

NEBRASKA DEPT OF ROADS



# Nebraska State Management Plan

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Administration of Funding under the Federal  
Transit Administration for Sections 5310, 5311,  
5339, 5303, and 5304 Programs

**Nebraska Department of Roads Transit Section**

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Section 5311 Operating Assistance Application

Section 5310 Capital and Operating Assistance Application

Section 5311 and 5310 Vehicle Application

## Introduction

The primary objective of the Nebraska Department of Roads (NDOR) Transit Section is to coordinate public and private non-profit transportation activities across the State in accordance with NDOR Strategic Goals, State statutes and Federal regulations. The Transit Section also provides technical assistance to improve Nebraska's transportation system. To facilitate these objectives, the Transit Section provides resources to both public and private non-profit transportation providers.

As the direct recipient of funding through the Federal Transit Administration (FTA), NDOR is required to have an approved State Management Plan (SMP) on file with the FTA regional office. This SMP outlines the Transit Section's current policies and procedures for administering Federal and State funding. This version of the SMP is updated to reflect rule changes under Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), a multi-year transportation authorization signed into law in 2012.

In addition to implementing and supporting statewide transportation initiatives, NDOR also passes through federal and state funds to a variety of subrecipients. The funding sources and requirements outlined in this SMP include the following:

- FTA Section 5311 Rural Area Formula Program
- FTA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program
- FTA Section 5303 Metropolitan Planning
- FTA Section 5304 Statewide Planning
- FTA Section 5339 Bus and Bus Facilities
- State Program 305 Public Transportation Funds

### **A. PROGRAM GOALS AND OBJECTIVES**

Pursuant to state guidelines, Federal programs and the Nebraska Long-Range Transportation Plan (LRTP), the following goals have been adopted by NDOR to provide direction in public transportation assistance:

1. Provide for the transportation needs of seniors and individuals with disabilities along with those not having access to the private automobile.

2. Promote the establishment of public transportation in the rural areas of the state.
3. Obtain the maximum benefit from available public resources through the coordination of Federal, state and local transportation activities.
4. Assist communities to address their public transportation needs through the provision of technical assistance.
5. Reduce traffic congestion and conserve energy through the establishment and expansion of public transportation.
6. Develop and support intercity bus transportation.
7. Provide for the participation of private transportation providers.
8. Coordinate services among providers through mobility management activities.

Nebraska's LRTP is developed by the NDOR Planning and Project Development Division. The plan includes an assessment of public transportation services available in the state. The current LRTP, *Vision 2032*, was developed in 2012 with input derived from public surveys and consultation with metropolitan planning organizations. The LRTP may be viewed at <http://www.transportation.nebraska.gov/lrtp/docs/LRTP-current.pdf>

### **Overview of Administered Programs**

Below is a broad overview of the programs the NDOR Transit Section currently administers:

#### **Section 5311, Rural Area Formula Program**

On February 6, 1979, NDOR was designated the administrative agency for the Section 5311 program. The 5311 formula program apportions funds to states for projects in rural areas. The funds can be used for planning, public transportation capital projects, operating costs, job access reverse commute projects, and the acquisition of public transportation service.

#### **Section 5311(b)(3) Rural Transportation Assistance Program (RTAP)**

RTAP funds can be expended to provide training, technical assistance, research and related support activities in rural areas. No local share is required for state administration of RTAP projects.

#### **Section 5311(f) Intercity Bus**

Intercity bus service is defined as scheduled, fixed route services connecting two or more urban areas not in close proximity, with limited stops in the urban area. This may include the provision of service which acts as a feeder to intercity bus service. In Nebraska, intercity bus service primarily connects rural areas to urban areas.

Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities Formula ProgramIn August 1974, NDOR was designated as the administrative agency for the statewide Section 5310 program. This program is intended to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services. Separate apportionments are provided for large urban, small urban and rural areas. A minimum of 55% of the apportionments must be awarded to “traditional” Section 5310 program activities.

Changes under MAP-21 allowed large urbanized areas to become 5310 designated recipients. This change required to Governor to designate new 5310 recipients in the large urbanized areas.

