional Business

Ms. Gray shared that the UGPTI will be submitting an application for a SMART (Strengthening Mobility and Revolutionizing Transportation) Cities Grant.

This first phase of the grants is for studying/planning only, and if successful, would establish eligibility for a phase 2 grant for implementation. The project is described in the letter, and is aimed at using technology to better manage traffic and prevent/resolve congestion in our metro area, and in Grand Forks/EGF as well. It would be tied to the I-29 SMART Corridor project already underway through a RAISE grant secured by NDDOT.

Metro COG and the GF/EGF MPO are going in as minor partners in the grant, so, if successful, we would also get some funds. My request for Metro COG is approximately \$46,000. The leadership at UGPTI have asked for a letter of support from Metro COG on this.

MOTION: Support Metro COG’s participation in the SMART Cities Grant Application with UGPTI.

Mr. Linaas moved, seconded by Ms. Nash

MOTION, passed

Motion carried unanimously.

Ms. Gray said that the Greater Northwest Rail Coalition and AllAboardMN have asked for an expression of interest to study the corridor.

Ms. Gray asked the board if they would like to reschedule the December Policy Board meeting, as it will coincide with the Diversion Authority’s meeting. This usually poses an uncertainty in achieving a quorum. The December Policy Board meeting usually includes important agenda items that will need to be approved,

so ensuring a quorum is necessary. Chair Piepkorn said that this is always a busy time of year, and does not think that moving the meeting would be fruitful.

5. Adjourn

The 608th Meeting of the FM Metro COG Policy Board held Thursday, November 17, 2022 was adjourned at 5:13 pm.

THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD December 15, 2022, 4:00 P.M.

Respectfully Submitted,

Savanna Leach
Executive Assistant

To: Metro COG Policy Board
From: Cindy Gray, AICP
Date: December 9, 2022
Re: **2023-2024 UPWP Contract between Metro COG and NDDOT**

Every two years, Metro COG and NDDOT enter into a new contract. The contract coincides with our new UPWP, which was recently approved by the Policy Board, NDDOT, MnDOT, FHWA, and FTA. The contract is standard, and is very similar to past contracts.

During the tenure of this contract, we will become a Transportation Management Area. Most of the changes that have to do with that status were addressed in the financial agreement we entered into earlier this year. The MPO responsibilities outlined in this agreement will not change. NDDOT will still be our oversight agency and will still ensure we are fulfilling our responsibilities and properly using our consolidated planning grant funds. This agreement lays out our responsibilities in that regard.

At their December 9th meeting, the Executive Committee recommended approval of the contract with NDDOT. If not approved and executed before the end of the year, we would need to shut down until the contract is approved.

Requested Action: Approval of the 2023-2024 UPWP Contract between FM Metro COG and NDDOT.

MEMO TO: Ronald J. Henke
Director

FROM: Wayne A. Zacher, P.E.

DATE: 12/06/2022

SUBJECT: 38221622: Fargo-Moorhead Metro COG 2023-2024 UPWP Contract

This is the two-year contract between NDDOT and Fargo-Moorhead Metropolitan Council of Governments. This contract coincides with the COG's two-year Unified Planning Work Program.

This is a standard contract; no one-time changes were necessary.

If there are any questions, contact Wayne Zacher at (701)328-4828.

Contract Routing:

Stacey Hanson;

Paul Benning;

Shannon Sauer;

Cindy Gray, MPO Executive Director;

MPO Policy Board Chairperson,

MPO Witness;

Wayne Zacher;

Clint Morgenstern;

NDDOT DDE, DDP, or Director???

Stacey Hanson

**North Dakota Department of Transportation
METROPOLITAN PLANNING ORGANIZATION AGREEMENT**

Federal Award Information – to be provided by NDDOT

CFDA No.: 20.205, 20.505

CFDA Title: Highway Planning & Construction, Metropolitan Transportation Planning & State & Non-Metropolitan Planning & Research

Award Name: Federal-Aid Highway Program

Awarding Federal Agency: Federal Highway Administration (FHWA), Federal Transit Administration (FTA)

Pass-through entity: North Dakota Department of Transportation (NDDOT)

NDDOT Program Mgr.: Zacher, Wayne A. Telephone: 701-328-4828

Subrecipient/LPA Name:

Subrecipient DUNS No.:

Federal Award Identification No. (FAIN):

Federal Award Date:

Subaward Period of Performance Start & End Date:

Subaward Budget Period Start & End Date:

Amount of Federal Funds Obligated by this action: \$

Total Amount of Federal Funds Obligated: \$

Total Federal Award: \$

Federal Award Project Description:

Research and Development Activities:

Indirect Cost Rate (ICAP):

Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

**Entity: Fargo-Moorhead Metropolitan Council of Governments
Description: Unified Planning Work Program
Duration: 2023-2024**

This agreement is entered into by and between the State of North Dakota, acting through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and Fargo-Moorhead Metropolitan Council of Governments, hereinafter referred to as the Contractor, whose address is Case Plaza Suite 232, One Second Street North, Fargo, North Dakota, 58102.

WHEREAS, Federal Law 23 U.S.C., Section 104, has provided Section 5303 and Section 5304 Federal Transit Administration (FTA) and PL Federal Highway Administration (FHWA) funding hereinafter referred to as Consolidated Planning Grant (CPG) funds, for the purpose of transportation planning in urbanized areas to be administered by NDDOT, and

WHEREAS, the Contractor has been designated by the Governor of North Dakota as an eligible recipient of CPG funds, and

WHEREAS, the Contractor has prepared and approved a Unified Planning Work Program (UPWP) in accordance with the guidelines set forth by the FHWA and FTA for utilization of available CPG funds.

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, NDDOT and the Contractor agree as follows:

Scope of Work: The Contractor shall perform those tasks and activities as outlined in the Contractor's UPWP and approved by NDDOT, FHWA, and FTA, a copy of which is attached hereto and made a part hereof. The Contractor shall follow NDDOT policies and procedures, as outlined in the NDDOT Local Government Manual, in the completion of the Contractor's UPWP.

Period of Performance: The period of performance will be from January 1, 2023 to December 31, 2024. NDDOT will notify the Contractor of the commencement date by letter.

Costs: NDDOT shall reimburse the Contractor 80 percent of all eligible costs as presented in the budget section of the UPWP, up to the maximum amount stated. The Contractor shall provide the remaining 20 percent and all cost overruns from non-federal funds. Budget transfers among cost categories shall comply with 2 CFR 200. The Contractor shall provide monthly billing to NDDOT. To be eligible, costs must be limited to those costs that are allowed under federal regulations (2 CFR 200), and must be submitted within 60 days of the termination of this agreement. Reimbursement will be predicated on availability of federal funds.

Payments: The Contractor will make all contract payments. No costs will be incurred by NDDOT for this project. NDDOT will reimburse the Contractor for the federal aid eligible amount. Payment will be made upon receipt of the Contractor's request for reimbursement.

Terms Extending Beyond Biennium: Payments by NDDOT beyond the current state biennium shall be contingent on sufficient funds being appropriated by the federal government for NDDOT. In the event of insufficient appropriations, NDDOT may give a minimum of 30 days' notice to terminate this agreement/contract and have no further obligation to the Contractor.

Records: The Contractor shall maintain all accounting and project records NDDOT may require. Such records shall be made available to NDDOT and the federal government for inspection and audit during the agreement term and for three years after the closure of the consolidated planning grant, unless any litigation, claim, or audit is started before the expiration of the three years, in which case the records shall be retained until such action is satisfied.

Records Inspection: NDDOT, FHWA and FTA shall at all times during the agreement and for three years after closure of the consolidated planning grant be permitted to inspect the work and have access to all books, records, correspondence, instructions, receipts, vouchers, and memorandum pertaining to the work hereunder and copies thereof shall be furnished when requested.

Subcontracting: The Contractor shall not assign any portion of the work under this agreement, execute any contract, or obligate itself in any manner with a third party with respect to its rights and responsibilities to this agreement without written consent of NDDOT. Any agreement with a subcontractor does not create a contractual relationship between the NDDOT and the subcontractor.

Assignments: The Contractor shall not assign nor transfer the Contractor's interests or duties under this agreement without the express written consent of the state.

Procurement - Property Management: The Contractor shall adhere to 2 CFR 200 when procuring services, supplies, or equipment, which are incorporated into this agreement by reference and are available from NDDOT.

Termination:

- a. This contract may be terminated by mutual consent of both parties, or by either party upon 30 days' notice, in writing, and delivered by certified mail or in person.
- b. In addition, NDDOT may terminate this contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by NDDOT, under any of the following conditions:
 - i. If NDDOT funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of services. The contract may be modified by agreement of the parties in writing to accommodate a reduction in funds.
 - ii. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or

appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract;

- iii. If any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this contract is for any reason denied, revoked, or not renewed;

Any such termination of this contract under (i), (ii), or (iii), above, shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

- a. NDDOT, by written notice to the Contractor, may terminate the whole or any part of this agreement:
 - i. If the Contractor fails to provide services called for by this contract within the time specified herein or any extension thereof; or
 - ii. If the Contractor fails to perform any of the other provisions of this contract, or so fails to pursue the work as to endanger performance of this contract in accordance with its terms, and after receipt of written notice from NDDOT, fails to correct such failures within ten days or such longer period as NDDOT may authorize.

Amendments: The terms of this agreement shall not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by the parties.

Civil Rights: Appendices A and E of the Title VI Assurances, attached, are hereby incorporated into and made a part of this agreement.

Nondiscrimination – Compliance with Laws: The Contractor agrees to comply with all applicable laws and rules, including, but not limited to, those relating to nondiscrimination, accessibility, and civil rights.

Disadvantaged Business Enterprise: In the performance of this agreement, the Contractor shall cooperate with NDDOT in meeting its commitments and goals with regard to the maximum utilization of disadvantaged business enterprises, and will use its best efforts to ensure that disadvantaged business enterprises shall have the maximum practical opportunities to compete for subcontract work under this agreement. The Contractor shall comply with the requirements of 49 CFR Part 26.

The Contractor shall not discriminate on the basis of race, color national origin, or sex in the award and performance of any USDOT assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Contractor shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. NDDOT's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the

Contractor of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et. seq.)

The Contractor will include the following paragraph verbatim in any subcontracts they sign relative to this project:

The Contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the NDDOT deems appropriate.

Prompt Payment: Payment of invoices by the Contractor shall be within 20 days of Receipt, as required for NDDOT's DBE program.

Disability: The contractor shall ensure that no qualified disabled individual, as defined in 29 U.S.C. 794 and 49 C.F.R. Part 27 shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance under this agreement.

Audits: Audits must be in accordance with Subpart F, 2 CFR 200. The Contractor shall submit copies of audits covering the term of this agreement to NDDOT. This requirement is applicable to counties, cities, metropolitan planning organizations, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.

Conflicts of Interest: No official or employee of a state or any other governmental instrumentality who is authorized in his official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector, or other person performing services for a state or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest, other than his employment or retention by a state or other governmental instrumentality, in any contract or subcontract in connection with such project. No officer or employee of such person retained by a state or other governmental instrumentality shall have, directly or indirectly, any financial or other personal interest in any real property acquired for a project unless such interest is openly disclosed upon the public records of NDDOT and of such other governmental instrumentality, and such officer, employee, or person has not participated in such acquisition for and in behalf of the state.

Indemnification: The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.

Debarment Clause: The Contractor is advised that his or her signature on this agreement certifies that the company or any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.

Governing Law and Venue: Notwithstanding any rules regarding the choice of law or venue, it is agreed by the parties that this contract shall be governed by and construed in accordance with applicable federal law and the laws of the state of North Dakota, at the time this contract was executed. All disputes arising from this agreement shall be brought in the South Central District Court of the state of North Dakota.

Merger and Waiver: This agreement constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The Contractor, by the signature below of its authorized representative, hereby acknowledges that the Contractor has read this agreement, understands it, and agrees to be bound by its terms and conditions.

Ownership of Work Product: All work products and copyrights of the contract, which result from this contract, are the exclusive property of NDDOT, with an unlimited license for use by the federal government and its assignees without charge.

Notice: All notices, certificates, or other communications shall be sufficiently given when delivered or mailed, postage prepaid, to the parties at their respective places of business as set forth below or at a place designated hereafter in writing by the parties.

North Dakota Dept. of Transportation

Local Government Division

608 East Boulevard Avenue

Bismarck, ND 58505-0700

Additional Federal Clauses: The Contractor must comply with all provisions in Appendix B, which is attached and incorporated by reference herein.

EXECUTED the date last below signed.

WITNESS:

CONTRACTOR:

NAME (TYPE OR PRINT)

NAME (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

*

TITLE

DATE

APPROVED as to substance by:

NORTH DAKOTA DEPARTMENT OF
TRANSPORTATION:

LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)

DIRECTOR (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

DATE

* Policy Board Chairperson

CLA 1029 (Div. 38)
L.D. Approved 10-28-14; 1-22

CERTIFICATION OF LOCAL MATCH

It is hereby certified that the _____ will provide non-federal funds, whose source is identified below, as match for the amount the Contractor is obligated to pay under the terms of the attached agreement with the North Dakota Department of Transportation. The certified amount does not duplicate any federal claims for reimbursement, nor are the funds used to match other federal funds, unless expressly allowed by federal regulation.

Non-Federal Match Funds provided by Contractor. Please designate the source(s) of funds in the Contractor budget that will be used to match the federal funds obligated for this project through the North Dakota Department of Transportation.

Source:

Executed at _____, North Dakota, the last date below signed.

ATTEST:

APPROVED:

MPO (TYPE OR PRINT)

Contractor of _____

SIGNATURE

NAME (TYPE OR PRINT)

DATE

SIGNATURE

*

TITLE

DATE

*Policy Board Chairperson

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX A OF THE TITLE VI ASSURANCES**

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

1. Compliance with Regulations: The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. Information and Reports: The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the 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.

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPENDIX E OF THE TITLE VI ASSURANCES**

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures 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, 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.*).

Risk Management Appendix

Service Contracts with Private Individuals, Companies, Corporations, Etc.:

Contractor agrees to defend, indemnify, and hold harmless the state of North Dakota, its agencies, officers and employees (State), from and against claims based on the vicarious liability of the State or its agents, but not against claims based on the State's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by Contractor to the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the State is necessary. Contractor also agrees to defend, indemnify, and hold the State harmless for all costs, expenses and attorneys' fees incurred if the State prevails in an action against Contractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

Contractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability** and **automobile liability** insurance – minimum limits of liability required are **\$375,000 per person** and **\$1,000,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The State of North Dakota, its agencies, officers, and employees (State) shall be endorsed as an **additional insured** on the commercial general liability and automobile liability policies. The State of North Dakota shall have all the benefits, rights and coverages of an additional insured under these policies that shall not be limited to the minimum limits of insurance required by this agreement or by the contractual indemnity obligations of the Contractor.
- 4) Said endorsements shall contain a **“Waiver of Subrogation”** in favor of the state of North Dakota.
- 5) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

Contractor shall furnish a certificate of insurance evidencing the requirements in 1, 3, and 4, above to the undersigned State representative prior to commencement of this agreement.

The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time. Any attorney who represents the State under this contract must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08.

When a portion of a Contract is sublet, the Contractor shall obtain insurance protection (as outlined above) to provide liability coverage to protect the Contractor and the State as a result of work undertaken by the Subcontractor. In addition, the Contractor shall ensure that any and all parties performing work under the Contract are covered by public liability insurance as outlined above. All Subcontractors performing work under the Contract are required to maintain the same scope of insurance required of the Contractor. The Contractor shall be held responsible for ensuring compliance with those requirements by all Subcontractors.

Contractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the State. Any insurance, self-insurance or self-retention maintained by the State shall be excess of the Contractor's insurance and shall not contribute with it. The insolvency or bankruptcy of the insured Contractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Contractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the policy(ies) shall be the sole responsibility of the Contractor. This insurance may be in a policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The State will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Contractor in excess of the minimum requirements set forth above.

RM Consulted 2007
Revised 07-22



Federal Clauses

Equal Employment Opportunity Clause – 41 CFR 60-1.4(a) and 2 CFR Part 200 Appendix II (C)

41 CFR 60-1.4(a)

- (a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract): during the performance of this contract, the contractor agrees as follows:
- (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
 - (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
 - (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
 - (4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the secretary of labor.
 - (5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the secretary of labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the secretary of labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
 - (6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the secretary of labor, or as otherwise provided by law.

Appendix B

- (7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the secretary of labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the secretary of labor as a means of enforcing such provisions including sanctions for noncompliance: *provided, however*, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the united states to enter into such litigation to protect the interests of the United States.

2 CFR Part 200 Appendix II (C)

- (C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

Sanctions and Penalties for Breach of Contract – 2 CFR Part 200 Appendix II (A)

- (A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Termination for Cause and Convenience – 2 CFR Part 200 Appendix II (B)

- (B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

Rights to Inventions Made Under a Contract or Agreement – 2 CFR Part 200 Appendix II (F)

- (F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and

Appendix B

Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

Debarment and Suspension - 2 CFR Part 200 Appendix II (I)

- (I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), “Debarment and Suspension.” The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

Byrd Anti-Lobbying Amendment - 2 CFR Part 200 Appendix II (J)

- (J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

To: Policy Board
From: Dan Farnsworth, Transportation Planner
Date: December 9, 2022
Re: **Transit Section 5310/5339 Grant Applications**

The North Dakota Department of Transportation (NDDOT) recently solicited applications for annual transit grants under FTA Section 5310 and Section 5339. Section 5310 provides funding for transit projects that improve mobility for the elderly and persons with disabilities while Section 5339 provides funding for transit projects that involve replacement of buses, improvements to bus facilities, and more. Awarded projects involving ADA-accessible vehicles are funded up to 85% Federal funds with a required 15% local match; awarded capital projects (including mobility manager salaries) are funded up to 80% Federal funds with a required 20% local match; and operations requests are awarded 50% Federal funds with a required 50% local match.

All applicants with projects within Metro COG's planning area are required to submit their applications to Metro COG for review and approval by Metro COG's Policy Board. Two applicants submitted applications – the City of Fargo and Handi-Wheels.

Below are the FTA Section 5310 and 5339 projects Metro COG has received. The full applications can be found in the **attachments**. The 5310 and 5339 applications will be submitted to NDDOT before the December 30th, 2022 deadline.

Section 5310 – Urban

- Mobility Manager (submitted by City of Fargo)
 - Total cost: \$102,000 (\$81,600 Federal / \$20,400 local)
 - Eligible funding match: 80% Federal / 20% local
- General Operations (submitted by Handi-Wheels)
 - Total cost: \$60,000 (\$30,000 Federal / \$30,000 local)
 - Eligible funding match: 50% Federal / 50% local

Section 5339 – Urban (Submitted by City of Fargo)

- Replacement of a 35-foot fixed route bus
 - Total cost: \$575,000 (\$488,750 Federal / \$86,250 local)
 - Eligible funding match: 85% Federal / 15% local
- Replacement of a 35-foot fixed route bus
 - Total cost: \$575,000 (\$488,750 Federal / \$86,250 local)
 - Eligible funding match: 85% Federal / 15% local
- Replacement of a paratransit vehicle
 - Total cost: \$145,000 (\$123,250 Federal / \$21,750 local)
 - Eligible funding match: 85% Federal / 15% local
- Replacement of a paratransit vehicle
 - Total cost: \$145,000 (\$123,250 Federal / \$21,750 local)
 - Eligible funding match: 85% Federal / 15% local
- Finalize renovation of GTC bus deck
 - Total cost: \$1,000,000 (\$800,000 Federal / \$200,000 local)

- Eligible funding match: 80% Federal / 20% local
- Purchase of paratransit and fixed route AVL/AVA software/hardware
 - Total cost: \$700,000 (\$560,000 Federal / \$140,000 local)
 - Eligible funding match: 80% Federal / 20% local
- Replacement service vehicle (skid steer)
 - Total cost: \$64,000 (\$51,200 Federal / \$12,800 local)
 - Eligible funding match: 80% Federal / 20% local

Requested Action: Policy Board approval of the FTA Section 5310 and 5339 transit grant applications as shown above.



FY2024 - Section 5310 – Enhanced Mobility of Seniors & Individuals with Disabilities	
Agency Name	City of Fargo
Agency Contact	Julie Bommelman Phone: 701-476-6737
Unique Entity ID #	070265871

Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities Program aims to **improve mobility for seniors and individuals with disabilities** by removing barriers to transportation service and expanding transportation mobility options. Under 49 U.S.C. 5310 funding provides financial assistance for capital purchases and operating assistance for transportation services planned, designed, and carried out to meet the special transportation needs of older adults and persons with disabilities in all small urban and rural areas. The program requires coordination of federally assisted programs and community services to make the most efficient use of federal resources.

The entire Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program is further explained in FTA Circular 9070.1G, located on the FTA website at:

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/C9070_1G_FINAL_circular_4-20-15%281%29.pdf

Please Note:

- Capital project requests for ADA vehicles will require a minimum of **15% Local Match**. All other capital project requests will require a minimum of **20% Local Match**.
- Mobility Manager salary is a capital project expense and requires a minimum of **20% Local Match for Section 5310 annual apportionment funds**.
- Assets purchased with Federal Funds must be maintained and inventoried through a Transit Asset Management (TAM) Plan.
- As with most Federal Assistance Programs, Section 5310 is designed as a reimbursement program. Your agency should be prepared to pay for expenses upon delivery/acceptance and then request reimbursement from NDDOT.
- If you are awarded a Section 5310 project, your agency will be required to report a number of performance measures, at least annually, to NDDOT. Information required to report may include, but not limited to the following:
 - The number of 5310 one-way trips;

- The number of 5310 vehicles you have in service; and
- 5310 ridership demographics.
- If requesting a replacement vehicle, the vehicle listed must have met FTA/NDDOT Useful Life. However, regardless of useful life having been met, federal interest remains until the value of the vehicle or equipment falls below \$5,000.
- If you receive \$750,000 from any federal source, you are required to have a Single Audit per 2 CFR 200 Subpart F.
- Vehicles may be used to provide meal delivery service for homebound persons on a regular basis in conjunction with passenger transportation. Delivery service **must not** conflict with the provision of transit services or result in reduced service to transit passengers.
- Federal Funds awarded for vehicles will only be awarded for ADA vehicles requests.
- Prior to contracting, your agency must have a completed FY 2023 FTA Certifications and Assurances uploaded in BlackCat.
- Prior to contracting, your agency must be active in the System of Award Management (SAM.gov).
- All applications are due **December 30, 2022, 12:00pm CDT**. Late and/or incomplete applications may be subject to a penalty percentage reduction of requested amount or may be eliminated from funding consideration.
- The NDDOT Transit Staff is available to provide guidance and answer any questions on the application process. E-mail: bhanson@nd.gov, dkarel@nd.gov, or jsmall@nd.gov.

General Information

1. Provide a detailed description of the transportation services your agency currently provides **for seniors and individuals with disabilities**, and any plans for increasing services, expanding service area and increasing ridership. (include days and hours of service, fare structure, total vehicles in service, type of service being provided, transportation provided to what counties and communities in your service area, etc.).

The City of Fargo provides fixed route transportation services within Fargo and West Fargo, ND, and provides complimentary paratransit services within the entire metro area (the City of Moorhead contracts with the City of Fargo for para services). The ridership on fixed route doubled in 5 years to exceed 1.2M annually (Fargo and West Fargo only – Moorhead and Dilworth put us past 2M annually), paratransit is approximately 55,000 annually. The City of Fargo is the designated 5307 direct recipient of FTA grants in the area. There is a successful U-Pass and circulator program with North Dakota State University, coordination with several transportation providers in the area, and on-going efforts to evolve the agency and meet changing demands. Service was increased in July 2017 with the implementation of a new route to serve the expanding sw area of Fargo and West Fargo, including service to the new Sanford Hospital. There is a downtown circulator shared equally with the City of Moorhead designed to alleviate parking issues and encourage alternate means of transportation in the growing area of downtown.

Services include fixed route and paratransit – hours of operation are 6:15 am to 11:15 pm M-F and 7:15 am to 11:15 pm Saturday – there is no fixed route service on Sunday, however, paratransit operates 2 vehicles 7:00 am to 5:00 pm. The City of Moorhead implemented paratransit on Sundays effective July 2017. Fares on fixed route are \$1.50 for adults, \$.75 for seniors, people with disabilities, and youth; fares on paratransit are \$3.00. We currently have 29 fixed route vehicles and 15 paratransit vehicles for services – peak VOMS are 25 on fixed route and 14 on paratransit; the spare ratio is tight. We serve Cass County and, through our agreement with the City of Moorhead to

provide paratransit, we also serve Clay County. With the growth of the Cities, the demand for transit has grown – the current Transit Development Plan identified a need for increased service hours, Sunday fixed route service, realignment of existing routes, and service to various expansion areas. The plan to increase ridership is a multi-faceted marketing approach to include social media, print, radio and community outreach and events, and implementing a downtown employer sponsored bus pass program.

Several of these initiatives were implemented in 2017. One of the pivotal roles within our organization is the Mobility Manager, which is the first non-vehicle project request in this grant application.

2. Explain where in your current 3-5 Year Plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources.

- Yes List section and page number(s): Page 318 from TDP - Mobility Manager
 No (Applicant must provide an explanation)

3. What percentage of change in ridership has your agency experienced in the since the last application? Provide a brief explanation of the reason for the change in ridership.

- Increase
 Decrease

4. List all existing public transportation providers operating in your service area.

There is an extensive list of providers - they are all listed at www.fmrideresource.com

5. Are you the lead transit provider in your area? If not, what is the relationship of your program(s) to other transportation providers?

- Yes
 No

6. Please describe the need for transit service in your area **for seniors and individuals with disabilities?** Why does this need exist? How have you determined this need? How will the proposed project address this need for service?

The need is extensive for both fixed route and paratransit. The need exists in our urban area for several reasons: people unable to purchase their own vehicles, people choosing to ride transit for 'green' reasons, students reaching campus facilities located away from the main campus, people getting to employment and medical facilities, elderly and disabled people unable to drive individual vehicles choose transit to help maintain independence. We have determined the need by studies, surveys and ridership trends. Yes, the need is addressed in our Human Service Coordination Plan.

7. Provide a description of how you market the transportation program and to whom in the box below.

We market our services to residents of our service area, we utilize social media, including Facebook and Twitter. We also send out Rider Alerts to advertise promotions we run to encourage ridership. Some of the

promotions we run are Earth Week and Quarter Days. We also celebrate our riders each year with a Rider Appreciation Day and give out treats and have a drawing for prizes.

Ridership and Fleet Information

***Report actual ridership numbers, miles and hours for SFY2022 & 2021.**

***Enter current fleet information below.**

***Current fleet and mileage information MUST be also be updated in BlackCat Inventory.**

	SFY2022 - Ridership and Fleet Information	SFY2021 - Ridership and Fleet Information
Number of Annual Ridership (Trips) Provided	875997	829110
Number of Annual Revenue Hours	110751	105204
Number of Annual Revenue Miles	1322292	1240281
Number of Vehicles in Fleet	45	45

8. What is the purpose of the three most requested trips that your clients require? (e.g. medical, shopping, employment, education, social, etc.)

1. Employment

2. Medical

3. Shopping

Coordinated Public Transit Human Services Transportation Plan

Applicants must be part of a locally derived Coordinated Public Transit Human Services Transportation Plan approved by North Dakota Department of Transportation (NDDOT) and uploaded to BlackCat Resources prior to submission of this application.



9. When was your Coordinated Public Transit Human Services Transportation Plan approved by the NDDOT Transit Section? Has it been uploaded into BlackCat Resources? Since submitting your plan describe any additional efforts made to coordinate service.

The most recent adopted plan is uploaded and the TDP was approved on September 21, 2021

10. Describe any potential opportunities for additional coordination. (include social service agencies, county social services, community actions, educational institutions, youth groups, veteran services, religious

organizations, other transportation services, etc.) that may address unmet transit needs in your service area.

through publication of the FM Ride Source Directory we coordinate with other transit providers in the area to determine what services they can offer to area residents to meet any potential unmet transit needs in our service area.

11. Is the requested project(s) part of a Coordinated Public Transit Human Services Transportation Plan?

Yes

No

12. If you marked Yes above, indicate the page number where this project is listed.

If you marked No above, explain why this project is not part of your current plan.

Page 318 from TDP - Mobility Manager

Non-Vehicle Project Request

There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each request.

13. Please describe in detail your proposed project. Be specific and include a description of what you would like to purchase and how it benefits your transportation program.

The goal of the Metro Mobility Management Project is to promote the development and maintenance of a network of transportation services and alternatives beyond requirements of the ADA for persons with disabilities. Accomplishments of the project are establishing the Transportation Coordinating Committee (later renamed Network), developing www.fmrideresource.com to promote community transportation options, an extensive survey of human service providers and people who use transit to identify transportation needs, development of a Metro Mobility Study, monthly Train the Trainer Workshops put on by the Mobility Manager, oversight of ADA paratransit and continually grow the opportunities to provide equal transportation options within the community for people with disabilities.

14. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

Yes

No

15. Total cost of this project.

Total Cost (include federal and local amounts): \$102,000

Federal Funds Requested:\$81,600

Local Match Amount: \$20,400

Source(s) of Local Match: Fare revenue, advertising, utility capital fund

Vehicle Project Request

There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than vehicle, please attach additional sheets and create a separate project for each vehicle request.

16. Provide a description of the vehicle you are requesting. (include: Year, Make, ADA qualified, and seating capacity)

Year:

Make/Model:

Seating Capacity:

Lift/Ramp: Yes No

Gas/Diesel/Other:

17. Describe in detail which programs and services the requested vehicle will be utilized in and how it will enhance or maintain your service?

18. What type of vehicle are you requesting?

Replacement Vehicle

Expansion Vehicle

19. If requesting a replacement, which vehicle in your fleet are you replacing?

a. Vehicle Information Number (VIN):

b. Vehicle Year:

c. Make/Model:

d. Current Mileage:

e. Vehicle In Service Date:

f. Vehicle Condition Rating (Adequate, Excellent, Good, Marginal, Poor):

g. Has this vehicle information been updated in BlackCat Inventory? Yes No

20. If requesting an expansion vehicle, list the agency/community/county to be served (include hours and days of service and estimated ridership).

21. If operating a fixed route, what are the paratransit eligibility criteria for people to ride your service?

22. Provide an estimated timeline for the purchase of this vehicle. Provide a separate timeline if you are applying for different types of vehicles. **See sample timeline below, add or remove lines as needed.**

Procurement Type (State Bid, Request For Proposal (RFP)/Invitation For Bid (IFB), Quotes):

RFP/IFB/Quotes Issue Date:

Contract Award Date:

Order Date:

Initial Vehicle Delivery Date:

Final Vehicle Deliver Date (if more than one vehicle):

Contract Completion:

Final Payment Submitted to DOT:

23. Amount requested for vehicle (include the base price plus all options with this request):

Total Vehicle Cost (include federal and local amounts):

Federal Funds Requested:

Local Match Amount:

Source(s) of Local Match:

Following are suggested price requests for vehicles based on current state bid quotes. Keep in mind if you intend to order vehicles with additional options, prices will vary accordingly. See the State Bid website at https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm		Estimated Delivery time (in months)
15 Passenger or 12 + 2 Passenger Cutaway/Bus NDDOT Term Contract No. 300	Base Price - \$75,000 - \$99,000 NOTE: Will be re-bid October 2022 – Expect Price Increases.	12 – 24
Rear Lift ADA Transit Vehicle NDDOT Term Contract No. 301	Base price - \$55,000 – \$72,000 NOTE: Currently out for bid – Expect Price Increases.	12 – 24
Frontrunner – Low Floor Vehicle – New England Wheels NDDOT Term Contract No. 381	Base Price - \$145,132 - \$146,607	12 – 24
ADA Low Floor Mini Van NDDOT Term Contract No. 382	Base Price - \$69,900	9 – 12
Low-Floor Paratransit Ramp Buses NDDOT Term Contract No. 383	Base Price - \$96,720 - \$110,000	12 – 24
Trolley – Carriage and Villager NDDOT Term Contract No. 386 & 388	Base Price - \$125,000 - \$219,522	6 – 12

FTA Useful Life Standards	
Mini-Vans/Modified Vans – 3-14 passenger	4 years or 100,000 miles
Med-Size Light Duty Cutaway – 8-16 passenger	5 years or 150,000 miles
Med-Size Med Duty Cutaway/Bus – 16-30 passenger	7 years or 200,000 miles
Med-Size Heavy Duty Bus – 24-25 passenger	10 years or 350,000 miles
Large Heavy-Duty Bus – 35-40+ passenger	12 years or 500,000 miles

Equipment & Miscellaneous Capital Projects

Fill in the requested information below regarding your Equipment and Miscellaneous Capital Project(s). These projects must directly relate to your transportation program. Any equipment purchased with these funds must be required for, and used for, public transportation.

NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each.

24. Describe your proposed project(s) in detail (detail MUST include: type, quantity, cost, purpose of equipment being requested).
Type: Quantity: Purpose:
25. How does this project enhance your transportation program?
26. Have you completed an Independent Cost Estimate document to show that the price is fair and reasonable? Provide this documentation.
<input type="checkbox"/> Yes <input type="checkbox"/> No (Applicant must provide an explanation)
27. Is an ITS Project/Architecture Checklist required for this project? Review (23 CFR 940.13), see SFN 60212 located in the BlackCat Resources.
<input type="checkbox"/> Yes <input type="checkbox"/> No (Applicant must provide an explanation)
28. Has the NDDOT ITS Project/Architecture Checklist been completed and submitted with this application for review?
<input type="checkbox"/> Yes <input type="checkbox"/> No (Applicant must provide an explanation)
29. Provide an estimated timeline for the purchase of this equipment. Provide a separate timeline if you are applying for different types of equipment. <u>See sample timeline below, add or remove lines as needed.</u>
Procurement Type (State Bid, Request For Proposal (RFP)/Invitation For Bid (IFB), Quotes):
RFP/IFB/Quotes Issue Date:

Contract Award Date:
Order Date:
Deliver/Installation/Project Completion Date:
Final Payment Submitted to DOT:
30. Total cost for the project?
Total Cost (include federal and local amounts): Federal Funds Requested: Local Match Amount: Source(s) of Local Match:

Travel & Training
31. List the training the Director attended in the past year. Included dates and conference/training name, including the DOT meetings.
Total amount to date reimbursed for travel in FY2023:
32. Provide the conferences and meetings you will be requesting to attend this year and include an estimated RTAP Travel Budget to be requested.
Total estimated travel budget for FY2024:

Local Match & Total Funding Request

In the table below, list requested projects by priority, and specify in detail the sources and dollar amounts of Local Match funding (State Aid, Mill Levy, Other Directly Generated Funds etc.) that are available to be used towards each project (Vehicle, Facility Rehabilitation & Construction, and/or Equipment/Miscellaneous Capital). In-kind funds cannot be used as local match to 5310 contracts.

Local match listed here cannot be already targeted as match for a FY2024 5339 or 5311 applications.

Farebox revenue cannot be used as Local Match.

Documentation of sources of Local Match (including State Aid) MUST be attached or it will not be considered. Documentation must include a financial obligation amount. This amount may be an estimation or record of the previous amount provided to the transit agency and requires a signature of the organization providing the local share. Without a financial amount and required signature, such local amounts won't be considered as supporting match. Federal funds will only be awarded if

sufficient match is provided.

This project ranking should match your prioritization in BlackCat.

Ranking	Project	Federal Dollars Requested	Local Match Needed	Sources of Local Match*
1	Mobility Manager	\$81,600	\$20,400	Advertising, vending and City enterprise capital fund
2				
3				
4				
5				

APPLICATION CHECKLIST AND SIGNATURE PAGE

This checklist is included for your review and completion prior to submittal of your application to ensure your submission includes all required documents. Please upload the required documents in your agency’s account in the BlackCat Transit Data Management System (BlackCat).

Section 5310 Applicants must submit the following (check box when complete):	
	Completed 5310 Application;
	Document(s) identifying sources of local match funds – Signed letters from source(s) of local match, FY2023 State Aid Contract or award letter, mill levy, city funds, etc.;
	Update vehicle information, mileage and condition in BlackCat Inventory;
	Update Transit Board Members information in BlackCat;
	Certify and upload a current Authorizing Resolution form (only complete if there has been a change to your agencies signing authority since the last application);
	Upload your annual registration from the System for Award Management (SAM.gov)
	Complete and include the NDDOT ITS Project Architecture Checklist Systems Engineering Compliance (SFN 60212), (if applicable);
	The following documents MUST be current and uploaded into BlackCat Resources: Coordinated Human Services Plan, 3-5 Year Plan, Title VI Plan, Drug & Alcohol Plan, and TAM Plan.

I hereby certify that as a person authorized to sign for
City of Fargo

Transit Agency Name

That I have reviewed the application submitted and to the best of my knowledge all statements and representations made are true and correct. I also hereby certify:

1. Adequate funds will be available to provide the required local match and to operate the project; and
2. Sufficient managerial and fiscal resources exist to implement and manage the grant as outlined in this application; and
3. The project items purchased under this grant shall be maintained in accordance with the detailed maintenance schedules as stipulated by the manufacturer; and
4. The transit agency agrees to meet the applicable federal and state requirements.

Signature of Authorized Representative

Date



FY2024 - Section 5310 – Enhanced Mobility of Seniors & Individuals with Disabilities	
Agency Name	Handi-Wheels Transportation, Inc.
Agency Contact	Roger Kjos Phone: 701-232-3231
Unique Entity ID #	EJ61TSJATXG1

Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities Program aims to **improve mobility for seniors and individuals with disabilities** by removing barriers to transportation service and expanding transportation mobility options. Under 49 U.S.C. 5310 funding provides financial assistance for capital purchases and operating assistance for transportation services planned, designed, and carried out to meet the special transportation needs of older adults and persons with disabilities in all small urban and rural areas. The program requires coordination of federally assisted programs and community services to make the most efficient use of federal resources.

The entire Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program is further explained in FTA Circular 9070.1G, located on the FTA website at:

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/C9070_1G_FINAL_circular_4-20-15%281%29.pdf

Please Note:

- Capital project requests for ADA vehicles will require a minimum of **15% Local Match**. All other capital project requests will require a minimum of **20% Local Match**.
- Mobility Manager salary is a capital project expense and requires a minimum of **20% Local Match for Section 5310 annual apportionment funds**.
- Assets purchased with Federal Funds must be maintained and inventoried through a Transit Asset Management (TAM) Plan.
- As with most Federal Assistance Programs, Section 5310 is designed as a reimbursement program. Your agency should be prepared to pay for expenses upon delivery/acceptance and then request reimbursement from NDDOT.
- If you are awarded a Section 5310 project, your agency will be required to report a number of performance measures, at least annually, to NDDOT. Information required to report may include, but not limited to the following:
 - The number of 5310 one-way trips;

- The number of 5310 vehicles you have in service; and
- 5310 ridership demographics.
- If requesting a replacement vehicle, the vehicle listed must have met FTA/NDDOT Useful Life. However, regardless of useful life having been met, federal interest remains until the value of the vehicle or equipment falls below \$5,000.
- If you receive \$750,000 from any federal source, you are required to have a Single Audit per 2 CFR 200 Subpart F.
- Vehicles may be used to provide meal delivery service for homebound persons on a regular basis in conjunction with passenger transportation. Delivery service **must not** conflict with the provision of transit services or result in reduced service to transit passengers.
- Federal Funds awarded for vehicles will only be awarded for ADA vehicles requests.
- Prior to contracting, your agency must have a completed FY 2023 FTA Certifications and Assurances uploaded in BlackCat.
- Prior to contracting, your agency must be active in the System of Award Management (SAM.gov).
- All applications are due **December 30, 2022, 12:00pm CDT**. Late and/or incomplete applications may be subject to a penalty percentage reduction of requested amount or may be eliminated from funding consideration.
- The NDDOT Transit Staff is available to provide guidance and answer any questions on the application process. E-mail: bhanson@nd.gov, dkarel@nd.gov, or jsmall@nd.gov.

General Information

1. Provide a detailed description of the transportation services your agency currently provides **for seniors and individuals with disabilities**, and any plans for increasing services, expanding service area and increasing ridership. (include days and hours of service, fare structure, total vehicles in service, type of service being provided, transportation provided to what counties and communities in your service area, etc.).

Handi-Wheels Transportation is a 501(c)(3) private, non-profit specialized transportation service. It is Handi-Wheels mission to provide a safe, reliable means of accessible and affordable transportation service to individuals who have a disability, persons who are elderly, and low-income individuals. Between 65% to 70% of the rides Handi-Wheels provides each year are to seniors and/or disabled individuals. We currently own three mini-busses, one of which is inactive, and one minivan. The buses are equipped with wheelchair lifts and the minivan has a ramp. Handi-Wheels is a door-to-door, dial-a-ride, demand response, paratransit service the serves Fargo and West Fargo in Cass County. In addition, Handi-Wheels provides transportation to access medical care and ensure inclusion in our community. Our goal is to return to pre-COVID ridership numbers otherwise no plans are in place to expand our service area. But we have developed a promotional brochure that we will be using in a variety of ways to increase our profile and work toward reaching pre-pandemic ridership levels. Handi-Wheels provides service Monday through Friday 7:00 am to 5:00 pm. One-way rides are \$20 while roundtrip rides are \$40. Medical rides are free to passengers covered by North Dakota Medicaid and ND Medicaid Expansion. Passengers can call and schedule rides Monday through Friday 9:00 a.m. to 5:00 p.m. Our transportation service hours vary. But they can be as early as 6:00 a.m. and go as late as 5:30 p.m. Monday through Friday.

2. Explain where in your current 3-5 Year Plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources.

- Yes List section and page number(s):Pages 4 and 5
 No (Applicant must provide an explanation)

3. What percentage of change in ridership has your agency experienced in the since the last application? Provide a brief explanation of the reason for the change in ridership.

- Increase During the pandemic our ridership dropped by about 50%. The 5.2% increase in ridership we have experienced in the past year is the result of recovering riders who were unable to ride with us during the pandemic. The aforementioned brochure is designed to reach out to lapsed riders as well as new markets. During the pandemic we utilized one driver each day. In the past year we have started to see occasional need for a second driver to meet the demand during busy days.
- Decrease

4. List all existing public transportation providers operating in your service area.

MATbus and MAT Paratransit.

5. Are you the lead transit provider in your area? If not, what is the relationship of your program(s) to other transportation providers?

- Yes
- No** Handi-Wheels has in the past worked with the City of Fargo to determine our role in providing transit services to our community. As the only paratransit public transportation provider in Fargo and West Fargo to receive Medicaid reimbursements, that has become Handi-Wheels' primary role. Handi-Wheels can offer the non-emergency medical transports free to most passengers, which makes Handi-Wheels the best option for passengers for medical transit. Rides provided to individuals who are elderly or who have a disability and who are not North Dakota Medical Assistance recipients are charged \$20.00 per one-way ride. MAT Paratransit would also be the best choice for these passengers. Yet many are denied as it is deemed that their disability is not severe enough. These passengers express that we are still cheaper than a cab or any of the for-profit transit companies and so they ride with Handi-Wheels. We have also worked with Valley Senior Services in an effort to avoid duplication of the services they provide. Their transportation focus is on elderly individuals who are ambulatory. Handi-Wheels works with elderly passengers who are in need of a lift vehicle who have a physical or emotional disability. We refer passengers to MAT Paratransit, Valley Senior Services, Anytime Transportation, Clay County Rural Transportation, Ready Wheels, Care-A-Van, 1 Priority Transportation, and F-M Mobility if we are unable to schedule a ride due to full schedules or requests out of our service area.

6. Please describe the need for transit service in your area **for seniors and individuals with disabilities**? Why does this need exist? How have you determined this need? How will the proposed project address this need for service?

According to the 2010 US Census there are 22,935 residents between the ages of 55 and 84 in Fargo, ND. 2,033 people 85 and older reside in Fargo. 11,586 people 65 and older reside in Fargo. West Fargo has 12,319 residents 65 years and over. This means approximately 11% of our service area is aged 65 and over. Additionally, over 6% of our service area is living with a disability. Access to transportation provides a greater sense of independence and security in remaining in one's home for as long as possible. Also, access to regular preventative care for seniors and

individuals living with a disabilities results in fewer hospital stays and decreased major medical expenses billed to Medicaid.

7. Provide a description of how you market the transportation program and to whom in the box below.

Handi-Wheels markets its transportation services in various inexpensive ways targeting disabled individuals, seniors, and those that are low-income. Via social media, Handi-Wheels has an active Facebook page, Twitter account, and webpage. As part of its pandemic recovery plan, Handi-Wheels is focused on continuing to market our services through these standard vehicles. A new promotional brochure will be used as a mailer and handout. This will target existing riders, as well as new markets in low-income housing, healthcare clinics and hospitals. The board of directors has expanded and now has a marketing committee that will work with staff to create an effective marketing plan. We also send out e-newsletters occasionally. We have developed a media list of contacts of 40 media contacts in the Fargo region and also in greater North Dakota. We are using this currently to send out press releases on notable occurrences such as grant awards. This year we are participating in the Holiday Lights Parade. We have a close working relationship with organizations and foundations such as the Dakota Medical Foundation, Impact Foundation, F-M Area Foundation, Alex Stern Family Foundation, Cass County Electric Foundation, First Link and Freedom Resources organization to fund, promote and increase our visibility in Fargo and West Fargo. Handi-Wheels participates in Giving Hearts Day, which is an annual one-day, online giving campaign that encompasses organizations throughout North Dakota and Eastern Minnesota. Prospective donors have the opportunity to browse the Giving Hearts Day website and select a nonprofit whose mission suits their giving priorities.

Ridership and Fleet Information

***Report actual ridership numbers, miles and hours for SFY2022 & 2021.**

***Enter current fleet information below.**

***Current fleet and mileage information MUST be also be updated in BlackCat Inventory.**

	SFY2022 - Ridership and Fleet Information	SFY2021 - Ridership and Fleet Information
Number of Annual Ridership (Trips) Provided	3,132	2,976
Number of Annual Revenue Hours	3,256	2,356
Number of Annual Revenue Miles	29,252	229,600
Number of Vehicles in Fleet	4	4

8. What is the purpose of the three most requested trips that your clients require? (e.g. medical, shopping, employment, education, social, etc.)

1. Medical/mental health appointments

2. Shopping

3. Funerals

Coordinated Public Transit Human Services Transportation Plan

Applicants must be part of a locally derived Coordinated Public Transit Human Services Transportation Plan approved by North Dakota Department of Transportation (NDDOT) and uploaded to BlackCat Resources prior to submission of this application.



9. When was your Coordinated Public Transit Human Services Transportation Plan approved by the NDDOT Transit Section? Has it been uploaded into BlackCat Resources? Since submitting your plan describe any additional efforts made to coordinate service.

The plan was approved in 2017 and has been uploaded into Black Cat.

10. Describe any potential opportunities for additional coordination. (include social service agencies, county social services, community actions, educational institutions, youth groups, veteran services, religious organizations, other transportation services, etc.) that may address unmet transit needs in your service area.

The influx of refugees and other immigrants into our area is growing. Since Lutheran Social Services has shut down, Handi-Wheels plans to meet with Lutheran Immigration and Refugee Services, Family HealthCare, and Cass County social services to discuss helping bring newly arrived refugees to healthcare clinics as we had done in the past. Another potential opportunity for coordination is programs that work with seniors. According to an article in the July 24th edition of the Fargo Forum, all baby boomers will be 65 or older by 2030 and the number of seniors living in Fargo is expected to rise considerably because of the closeness to health care compared to living in rural areas. Handi-Wheels also provides rides for people to go to rehab/counseling programs. Meeting with programs such as SEHSC, Next Step, TAND to discuss coordination of unmet transit needs is also being planned.

11. Is the requested project(s) part of a Coordinated Public Transit Human Services Transportation Plan?

Yes

No

12. If you marked Yes above, indicate the page number where this project is listed.

If you marked No above, explain why this project is not part of your current plan.

The plan is in the process of being updated.

Non-Vehicle Project Request

There is space provided below to request a project. NOTE: This request MUST first be created as a

project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each request.

13. Please describe in detail your proposed project. Be specific and include a description of what you would like to purchase and how it benefits your transportation program.

This project would assist Handi-Wheels with some of its general operating costs related to maintenance of vehicles, fuel, training, and driver and dispatcher payroll. The majority of rides Handi-Wheels provides is for non-emergency medical rides for low-income individuals mostly seniors and disabled individuals. Medicaid reimburses Handi-Wheels at \$15.99 per ride. The full cost to Handi-Wheels per one-way ride is closer to \$30. This amount includes the cost of fuel, maintenance on the vehicles, insurance, drivers' salary, and other general operating costs. To help overcome this difference Handi-Wheels relies on finding and securing outside funding opportunities. We apply for grants, actively engage in fundraising activities, and seek direct donations. Additional funding assistance through the Section 5310 program would help Handi-Wheels with its expenses related to vehicle maintenance, fuel for the buses, training for the drivers, and driver and dispatcher payroll. The percentage spent on each area varies each year but is approximately: maintenance: 25%, fuel: 21%, training: 1%, copier lease: 3%, driver and dispatcher payroll: 50%.

14. If this is a request for Mobility Manager funding, a current job description, including goals and achievements from the previous year, must be attached. Have you attached these documents to this application?

Yes

No

15. Total cost of this project.

Total Cost (include federal and local amounts): \$60,000

Federal Funds Requested: \$30,000

Local Match Amount: \$30,000

Source(s) of Local Match: Total Cost (include federal and local amounts): \$60,000 Federal Funds Requested: \$30,000 Local Match Amount: \$30,000 Source(s) of Local Match: State Aid funding, Private donations and grants including FM Area Foundation, Alex Stern Family Foundation, Horace Lions Club, Cass County Electric, Allan and Judy Peterson,, Blue Cross Blue Shield North Dakota Caring Foundation, Benevity, miscellaneous donations under \$200, mostly procured on Giving Hearts Day.

Vehicle Project Request

There is space provided below to request a project. NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than vehicle, please attach additional sheets and create a separate project for each vehicle request.

16. Provide a description of the vehicle you are requesting. (include: Year, Make, ADA qualified, and seating capacity)

Year:

Make/Model:

Seating Capacity:

Lift/Ramp: Yes No
Gas/Diesel/Other:

17. Describe in detail which programs and services the requested vehicle will be utilized in and how it will enhance or maintain your service?

18. What type of vehicle are you requesting?

- Replacement Vehicle
 Expansion Vehicle

19. If requesting a replacement, which vehicle in your fleet are you replacing?

a. Vehicle Information Number (VIN):

b. Vehicle Year:

c. Make/Model:

d. Current Mileage:

e. Vehicle In Service Date:

f. Vehicle Condition Rating (Adequate, Excellent, Good, Marginal, Poor):

g. Has this vehicle information been updated in BlackCat Inventory? Yes No

20. If requesting an expansion vehicle, list the agency/community/county to be served (include hours and days of service and estimated ridership).