#### Section 5303 Metropolitan Planning and Section 5304 Statewide Planning

NDOR receives a Section 5303 apportionment for planning activities in the four metropolitan areas of the state--Lincoln, Omaha, Grand Island and South Sioux City. These funds are distributed annually to the metropolitan planning organizations (MPOs) in each area. The fund allocation is based on 2010 Census population factors. The NDOR Transit Section receives a copy of each MPO’s Unified Planning Work Program (UPWP) for review and approval. Invoices and progress estimates for transit-related activities are received, reviewed and approved for payment by the Transit Section.

The Section 5304 funds apportioned to the state have been used by NDOR for statewide transportation planning and improvement projects. At NDOR’s discretion, the state apportionment may be transferred to the MPOs using the same population factors as described above.

#### Section 5339 Bus and Bus Facilities

These funds provide capital funding to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities. This funding category is new under MAP-21 and replaces the Section 5309 funding. At NDOR’s discretion the state Section 5339 apportionment may be transferred to the large urbanized areas in the state.

#### State Program 305

The state legislature budgets funds to provide assistance for public transportation operating expenses in each biennium budget. State statute requires that the funds be expended for operating assistance only and must be met, at a minimum, by an equal local match. State funds are provided to rural, intercity bus, small urban and large urban transportation systems.

### **B. ROLES AND RESPONSIBILITIES**

In 1975, the Nebraska Unicameral passed legislation which is identified as the Nebraska Public Transportation Act (NPTA). This enabling legislation permits state funds to be used to provide operating assistance to public transportation providers and delegates the responsibility for statewide planning and programming of transportation activities to NDOR. These activities

include the administration of Federal and State financial assistance programs. The NPTA also identifies NDOR as the state agency responsible for coordinating and improving public transportation in the state.

The NDOR Transit Section develops all administrative procedures, application processes and program guidance for sub-recipients of Federal and/or State funds. These activities shall include but are not limited to the following activities:

1. Prepare and submit a program of projects to the FTA as required.
2. Review and approve applications for operating assistance and capital projects
3. Enter into and administer contracts with subrecipients
4. Review and process all financial documents for the reimbursement of allowable costs.
5. Ensure financial accountability through an established review process.
6. Facilitate capital vehicle purchases with the Nebraska Department of Administrative Services.
7. Submit all required State and Federal reports.
8. Monitor subrecipient compliance with all State and Federal regulations.

Other NDOR Departments who assist the Transit Section include the following:

1. Controller Division assists in processing transit expenditures for payment maintains transaction detail of expenditures for the purpose of billing the appropriate FTA grant and state appropriations used as match funds as required.
2. Communications Division assists with press releases and other public communications.
3. Program Management Division assists in the development of STIP and TIP programs.
4. Planning and Project Development Division provides agreements management and assists with developing and releasing requests for proposals to secure consultant services. The Division also acts as the liaison between NDOR and the metropolitan planning organizations.
5. Government Affairs Section acts as the liaison between NDOR, the State Legislature and other elected officials.
6. Nebraska Department of Administrative Services competitively procures and administers state vehicle contracts from which NDOR purchases transit vehicles.

### **C. COORDINATION AND PUBLIC INPUT**

At a local level, Section 5311 applicants are required to post public notices in a local newspaper when applying for operating and/or capital assistance projects. The notice should include information about the type of funding being requested, type of service to be provided and amount of project funds. Public hearings are required for first time applicants, when the subrecipient alters public transportation services, changes the fare structure or intends to apply for a capital facility assistance project.

Section 5310 subrecipients are required to post public notices in a local newspaper when applying for operating and/or capital assistance projects. In addition, a notification by certified mail is required to each public and private transit and paratransit operator in the service area. The notification must describe the type of funding that is being requested for the proposed services which the organization plans to provide and request comment from each operator concerning their ability and desire to provide such service. Copies of all letters, certified mail receipts and response must accompany the application. Please note: the requirement for notification by certified mail may be waived at NDOR's discretion.

To facilitate coordination with the Lincoln and Omaha metropolitan agencies, the NDOR Transit Manager periodically attends MPO meetings and participates on transportation committees.

In addition, the NDOR Transit Manager engages stakeholders at a variety of functions including the Nebraska Association of County Officials meetings and the Nebraska Tribal Transportation Conference.