21. If operating a fixed route, what are the paratransit eligibility criteria for people to ride your service?

22. Provide an estimated timeline for the purchase of this vehicle. Provide a separate timeline if you are applying for different types of vehicles. **See sample timeline below, add or remove lines as needed.**

Procurement Type (State Bid, Request For Proposal (RFP)/Invitation For Bid (IFB), Quotes):

RFP/IFB/Quotes Issue Date:

Contract Award Date:

Order Date:

Initial Vehicle Delivery Date:

Final Vehicle Deliver Date (if more than one vehicle):
Contract Completion:
Final Payment Submitted to DOT:
23. Amount requested for vehicle (include the base price plus all options with this request):
Total Vehicle Cost (include federal and local amounts):
Federal Funds Requested:
Local Match Amount:
Source(s) of Local Match:

Following are suggested price requests for vehicles based on current state bid quotes. Keep in mind if you intend to order vehicles with additional options, prices will vary accordingly. See the State Bid website at https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm		Estimated Delivery time (in months)
15 Passenger or 12 + 2 Passenger Cutaway/Bus NDDOT Term Contract No. 300	Base Price - \$75,000 - \$99,000 NOTE: Will be re-bid October 2022 – Expect Price Increases.	12 – 24
Rear Lift ADA Transit Vehicle NDDOT Term Contract No. 301	Base price - \$55,000 – \$72,000 NOTE: Currently out for bid – Expect Price Increases.	12 – 24
Frontrunner – Low Floor Vehicle – New England Wheels NDDOT Term Contract No. 381	Base Price - \$145,132 - \$146,607	12 – 24
ADA Low Floor Mini Van NDDOT Term Contract No. 382	Base Price - \$69,900	9 – 12
Low-Floor Paratransit Ramp Buses NDDOT Term Contract No. 383	Base Price - \$96,720 - \$110,000	12 – 24
Trolley – Carriage and Villager NDDOT Term Contract No. 386 & 388	Base Price - \$125,000 - \$219,522	6 – 12
FTA Useful Life Standards		
Mini-Vans/Modified Vans – 3-14 passenger	4 years or 100,000 miles	
Med-Size Light Duty Cutaway – 8-16 passenger	5 years or 150,000 miles	
Med-Size Med Duty Cutaway/Bus – 16-30 passenger	7 years or 200,000 miles	
Med-Size Heavy Duty Bus – 24-25 passenger	10 years or 350,000 miles	
Large Heavy-Duty Bus – 35-40+ passenger	12 years or 500,000 miles	

Equipment & Miscellaneous Capital Projects

Fill in the requested information below regarding your Equipment and Miscellaneous Capital Project(s). These projects must directly relate to your transportation program. Any equipment purchased with these funds must be required for, and used for, public transportation.

NOTE: This request MUST first be created as a project in the Black Cat System. If applying for more than project, please attach additional sheets and create a separate project for each.

24. Describe your proposed project(s) in detail (detail MUST include: type, quantity, cost, purpose of equipment being requested).

Type:
Quantity:
Purpose:

25. How does this project enhance your transportation program?

26. Have you completed an Independent Cost Estimate document to show that the price is fair and reasonable? Provide this documentation.

Yes No (Applicant must provide an explanation)

27. Is an ITS Project/Architecture Checklist required for this project? Review (23 CFR 940.13), see SFN 60212 located in the BlackCat Resources.

Yes
 No (Applicant must provide an explanation)

28. Has the NDDOT ITS Project/Architecture Checklist been completed and submitted with this application for review?

Yes
 No (Applicant must provide an explanation)

29. Provide an estimated timeline for the purchase of this equipment. Provide a separate timeline if you are applying for different types of equipment. **See sample timeline below, add or remove lines as needed.**

Procurement Type (State Bid, Request For Proposal (RFP)/Invitation For Bid (IFB), Quotes):

RFP/IFB/Quotes Issue Date:

Contract Award Date:

Order Date:

Deliver/Installation/Project Completion Date:

Final Payment Submitted to DOT:

30. Total cost for the project?

Total Cost (include federal and local amounts):

Federal Funds Requested:

Local Match Amount:

Source(s) of Local Match:

Travel & Training

31. List the training the Director attended in the past year. Included dates and conference/training name, including the DOT meetings.

Total amount to date reimbursed for travel in FY2023:

32. Provide the conferences and meetings you will be requesting to attend this year and include an estimated RTAP Travel Budget to be requested.

Total estimated travel budget for FY2024:

Local Match & Total Funding Request

In the table below, list requested projects by priority, and specify in detail the sources and dollar amounts of Local Match funding (State Aid, Mill Levy, Other Directly Generated Funds etc.) that are available to be used towards each project (Vehicle, Facility Rehabilitation & Construction, and/or Equipment/Miscellaneous Capital). In-kind funds cannot be used as local match to 5310 contracts.

Local match listed here cannot be already targeted as match for a FY2024 5339 or 5311 applications.

Farebox revenue cannot be used as Local Match.

Documentation of sources of Local Match (including State Aid) MUST be attached or it will not be considered. Documentation must include a financial obligation amount. This amount may be an estimation or record of the previous amount provided to the transit agency and requires a signature of the organization providing the local share. Without a financial amount and required signature, such local amounts won't be considered as supporting match. Federal funds will only be awarded if sufficient match is provided.

This project ranking should match your prioritization in BlackCat.

Ranking	Project	Federal Dollars Requested	Local Match Needed	Sources of Local Match*
1	General operating	\$30,000	\$30,000	State Aid funding, North Dakota Medicaid and ND Medicaid Expansion reimbursements, grants and private cash gifts (see attached documentation)
2				

3				
4				
5				

APPLICATION CHECKLIST AND SIGNATURE PAGE

This checklist is included for your review and completion prior to submittal of your application to ensure your submission includes all required documents. Please upload the required documents in your agency's account in the BlackCat Transit Data Management System (BlackCat).

Section 5310 Applicants must submit the following (check box when complete):	
<input type="checkbox"/>	Completed 5310 Application;
<input type="checkbox"/>	Document(s) identifying sources of local match funds – Signed letters from source(s) of local match, FY2023 State Aid Contract or award letter, mill levy, city funds, etc.;
<input type="checkbox"/>	Update vehicle information, mileage and condition in BlackCat Inventory;
<input type="checkbox"/>	Update Transit Board Members information in BlackCat;
<input type="checkbox"/>	Certify and upload a current Authorizing Resolution form (only complete if there has been a change to your agencies signing authority since the last application);
<input type="checkbox"/>	Upload your annual registration from the System for Award Management (SAM.gov)
<input type="checkbox"/>	Complete and include the NDDOT ITS Project Architecture Checklist Systems Engineering Compliance (SFN 60212), (if applicable);
<input type="checkbox"/>	The following documents MUST be current and uploaded into BlackCat Resources: Coordinated Human Services Plan, 3-5 Year Plan, Title VI Plan, Drug & Alcohol Plan, and TAM Plan.
<input type="checkbox"/>	

I hereby certify that as a person authorized to sign for Handi-Wheels Transportation, Inc.

Transit Agency Name

That I have reviewed the application submitted and to the best of my knowledge all statements and representations made are true and correct. I also hereby certify:

1. Adequate funds will be available to provide the required local match and to operate the project; and
2. Sufficient managerial and fiscal resources exist to implement and manage the grant as outlined in this application; and
3. The project items purchased under this grant shall be maintained in accordance with the detailed maintenance schedules as stipulated by the manufacturer; and
4. The transit agency agrees to meet the applicable federal and state requirements.



Signature of Authorized Representative

November 23, 2022

Date

NORTH Dakota | Transportation

Be Legendary.™

FY2024 - Section 5339 Bus & Bus Facilities Program	
Agency Name	City of Fargo
Agency Contact	Julie Bommelman 6737 Phone: 701-476-
Unique Entity ID #	070265871

Section 5339 – The Federal Transit Administration (FTA) Section 5339 (Bus & Bus Facilities Program) is a capital-only program and funds are limited to capital projects to replace, rehabilitate, and purchase buses and bus-related equipment, and to construct or rehab bus-related facilities.

The entire Section 5339 – Bus and Bus Facilities Grants is further explained in FTA Circular 9300.1B, located on the FTA website at https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_C_9300_1_Bpub.pdf.

Please Note:

- Capital project requests for ADA vehicles will require a minimum of **15% Local Match**. All other capital project requests will require a minimum of **20% Local Match**.
- **Farebox revenue cannot be used as Local Match.**
- Assets purchased with Federal Funds must be maintained and inventoried through a Transit Asset Management (TAM) Program.
- As with most Federal Assistance Programs, 5339 is designed as a reimbursement program. Your agency should be prepared to pay for your expenses upon delivery/acceptance and then request reimbursement from NDDOT.
- If requesting a replacement vehicle, the vehicle listed must have met FTA/NDDOT Useful Life. However, regardless of useful life having been met, federal interest remains until the value of the vehicle or equipment falls below \$5,000.
- If you receive \$750,000 from any federal source, you are required to have a Single Audit per 2 CFR 200 Subpart F.
- Prior to contracting, your agency must have a completed FY 2023 FTA Certifications and Assurances uploaded in BlackCat.
- Prior to contracting, your agency must be active in the System of Award Management (SAM.gov).

- All applications are due **December 30, 2022 12:00pm CDT**. Late and/or incomplete applications may be subject to a penalty percentage reduction of requested amount or may be eliminated from funding consideration.
- The NDDOT Transit Staff is available to provide guidance and answer any questions on the application process. E-mail: bhanson@nd.gov, dkarel@nd.gov, or jsmall@nd.gov.

GENERAL INFORMATION

1. Provide a detailed description of the transportation services your agency currently provides and any plans for increasing services, expanding service area and increasing ridership. (include days and hours of service, fare structure, total active and spare vehicles in service, type of service being provided, transportation provided to what counties and communities in your service area, etc.).

The City of Fargo provides fixed route transportation services within Fargo and West Fargo, ND, and provides complimentary paratransit services within the entire metro area (the City of Moorhead contracts with the City of Fargo for para services). The ridership on fixed route had been on a steady, upward trend for ridership post-COVID (exceeded 1.2M annually in Fargo and West Fargo only – Moorhead and Dilworth put us past 2M annually), paratransit is approximately 55,000 annually. The City of Fargo is the designated 5307 direct recipient of FTA grants in the area. There is a successful U-Pass and circulator program with North Dakota State University, coordination with several transportation providers in the area, and on-going efforts to evolve the agency and meet changing demands.

Services include fixed route and paratransit – hours of operation are 6:15 am to 11:15 pm M-F and 7:15 am to 11:15 pm Saturday – there is no fixed route service on Sunday, however, paratransit operates 2 vehicles 7:00 am to 5:00 pm. Fares on fixed route are \$1.50 for adults, \$.75 for seniors, people with disabilities, and youth; fares on paratransit are \$3.00. We currently have 31 fixed route vehicles and 15 paratransit vehicles for services – peak VOMS are 25 on fixed route and 14 on paratransit; the spare ratio is tight. We serve Cass County and, through our agreement with the City of Moorhead to provide paratransit, we also serve Clay County. With the growth of the Cities, the demand for transit has grown – the most recent Transit Development Plan identified a need for increased service hours, Sunday fixed route service, realignment of existing routes, and service to various expansion areas. The plan to increase ridership is a multi-faceted marketing approach to include social media, print, radio and community outreach and events, and implementing an employer sponsored bus pass program.

2. Provide a detailed explanation of how and why this request is important to your agency and how it will improve or provide for future service to citizens in the communities/counties you provide service.

These requests are vital to our agency – the vehicles will be utilized in the overall fleet. The replacement and expansion of vehicles will allow the City to grow transit services and options in the area. There are approximately 4000 households that do not have access to an automobile, there are on-going efforts to reduce congestion in the metro area (transit is a logical alternative when 1 bus can take up to 50 cars off the roads), and the college population in the area grows to approximately 20,000 additional people in the metro area during the academic year, placing increased demands on roads/services. Transit contributes by providing public transportation for access to employment, medical, educational and other services for transit dependent and choice transit riders.

The replacement vehicles will keep us on schedule per our TAM and TDP to keep vehicles in a state of good repair and efficiencies. The miscellaneous support equipment (cubicles, paint and replace carpet at MTG) will

also enhance and modernize the transit system and present a 'fresh face' to passengers and other members of the public and staff.

The City of Fargo sincerely appreciates the opportunity to gain access to these capital funds for vehicles, equipment and minor renovations at the Metro Transit Garage (MTG). Existing FTA funds are currently being fully expended for operations and preventative maintenance, state aid is used for operations as well.

3. What percentage of change in ridership has your agency experienced in the since the last application? Provide a brief explanation of the reason for the change in ridership.

Increase

Decrease Increase of approximately 6.6%. We believe the increase is due to people gradually making their ways back on to transit following COVID and the college students have also returned and are utilizing transit more.

VEHICLE PROJECT REQUESTS

NOTE: This request MUST first be created as a project in the Black Cat System. Each vehicle must be created as a separate project.

There is space provided below to request a replacement or expansion vehicle. If applying for more than one vehicle, please attach additional sheets and create a separate project for each vehicle in the Black Cat Transit Data Management System.

4. Description of the vehicle you are requesting. (include: Year, Make, ADA qualified, and seating capacity)

Year: 2024

Make/Model: New Flyer

Seating Capacity: 29

Lift/Ramp: Yes No

Gas/Diesel/Other: Diesel

5. What type of vehicle are you requesting?

Replacement Vehicle

Expansion Vehicle

6. If requesting a replacement, which vehicle in your fleet are you replacing?

a. Vehicle Information Number (VIN): 5FYH5KU19BB038630

b. Vehicle Year: 2011

c. Make/Model: New Flyer Low Floor

d. Current Mileage: 419,886

e. Vehicle In Service Date: 03/19/2011

f. Vehicle Condition Rating (Adequate, Excellent, Good, Marginal, Poor): Adequate

g. Has this vehicle information been updated in BlackCat Inventory? Yes No

7. If requesting an expansion vehicle, list the agency/community/county to be served (include: hours and days of service and estimated ridership).

8. Provide an estimated timeline for the purchase of this vehicle(s). Provide a separate timeline if you are applying for different types of vehicles. **See sample timeline below, add or remove lines as needed.**

Procurement Type (State Bid, Request For Proposal (RFP)/Invitation For Bid (IFB), Quotes): RFP
RFP/IFB/Quotes Issue Date: 08/28/2020
Contract Award/Order Date: 05/05/2022
Order Date: 06/01/2024
Initial Vehicle Deliver Date: 06/01/2025
Final Vehicle Deliver Date (if more than one vehicle): 06/01/2025
Contract Completion: 07/01/2025
Final Payment Submitted to DOT: 07/01/2025
9. Amount requested for vehicle (include the base price plus all options with this request):
Total Vehicle Cost (include federal and local amounts): \$575,000 Federal Funds Requested Amount:\$488,750 Local Match Amount: \$86,250 Source(s) of Local Match: Advertising, vending, enterprise utility capital fund
10. Explain where in your current 3-5 Year Plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources.
<input checked="" type="checkbox"/> Yes List section and page number(s):TIP Pg 36, Project 4210003 <input type="checkbox"/> No (Applicant must provide an explanation)

Following are suggested price requests for vehicles based on current state bid quotes. Keep in mind if you intend to order vehicles with additional options, prices will vary accordingly. See the State Bid Contracts on the website at https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm		Estimated Delivery time (in months)
15 Passenger or 12 + 2 Passenger Cutaway/Bus NDDOT Term Contract No. 300	Base Price - \$77,720 - \$99,000 <i>NOTE: Will be re-bid November 2022 – Expect Price Increases.</i>	12 – 24
ADA Transit Med or High Roof Vehicle with Rear or Side Lift NDDOT Term Contract No. 301	Base price - \$67,313 – \$102,677	12 – 24
Frontrunner – Low Floor Vehicle – New England Wheels NDDOT Term Contract No. 381	Base Price - \$145,132 - \$146,607	12 – 24
ADA Low Floor Mini Van NDDOT Term Contract No. 382	Base Price - \$69,900	9 – 12
Low-Floor Paratransit Ramp Buses NDDOT Term Contract No. 383	Base Price - \$96,720 - \$110,000	12 – 24
Hometown View Bus NDDOT Term Contract No.	Base Price - \$156,850 - \$210,080	8 - 12
Trolley – Carriage and Villager NDDOT Term Contract No. 386 & 388	Base Price - \$125,000 - \$219,522	6 – 12
FTA Useful Life Standards		
Mini-Vans/Modified Vans – 3-14 passenger	4 years or 100,000 miles	
Med-Size Light Duty Cutaway – 8-16 passenger	5 years or 150,000 miles	
Med-Size Med Duty Cutaway/Bus – 16-30	7 years or 200,000 miles	

passenger	
Med-Size Heavy Duty Bus – 24-25 passenger	10 years or 350,000 miles
Large Heavy-Duty Bus – 35-40+ passenger	12 years or 500,000 miles

VEHICLE PROJECT REQUESTS

NOTE: This request MUST first be created as a project in the Black Cat System. Each vehicle must be created as a separate project.

There is space provided below to request a replacement or expansion vehicle. If applying for more than one vehicle, please attach additional sheets and create a separate project for each vehicle in the Black Cat Transit Data Management System.

4. Description of the vehicle you are requesting. (include: Year, Make, ADA qualified, and seating capacity)

Year: 2024
 Make/Model: New Flyer
 Seating Capacity: 29
 Lift/Ramp: Yes No
 Gas/Diesel/Other: Diesel

5. What type of vehicle are you requesting?

- Replacement Vehicle
 Expansion Vehicle

6. If requesting a replacement, which vehicle in your fleet are you replacing?

- a. Vehicle Information Number (VIN): 5FYH5KU10BB038631
 b. Vehicle Year: 2011
 c. Make/Model: New Flyer Low Floor
 d. Current Mileage: 387,111
 e. Vehicle In Service Date: 03/19/2011
 f. Vehicle Condition Rating (Adequate, Excellent, Good, Marginal, Poor): Adequate
 g. Has this vehicle information been updated in BlackCat Inventory? Yes No

7. If requesting an expansion vehicle, list the agency/community/county to be served (include: hours and days of service and estimated ridership).

8. Provide an estimated timeline for the purchase of this vehicle(s). Provide a separate timeline if you are applying for different types of vehicles. **See sample timeline below, add or remove lines as needed.**

Procurement Type (State Bid, Request For Proposal (RFP)/Invitation For Bid (IFB), Quotes): RFP

RFP/IFB/Quotes Issue Date: 08/28/2020

Contract Award/Order Date: 05/05/2022

Order Date: 06/01/2024

Initial Vehicle Deliver Date: 06/01/2025

Final Vehicle Deliver Date (if more than one vehicle): 06/01/2025
Contract Completion: 07/01/2025
Final Payment Submitted to DOT: 07/01/2025
9. Amount requested for vehicle (include the base price plus all options with this request):
Total Vehicle Cost (include federal and local amounts): \$575,000 Federal Funds Requested Amount:\$488,750 Local Match Amount: \$86,250 Source(s) of Local Match: Advertising, vending, enterprise utility capital fund
10. Explain where in your current 3-5 Year Plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources.
<input checked="" type="checkbox"/> Yes List section and page number(s):TIP Pg 36, Project 4210003
<input type="checkbox"/> No (Applicant must provide an explanation)

Following are suggested price requests for vehicles based on current state bid quotes. Keep in mind if you intend to order vehicles with additional options, prices will vary accordingly. See the State Bid Contracts on the website at https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm		Estimated Delivery time (in months)
15 Passenger or 12 + 2 Passenger Cutaway/Bus NDDOT Term Contract No. 300	Base Price - \$77,720 - \$99,000 <i>NOTE: Will be re-bid November 2022 – Expect Price Increases.</i>	12 – 24
ADA Transit Med or High Roof Vehicle with Rear or Side Lift NDDOT Term Contract No. 301	Base price - \$67,313 – \$102,677	12 – 24
Frontrunner – Low Floor Vehicle – New England Wheels NDDOT Term Contract No. 381	Base Price - \$145,132 - \$146,607	12 – 24
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Low-Floor Paratransit Ramp Buses NDDOT Term Contract No. 383	Base Price - \$96,720 - \$110,000	12 – 24
Hometown View Bus NDDOT Term Contract No.	Base Price - \$156,850 - \$210,080	8 - 12
Trolley – Carriage and Villager NDDOT Term Contract No. 386 & 388	Base Price - \$125,000 - \$219,522	6 – 12
FTA Useful Life Standards		
Mini-Vans/Modified Vans – 3-14 passenger	4 years or 100,000 miles	
Med-Size Light Duty Cutaway – 8-16 passenger	5 years or 150,000 miles	
Med-Size Med Duty Cutaway/Bus – 16-30 passenger	7 years or 200,000 miles	
Med-Size Heavy Duty Bus – 24-25 passenger	10 years or 350,000 miles	
Large Heavy-Duty Bus – 35-40+ passenger	12 years or 500,000 miles	

VEHICLE PROJECT REQUESTS

NOTE: This request MUST first be created as a project in the Black Cat System. Each vehicle must be created as a separate project.

There is space provided below to request a replacement or expansion vehicle. If applying for more than one vehicle, please attach additional sheets and create a separate project for each vehicle in the Black Cat Transit Data Management System.

4. Description of the vehicle you are requesting. (include: Year, Make, ADA qualified, and seating capacity)

Year: 2024

Make/Model: Ford E450

Seating Capacity: 10

Lift/Ramp: Yes No

Gas/Diesel/Other: Gas

5. What type of vehicle are you requesting?

Replacement Vehicle

Expansion Vehicle

6. If requesting a replacement, which vehicle in your fleet are you replacing?

a. Vehicle Information Number (VIN): 1FDFE4FS0HDC51435

b. Vehicle Year: 2017

c. Make/Model: Ford E450

d. Current Mileage: 133,770

e. Vehicle In Service Date: 11/06/2017

f. Vehicle Condition Rating (Adequate, Excellent, Good, Marginal, Poor): Adequate

g. Has this vehicle information been updated in BlackCat Inventory? Yes No

7. If requesting an expansion vehicle, list the agency/community/county to be served (include: hours and days of service and estimated ridership).

8. Provide an estimated timeline for the purchase of this vehicle(s). Provide a separate timeline if you are applying for different types of vehicles. **See sample timeline below, add or remove lines as needed.**

Procurement Type (State Bid, Request For Proposal (RFP)/Invitation For Bid (IFB), Quotes): State Bid

RFP/IFB/Quotes Issue Date:

Contract Award/Order Date: 10/31/2022

Order Date: 07/01/2023

Initial Vehicle Deliver Date: 07/01/2025

Final Vehicle Deliver Date (if more than one vehicle): 07/01/2025

Contract Completion: 08/01/2025

Final Payment Submitted to DOT: 08/01/2025

9. Amount requested for vehicle (include the base price plus all options with this request):

Total Vehicle Cost (include federal and local amounts): \$575,000
 Federal Funds Requested Amount:\$488,750
 Local Match Amount: \$86,250
 Source(s) of Local Match: Advertising, vending, enterprise utility capital fund

10. Explain where in your current 3-5 Year Plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources.

Yes List section and page number(s):TIP Pg 36, Project 4230013
 No (Applicant must provide an explanation)

Following are suggested price requests for vehicles based on current state bid quotes. Keep in mind if you intend to order vehicles with additional options, prices will vary accordingly. See the State Bid Contracts on the website at https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm		Estimated Delivery time (in months)
15 Passenger or 12 + 2 Passenger Cutaway/Bus NDDOT Term Contract No. 300	Base Price - \$77,720 - \$99,000 <i>NOTE: Will be re-bid November 2022 – Expect Price Increases.</i>	12 – 24
ADA Transit Med or High Roof Vehicle with Rear or Side Lift NDDOT Term Contract No. 301	Base price - \$67,313 – \$102,677	12 – 24
Frontrunner – Low Floor Vehicle – New England Wheels NDDOT Term Contract No. 381	Base Price - \$145,132 - \$146,607	12 – 24
ADA Low Floor Mini Van NDDOT Term Contract No. 382	Base Price - \$69,900	9 – 12
Low-Floor Paratransit Ramp Buses NDDOT Term Contract No. 383	Base Price - \$96,720 - \$110,000	12 – 24
Hometown View Bus NDDOT Term Contract No.	Base Price - \$156,850 - \$210,080	8 - 12
Trolley – Carriage and Villager NDDOT Term Contract No. 386 & 388	Base Price - \$125,000 - \$219,522	6 – 12

FTA Useful Life Standards	
Mini-Vans/Modified Vans – 3-14 passenger	4 years or 100,000 miles
Med-Size Light Duty Cutaway – 8-16 passenger	5 years or 150,000 miles
Med-Size Med Duty Cutaway/Bus – 16-30 passenger	7 years or 200,000 miles
Med-Size Heavy Duty Bus – 24-25 passenger	10 years or 350,000 miles
Large Heavy-Duty Bus – 35-40+ passenger	12 years or 500,000 miles

VEHICLE PROJECT REQUESTS

NOTE: This request MUST first be created as a project in the Black Cat System. Each vehicle must be created as a separate project.

There is space provided below to request a replacement or expansion vehicle. If applying for

more than one vehicle, please attach additional sheets and create a separate project for each vehicle in the Black Cat Transit Data Management System.

4. Description of the vehicle you are requesting. (include: Year, Make, ADA qualified, and seating capacity)

Year: 2024
Make/Model: Ford E450
Seating Capacity: 10
Lift/Ramp: Yes No
Gas/Diesel/Other: Gas

5. What type of vehicle are you requesting?

- Replacement Vehicle
 Expansion Vehicle

6. If requesting a replacement, which vehicle in your fleet are you replacing?

- a. Vehicle Information Number (VIN): 1FDFE4FS1HDC51427
b. Vehicle Year: 2017
c. Make/Model: Ford E450
d. Current Mileage: 83,956
e. Vehicle In Service Date: 10/16/2017
f. Vehicle Condition Rating (Adequate, Excellent, Good, Marginal, Poor): Good
g. Has this vehicle information been updated in BlackCat Inventory? Yes No

7. If requesting an expansion vehicle, list the agency/community/county to be served (include: hours and days of service and estimated ridership).

8. Provide an estimated timeline for the purchase of this vehicle(s). Provide a separate timeline if you are applying for different types of vehicles. **See sample timeline below, add or remove lines as needed.**

Procurement Type (State Bid, Request For Proposal (RFP)/Invitation For Bid (IFB), Quotes): State Bid

RFP/IFB/Quotes Issue Date:

Contract Award/Order Date: 10/31/2022

Order Date: 07/01/2023

Initial Vehicle Deliver Date: 07/01/2025

Final Vehicle Deliver Date (if more than one vehicle): 07/01/2025

Contract Completion: 08/01/2025

Final Payment Submitted to DOT: 08/01/2025

9. Amount requested for vehicle (include the base price plus all options with this request):

Total Vehicle Cost (include federal and local amounts): \$575,000
Federal Funds Requested Amount: \$488,750
Local Match Amount: \$86,250
Source(s) of Local Match: Advertising, vending, enterprise utility capital fund

10. Explain where in your current 3-5 Year Plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources.

- Yes List section and page number(s): TIP Pg 36, Project 4230013
 No (Applicant must provide an explanation)

Following are suggested price requests for vehicles based on current state bid quotes. Keep in mind if you intend to order vehicles with additional options, prices will vary accordingly. See the State Bid Contracts on the website at https://apps.nd.gov/csd/spo/services/bidder/listCurrentContracts.htm		Estimated Delivery time (in months)
15 Passenger or 12 + 2 Passenger Cutaway/Bus NDDOT Term Contract No. 300	Base Price - \$77,720 - \$99,000 <i>NOTE: Will be re-bid November 2022 – Expect Price Increases.</i>	12 – 24
ADA Transit Med or High Roof Vehicle with Rear or Side Lift NDDOT Term Contract No. 301	Base price - \$67,313 – \$102,677	12 – 24
Frontrunner – Low Floor Vehicle – New England Wheels NDDOT Term Contract No. 381	Base Price - \$145,132 - \$146,607	12 – 24
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Low-Floor Paratransit Ramp Buses NDDOT Term Contract No. 383	Base Price - \$96,720 - \$110,000	12 – 24
Hometown View Bus NDDOT Term Contract No.	Base Price - \$156,850 - \$210,080	8 - 12
Trolley – Carriage and Villager NDDOT Term Contract No. 386 & 388	Base Price - \$125,000 - \$219,522	6 – 12
FTA Useful Life Standards		
Mini-Vans/Modified Vans – 3-14 passenger	4 years or 100,000 miles	
Med-Size Light Duty Cutaway – 8-16 passenger	5 years or 150,000 miles	
Med-Size Med Duty Cutaway/Bus – 16-30 passenger	7 years or 200,000 miles	
Med-Size Heavy Duty Bus – 24-25 passenger	10 years or 350,000 miles	
Large Heavy-Duty Bus – 35-40+ passenger	12 years or 500,000 miles	

TRANSIT FACILITY PROJECT

NOTE: This request MUST first be created as a project in the Black Cat Transit Data Management System.

REHABILITATION/RENOVATION OF A TRANSIT FACILITY

11. Do you currently have a transit facility?

- Yes No

12. If yes, provide information on the current facility.

Federally Funded: Yes No Other

Year Constructed: 1984

Square Footage: 8200 – this is the square feet of the building but does not include the bus deck

Parking spots: 4 on the bus deck, approximately 200 in underground parking beneath bus deck

Has this facility been renovated in the past? Yes No If Yes - Describe The majority of this facility was renovated between 2019-2021, however the remaining portion of the bus deck needing repairs was last renovated in 2009.

13. Give a detailed description and justification of the proposed project. Include the need for rehabilitation, improvements, or remodeling, necessary repair work, cost estimates, temporary or permanent repair, and other details that you deem relevant to assist NDDOT in making a project determination.

This remaining portion of the renovation is for the undone strip of the bus deck (approximately 3200 square feet). This is the last portion of the bus deck requiring we grind off the existing concrete and refurbish the overlay. This work is performed approximately every 5 years to keep the bus deck, which has an underground parking facility beneath it, viable. Wear and tear on the deck occurs daily as buses come and go every 15 minutes throughout the year – weather also plays a role in the overall deterioration of the bus deck. The wear and tear can create problems with the expansion joints, degrading the integrity of the bus deck. Cracks will also be repaired with the overlay. With the underground parking facility located beneath the bus deck, so reinforcement and proper maintenance of the deck are critical. Repairs were last made to the deck was in 2009.

14. Provide an estimated timeline for the project (s). Provide a separate timeline for each project you are applying for. See sample timeline below, add or remove lines as needed.

Request for Proposal (RFP)/Invitation for Bid (IFB) Issue Date: we are planning to utilize KLJ with contract amendment

Project Start Date: following grant award, anticipate August 2023

Contract Completion Date: November 2023

Final Payment Submitted to DOT: December 2023

15. Has your Agency completed the FTA Region 8 Categorical Exclusion Worksheet for this project? The worksheet and instructions can be found in BlackCat Global Resources or on NDDOT Transit website under Procurement at <https://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>

Yes (Applicant must complete and attach the worksheet)

No (Applicant must provide an explanation)

16. Has your agency completed and attached an Equity Analysis for this renovation? NOTE: An Equity Analysis must occur before the preferred site is selected.

Yes

No (Applicant must provide an explanation) There is no site to select, the site for the project is the same as the previous renovation work, this is just finalizing the outstanding portion of the original project.

17. Your agency will be **required** to interview and hire an architect/consultant to design the plans and specifications and manage the bidding and construction of this building to meet FTA and NDDOT standards and requirements. Provide the dollar amount are you requesting.

Total Cost (include federal and local amounts): \$1,000,000 (this estimate includes architectural fees)
Federal Funds Requested:\$800,000

Local Match Amount: \$200,000

Source(s) of Local Match: Advertising, vending, enterprise utility capital fund

18. An Independent Cost Estimate (ICE) is required to show that the price is fair and reasonable? Explain your process for completing the ICE.

We based the estimate on a memo from KLJ, Inc. where they outlined remaining/outstanding improvements in July 2021 (we estimated an inflationary amount on top of what they estimated)

19. Are you proposing to use the value of land as match, in whole or part, for your project? If yes, please indicate whether this is an appraised value or estimate. Only the portion of land required for the project may be considered in this valuation.

- Yes
 No
 Appraised Value Estimate Value

20. Does the appraised value or estimate cover your entire match? If not, Identify other sources of local match for this project.

21. Has your agency held public meetings about this project? If yes, when and did the community support this project? Include documentation of all public meetings (agendas, advertisements, meeting minutes, comments, and list of attendees)

- Yes, and documents are attached. Meeting dates:
 No (Applicant must provide an explanation) This is the last remaining item of the overall project which did include all the community engagement.

22. Does your agency have a written Facility Maintenance Plan? Explain the procedures to ensure facility & equipment is inspected and maintained per manufacturer's warranty instructions on a regular scheduled basis as described in your Facility Maintenance and TAM Plans.

- Yes
 No (Applicant must provide an explanation)

23. Are your facility and any maintenance records recorded in your TAM maintenance program as required by NDDOT? If No, please explain.

- Yes
 No (Applicant must provide an explanation)

24. What is the condition (1(Poor) – 5 (Excellent) rating scale assessment) rating of your current facility?

4 - Good

25. Total project cost?

Total Cost (include federal and local amounts): \$1,000,000

Federal Funds Requested:\$800,000

Local Match Amount: \$200,000

Source(s) of Local Match: Advertising, vending, enterprise utility capital fund

26. Explain where in your current 3-5 Year Plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources.

- Yes List section and page number(s):TIP, page 36, Project #4230012
 No (Applicant must provide an explanation)

EQUIPMENT & MISCELLANEOUS CAPITAL PROJECTS

Fill in the requested information below regarding your Equipment and Miscellaneous Capital Project(s). These projects must directly relate to your transportation program. Any equipment purchased with these funds must be required for, and used for, public transportation.

NOTE: This request MUST first be created as a project in the Black Cat Transit Data Management System. If applying for more than one project, please attach additional sheets and create a separate project for each individual project.

50. Describe your proposed project(s) in detail.

Description: Purchase paratransit and fixed route AVL/AVA software/hardware
 Quantity: 1
 Purpose: Replace RouteMatch on paratransit and fixed route

51. How does this project(s) enhance your transportation program?

It is critical to have software and hardware for paratransit (booking rides, tracking statistics, routing vehicles) and fixed route (tracking statistics, vehicle announcements, vehicle routing).

52. Have you completed an Independent Cost Estimate document to show that the price is fair and reasonable? Provide this documentation.

- Yes
 No (Applicant must provide an explanation)

53. Is an ITS Project/Architecture Checklist required for this project? Review (23 CFR 940.13), see SFN 60212 located in the BlackCat Global Resources.

- Yes
 No (Applicant must provide an explanation) I don't think it is required for this project.

54. Has the NDDOT ITS Project/Architecture Checklist been completed and submitted with this application for review?

- Yes
 No (Applicant must provide an explanation) I don't think it is required for this project.

55. Provide an estimated timeline for the purchase of this equipment. Provide a separate timeline if you are applying for different types of equipment. **See sample timeline below, add or remove lines as needed.**

Procurement Type (State Bid, Request For Proposal (RFP)/Invitation For Bid (IFB), Quotes): State Bid

RFP/IFB/Quotes Issue Date: our understanding is the State Procurement office is working on this and will be issuing a RFP soon – we will be utilizing that procurement

Contract Award Date:

Order Date:

Deliver/Installation/Project Completion Date:

Final Payment Submitted to DOT:

56. Total project cost?

Total Cost (include federal and local amounts): \$700,000

Federal Funds Requested Amount:\$560,000

Local Match Amount: \$140,000

Source(s) of Local Match: Advertising, vending, enterprise utility capital fund

57. Explain where in your current 3-5 Year plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources.

Yes List section and page number(s):TIP, page 36, project #423006 & 423007 (please note, these purchase costs will be shared with the City of Moorhead so only Fargo's share is being requested)

No (Applicant must provide an explanation)

EQUIPMENT & MISCELLANEOUS CAPITAL PROJECTS

Fill in the requested information below regarding your Equipment and Miscellaneous Capital Project(s). These projects must directly relate to your transportation program. Any equipment purchased with these funds must be required for, and used for, public transportation.

NOTE: This request MUST first be created as a project in the Black Cat Transit Data Management System. If applying for more than one project, please attach additional sheets and create a separate project for each individual project.

50. Describe your proposed project(s) in detail.

Description: Replace ToolCat with Skid Steer (originally we were going to purchase another ToolCat, but have decided a skid steer would be more in accordance with our needs)

Quantity: 1

Purpose: A Skid Steer is a small, versatile, and maneuverable machine perfect for smaller jobs in and around the Metro Transit Garage and the Ground Transportation Center. The Skid Steer would be equipped with a bucket and used for lifting and moving heavy materials and clearing snow.

51. How does this project(s) enhance your transportation program?

This will allow us to be able to assist with snow removal at any time of the day or night, and also allow us to move heavier equipment around in our facilities which is an every day requirement, this will aid in preventing any physical injuries for our staff

52. Have you completed an Independent Cost Estimate document to show that the price is fair and reasonable? Provide this documentation.

Yes

No (Applicant must provide an explanation)

53. Is an ITS Project/Architecture Checklist required for this project? Review (23 CFR 940.13), see SFN 60212 located in the BlackCat Global Resources.

Yes

No (Applicant must provide an explanation) I don't think it is required for this project.

54. Has the NDDOT ITS Project/Architecture Checklist been completed and submitted with this application for review?

Yes

No (Applicant must provide an explanation) I don't think it is required for this project.

55. Provide an estimated timeline for the purchase of this equipment. Provide a separate timeline if you are applying for different types of equipment. **See sample timeline below, add or remove lines as needed.**

Procurement Type (State Bid, Request For Proposal (RFP)/Invitation For Bid (IFB), Quotes): Quotes
 RFP/IFB/Quotes Issue Date: Quotes will be obtained upon approval and receipt of the grant funds

56. Total project cost?

Total Cost (include federal and local amounts): \$64,000
 Federal Funds Requested Amount:\$51,200
 Local Match Amount: \$12,800
 Source(s) of Local Match: Advertising, vending, enterprise utility capital fund

57. Explain where in your current 3-5 Year plan this project(s) is specifically stated (list section and page number(s)). Your current plan must be uploaded into BlackCat Resources.

- Yes List section and page number(s):TIP, page 36, project #4230008 (please note, this purchase cost will be shared with the City of Moorhead so only Fargo's share is being requested)
- No (Applicant must provide an explanation)

Local Match & Total Funding Request

In the table below, list requested projects by priority, and specify in detail the sources and dollar amounts of Local Match funding (State Aid, Mill Levy, Other Directly Generated Funds, etc.) that are available to be used towards each vehicle project.

Local match listed here cannot be already targeted as match for a FY2024 5310 or 5311 applications.

Farebox revenue cannot be used as Local Match.

Documentation of sources of Local Match (including State Aid) MUST be attached or it will not be considered. Documentation must include a financial obligation amount. This amount may be an estimation or record of the previous amount provided to the transit agency and requires a signature of the organization providing the local share. Without a financial amount and required signature, such local amounts won't be considered as supporting match. Federal funds will only be awarded if sufficient match is provided.

This project ranking should match your prioritization in BlackCat (add additional lines as needed).

Ranking	Project	Federal Dollars Requested	Local Match Needed	Sources of Local Match
1	Replace 35-foot Fixed	\$488,750	\$86,250	Advertising, vending,

	Route Bus			enterprise utility capital fund
2	Replace 35-foot Fixed Route Bus	\$488,750	\$86,250	Advertising, vending, enterprise utility capital fund
3	Replace <30-foot Para Bus	\$123,250	\$21,750	Advertising, vending, enterprise utility capital fund
4	Replace <30-foot Para Bus	\$123,250	\$21,750	Advertising, vending, enterprise utility capital fund
5	Finalize Renovation of GTC Bus Deck	\$800,000	\$200,000	Advertising, vending, enterprise utility capital fund
6	Replace RouteMatch Software and Hardware on Fixed Rt and Para	\$560,000	\$140,000	Advertising, vending, enterprise utility capital fund
7	Replace Service Vehicle (Toolcat/Skid Steer)	\$51,200	\$12,800	Advertising, vending, enterprise utility capital fund
	TOTAL	\$2,635,200	\$568,800	

Application Checklist and Signature Page

This checklist is included for your review and completion prior to submittal of your application to ensure your submission includes all required documents. Please upload the required documents in your agency's BlackCat Transit Data Management System.

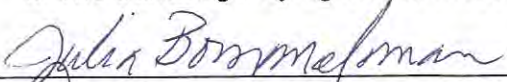
Section 5339 Applicants must submit the following (check when complete):	
	Completed 5339 Application;
	Document(s) showing sources of local match funds – Signed letters from source(s) of local match, FY2023 State Aid Contract or award letter, mill levy, city funds, etc.;
	Update <u>vehicle/facility/equipment</u> information, mileage, condition, etc. in BlackCat Inventory;
	Certify and upload a current Authorizing Resolution form (only complete if there has been a change to your agencies signing authority since the last application);
	Upload your annual registration from the System for Award Management (SAM.gov)
	Complete and include the FTA Categorical Exclusion Worksheet (if applicable);
	Update Transit Board Members information in BlackCat;
	Complete and include the NDDOT ITS Architecture Checklist Systems Engineering Compliance (SFN 60212), (if applicable);
	Update any complete Preliminary Assessment/Application for Capital Assistance forms(s) (if applicable);
	The following documents MUST be current and uploaded into BlackCat Resources: 3-5 Year Plan, Title VI Plan, Drug & Alcohol Plan, Cost Allocation Plan, Cognizant Agency Letter (if applicable), and TAM Plan.

I hereby certify that as a person authorized to sign for
City of Fargo

Transit Agency Name

That I have reviewed the application submitted and to the best of my knowledge all statements and representations made are true and correct. I also hereby certify:

1. Adequate funds will be available to provide the required local match and to operate the project; and
2. Sufficient managerial and fiscal resources exist to implement and manage the grant as outlined in this application; and
3. The project items purchased under this grant shall be maintained in accordance with the detailed maintenance schedules as stipulated by the manufacturer; and
4. The transit agency agrees to meet the applicable federal and state requirements.



Signature of Authorized Representative

11. 24. 22

Date

2023 Metro COG Meeting Schedule

Transportation Technical Committee 10:00 AM		Metro COG Policy Board 4:00 PM	
January	12	January	19
February	9	February	16
March	9	March	16
April	13	April	20
May	11	May	18
June	8	June	15
July	13	July	20
August	10	August	17
September	14	September	21
October	12	October	19
November	9	November	16
December	14	December	21

Observed Federal Holidays

Date	Federal Holiday	Day of the Week
January 2	New Year's Day	Monday (observed)
February 20	Presidents' Day	Monday
May 29	Memorial Day	Monday
July 4	Independence Day	Tuesday
September 4	Labor Day	Monday
November 10	Veterans Day	Friday (observed)
November 23	Thanksgiving Day	Thursday
December 22	Christmas Eve	Friday (observed) – Half Day
December 25	Christmas Day	Monday

Metro COG is committed to ensuring all individuals regardless of race, color, sex, age, national origin, disability, sexual orientation, and 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 Office Manager 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.

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

A PLANNING ORGANIZATION SERVING

FARGO, HORACE, WEST FARGO, CASS COUNTY, NORTH DAKOTA AND MOORHEAD, DILWORTH, CLAY COUNTY, MINNESOTA



To: Metro COG Policy Board
From: Cindy Gray, AICP
Date: December 9, 2022
Re: **Accounting Services Consultant Selection and Contract**

In October, the Metro COG Policy Board approved the Request for Proposals (RFP) for agency Accounting Services. Accounting Services were budgeted as an overhead cost in the 2023-2024 UPWP.

Metro COG solicited ten local accounting firms. Only one firm sent a proposal, Balance Tax & Accounting, with whom Metro COG is currently contracted until December 31, 2022 (see Attachment 1). Staff is satisfied with the service that Balance has provided thus far, and has developed a good working relationship.

Balance Tax & Accounting's proposal included a monthly fixed-fee agreement of \$1,425.00, not to exceed \$17,100.00 for the year. Per the Request for Proposals (RFP), Metro COG may choose to set up the contract with the selected accounting firm in a manner that will allow annual contract extensions up to a specified number of years.

Requested Action: Approval of Metro COG entering into contract with Balance Tax & Accounting for accounting services.



3212 14th Ave S, Ste 1
Fargo, ND 58103
BalanceCPA.com
701-365-0319

Accounting Services Proposal

For FM Metro COG

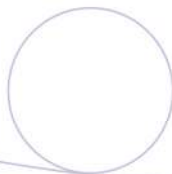
Prepared by Jamie Passanante

Balance Tax & Accounting

3212 14th Ave S., Suite 1

Fargo, ND 58103

701-365-0319 (p) | 701-365-0422 (f)



Introduction & Executive Summary

Accounting 4 Success dba Balance Tax & Accounting (Balance) is an accounting & tax firm located in Fargo, North Dakota. The firm specializes in providing accounting, bookkeeping, and tax planning and compliance services to small to mid-sized businesses and their owners. The firm is owned by Aimee Schwartzwalter, CPA and Jamie Passanante, CPA. Balance was established in January 2015 as a professional corporation. Aimee Schwartzwalter has over 20 years of experience assisting small businesses and their owners with their accounting and tax needs. Jamie Passanante has been working with small to mid-sized businesses and their accounting and reporting needs to help understand and improve their operations.

Balance has six additional accounting professional staff members who provide various accounting services including, tax preparation and compliance, accounting & bookkeeping services, financial statement preparation, and business consulting. Christy Eickhoff will be the staff member assigned to your accounting work and the engagement will be supervised by Jamie Passanante.

Work Plan and Project Methodology

Balance will provide the following accounting services on a monthly basis:

- Post all monthly routine entries including, but not limited to, revenue adjustments, interest accruals, cash reconciliations for all bank accounts, within in 15 working days after the end of each month.
- Provide general ledger reports (via PDF or excel) to the Executive Director three days prior to the Policy Board meeting (to be held on the 3rd Thursday of each month) and as needed/requested by the Executive Director.
- Prepare checks to vendors on a monthly basis (due on the day of monthly Policy Board meeting)
- Prepare and submit monthly state and federal financial reports along with reimbursement materials within 15 workings days after the close of the previous month. Reports to be prepared in time for the monthly Policy Board meeting.

Balance will provide the following services on a quarterly basis:

- Prepare and reconcile Metro COG financial reports

Balance will provide the following services on an annual basis:

- Complete year-end functions including balance sheet reconciliations & revenue and expenditure reconciliations. Necessary adjustments will be discussed with the Executive Director prior to any adjustment to the general ledger.

- Assist the Executive Director in developing a Cost Allocation Plan and an Annual Indirect Costs Rate to forward to North Dakota Department of Transportation for review and approval.

As requested by the Executive Director, Balance will also provide Financial Technical Assistance in the following areas:

- Developing and/or updating the annual budget
- Developing or updating the work program based on COG staff hour and define the cost allocation plan
- Assist the Executive Committee and the Policy Board to analyze current and long-term financial planning
- Be available to attend Policy Board meetings and work with the Executive Committee to discuss budget and financial matters on an as needed and on-call basis.
- As issues arise, the firm will be available to assist the Executive Director in matters related to complex funding issues, analyzing personnel costs, etc.

In accordance with the Statement of Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants, Balance Tax & Accounting will complete all necessary services and procedures in compliance with the applicable laws, regulations, and contracts.

Balance will make every effort to meet with deadlines requested by Metro COG. The Policy Board meets on a regular, monthly basis and Balance is committed to having all necessary reporting and information available to the Policy Board for each of these meetings. Balance will also be available to answer any questions that arise during these meetings.

Jamie Passanante will oversee and review the work completed by Balance Tax & Accounting. Christy Eickhoff will perform the monthly accounting and reporting services requested by Metro COG and as defined above. Christy has nearly ten years of experience working with clients and businesses similar in size and activity to Metro COG. Christy's experience includes general ledger accounting, financial statement preparation, payroll preparation and compliance, tax preparation and compliance, as well as business consulting. Both accountants will be available on an as-needed basis for questions and additional projects that arise at Metro COG.

If Christy Eickhoff is unavailable due to PTO or illness or any other unforeseen event, Jamie Passanante will cover the daily and monthly duties normally provided by Christy Eickhoff during her absence. In the unlikely event that both Jamie Passanante and Christy Eickhoff are out of the office, the work will be performed by Aimee Schwartzwalter, CPA (co-owner with Jamie Passanante). In instances where vacation/PTO is planned, Balance will make every effort to ensure that either Jamie Passanante or Christy Eickhoff are available in the office. Again, in the unlikely even that Jamie and Christy are both unexpectedly out, Aimee Schwartzwalter will be available to provide services.

Exhibit A – Cost Proposal Form

Summary of Estimated Project Cost							
1.	Direct Labor	Hours	x	Rate	=	Project Cost	Total
	Jamie Passanante, CPA Project Oversight/Complex Technical Assistance		x		=	-	\$ -
	Christy Eickhoff, Staff Accountant General accounting/bookkeeping services		x		=	-	\$ -
				Subtotal	=	-	-
2.	Overhead/Indirect Cost (expressed as indirect rate x direct labor)					-	-
3.	Subcontractor Costs					-	-
4.	Materials and Supplies Costs					-	-
5.	Travel Costs					-	-
6.	Fixed Fee (\$1,425/month)					\$ 17,100.00	\$ 17,100 .00
7.	Miscellaneous Costs					-	-
	Total Cost				=	\$ 17,100 .00	\$ 17,100 .00

Exhibit B – Debarment of Suspension Certification

Background and Applicability

In conjunction with the Office of Management and Budget and other affected Federal agencies, DOT published an update to 49 CFR Part 29 on November 26, 2003. This government-wide regulation implements Executive Order 12549, Debarment and Suspension, Executive Order 12689, Debarment and Suspension, and 31 U.S.C. 6101 note (Section 2455, Public Law 103-255, 108 Stat. 3327).

The provisions of Part 29 apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000 as well as any contract or subcontract (at any level) for federally-required auditing services (49 CFR 29.220(b)). This represents a change from prior practice in that the dollar threshold for application of these rules has been lowered from \$100,000 to \$25,000. These are contracts and subcontracts referred to in the regulation as “covered transactions.”

Grantees, contractors, and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) they propose to contract or subcontract with is not excluded or disqualified. They do this by (a) Checking the Excluded Parties List System, (b) Collecting a certification from that person, or (c) Adding a clause or condition to the contract or subcontract. This represents a change from prior practice in that certification is still acceptable but is no longer required (49 CFR 29.300).

Grantees, contractors, and subcontractors who enter into covered transactions also must require the entities they contract with to comply with 49 CFR 29, subpart C and include this requirement in their own subsequent covered transactions (i.e., the requirement flows down to subcontracts at all levels).

Instructions for Certification: By signing and submitting this bid or proposal, the prospective lower tier participant is providing the signed certification set out below.

Suspension and Debarment

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined in 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by the recipient. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to the recipient, the Federal

Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this order. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Contractor

Balance Tax & Accounting

Signature of Authorized Official



Date 11/28/2022

Name & Title of Contractors Authorized Official

Jamie Passanante, Co-owner

Exhibit C – Certification of Restriction on Lobbying

I, Jamie Passanante, co-owner, hereby certify on
(Name and Title of Grantee Official)

behalf of Balance Tax and Accounting that:
(Name of Bidder / Company Name)

- No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- If any funds other than Federal appropriated funds have been paid or will be paid to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S. Code 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Section 3801, et seq., are applicable thereto.

Name of Bidder / Company Name

Balance Tax & Accounting_____

Type or print name

Jamie Passanante_____

Signature of authorized representative



Date 11/28/2022

Owner

(Title of authorized official)

Firm Name: Balance Tax & Accounting

Proposed Indirect Cost Rate: \$125/hr

Date of Proposal Preparation (mm/dd/yyyy): 11/28/18

Fiscal Period Covered (mm/dd/yyyy to mm/dd/yyyy): 1/1/19 to 12/31/19

I, the undersigned, certify that I have reviewed the proposal to establish final indirect cost rates for the fiscal period as specified above and to the best of my knowledge and belief:

1. All costs included in this proposal to establish final indirect cost rates are allowable in accordance with the cost principles of the Federal Acquisition Regulations (FAR) of title 48, Code of Federal Regulations (CFR), part 31.
2. This proposal does not include any costs, which are expressly unallowable under the cost principles of the FAR of 48 CFR 31.

All known material transactions or events that have occurred affecting the firm's ownership, organization and indirect cost rates have been disclosed.

Signature:



Name of Certifying Official (Print): Jamie Passanante

Title.: Owner

Date of Certification (mm/dd/yyyy): 11/28/18

Exhibit E
Federal Clauses

To: Policy Board
From: Cindy Gray, Executive Director
Date: December 9, 2022
Re: **Requested Staff Promotion for Ari Del Rosario from Assistant Transportation Planner to Associate Transportation Planner**

The purpose of this memo is to request and recommend a promotion for Ari Del Rosario from an Assistant Transportation Planner to an Associate Transportation Planner. When Luke Champa, Association Planner, left Metro COG in the spring of 2022, we advertised to fill his position with either an Assistant Planner or an Associate Planner, with the Associate position having a requirement for more experience. One of the applicants for the Associate position was our current Assistant Transportation Planner – Ari Del Rosario.

At the time, Ari had been with Metro COG approximately 1 year and 9 months and I didn't feel he had as much experience as Luke had when we promoted him, and I held off making that recommendation with the assurance that within the next year, I would bring it forward for consideration to the Executive Committee and Policy Board.

Before joining Metro COG, Ari was a graduate student at the University of Minnesota Humphrey Institute and had an internship with Metro Transit in the Twin Cities. At the present time, Ari has been with us for two years and 3 months, and in November, he took the American Institute of Certified Planners (AICP) exam and passed it, so he now has his AICP certification. In many organizations, this milestone results in either a promotion or, at a minimum, a small salary increase.

At this time, I am recommending that we promote Ari to an Associate Transportation Planner. Ari has been a very dependable and diligent employee. He is an excellent team member as far as collaboration is concerned, and he is also very capable of working independently. Over the past two+ years, he has taken on the Federal Performance Measures, the Federal Functional Classification Update, and has contributed significantly to the Transportation Improvement Program since Luke left the agency. He contributed to the Clay County Comprehensive Plan, the West Fargo Traffic Calming Study, and the DGF Safe Routes to School. He is managing the Red River Greenway Study, and has become very independent in his work on the Metro Profile. He has the ability to use Remix Streets software and has helped the City of West Fargo with a traffic calming alternative they wanted to consider after completion of the study. He is learning the Urban SDK software, and is also familiar with StreetLight software.

Recently, Ari took on the responsibility of handling transit planning, and is coordinating with MATBUS staff to administer the MATBUS Coordinating Board meetings. Ari is growing in his abilities, and has been noticed by other employers who are looking to fill positions within their organizations, such as MnDOT and the Met Council.

I am recommending that we promote Ari to an Associate Transportation Planner as of January 1, 2023, which is an upward shift of one grade level on the salary scale (from Grade 13 to Grade 14). His current Salary is Grade 13, Step 3 (\$66,996).

The recommendation of the Executive Committee was to promote Ari to an Associate Transportation Planner, at a salary level of Grade 14, Step 3 (\$72,397).

Recommended Action: Recommend promotion of Ari Del Rosario to Associate Transportation Planner, with a salary increase to Grade 14, Step 3 as of January 1, 2023.

To: Policy Board
From: Cindy Gray, Executive Director
Date: December 9, 2022
Re: **Public Participation Plan Adoption**

In October, 2022, the TTC and Policy Board approved the opening of the required 45-day public comment period for the updated Public Participation Plan.

Public notice was published in The Forum on October 26, 2022 and November 16, 2022. Metro COG's mailing list was also used to notify the public about the opportunity to comment on the document, and the opportunity to comment was also posted on our website. A press release was also sent out to regional media outlets.

One comment was received by a member of the public describing the document as "wordy" and suggesting that an Executive Summary be provided. The document contains a table of contents and an introductory section that allows the reader to quickly determine the purpose of the document and the location of relevant information. This is not the type of document that would benefit from a separate Executive Summary, so none has been provided.

At their regular meeting of December 8, 2022, the Transportation Technical Committee recommended adoption of the updated Public Participation Plan.

Requested Action: Recommend adoption of the updated Public Participation Plan to the Policy Board.

Fargo-Moorhead Metropolitan Council of Governments

Public Participation Plan

Updated December, 2022



Disclaimer

The preparation of this document was funded in part by the United States Department of Transportation with funding administered through the North Dakota and Minnesota Departments of Transportation, the Federal Highway Administration and the Federal Transit Administration. Additional funding was provided through local contributions from the governments of Fargo, West Fargo, Horace, and Cass County in North Dakota; and Moorhead Dilworth, and Clay County in Minnesota. The United States government and the states of North Dakota and Minnesota assume no liability for the contents or use thereof.

This document does not constitute a standard, specification or regulation. The United States Government, the states of North Dakota and Minnesota, and the Fargo-Moorhead Metropolitan Council of Governments do not endorse products or manufacturers. Trade or manufacturers' names may appear therein only because they are considered essential to the objective of this document.

The contents of this document reflect the views of the authors, who are responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the policies of the state and federal departments of transportation.

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Introduction

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) provides a continuous, cooperative, and comprehensive (3-C) transportation planning process for the metropolitan area. As part of a successful 3-C transportation planning process, the MPO solicits public review and comment on the work, projects, and products proposed and created by the MPO.

Metro COG's Public Participation Plan (PPP) intends to promote this effort by defining a process that provides citizens, stakeholder groups, and other interested parties with reasonable opportunities to be involved in the transportation planning process.

Metro COG developed this PPP in consultation with the public and other interested parties. Social media, email blasts, and MPO committee meetings were used to direct the public and interested parties to Metro COG's website where they could provide feedback on the draft PPP. This document includes Metro COG's policies and procedures for carrying out public engagement, scheduling and notifying the public of public meetings and input opportunities, and both documenting and addressing public input in the planning process.

About the MPO

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 an 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 engineering and planning departments, county highway and planning 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.

Beginning in October of 2023 (Federal fiscal year 2024), it is expected that Metro COG will also be designated as a Transportation Management Area, as established in 23 CFR 450.104, because the population of the UZA exceeded 200,000 in the 2020 Census.

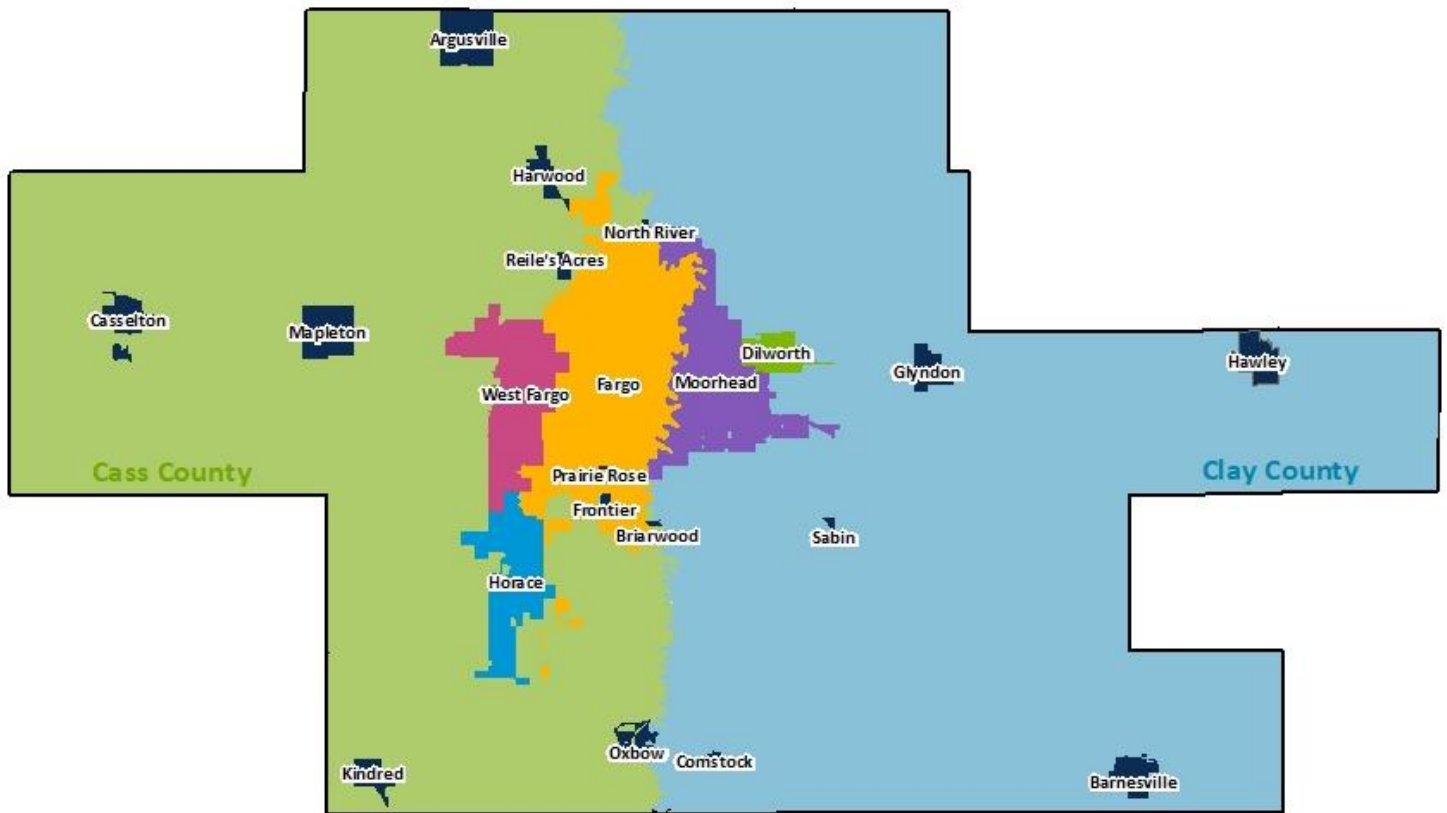
The core of an MPO is the official Adjusted Urban Area Boundary (known as the UZA), which is initially identified and defined by the U.S. Census Bureau as part of the Decennial Census update. The UZA boundary is used to determine the type of transportation funding programs potential projects may be eligible 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 two states, two 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:

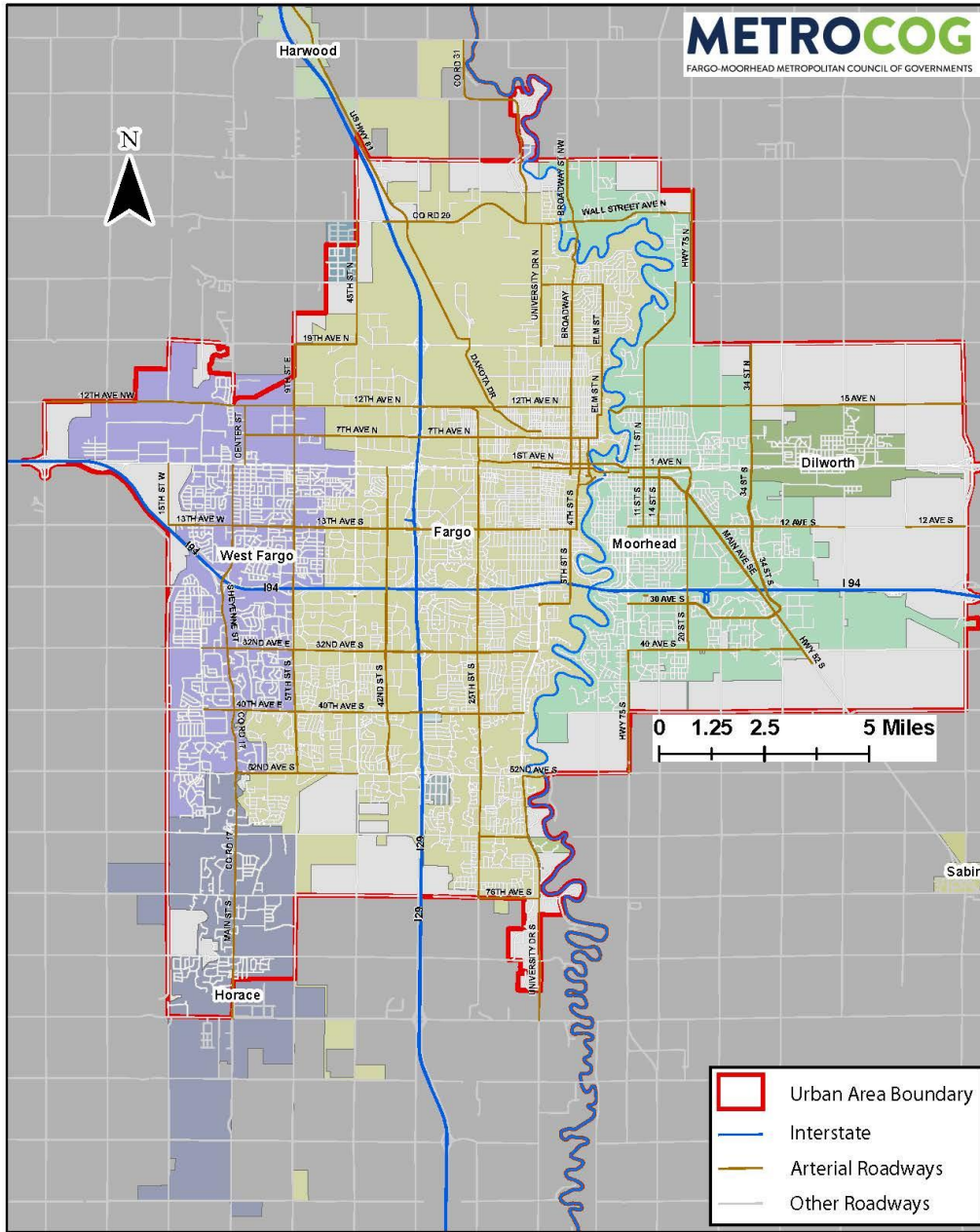
- a) The Metropolitan Planning Area Boundary;
- b) The Adjusted Urbanized Area boundary, which mainly includes the cities of Fargo, Moorhead, West Fargo, Dilworth and Horace, as well as Briarwood, Frontier, North River, Prairie Rose and Reile's Acres; and
- c) Cities within the MPA, but not the urbanized area, including Argusville, Casselton, Harwood, Mapleton, Kindred, Oxbow, Comstock, Sabin, Glyndon, Hawley and Barnesville.



Map 1. Metropolitan Planning Area

Map 2 is an enlarged map of the Urbanized Area.

Urbanized Area Boundary



Map 2. Urbanized Area Boundary

Members of the MPO include the following seven jurisdictions:

Cass County, ND
Fargo, ND
Horace, ND
West Fargo, ND

Clay County, MN
Dilworth, MN
Moorhead, MN

MATBUS is involved as transportation providers of the Cities of Fargo and Moorhead, with contractual arrangements for providing transit services to West Fargo, ND and Dilworth, MN.

Through collaboration with the North Dakota Department of Transportation (NDDOT), the Minnesota Department of Transportation (MnDOT), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and several other agencies, the members of the MPO work together to provide a safe and efficient surface transportation system for the metropolitan area.

As the MPO, Metro COG provides a regional forum to facilitate and ensure coordination between the public and local, state, and federal agencies in regard to transportation plans and programs, and other relevant planning issues that are addressed by the agency. Long and short-range multi-modal transportation plans are developed by the MPO, and as a TMA, Metro COG will also be responsible for selecting and approving projects for federal funding based on upon priorities established in adopted plans. Designated State and Federal routes will continue to be the responsibility of NDDOT in consultation with affected local jurisdictions. As a TMA, Metro COG is also responsible for having a process by which traffic congestion can be managed.

Metro COG consists of three committees that make recommendations and decisions that are critical to the region's transportation system:

- Transportation Technical Committee (TTC) – The TTC makes technical recommendations to the Metro COG Policy Board. Membership of the TTC includes City and County engineers of member jurisdictions, City and County Planners of member jurisdictions, transit administration in both the City of Fargo and the City of Moorhead, and representatives of NDDOT, MnDOT, higher education, freight, economic development, and the Metropolitan Bicycle and Pedestrian Committee, which is a subcommittee of the TTC. The TTC is chaired by the Metro COG Executive Director, who is also a voting member of the TTC.
- Executive Committee – This committee is made up of seven elected officials – one from each of the member jurisdictions. The Policy Board Chair and Vice Chair have the same roles on the Executive Committee. This committee is typically the first line of review for items such as annual budgets, UPWPs and UPWP amendments, personnel decisions, agency policies, and organizational matters.
- Policy Board – The Policy Board acts on the recommendations of the MPO Executive Committee and the TTC. Policy Board members are primarily local elected officials and other officials appointed by the local jurisdictions. Both NDDOT and MnDOT have an ex officio role on the MPO Policy Board. Once the TMA designation is complete, the MPO Policy Board will also include a representative of public transit operators. An ex officio representative of Hector International Airport will also be added. Other ex officio

members will continue to consist of representatives of the associate member jurisdictions located throughout the MPA.

A full-time professional planning staff makes recommendations to the TTC and supports these three committees in addition to a number of Study Review Committees and other working groups. Metro COG staff coordinates and prepares for committee meetings, informs the committees of projects and programs, and develops the final MPO work products and reports.

Regulations and Requirements

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, and natural origin in programs and activities that receive federal financial assistance. As President John F. Kennedy said in 1963, "Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial [color or national origin] discrimination." According to the US Department of Justice:

If a recipient of federal assistance is found to have discriminated and voluntary compliance cannot be achieved, the federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action. Aggrieved individuals may file administrative complaints with the federal agency that provides funds to a recipient, or the individuals may file suit for appropriate relief in federal court. Title VI itself prohibits intentional discrimination. However most funding agencies have regulations implementing Title VI that prohibit recipient practices that have the effect of discrimination on the basis of race, color, or national origin.

To assist federal agencies that provide financial assistance, the wide variety of recipients that receive such assistance, and the actual and potential beneficiaries of programs receiving federal assistance, the US Department of Justice has published a Title VI Legal Manual. The Title VI Legal Manual sets out Title VI legal principles and standards. Additionally, the Department has published an Investigation Procedures Manual to give practical advice on how to investigate Title VI complaints. Also available on the Federal Coordination and Compliance Website are a host of other materials that may be helpful to those interested in ensuring effective enforcement of Title VI.

Executive Order #12898

The U.S. Environmental Protection Agency (EPA) defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work."

In February 1994, President Bill Clinton signed Executive Order #12898 – Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The order is intended to focus federal attention on the "environmental and human health conditions in minority communities and low-income communities with the goal of

achieving environmental justice. That order is intended to promote nondiscrimination in federal programs substantially affecting human health and the environment, and to provide minority communities and low-income communities with access to public information on, and an opportunity for public participation in, matters relating to human health or the environment."

Open Meetings Law

Open meeting provisions are found in both the North Dakota Constitution and the North Dakota Century Code:

Unless otherwise provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be open to the public.

Minnesota also has an open meeting law which is codified in Minnesota Statutes, Chapter 13D. The Minnesota Supreme Court has articulated three purposes of the open meeting law:

- To prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board's decisions or to detect improper influences
- To assure the public's right to be informed
- To afford the public an opportunity to present its views to the public body

Minnesota's law applies to state and local multimember governmental bodies, including committees and subcommittees and nonprofits created by political subdivisions.

Public Records Law

Open record provisions are found in both the North Dakota Constitution and the North Dakota Century Code:

Unless otherwise provided by law, all records of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies are supported in whole or in part by public funds, or expending public funds, shall be public records, open and accessible for inspection during reasonable office hours.

The Government Data Practices Act, Minnesota Statutes, Chapter 13, is a series of laws meant to guarantee that the public has access to public records of government bodies at all levels. This includes all data collected, created, received, maintained, or disseminated by any government entity regardless of its physical form storage media or conditions of use.

Nondiscrimination Obligations

Metro COG's Title VI and Non-Discrimination Plan documents the agency's commitment 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 national origin;
- Ensure meaningful access to transportation planning-related programs and activities by persons with limited English proficiency.

Accommodations

Metro COG schedules public input meetings and regular meetings at accessible locations. When meetings pertain to a specific project, efforts are made to hold meetings at locations which are both accessible and in convenient proximity to study areas. News releases and public notices state that meeting facilities will be accessible to mobility-impaired individuals and that Metro COG will accommodate requests for translation services for meeting proceedings and related materials. More details on accommodations for persons with disabilities and limited English proficiency (LEP) is available on Metro COG's website at <https://fmmetrocog.org/resources/title-vi-plan>.

Complaint Procedures

Persons wishing to file a formal discrimination complaint may do so by completing the Title VI Complaint Form available on Metro COG's website:

<http://fmmetrocog.org/titlevi>

Complaint forms are also available both at the front desk and near the entrance to Metro COG's offices at 1 - 2nd Street N, Suite 232, Fargo, ND.

Record Keeping

Metro COG's Title VI Coordinator maintains a log of all complaints and the manner in which those complaints were addressed. At the time of this publication, the MPO has no discrimination complaints on file.

Stakeholders and Public Groups

Metro COG's stakeholders include all who live, work, learn, play, and conduct business in the Fargo-Moorhead metropolitan area as stakeholders. This includes both existing and future generations of metropolitan area citizens. The organization strives to study and plan for the wide range of interests, needs, and desires through the variety of studies and programs undertaken.

Several organizations and groups, both formal and informal, have been identified which either have a particular interest in transportation planning project and public involvement opportunities. These groups are included in email distribution groups that Metro COG uses to distribute information about projects and opportunities for public information, input and engagement. The entire email distribution list or portions of it can be contacted for special stakeholder input opportunities.

- Neighborhood organizations
- Fargo Moorhead West Fargo Chamber of Commerce
- Moorhead Business Association
- Freight entities, logistics organizations, and railroad companies
- Transit providers, both public and private

- Advocacy groups for people with disabilities, low income, or minority groups
- Transportation providers for groups that lack access to private vehicles
- The media, including television, radio, print, and electronic means
- Governmental agencies
- Schools and universities
- Environmental organizations
- Social action groups and those representing diversity
- Public health
- First responders and emergency services
- Major employers, which may vary in size depending upon the project
- Organizations and individuals interested in providing public input on transportation projects

Metro COG provides a website page (<http://fmmetrocog.org/contact-us>) where individuals or organizations may subscribe to email lists for Policy Board, Transportation Technical Committee, Metro Area Transit Coordinating Board, Cass Clay Food Commission, Metropolitan Bicycle and Pedestrian Committee, GIS Committee, Metro Connection (Newsletter) and Requests for Proposals and Consultant Information.

In addition to the Policy Board and Transportation Technical Committee, Metro COG currently supports the following committees which meet on a regular basis:

- Metropolitan Bicycle and Pedestrian Committee
- GIS Committee
- Cass Clay Food Commission
- Metro Area Transit Coordinating Board

Agendas and informational packets are emailed to a distribution group made up of individuals and groups who have subscribed to these email distribution lists.

Outreach Strategies

Metro COG uses several techniques to reach the citizens of the Fargo-Moorhead region and the metropolitan planning area and the stakeholder groups identified earlier in this document. A general outline of engagement strategies is used by the organization, particularly for projects that occur annually or every few years, such as the Metropolitan Transportation Plan, which occurs on a five-year cycle, or the Transportation Improvement Program, which is updated annually. The basic strategies may be added to or modified to enhance engagement or reach larger numbers of people in specific groups, either geographically, such as neighborhoods or corridors, or socially, such as people with disabilities, minorities (i.e. BIPOC - black, indigenous and people of color), or low income households.

Even before the COVID-19 pandemic in 2020, public agencies such as Metro COG were beginning to increase the use of digital methods of communicating with the public, either through social media or web-based methods of information and input opportunities, such as surveys or interactive maps. However, since the spring of 2020, those efforts have significantly increased along with virtual meetings. In some cases, on-line meetings attract more participants than in-person meetings typically attracted in the past. It is Metro COG's intent to move forward with a combination of web-based and in-person input opportunities to maximize the

convenience of learning about projects and providing input. Different stages of projects may warrant different approaches to virtual or in-person meetings.

Public Meetings and Events

The MPO Policy Board and TTC meet on a monthly basis. All of their meetings are open to the public, per the open meeting laws of the State of North Dakota. Meetings are a hybrid of in-person and virtual, with the information about connecting to the meeting virtually provided on Metro COG's website, on the agenda, and in the email distribution of the packet.

Other committees as listed above meet less frequently, but their meetings are also open to the public either virtually or in person. All meeting schedules, agendas, minutes, and informational materials are posted on Metro COG's website. Yearly meeting dates, times, and locations of the Policy Board meetings are published annually in The Forum of Fargo-Moorhead.

Figure 1 – Summary of Metro COG Boards and Committees

Group Name	Membership	Responsibilities	Meeting Frequency	Distribution of Materials	Information on Website	Past Meeting Minutes
Policy Board	Appointed representatives from local units of government	Administrative leadership with authority on budget, policy, planning activities and project prioritization	Monthly on 3 rd Thursday at 4:00 PM ¹	Board and Email Subscription List	Full agenda packet	Available on website
Transportation Technical Committee (TTC)	Technical staff from local units of government and cognizant agencies, and representatives of higher education, economic development, bike & ped committee, and freight	Advise Policy Board on planning and policy activities and project prioritization	Monthly on 2 nd Thursday at 10:00 AM ²	Committee and Email Subscription List	Full agenda packet	Available on website
Metropolitan Bicycle & Pedestrian Committee	Technical staff, park districts, higher education, non-profit organizations, law enforcement, transit, health agencies, and citizen member	Advise the TTC and Policy Board on bicycle and pedestrian plans, issues, and project priorities	Quarterly and as needed for specific planning studies or annual prioritization activities	Committee and Email Subscription List	Full agenda packet	Available on website
GIS Committee	Technical staff from local units of government	GIS data needs, sharing and standardization	As needed	Members only	Full agenda packet	Available upon request

Metro COG typically distributes committee materials six days in advance of the scheduled meeting (typically the Friday prior to the scheduled meeting). All meeting minutes are posted to

¹ On rare occasions, regular meeting dates are changed due to holidays. Changes are documented in the meeting materials and at www.fmmetrocog.org.

² On rare occasions, regular meeting dates are changed due to holidays. Changes are documented in the meeting materials and at www.fmmetrocog.org.

the website once approved. All of the above meetings are typically held at Metro COG's Conference Room at 1 - 2nd Street N, Suite 232, Fargo, ND. The MAT Coordinating Board typically meets at Fargo City Hall in the City Commission Room at 225 4th St N, Fargo, ND.

Each year, Metro COG has a different slate of projects in its Unified Planning Work Program (UPWP). The agency schedules public input meetings for the majority of those projects – typically more than one opportunity is provided over the course of the project, and larger projects often have three or more opportunities for input, and a variety of input methods at each phase of engagement. All input received is reviewed, synthesized, documented and shared with project decision-makers. At the beginning of every Policy Board and Transportation Technical Committee meeting, the MPO provides a public comment period where the public can address public officials.

The MPO seeks to engage all ages and all socioeconomic groups. In doing so, a variety of meeting locations and events are sought out as opportunities to reach out to a broad range of stakeholders. Project-related meetings and open houses are a public input component of most projects, and some projects also include pop-up meetings, where Metro COG has a booth or informational display at another public event, such as a community festival or street fair, that draws a large amount of attendance.

Publications

Press releases are issued throughout the year on many of Metro COG's planning projects and required transportation planning activities. Typically, these press releases are aimed at informing the public of scheduled input opportunities. Media releases go to media outlets throughout the region.

To subscribe to the MPO distribution list, contact MPO staff at 701-532-5100, or sign up at the following website: <https://fmmetrocog.org/contact-us>.

Metro COG also publishes legal notices or box ads in The Forum of Fargo-Moorhead, which is Metro COG's newspaper of record. For projects specific to Moorhead and Dilworth, notices are published in The FM Extra. Legal notices for projects in Clay County are currently published in the Clay County Union.

Online Presence

Metro COG's website at www.fmmetrocog.org provides information about upcoming meetings, committee members, staff contact information, maps, information about current projects, information about past projects, and other materials completed by the MPO or its consultants. Many relevant links are also provided on the website.

Social media sites including Facebook, Instagram and LinkedIn are also used to increase the extent to which Metro COG's information is available to the public. Metro COG posts project information and shares posts made by our local partners, NDDOT and MnDOT.

As mentioned above, Metro COG uses web-based formats for public engagement. Zoom is most frequently used, and on occasion, Microsoft Teams or WebEx are used as the preferred format of our local partners or consultants. In some cases, both virtual public meetings and in-person meetings, are shared via Facebook Live.

Metro COG provides notifications and announcements, both online and in various publications, of upcoming public-input meetings for the Metropolitan Transportation Plan, the Transportation Improvement Program, and the Public Participation Plan. Input opportunities are announced through press releases, legal notices, publications, email subscriptions and online postings (website and social media). The announcements include timeframes during which public input opportunities are available. Time frames for notifications and the number of notices vary depending upon the type of project or plan. Metro COG also posts meeting agendas and minutes at www.fmmetrocog.org.

The public is also notified of amendments to adopted plans and programs, such as the Metropolitan Transportation Plan and the Transportation Improvement Program using the same methods as described above.

Availability of Information

To provide reasonable access to information about transportation and processes, Metro COG posts publications, meeting notices, and other information online at www.fmmetrocog.org. Most publications are posted in PDF format, which uses the free, downloadable Adobe Reader software. The agency will provide hard copies of any document upon request. Additionally, Metro COG staff is available to make presentations on relevant topics to local organizations, and to meet with citizens and other interested parties. Occasionally, videos are used to provide information related to regionally significant planning initiatives. The MPO posts copies of all presentations to the Policy Board on the website, as well as copies of presentations from guest speakers. To request a hard copy of a document or to schedule a presentation, call 701-532-5100 or email metrocof@fmmetrocog.org.

Public Review and Comment

Metro COG provides a public review and comment period of no less than 15 days during which public comments can be submitted. Public notice is posted no less than seven (7) days prior to the public input opportunity (in-person or virtual meeting). One exception to this timeframe applies to the Public Participation Plan. This document requires a minimum 45-day public comment period. Specific public review and comment periods and approaches to public participation for each type of Metro COG's plans and programs are described in greater detail in the tables on pages 15-24. Links are provided to on-line postings of draft documents. However, paper copies of draft and final studies and reports are also available at Metro COG's office, and when applicable, at the offices of the local jurisdiction(s) involved in the study.

Public Meeting Locations, Dates and Times

Metro COG strives to schedule and conduct public meetings on dates that are most convenient for the public to attend, at times of the day that accommodate most peoples' schedules, and at locations that are convenient, safe, and accessible. Alternative arrangements to talk with interested members of the public are made when they are unable to attend a public meeting due to schedule conflicts.

Public Participation Procedures

Planning Document or Activity	Public Participation Procedures
<p>Metropolitan Transportation Plan (MTP)</p>	<p>About the MTP:</p> <ul style="list-style-type: none"> • The official multi-modal transportation plan addressing no less than a 20-year planning horizon that the MPO develops, adopts and updates through the metropolitan transportation planning process, including a fiscally constrained list of projects. • Development of the MTP includes an analysis of local trends, synthesis of recently completed corridor studies and sub-area plans, review of local transportation needs, and available funding, and is overseen by a Study Review Committee of stakeholders. • Reviewed by Study Review Committee, MPO committees, the public, North Dakota Department of Transportation, Minnesota Department of Transportation, Federal Highway Administration and the Federal Transit Administration. • Updated every five years. • Depending on the scope of work for the MTP, public input opportunities may go above and beyond the minimum requirements established here. <p>Public Participation and Adoption:</p> <ul style="list-style-type: none"> • MPO Policy Board adopts the Final MTP after considering and incorporating local, state, and federal comments. <ul style="list-style-type: none"> ◦ Reviewed by TTC, which makes recommendations to Policy Board ◦ Reviewed and approved by local member jurisdictions through adoption of resolution which are asked to approve resolutions of adoption • Public input meetings (in-person and/or online opportunities) held during MTP development. <ul style="list-style-type: none"> ◦ Legal notice or box ad published in The Forum of Fargo-Moorhead at least seven calendar days prior to the meeting with information about the duration of the public comment period ◦ 30 calendar day public comment and review period required starting on the date of publication of the notice ◦ Public meetings or input opportunities published on Metro COG website calendar and project web page and posted on social media ◦ Press release distributed to media outlets at least seven calendar days prior to the meeting ◦ Email distribution to subscribers with information about meeting at least seven calendar days prior to the meeting • All other public input opportunities during planning process published on MPO website, social media, and email distribution • At least one public input meeting must be held for completed draft MTP.

	<ul style="list-style-type: none"> • Additional public input meeting and 15-day comment period required if substantial changes are made to the draft MTP after the initial input meeting. • Public notice is posted no less than seven (7) days prior to the public input opportunity (in-person or virtual meeting). • Draft and final plan available for review on Metro COG website and at Metro COG office, with final product available after adoption.
<p>Amending the Metropolitan Transportation Plan</p>	<p>Administrative Modifications: Administrative modifications are tantamount to technical corrections that do not require a coordinated review by the MPO, FHWA and FTA or a determination of conformity by these entities. Administrative modifications shall be inclusive, but not limited to the following: descriptive material, forecasts, data bases, project costs (provided fiscal constraint is maintained) project descriptions, time frames, etc. No public notifications are required for administrative amendments. Administrative modifications may require coordination with the respective State DOT. Administrative modifications are approved by the Policy Board at the recommendation of the TTC. Public notice is not required.</p> <p>Amendments: The addition or deletion of any project or group of projects constitutes an amendment. An amendment to the MTP is subject to the requirements of the public participation process outlined above for the initial review and adoption of the MTP. The public notice requirements as outlined there should be followed for amendments to the MTP, using a 15-day public comment period. Following the public input process, amendments are approved by the Policy Board at the recommendation of the TTC.</p>

Planning Document or Activity	Public Participation Procedures
Transit Development Plan (TDP)	<p>About the TDP:</p> <ul style="list-style-type: none"> • Short and mid-term plan for the active management of transit services for the region. • Developed with oversight and input from the MAT Coordinating Board • Updated every five years • Referenced and reinforced by MTP • Depending on the scope of work for the TDP, public input opportunities may go above and beyond the minimum requirements established here. <p>Public Participation and Adoption:</p> <ul style="list-style-type: none"> • MPO Policy Board adopts the Final TDP after considering and incorporating local, state, and federal comments • Reviewed by MAT Coordinating Board, which makes recommendations to relevant local jurisdictions and Policy Board • Reviewed by TTC, which makes recommendations to Policy Board • Reviewed by local member jurisdictions which are asked to approve resolutions of adoption • Public input meetings (in-person and/or online opportunities) held during TDP development. <ul style="list-style-type: none"> ○ Legal notice or box ad published in <i>The Forum of Fargo-Moorhead</i> (Metro COG's newspaper of record) at least seven days prior to the meeting with information about the duration of the public comment period. ○ 30 calendar day public comment and review period required starting on the date of publication of the notice. ○ Public meetings or input opportunities published on Metro COG website calendar, project web page, and MATBUS website (www.matbus.com), and posted on social media. ○ Press release distributed to media outlets at least seven days prior to the meeting. ○ Email distribution to subscribers with information about meeting at least seven days prior to the meeting. • All other public input opportunities during planning process published on MPO website, social media, and email distribution. • At least one public input meeting (in-person and/or online opportunity) must be held for review of completed draft TDP. • Additional public input meeting and 15-day comment period required if substantial changes are made to the draft TDP after the initial input meeting with the same public notice requirements as stated above. • Draft and final plan available for review on Metro COG website and at Metro COG office, with final product available after adoption.
Amending the Transit Development Plan	<p>Amendments to the TDP require public notice, public comment period, review and recommendation by the MAT Coordinating Board and TTC, and adoption by the MPO Policy Board.</p>

Planning Document or Activity

Public Participation Procedures

Metropolitan Bicycle and Pedestrian Plan

About the Bicycle and Pedestrian Plan:

- Plan for the expansion and improvement to bicycle and pedestrian access and facilities throughout the region.
- Addresses a minimum 20-year planning horizon that the MPO develops, adopts and updates through the metropolitan transportation planning process.
- Referenced and reinforced in the MTP.
- Depending on the scope of work for the Plan, public input opportunities may go above and beyond the minimum requirements established here.

Public Participation and Adoption:

- MPO Policy Board adopts the Final Metropolitan Bicycle and Pedestrian Plan after considering and incorporating local, state, and federal comments.
 - Reviewed by Metropolitan Bicycle and Pedestrian Committee, which makes recommendations to TTC and Policy Board.
 - Reviewed by TTC, which makes recommendations to Policy Board.
- Public input meetings (in-person and/or online opportunities) held during Plan development.
 - Legal notice or box ad published in *The Forum of Fargo-Moorhead* at least seven days prior to the meeting with information about the duration of the public comment period.
 - 30 calendar day public comment and review period required starting on the date of publication of the notice.
 - Public meetings or input opportunities published on Metro COG website calendar and project web page and posted on social media.
 - Press release distributed to media outlets at least seven days prior to the meeting.
 - Email distribution to subscribers with information about meeting at least seven days prior to the meeting.
- All other public input opportunities during planning process published on MPO website, social media, and email distribution.
- At least one public input meeting (in-person and/or online opportunity) must be held for completed draft Bicycle and Pedestrian Plan.
- Additional public input meeting and 15-day comment period required if substantial changes are made to the draft Plan after the initial input meeting.
- Draft and final plan available for review on Metro COG website and at Metro COG office, with final product available after adoption.

Planning Document or Activity

Public Participation Procedures

Transportation Improvement Program (TIP)

About the TIP (23 CFR § 450.326):

- A detailed list of regionally significant, federally funded transportation projects by all jurisdictions and transit agencies in the MPO planning area, covering a period of at least four years and including capital and non-capital surface transportation projects, bicycle and pedestrian facilities, transit facilities, and other transportation enhancements and safety projects.
- Updated annually
- The TIP development process includes the solicitation of eligible projects for inclusion from all jurisdictions and transit agencies within the MPO planning area, an analysis of fiscal capacity, and feedback from MPO committees.
- Metro COG's current approved TIP outlines the required process for identification and prioritization of projects for the purpose of TIP development. The TIP also identifies the criteria for administrative modifications and amendments.

Public Participation and Adoption:

- MPO Policy Board adopts the Final TIP after considering and incorporating local, state, and federal comments
 - Reviewed by NDDOT, MnDOT, FTA and FHWA
 - Reviewed by local jurisdictions and transit agencies
 - Reviewed by TTC, which makes recommendations to Policy Board
- Public input meeting (in-person and/or online opportunities) held during TIP development.
 - Legal notice or box ad published in *The Forum of Fargo-Moorhead* (Metro COG's newspaper of record) initiates the public comment and review period which is a *minimum* of 30 calendar days
 - Legal notice or box ad published in *The Forum of Fargo-Moorhead* at least seven days prior to the required public input meeting
 - Public meetings or input opportunities published on Metro COG website calendar and project web page and posted on social media
 - Press release distributed to media outlets at least seven days prior to the meeting
- All other public input opportunities during TIP development process published on MPO website, social media, and email distribution.
- At least one public input meeting (in-person and/or online opportunity) must be held during the development of the TIP.
- If substantive written or oral comments are received on the draft TIP, either through the public involvement process or through the interagency consultation process, a summary, analysis, and report of the disposition of these comments shall be included in the final TIP.
 - A legal public notice and minimum 15-day comment period required if substantial changes are made to the draft TIP that was available for public review and comment. Substantive changes are new material issues which interested parties could not

	<p>reasonably have foreseen from the earlier public involvement efforts.</p> <ul style="list-style-type: none"> ◦ The amended draft TIP will be made available for review on the Metro COG website. ◦ The final TIP will document the public involvement process, present a summary of all public comments received and demonstrate Metro COG's consideration and response to these comments. <ul style="list-style-type: none"> • Draft and final TIP available for review on Metro COG website and at Metro COG office, with final product available after adoption.
<p>Amendments to the Transportation Improvement Program</p>	<p>About TIP Amendments (23 CFR § 450.328): Changes to the TIP are defined as either administrative modifications or amendments. Administrative modifications to the TIP do not require public notifications but are announced to the TTC and Policy Board at regularly scheduled meetings. Amendments to the TIP are required if certain criteria are met, as identified in the current adopted TIP.</p> <p>Public Participation and Adoption: Public participation requirements and notifications for TIP Amendments are the same as those described above for the annual update of the TIP, except that public input meetings may occur at either the TTC or Policy Board meeting, rather than scheduling a separate meeting solely for the TIP amendment.</p> <ul style="list-style-type: none"> ◦ A legal public notice and minimum 10-day comment period required. ◦ The amended draft TIP materials will be made available for review on the Metro COG website and at Metro COG's office. ◦ The final amended TIP will be made available for review on Metro COG's website and at the Metro COG office.

Planning Document or Activity

Public Participation Procedures

Public Participation Plan (PPP)

About the PPP:

- A documented participation plan that defines a process for providing the public and all members of the transportation industry with reasonable opportunities to be informed about and involved in the metropolitan transportation planning process.
- Updated every five years or as needed.
- The development process includes a review of past and potential new engagement practices to ensure the plan fits the needs of the community.

Public Participation and Adoption:

- MPO Policy Board adopts the Final PPP after considering and incorporating local, state, and federal comments.
 - Reviewed by NDDOT, MnDOT, FTA and FHWA
 - Reviewed by local jurisdictions and transit agencies
 - Reviewed by TTC, which makes recommendations to Policy Board
- Legal notice or box ad published in *The Forum of Fargo-Moorhead* (Metro COG's newspaper of record) initiates the public comment period, which is a minimum of 45 calendar days
 - Public input opportunity published on Metro COG website calendar and project web page and posted on social media
 - Press release distributed to media outlets at least four days prior to the initiation of the 45-day public comment and review period
- All other public input opportunities during PPP development process published on MPO website, social media, and email distribution.
- If substantive written or oral comments are received on the draft PPP, either through the public involvement process or through the interagency consultation process, a summary, analysis, and report of the disposition of these comments shall be included in the final PPP.
 - A legal public notice and minimum 15-day comment period required if substantial changes are made to the draft PPP that was available for public review and comment. Substantive changes are modifications to comment periods or public notice or public meeting requirements which interested parties could not reasonably have foreseen from the draft Plan.
 - The amended draft plan will be made available for review on the Metro COG website.
 - The final PPP will document the public involvement process, present a summary of all public comments received and demonstrate Metro COG's consideration and response to these comments.
- Draft and final PPP available for review on Metro COG website and at Metro COG office, with final product available after adoption.

Planning Document or Activity

Public Participation Procedures

Unified Planning Work Program (UPWP)

About the UPWP:

- An annual or biennial statement of work identifying the planning priorities and activities to be carried out within a metropolitan planning area. At a minimum, a UPWP includes a description of the planning work and resulting products, who will perform the work, time frames for completing the work, the cost of the work, and the source(s) of funds.
- Completed biannually with amendments as needed.
- The Policy Board adopts the Final UPWP after considering the recommendations of the TTC and incorporating state and federal comments.
- NDDOT, MnDOT, FHWA, and FTA affirm the final UPWP.
- The development process includes staff evaluating its planning funding availability, and regional planning tasks and needs with MPO communities and members to advance a draft UPWP.
- Public and stakeholder review is not required for the UPWP.
- Available on the MPO website.
- Developed with input from MPO committees and member jurisdictions after meetings and discussions about planning needs.
- MPO staff works with members as well as state and federal partners to monitor the progress of implementing the UPWP.
- Modifications and amendments are processed by seeking a recommendation from the TTC and approval from the Policy Board, followed by approval from NDDOT, MnDOT, FHWA, and FTA.

Planning Document or Activity

Public Participation Procedures

Other Corridor Studies and Sub-Area Plans

About Corridor Studies and Sub-Area Plans:

- As a follow-up to the MTP, TDP or Metropolitan Bicycle and Pedestrian Plan, Metro COG and its local jurisdictions frequently determine the need to study certain transportation corridors, transit facilities or services, or bicycle and pedestrian components for more in-depth analysis.
- Often, a one of the significant reasons for conducting such studies is to gain input from the public on the needs and issues pertaining to the study area. In other instances, the significant reasons are more technical in nature, but usually include the sharing of information with the public and the gathering and consideration of public input.
- The scope of work for each project includes a public engagement plan, which will differ from one plan to another, but will generally include a plan for public meetings, on-line or in-person opportunities for input. The engagement plan will also include the method by which the general public and those directly affected by the Plan or Study will be notified about the study and opportunities for input.
- Depending on the scope of work for the Plan or Study, public input opportunities may go above and beyond the minimum requirements established here.

Public Participation and Adoption:

- MPO Policy Board adopts the Final Plan after considering and incorporating local, state, and federal comments
 - Reviewed by NDDOT, MnDOT, FTA and FHWA
 - Reviewed by local jurisdictions and, when applicable, transit agencies
 - Reviewed by TTC, which makes recommendations to Policy Board
- If public input meetings (in-person and/or online opportunities) are held during Plan or Study development
 - Legal notice or box ad published in The Forum of Fargo-Moorhead or newspaper of public record initiates the public comment and review period, which is a minimum of 15 calendar days, and shall be published at least seven days prior to the public input meeting
 - Public meetings or input opportunities published on Metro COG website calendar and project web page and posted on social media
 - Press release distributed to media outlets at least seven days prior to the public meeting or comment period?
 - All other public input opportunities during Plan or Study development process published on MPO website, social media, and email distribution
- Draft and final Corridor Studies and Sub-Area Plans shall be available for review on Metro COG website and at Metro COG office, and at the local government office with final product available after adoption.

Visualization Techniques

Metro COG makes every reasonable effort to incorporate visualization techniques into its public outreach activities. The MPO and its consultants prepare legible maps for public meetings regarding the development of the MTP and the TIP to help identify the location and potential impact of possible transportation improvements and network alternatives. Other useful visual aids used by the MPO may include concept plans, sketches, renderings, graphs and charts representing various types of data and flow charts depicting the transportation planning process. Online “story maps” are used for some projects to help the public walk through a series of informational materials about projects. Online interactive maps are provided as a means of public input on more and more projects. These maps allow the public to insert comments about transportation issues and desired future improvements or changes. In addition to inserting their own comments on the map, members of the public can also agree, disagree or add to the input of another individual. Previously, videos were mentioned as way to inform the public about projects. They are sometimes developed as way to inform large numbers of people about a project and continue to be available over an extended period of time.

Accommodations for Special Populations

Metro COG works to reach out to special populations traditionally underserved by existing transportation systems that may face challenges accessing employment and other services. These populations may include low-income and minority households, persons with disabilities, and persons with limited English proficiency. The MPO schedules public input meetings at Americans with Disabilities Act compliant facilities, and at convenient and accessible locations and times.

Translation services are available and can be used by Metro COG to translate documents upon request. To request translation services, people can call or email MPO staff at 701-532-5100 or Metrocog@fmmetrocog.org. The public is asked to provide Metro COG with as much notice as possible so staff can best provide for any special accommodations that may be necessary in order for them to participate in any public events. Additional information on Metro COG’s nondiscrimination obligations and procedures for investigating and tracking Title VI complaints can be found elsewhere in this document, or is available upon request by calling 701-532-5100 or by visiting www.fmmetrocog.org/resources/title-vi-plan.

Summary of Public Participation Procedures by Program Element						
Type of Plan	Public Meeting Requirement	Public Meeting Notification Requirements**	Length of Notice Prior to Public Meeting	Comment Period	Press Release Requirement	Other Considerations
Metropolitan Transportation Plan (MTP)	Yes	Legal Notice or Box Ad	7 Days	30 Days	7 days prior to public meeting	Email distributions to interested persons
MTP Amendment	Yes	Legal Notice or Box Ad	7 Days	15 Days	7 days prior to public meeting	Email distributions to interested persons
Transit Development Plan	Yes	Legal Notice or Box Ad	7 Days	30 Days	7 days prior to public meeting	Email distributions to interested persons
Bicycle & Pedestrian Plan	Yes	Legal Notice or Box Ad	7 Days	30 Days	7 days prior to public meeting	Email distributions to interested persons
Transportation Improvement Plan (TIP)	Yes	Legal Notice or Box Ad	7 Days	30 Days	7 days prior to public meeting	Email distributions to interested persons
TIP Amendments	Yes	Legal Notice or Box Ad	7 Days	15 Days	7 days prior to public meeting	Email distributions to interested persons
Public Participation Plan (PPP)	No	Legal Notice or Box Ad	N/A	45 Days	Prior to initiation of public comment period	Email distributions to interested persons
Unified Planning Work Program (UPWP)	No	None Required	N/A	N/A	N/A	N/A
Sub-Area & Corridor Studies	Varies – as specified by scope of work*	Legal Notice or Box Ad	7 Days	15 Days	7 days prior to public meeting	Email distributions to interested persons

*Generally public meetings are required for sub-area and corridor studies. On occasion, certain studies do not require public meetings, and information is provided through other means.

**Legal notices will typically be used unless a) schedule requirements for a legal notice cannot be met, or b) greater visual emphasis is desired, in which cases a Box Ad will be used.

Public Input

The MPO accepts input and comments from the public through a variety of means. Members of the public may make comments by calling Metro COG at 701-532-5100. Written comments may be submitted in the following ways:

- Presented at public meetings
- Faxed to the MPO at 701-232-5043
- Emailed to metrococ@fmmetrococ.org
- Mailed to Metro COG, 1 – 2nd Street N, Suite 232, Fargo, ND 58102

The public may submit comments to their respective TTC or Policy Board representatives for transmittal to the respective full committees. Citizens can make comments on MPO plans, reports and programs at public input meetings or at regular monthly meetings during the public comment period near the beginning of each agenda. Citizens or representatives may request time on a Metro COG TTC or Policy Board agenda to offer input to the full committees. The MPO staff shares all public comments and input with the TTC, the Executive Committee and the Policy Board in verbal and/or written form.

The MPO accepts and considers public input and comments received during the public participation process. When significant written or oral comments regarding the draft MTP, draft TIP, draft PPP, or other transportation planning project are received by Metro COG, a summary, analysis, and report on those comments is included in the final document. In those cases where a final MTP, TIP or PPP differs significantly from the version that was made available for public comment, the MPO provides an additional opportunity for further public comment on the final version. Additional public comment periods are at least 15 calendar days.

Coordination and Consultation

Metro COG coordinates its public participation efforts with the statewide transportation planning public involvement and consultation process, as necessary. The MTP, TIP, and PPP are developed with due consideration of other related planning activities in the metropolitan area, and Metro COG consults with other agencies and officials responsible for other planning activities that may be impacted or affected by transportation. Additionally, the MPO involves the appropriate federal land management agencies in the development of the MTP and TIP as necessary.

Evaluation

The MPO periodically reviews the PPP in order to monitor the effectiveness of the procedures outlined in this document. Following evaluation of the outputs of the PPP, the MPO may revise these procedures to incorporate new and innovative ways to involve the public, facilitate the sharing of information, and ensure a full and open participation process. In particular, Metro COG documents information regarding public attendance at public input meetings, records the number of requests or complaints associated with special populations, and solicits feedback on the use of visual aids at public meetings. The MPO reviews this information every year and evaluates the need to revise these procedures.

Contact Information

Metro COG understands that the public is vital to a strong planning process, and that transportation plans and projects are meant to serve the citizens from whom input is sought. As such, Metro COG encourages residents to submit comments to the MPO. This can be accomplished by contacting Metro COG through the following means:

Mail: Metro COG
1 – 2nd St N, Suite 232
Fargo, ND 58102

Phone: 701-532-5100

Fax: 701-232-5043

Email: metrococg@fmmetrococg.org

Website: www.fmmetrococg.org

Facebook: www.facebook.com/fmmetrococg

Instagram: www.instagram.com/fmmetrococg

LinkedIn: www.linkedin.com/company/fmmetrococg

To: Policy Board
From: Paul Bervik, Assistant Transportation Planner
Date: December 9, 2022
Re: **2023-2026 Transportation Improvement Program (TIP) Amendment #2**

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) will hold a virtual public meeting via Zoom Video Communications on Thursday, December 15, 2022 at 4:00 p.m. to consider public comments regarding a proposed amendment to the 2023-2026 Transportation Improvement Program (TIP) for the FM Metropolitan Area. The proposed amendment to the 2023-2026 TIP reflects a modified federally funded project within the Metropolitan Planning Area (MPA).

A public notice was published in The Forum of Fargo-Moorhead on Wednesday, November 30, 2022, which advertised the public meeting, detailed how to request more information, and provided information on how to make public comment regarding the proposed amendment. The public notice advertised that all public comments will be accepted until 12:00 p.m. (noon) on Thursday, December 15, 2022. As of the writing of this memo, no written comments have been received.

The proposed amendment to the 2023-2026 TIP is as follows:

1. **Modification of Project 9200031:** NDDOT is rehabilitating the 25th Street I-94 interchange (2023). The project cost increased by 132%.
2. **Modification of Project 9221006:** NDDOT will be repairing a slide along Main Avenue in West Fargo (2023). The project year was shifted from 2024.
3. **Modification of Project 9231005:** NDDOT will be reconstructing the I-94 interchange at Lynchburg. (2024) The project year shifted from 2025.
4. **Modification of Project 9231005:** Moorhead Transit will be purchasing a new utility vehicle (2023). The project description is being modified.
5. **New Project 4232020:** City of Fargo construction of new shared use path along the Red River between 35th Avenue South and 40th Avenue South (2024). This is for the federal funding in fiscal year 2024 for 4232021.
6. **New Project 4232021:** City of Fargo construction of new shared use path along the Red River between 35th Avenue South and 40th Avenue South (2025). This is for the federal funding in fiscal year 2025 for 4232020 and the local portion.
7. **New Project 4232022:** City of Fargo construction of a shared use path and drain crossing on Drain 27. This project will connect two existing trail networks (2025).
8. **New Project 7232023:** City of Horace construction of a shared use path along the east side of Country Road 17. (2024).

See **Attachment 1** for more detailed project information. The Transportation Technical Committee recommended approval of this amendment at their December 8, 2022 meeting.

Requested Action: Approve Amendment #2 of the Metro COG 2023-2026 Transportation Improvement Program (TIP).

Agenda Item 3c, Attachment 1

Lead Agency	Metro COG ID State Number	Project Year	Project Location	Length	Project Limits From To		Project Description	Improvement Type	Total Project Cost	Federal Revenue Source	Other Revenue Source	Revenue
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Amendment 2 - 2023-2026 Metro COG TIP

NDDOT	9200031 22631	2023	I-94E	1.0	I-29	25th St Interchange	Portland Concrete Cement Pave, Ramp Connection, Ramp Revisions, Widening	Rehabilitation	\$3,283,500 \$1,416,000	IM	State	\$2,955,150 \$1,274,000 \$328,350 \$142,000
NDDOT	9221006 23288	2023 2024	Main Ave/US 10	Near the Sheyenne River			Slide Repair	Rehabilitation	\$5,001,000	NHS-U	State Local	\$4,047,000 \$454,000 \$500,000
NDDOT	9231005 23808	2024 2025	I-94 bidge repair at Lynchburg Interchange				3 WEST OF ND 18; STRUC REPLACE,APPR SLAB REP,GUARDRAIL	Reconstruction	\$5,200,000	IM	State Local	\$4,680,000 \$520,000 \$0
Moorhead Transit	5200008 TRF-0034-23D	2023	Transit				Sect 5307: City of Moorhead Support Equipment/Facility Equipment (utility vehicle) (split cost of \$96,000 with 1/3 coming from Moorhead and 2/3 coming from Fargo) Sect 5307: City of Moorhead Support Equipment/Facility Equipment (Tool Cat) (split cost of \$96,000 with 1/3 coming from Moorhead and 2/3 coming from Fargo)	Transit Capital	\$32,000	FTA 5307	Local	\$25,600 \$6,400

The following are new projects.

City of Fargo	4232020	2024	Red River Trail	0.8	35th Ave S	40th Ave S	Construction of new shared use path along the Red River between 35th Ave S and 40th Ave S. Connected to 4232021.	Bike/Ped	\$440,811	TA	Local	\$352,649 \$88,162
City of Fargo	4232021	2025	Red River Trail	0.8	35th Ave S	40th Ave S	Construction of new shared use path along the Red River between 35th Ave S and 40th Ave S. Connected to 4232020.	Bike/Ped	\$299,130	TA	Local	\$144,134 \$154,996
City of Fargo	4232022	2025	Drain 27 Crossing	0.2			Construction for new shared use path and crossing conecting two existing trail networks at Drain 27.	Bike/Ped	\$875,045	TA	Local	\$700,036 \$175,009
City of Horace	7232023	2024	County Road 17	0.5	3rd Ave N	81st Ave S	Construction for new shared use path along east side of County Road 17.	Bike/Ped	\$590,140	TA	Local	\$472,112 \$118,028



To: Policy Board
From: Cindy Gray, Executive Director
Date: December 9, 2022
Re: **2021-2022 Unified Planning Work Program (UPWP) Amendment 7**

The purpose of this agenda item is to address changes to operations and overhead costs for 2022 and amend the 2021-2022 UPWP to bring it into alignment with our year-end estimates.

Staff hours were approximately 300 less than budgeted due to a staff change mid-year that resulted in an unfilled position for a period of two months. Some of the hours were made up by an increase in intern time, but at a much lower hourly rate. We anticipated this, and used approximately \$15,500 in carryover funds from 2021 and \$17,000 of the unused 2022 operations budget in the last UPWP amendment (#6) to purchase the Urban SDK license. The table below shows the most recently approved 2022 budget and staff hours (as approved in Amendment 2), and the estimate of actual hours through the end of the year.

Comparison of 2022 Budget for Staff Hours and 2022 Year-End Actual Hours

Program Area	2022 UPWP		2022 Actual		Difference	
	Budget	Staff Hours	\$ Spent	Staff Hours	Variation from Budget	Staff Hours
100 Policy and Administrative Forums	\$71,783	1,280	\$62,500	1,035	-\$9,283.10	-245
200 Contracted Planning	\$123,529	2,200	\$136,000	2,385	\$12,471.45	185
300 Federal Transportation Planning & Documentation	\$128,501	2,252	\$129,500	2,135	\$999.07	-117
400 Technical Transportation Data & Analysis	\$139,866	3,015	\$159,000	3,475	\$19,133.75	460
500 Transit Planning	\$21,897	370	\$10,500	200	-\$11,396.70	-170
600 Bicycle & Pedestrian Planning	\$36,467	771	\$53,000	1,215	\$16,533.44	444
700 Local Planning Assistance	\$69,680	1,410	\$20,500	355	-\$49,180.00	-1,055
800 General Administration*	\$270,322	5,089	\$269,000	5,100	-\$1,321.71	11
900 Publications Public Information and Communication	\$16,496	359	\$9,000	205	-\$7,495.58	-154
1000 Community Planning and Technical Assistance	\$25,297	544	\$38,000	885	\$12,702.68	341
TOTAL	\$903,837	17,290	\$884,340	16,990	-\$16,836.70	-300

*General Administration includes all staff leave time (holiday, vacation and sick leave)

The most significant difference in staff hours was the lower number of hours spent on local planning assistance. Other needs resulted in these hours being used in different categories. For example, Category 400 – Technical Transportation Data and Analysis required more hours than budgeted. This category includes the Functional Classification System, the Metro Profile, household and job assignments to TAZs, and GIS among other things. Our GIS files underwent significant updates this year after our GIS Coordinator was hired. Category 600 – Bicycle and Pedestrian Planning also required more hours than expected.

Metro COG's 2022 overhead expenditures are very close to the amount budgeted. The table below shows estimated overhead expenses for the year. The only category that went overbudget is the maintenance of traffic count equipment.

2022 Overhead Budget, Amounts Spent by Category, and Remaining Amounts				
800	Category	Budget	Spent	Remaining \$
800a	Travel/Training	\$ 28,520.00	\$ 15,062.96	\$ 13,457.04
800b	Dues/Subscriptions	\$ 58,565.00	\$ 56,864.59	\$ 1,700.41
800c	Office Supplies	\$ 4,000.00	\$ 1,280.70	\$ 2,719.30
800d	Postage/Meter Lease	\$ 2,420.00	\$ 722.85	\$ 1,697.15
800e	Advertising	\$ 2,000.00	\$ 1,319.05	\$ 680.95
800f	Office Rent	\$ 80,400.00	\$ 78,765.12	\$ 1,634.88
800g	Insurance	\$ 8,200.00	\$ 7,383.85	\$ 816.15
800h	Phone/Internet	\$ 4,080.00	\$ 3,727.69	\$ 352.31
800i	Information Systems/IT	\$ 103,679.00	\$ 101,699.84	\$ 1,979.16
800j	Audit	\$ 11,750.00	\$ 11,500.00	\$ 250.00
800k	Office Equipment	\$ 500.00	\$ 105.00	\$ 395.00
800L	Printing/Copier Lease	\$ 5,999.92	\$ 3,903.65	\$ 2,096.27
800m	Legal Services	\$ 1,200.00	\$ 301.00	\$ 899.00
800n	Accounting	\$ 16,800.00	\$ 16,200.00	\$ 600.00
800o	HR Services	\$ 500.00	\$ -	\$ 500.00
800p	Traffic Count Maint	\$ 10,095.00	\$ 10,766.77	\$ (671.77)
800q	Payroll Services	\$ 1,680.00	\$ 1,643.00	\$ 37.00
800r	Newsletter	\$ 2,500.00	\$ -	\$ 2,500.00
TOTAL		\$ 342,888.92	\$ 311,246.07	\$ 31,642.85
Locally Funded Categories				
801a	Bike Map App/Misc	\$ 1,800.00	\$ 1,355.33	\$ 444.67
801b	Traffic Count Fund	\$ 1,000.00	\$ -	\$ 1,000.00
TOTAL		\$ 2,800.00	\$ 1,355.33	\$ 1,444.67

An estimated \$31,653 remains in the 2022 overhead budget, which Metro COG recommends carrying over into the 2023 budget. We recommend shifting \$700 from

Category 800a, the travel/training budget to cover the overage in 800p, traffic count equipment maintenance.

The recommended 2022 year-end amendment is summarized as follows:

- Amend the staff hours and costs as shown in the table on p. 1.
- Amend the overhead budget to shift \$700 from 800a to 800p to cover the overage in traffic count equipment maintenance.
- Amend the UPWP to carry over \$32,000 in remaining overhead funds into 2023. The proposed amendments to the 2023-2024 UPWP will address how these funds will be used.

At their December 8, 2022 meeting, the Transportation Technical Committee recommended approval of the recommended year-end UPWP Amendment (Amendment 7 to the 2021-2022 UPWP).

Recommended Motion:

Approval of the 2022 year-end UPWP Amendment, consisting of the changes identified below:

- **Amend the staff hours and costs as shown in the table on p. 1.**
- **Amend the overhead budget to shift \$700 from 800a to 800p to cover the overage in traffic count equipment maintenance.**
- **Amend the UPWP to carry over \$32,000 in remaining overhead funds into 2023. The proposed amendments to the 2023-2024 UPWP will address how these funds will be used.**

To: Policy Board
From: Cindy Gray, Executive Director
Date: December 9, 2022
Re: **2023-2024 Unified Planning Work Program (UPWP) Amendment 1**

The purpose of this agenda item is to consider additional projects to utilize approximately \$210,000 in unprogrammed CPG funds for the 2023 work program and approximately \$32,000 in unused 2022 overhead funds, for a total of approximately \$244,000. Metro COG initially did not program the full amount of our anticipated CPG funding due to the possibility that Minot would become an MPO, in which case some of our funding would need to be redistributed to them. Due to the delay in the US Census Bureau's completion of 2020 MPO and TMA designations, that did not happen, and we still don't know for sure if Minot will become an MPO.

Since completion of the 2023-2024 UPWP earlier this fall, a few other project requests have been put forth that were not under consideration when we prepared the 2023 budget or the 2023-2024 UPWP. We do not have enough funding in our 2023 budget to do all of the projects, and at this time, we don't have flexibility in our 2024 budget either, so it will be important to choose carefully and focus broadly on the future transportation needs of the region.

The projects that have been suggested are as follows:

- West Metro Perimeter Highway Study – Cass County (referred to as a ring route in the interstate operations analysis)
- Horace Downtown Neighborhood Plan – City of Horace
- BNSF Railroad Grade Separation Study at 14th St NE in Dilworth – No local sponsor identified at this time

In addition to these projects, interest has also been expressed in moving the beginning of the Heartland Trail Study up into 2023. The project has been programmed to begin in 2024 and be completed in 2025.

West Metro Perimeter Highway Study

The purpose of this study would be to pick up where the Interstate Operations Analysis leaves off relative to future needs of the corridor (see Attachment 1). The Interstate Operations analysis has projected ADT volumes that would make this one of the most heavily traveled highways in Cass County. The timing of the study is critical in that excess right-of-way purchased for the Red River Diversion is available for the portion of the corridor north of I-94. In the near future, this property will need to be placed on the market, but the opportunity exists for the County to purchase all or a portion of the property. If delayed, the right-of-way will either no longer be available or will cost significantly more in the future. South of I-94, section line corridors exist, minimizing the need for additional right-of-way.

The proposed study will address the following:

- Purpose and need
- Conceptual layouts
- Identification of roadway features (alignment, structures, drainage, safety considerations)
- Early identification of environmental considerations
- Public and stakeholder engagement
- Planning level cost estimates
- Connectivity to the roadway network both within the area protected by the diversion and outside of the diversion
- Land use and access management controls needed to protect the long-term mobility and suitability of the corridor for freight and regional travel

The study would serve as a template for moving forward into the project development process and would allow the metro area to apply for grants to construct the project.

Cass County would provide the local match for this study.

Horace Downtown Neighborhood Plan

The City of Horace has requested a study that would focus on their core neighborhoods and their downtown area. These areas were initially built without the pedestrian and bicycle features being put into the newly developed areas of the City, and connectivity to surrounding neighborhoods is limited. The City is looking for guidance for bicycle and pedestrian safety and connectivity improvements, traffic calming, conceptual designs of downtown neighborhood streetscape, areas for communal gathering, and overall accessibility to the city's core.

Horace has requested \$75,000 for this study, requiring a local match of \$25,000. A letter describing the City's request in more detail is attached (Attachment 2).

BNSF Railroad Grade Separation at 14th St NE in Dilworth

Several long-range planning documents have identified a future railroad grade separation at 14th Street NE in Dilworth, allowing for the closure of the at-grade railroad crossing at Dilworth's Main Street S. These studies include the 12th Avenue S Corridor Study (see Attachment 3), the Dilworth Comprehensive Plan (Attachment 4), and MetroGrow – the 2045 Metropolitan Transportation Plan (Attachment 5). The project has never risen to short or even mid-term consideration. In the RFP for the US 10 Corridor Study through Dilworth, Metro COG mentioned the potential for a future railroad grade separation at this location as a consideration, but neither the scope of work nor the budget for that project allows for the crossing to be studied to the point of determining feasibility, impacts, or planning level cost estimates. Growth in the area consists of some growth in Dilworth north of US Highway 10. At this time, development of the area south of the railroad tracks is a mile or more west of 14th Street SE. Future vision for the area to connect 14th Street to I-94 is complex and long term.

In recent months, BNSF has approached the City of Dilworth and Clay County regarding a desire to study this railroad grade separation in preparation to apply for a

grant to construct. I agree that this is a future need within our metropolitan area, but do not believe we're in a position to use CPG funds for the type of study needed at this location. CPG funds are limited to planning related activities, and a project as complex as a railroad grade separation requires more of a preliminary engineering and feasibility analysis. Planning components of the study would be limited, since a grade separation at this location would connect to very little development and a very limited roadway network. Metro COG could, however, work with local partners pursue to grant applications for funding to carry out such an analysis.

Recommendation

The following table provides a summary of funds available and local match required. Planning study options are also shown, along with Metro COG's recommendation for how to use the available funds.

2023 UPWP Amendment 1			
	Federal CPG Funds	20% Local Match Requirement	CPG + Local Match
Unprogrammed 2023 CPG Funds	\$210,000	\$42,000	\$252,000
2022 Overhead Funds Carried Over to 2023	\$32,000	\$6,400	\$38,400
Total	\$242,000	\$48,400	\$290,400
Planning Study Options for Funding and Estimated Study Costs			
West Metro Perimeter Highway Study	\$200,000	\$40,000	\$240,000
Horace Downtown Neighborhood Plan	\$75,000	\$25,000	\$100,000
BNSF RR Grade Separation at 14 th Street SE	N/A	N/A	N/A
Total	\$275,000	\$65,000	\$340,000
Recommended Amendment			
West Metro Perimeter Highway Study	\$200,000	\$40,000	\$240,000
Horace Downtown Neighborhood Plan	\$42,000	\$8,400	\$50,400
Total	\$242,000	\$48,400	\$290,400

The West Metro Perimeter Highway Study is recommended as the highest priority project for the use of CPG funds, because it has the highest level of regional planning

significance and is important from a timing perspective due to the short-term need to sell the excess right-of-way purchased for the diversion.

The Horace Downtown Neighborhood Plan is recommended for partial funding because it is significantly less regional in nature and more focused on a neighborhood planning process. Metro COG could provide staff assistance for the project to supplement funds. The challenge with a project of this size is that the federal funding pushes it into a full Qualifications Based Selection (QBS) process, which is expensive for consultants to go through in pursuit of a small-scale project. The City of Horace will need to take this into consideration.

As stated above, the BNSF project in Dilworth is not recommended as a CPG-funded project at this time. At a future time, if sufficient planning-related activities can be identified as needed for a study of this project, a planning study funded with CPG funds could be pursued. However, the project seems better suited to a preliminary engineering type of analysis.

At their December 8, 2022 meeting, the Transportation Technical Committee recommended approval of Amendment 1 to the 2023-2024 UPWP, as proposed.

Recommended Action:

Approval of Amendment 1 to the 2023-2024 UPWP to add the West Metro Perimeter Highway Study to the UPWP with an estimated cost of \$240,000 and the Horace Downtown Neighborhood Plan for \$50,400 (with additional overmatch required from the City of Horace or other sources).

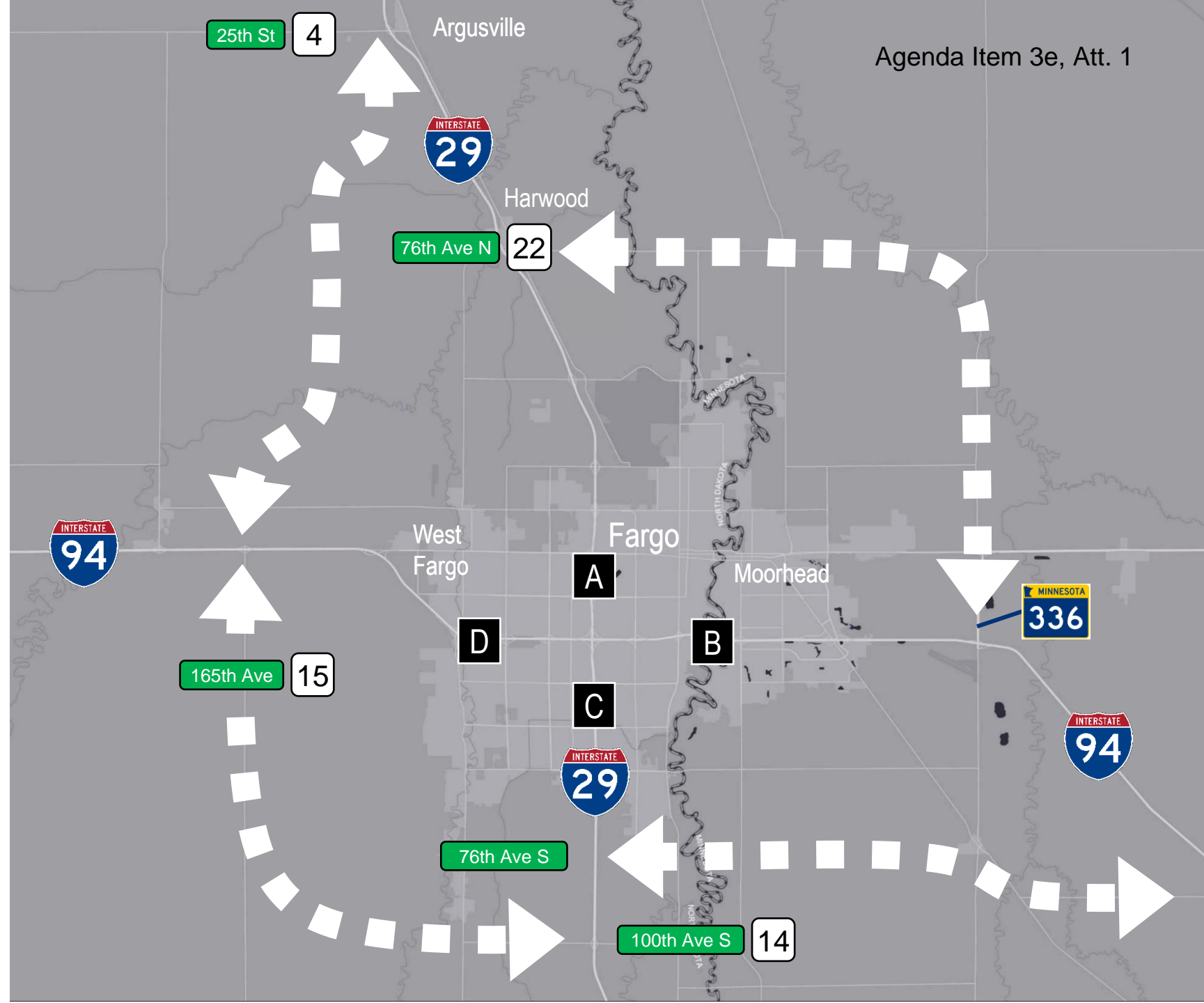
Ring Route Analysis

All Ring Routes (Combined)

Interstate Trip Reduction

- A. I-29: ~1,500 - 2,500
- B. I-94: ~3,000 - 6,000
- C. I-29: ~2,000 - 4,000
- D. I-94: ~1,500 - 2,500

From Previous SRC Meeting



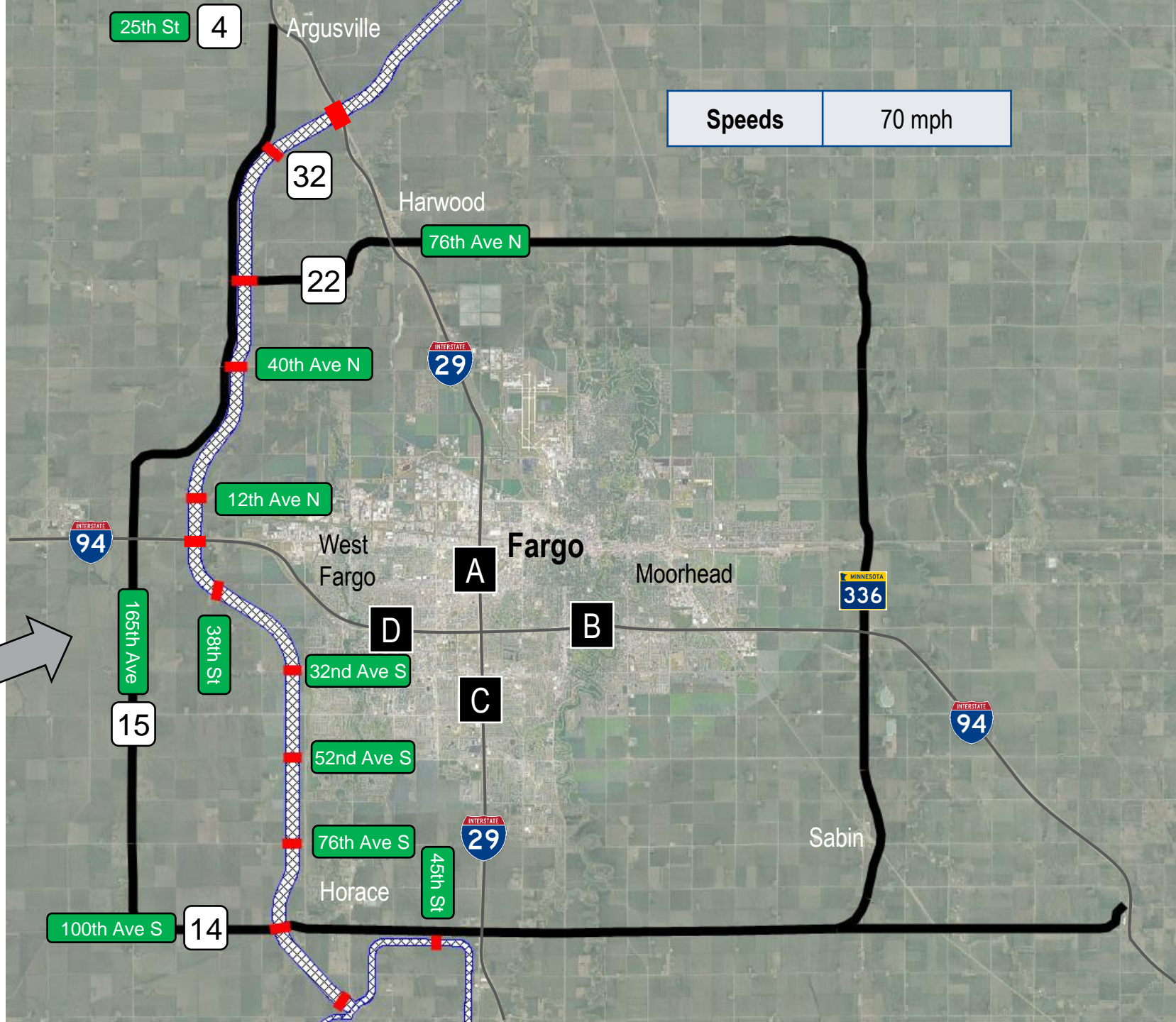
Ring Route Analysis

Interstate Trip Reduction

A. I-29: ~1,500 - 2,500	~2,500 - 3,500
B. I-94: ~3,000 - 6,000	~2,000 - 5,000
C. I-29: ~2,000 - 4,000	~1,500 - 3,000
D. I-94: ~1,500 - 2,500	~1,500 - 2,500

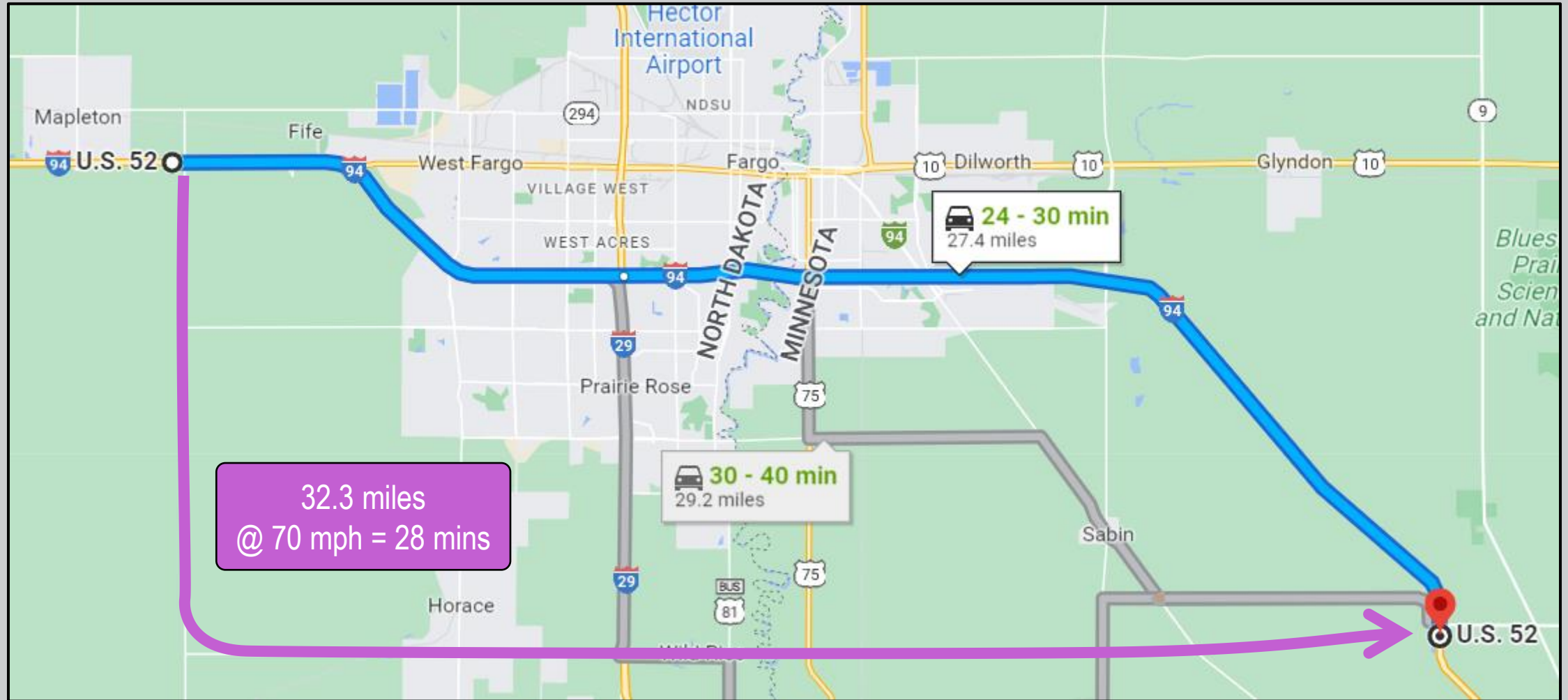
From
Previous
SRC

True
Ring
Route



Speeds 70 mph

Travel Time Comparison



Ring Route Summary

- **NW Route**
 - Minimal Through Trips (Existing & Forecasted)
 - Utilized by internal to external & internal fringe trips
- **SW Route**
 - Potential for “True” bypass when combined with SE Route
 - Bypass volume increases when located close to 76th Ave S
- **SE Route**
 - Highest volume quadrant / Highest number of Interstate trips diverted
 - Potential for “True” bypass when combined with SE Route
 - Bypass volume increases when located close to 76th Ave S
- **NE Route**
 - Currently used today
 - Limited opportunities for spot improvements

Short Term: Reserve ROW

Long Term: Build for local circulation needs (by quadrant basis)

Full Buildout: TBD



November 30th, 2022

Ms. Cindy Gray
MetroCOG Executive Director
Case Plaza Suite 232
1 2nd Street North
Fargo, ND 58102

RE: City of Horace Request to Amend the UPWP to Include Horace Downtown Neighborhood Plan

Ms. Gray,

The City of Horace is requesting to amend the UPWP to use unprogrammed 2023 CPG Funds in the amount of \$75,000 for the purpose of developing a Downtown Neighborhood Plan for the City of Horace (see attached focus area). We are estimating the cost of the plan to be around \$100,000. Of that \$100,000, \$75,000 (75%) would be covered by the unprogrammed CPG funds. The remaining \$25,000 (25%) is planned to be provided by a Partners in Planning Grant (PiP) through North Dakota's Main Street Initiative (MSI). In the event that the City is unsuccessful in its efforts to obtain a PiP Grant, The City intends on allocating local dollars within its budget to cover the match of the unprogrammed CPG funds and remaining balance of the proposed plan. If the City is successful in obtaining the PiP grant, those allocated local funds will be utilized to cover the cost of any overages.

The goal of this Downtown Neighborhood Plan aims to define not only what is Downtown Horace, but a unified long-range vision for what Downtown Horace can be become. We envision this Downtown neighborhood Plan to be multi-faceted and include recommendations and strategies for both transportation and land use. At a high level we expect this plan to implement recommendations and guidance for bicycle and pedestrian safety and connectivity improvements along main street and immediate residential neighborhoods, traffic calming, conceptual designs of downtown neighborhood streetscape, areas for communal gathering, public art and heritage celebration and to provide transition and connectivity strategies to create a cohesive, and easily accessible city core.

With several funding opportunities available for placemaking, main street development and improvements, and improving overall bicycle and pedestrian connectivity, it is of the upmost importance for Horace to establish this long-term vision for its core in order to take advantage of the great funding opportunities that are available.

We respectfully ask for your consideration of the City of Horace's request to amend the UPWP to use the requested unprogrammed CPG funds for the Horace Downtown Neighborhood Plan. If you have any questions, or need additional information, please contact me via email at JHellman@CityofHorace.com or via phone at (701) 552-1608.

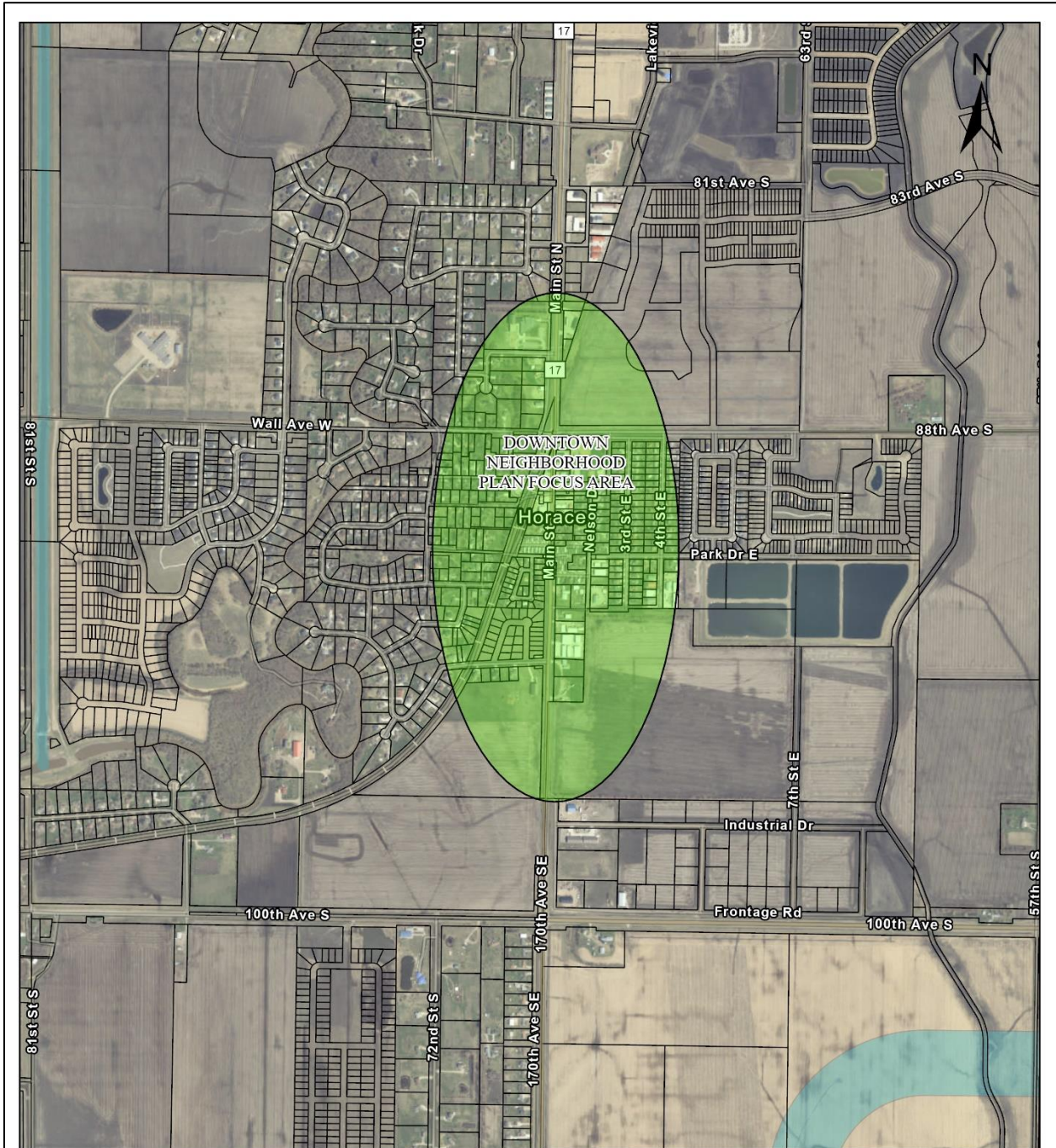
Regards,

A handwritten signature in blue ink, appearing to read "Jace Hellman".

Jace Hellman
Community Development Director
City of Horace



**Attachment: Horace Downtown
Neighborhood Focus Area**



Downtown Neighborhood
Plan Focus Area
Horace, ND



County of Cass, ND, State of North Dakota, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Fargo, North Dakota, Maxar



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ROADWAY NETWORK – ALTERNATIVE 3A – FULL BUILDOUT

TRUNK HIGHWAY 336/12TH AVENUE SOUTH CORRIDOR STUDY
 Fargo-Moorhead Metropolitan Council of Governments

Figure 7

REGIONAL PLANS AND PREVIOUS STUDIES

A number of transportation and related planning studies have been carried out for Dilworth and the surrounding area over the years. The following provides key background information and some of the recommendations from plans and studies completed for Dilworth since 2006.

Dilworth Growth Area Plan

The Dilworth Growth Area Plan was completed by Metro COG in 2006 as part of an update of the land use and transportation components of the 1998 Dilworth Comprehensive Plan. The document included information on existing and future demographics, municipal infrastructure, and transportation facilities focusing on future development in the city.

The plan focused on several potential recommendations including: updates to the city's zoning and subdivision ordinances, development of a utility master plan, updating the city's transportation plan, and working with MATBUS to provide transit services in Dilworth. Most of these recommendations have been completed in the years since.

TH 336/12th Avenue South Corridor Study

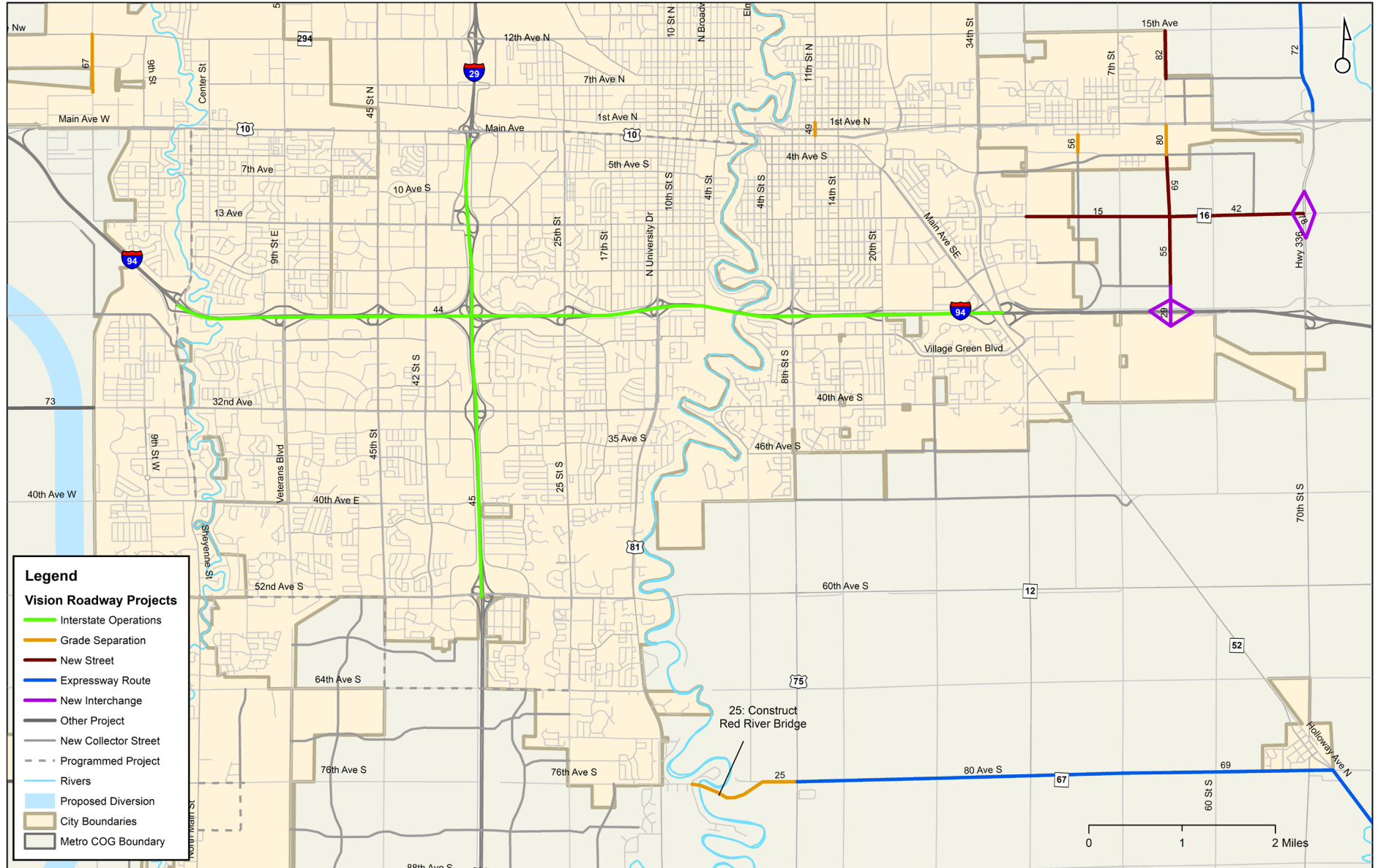
The Trunk Highway 336/12th Avenue South Corridor Study was the culmination of a series of important local and regional transportation decisions about future growth and roadway needs to the south and east of Dilworth. Completed in 2006, the study proposed a number of recommendations regarding key future corridors to the city. The study also included a corridor action management plan.

Some of the major recommendations developed as part of the study include:

- Preserve right-of-way for an interchange at TH 336/12th Avenue South, and cooperatively develop a funding package to construct the interchange
- Preserve and officially map the subarea roadway network and complete corridor preservation activities for all collector and minor arterial roadways, including preservation of I-94/55th Street **future interchange and 14th Street overpass of the BNSF tracks at in Dilworth**
- Discourage future at-grade intersection at TH 336/12th Avenue South that would require the need for a signalized intersection
- Discourage pocket development near TH 336/12th Avenue South until interchange is constructed

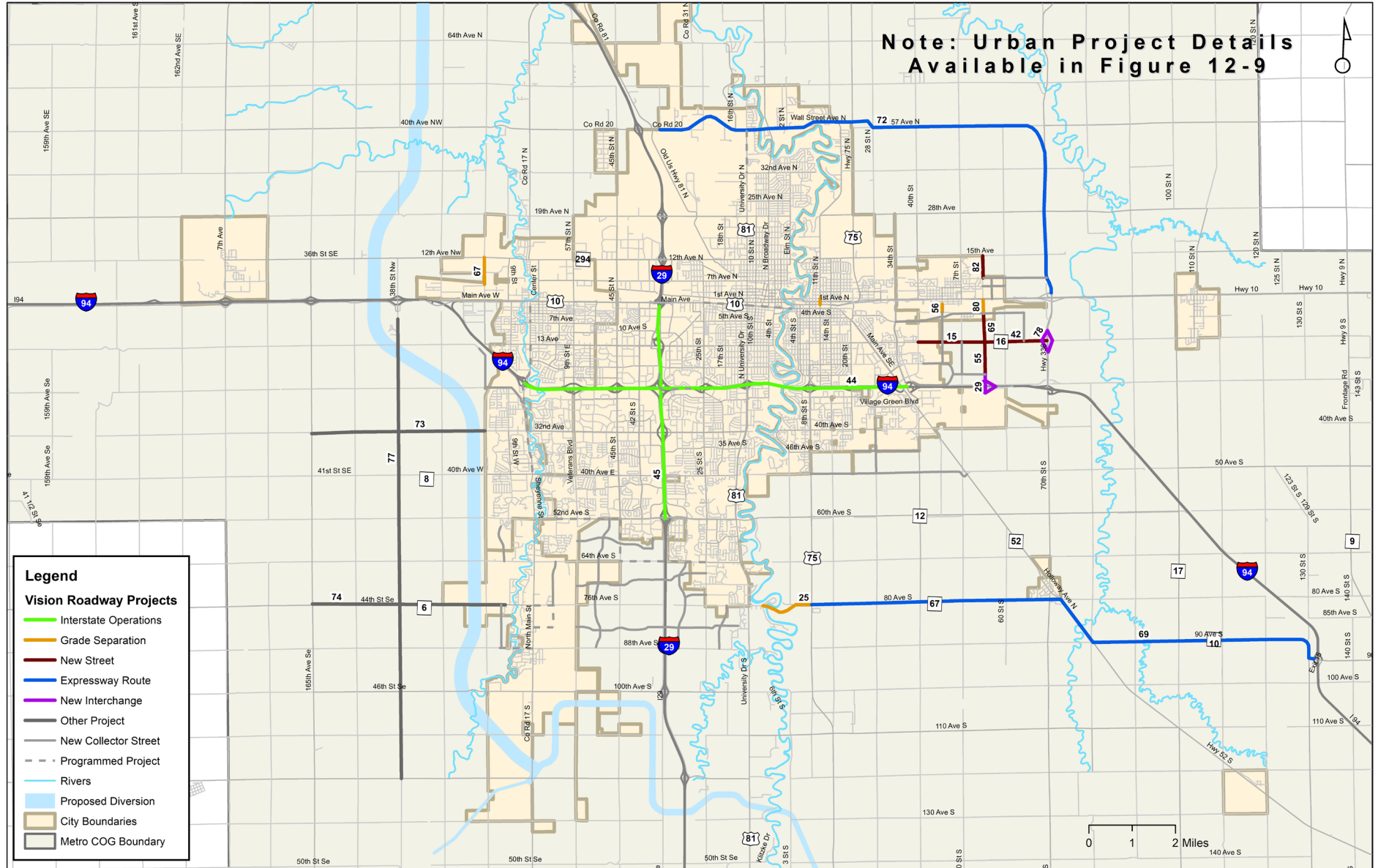
2045 Fargo-Moorhead Transportation Plan

FIGURE 12.9: ROADWAY VISION PROJECTS, URBAN VIEW



2045 Fargo-Moorhead Transportation Plan

FIGURE 12.10: ROADWAY VISION PROJECTS, REGIONAL VIEW



2045 Fargo-Moorhead Transportation Plan

TABLE 12.14: VISION PLAN ROADWAY PROJECTS

Project ID	Corridor	From	To	Project Type	Project Description	Project Jurisdiction	Planning Level Cost Estimate (2019)
15	12th Ave S	40th St	55th St	New Street	Arterial to support fringe area growth.	Moorhead	\$11,550,000
25	76th Ave S / 80th Ave S	Red River (Forest River Road)	US 75	Bridge over Red River	Project would construct Red River Bridge; fiscal constraint project acquires right-of-way. Would improve traffic operations on 52nd Ave bridge in long term.	Fargo / Clay County	\$18,075,000
29	I-94	at 55th St		Interchange	Location to be determined. Potential long-term project from Moorhead Growth Area Plan Study.	MnDOT	\$25,000,000
42	12th Ave	55th St	Hwy 336	New Street	Arterial to support fringe area growth.	Moorhead	\$7,200,000
44	I-94	Sheyenne St	34th St (Moorhead)	Interstate Operations	New Interstate operations study to refine recommendations. Implement improvements with reconstruction projects.	NDDOT / MnDOT	\$19,032,000
45	I-29	Main Ave	52nd Ave S	Interstate Operations	New Interstate operations study to refine recommendations. Implement improvements with reconstruction projects.	NDDOT	\$1,500,000
49	11th St	Main Ave	1st Ave N	Grade Separation from Railroad	Grade separation of Central Moorhead rail tracks to eliminate delays and access issues due to train crossings.	Moorhead	\$60,000,000
55	55th St	12th Ave	28th Ave S	New Street	Location to be determined. Part of potential long-term corridor to support growth area.	Moorhead	\$5,625,000
56	Main St	2nd Ave SE	Co Rd 78	Grade Separation from Railroad	Grade separation of existing Main St from railroad tracks for reduced conflicts into growth area.	Dilworth	\$15,000,000
59	55th St	4th Ave	12th Ave S	New Street	Location to be determined. Part of potential long-term corridor. Arterial to support growth area.	Moorhead	\$5,025,000
67	15th St NW	4th Ave NW	12th Ave NW	Grade Separation from Railroad	BNSF Underpass & Diversion Overpass to provide improved connection to Industry area.	West Fargo	\$26,890,000

TABLE 12.14: (CONTINUED) VISION PLAN ROADWAY PROJECTS

Project ID	Corridor	From	To	Project Type	Project Description	Project Jurisdiction	Planning Level Cost Estimate (2019)
69	SE Beltway Route	Hwy 75	I-94	Expressway Route	Long term vision project for high-speed access around the metro area.	Clay County	\$12,190,000
72	NE Beltway Route	I-29	US 10	Expressway Route	Long term vision project for high-speed access around the metro area.	Fargo / Moorhead / Clay County	\$11,270,000
73	32nd Ave	165th Ave	current diversion	Pave Gravel Road	Identified by Cass County as future gravel to black top project.	Cass County	\$6,000,000
74	76th Ave S	165th Ave	Horace	Pave Gravel Road	Identified by Cass County as future gravel to black top project.	Cass County	\$6,690,000
77	38th St	I-94	124th Ave	Pave Gravel Road	Identified by Cass County as future gravel to black top project.	Cass County	\$15,930,000
78	Hwy 336	at 12th Ave		Interchange	Required for 12th Ave and Hwy 336 connection.	MnDOT	\$25,000,000
80	Approximate 14th St	2nd Ave SE	Adams Ave	Grade Separation from Railroad	Location to be determined. Part of potential long-term corridor. Railroad grade separation option.	Dilworth	\$25,000,000
82	14th St	8th Ave N	15th Ave N	New Street	Long term extension of 14th St as Dilworth growth continues in future.	Dilworth	\$3,850,000



To: Policy Board
From: Adam Altenburg, AICP
Date: December 12, 2022
Re: **Electric Vehicle Readiness Study**

Metro COG has drafted an RFP for an electric vehicle (EV) readiness study for the Fargo-Moorhead metropolitan area. It is envisioned that this study will provide local jurisdictions with public understanding of EV feasibility and benefits, assist in identifying current and potential barriers to EV adoption, and inform cities, counties, and other planning partners on infrastructure-related best practices to meet current and future EV needs of the metropolitan area. This is similar in scope to plans developed by cities and regional areas throughout the United States, which take an impartial look at EV trends and how best communities should lay the groundwork to become EV-ready. This study will also tie into recent National Electric Vehicle Infrastructure (NEVI) plans completed by NDDOT and MnDOT, including goals, strategies, and key takeaways identified in each plan.

If Policy Board members have any specific questions about this study, please contact either Cindy or me. We will bring this RFP forward for TTC and Policy Board consideration in either January or February. In the meantime, we hope to gain a better understanding of how local and regional electric utility providers view the role of local governments in preparing for and supporting a transition to EVs making up a larger and larger percentage of vehicles.

Requested Action: None



To: Policy Board
From: Cindy Gray, Executive Director
Date: December 9, 2022
Re: **2023 Salary Adjustment**

Metro COG gathered the 2023 salary adjustment information for local governments in the metropolitan area. This information is generally reviewed by the Executive Committee and Policy Board when deliberating an annual adjustment for Metro COG staff. Local salary adjustments for 2023 are as follows:

Cass County	4%
Clay County	4%
Fargo	3.5%
Moorhead	3%
West Fargo	4%
Dilworth*	5%
Horace	3%

*Input from Dilworth: The City took a look at each position and made adjustments as necessary. For most, we ended up doing a 5% increase (2% adjustment + 3% COLA). A few other positions saw larger adjustments.

Metro COG's budget assumes a 3% salary increase for 2023. With a 3% salary adjustment, our personnel total loaded wage is approximately \$909,900.

Variations on the 3% increase are as follows:

% Salary Increase	Personnel Total Loaded Wages	Difference from Budget Estimate
2.5%	\$905,800	-\$4,100
3%	\$909,900	-
3.5%	\$913,900	+\$4,000
4.0%	\$917,900	+8,000
4.5%	\$922,000	+12,100
5%	\$926,000	+\$16,100

Each half a percent up or down results in a difference of approximately \$4,000. As a reminder, Metro COG uses the City of Fargo's salary ranges and steps.

At their meeting on December 9, 2022, the Executive Committee reviewed the information provided above and recommended a 3.5% salary increase (i.e. COLA) for Metro COG staff.

Recommended Action: Approval of 2023 salary adjustments of 3.5%.