The Statewide Coordinated Public Transit-Human Services Transportation Plan will be updated every 5 years. The state plan will be updated in 2016 and combined as an element of a larger, statewide mobility management project. The plan will include an analysis of state demographics, assessment of available services, summary of gaps and needs, barriers, and strategies for action to include the implementation of statewide mobility management. The plan will meet the FTA requirement that the State of Nebraska develop a coordinated plan to address the transportation needs of individuals with disabilities, older adults and people with low incomes.

## **D. PROGRAM MANAGEMENT**

### **Section 5311, Rural Area Formula Program**

Section 5311 funds support transportation projects in rural areas (population 50,000 or less). Funding is available for operating assistance, vehicle acquisition and capital facilities construction projects. Objectives of this program include the following:

1. Enhance the access of people in nonurbanized areas to health care, shopping, education, employment, public services and recreation;
2. Assist in the maintenance, development, improvement, and use of public transportation systems in nonurbanized areas;
3. Encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in nonurbanized areas through the coordination or programs and services;
4. Support technical assistance, training, research and related support activities through the Section 5311(b)(3) Rural Transportation Program (RTAP)
5. Assist in the development and support of intercity bus transportation under Section 5311(f); and

6. Provide for the participation of private transportation providers in nonurbanized areas.

NDOR uses 10% of the state's annual 5311 apportionment to administer the program and provide technical assistance. Remaining funds are split among operating costs, vehicle acquisition and capital facilities projects and are prioritized in that order.

#### Eligible subrecipients, services and service area

Eligible subrecipients for Section 5311 funds include state or local governmental authorities, private nonprofit organizations, operators of public transportation services and intercity bus providers. Private for profit operators of transit or paratransit services may participate in the program through contracts with eligible applicants. Intercity bus operators can apply directly to NDOR for Section 5311 funds. To receive state funds, private nonprofit organizations must fulfill the requirement as a public purpose organization as defined in Nebraska State Statute 19-3903.

Public transportation services to be provided under this program shall be available to all persons within the service area in rural Nebraska. Special emphasis may be given to seniors and individuals with disabilities. However, published schedules and other marketing materials must note the transportation service is open to the general public. The transportation service may either be provided directly by the subrecipient or a private nonprofit or private for profit provider under contract to the subrecipient.

Using Section 5311 assets to deliver meals for homebound people on a regular basis is allowable. The meal delivery services cannot conflict with the provision of transit services or result in a reduction of service to public transit passengers. The nutrition program must pay the operating costs attributable to meal delivery. Vehicles for exclusive meal delivery use and specialized equipment (racks, heating, refrigeration, etc.) cannot be purchased with Section 5311 funds.

Services to be provided and service areas are defined in the project application. Geographic boundaries may extend to include transportation to a regional center or urbanized area. However, Section 5311 subrecipients are not allowed to pick up and drop off passengers within the urbanized area. At least one stop (either pick up or drop off) must be in the rural service area of the transportation provider.

The service area may include out of state destinations. Systems transporting passengers to other states are required to follow all applicable Federal Motor Carrier Safety Administration rules and regulations.

Expenses for Section 5311 operating assistance projects are reimbursed at the following rates:

1. Operating expenses—50% Federal, 25% state, 25% Local Match
2. Non-operating/Administrative—80% Federal, 10% State, 10% Local Match

Operating expenses include salaries/employer costs for drivers and dispatchers, vehicle fuel and oil. Examples of non-operating or administrative costs include salaries/employer costs for administrative staff, marketing, vehicle maintenance, rent, utilities, office supplies, etc.

Net operating and non-operating costs are reimbursed after operating revenues are subtracted from eligible expenses. At a minimum, operating revenues must include fare box revenues. Section 5311 subrecipients request reimbursement for allowable expenses by submitting monthly invoices and supporting documentation to the Transit Section through an online invoicing system.

Per Nebraska State Statute 13-1209, state funds for operating assistance shall not exceed fifty percent of the eligible operating costs of the public transportation system. The amount of state funds shall be matched by an equal amount of local funds.

Expenses for Section 5311 vehicle acquisition and capital construction projects are reimbursed with 80% Federal funds and require a 20% Local Match. State funds are not available for capital projects.

#### Local Match

Required local match as described above shall be from sources other than U.S. Department of Transportation. Sources may include State, local government, unrestricted Federal or private funds. Payments directly to the transit provider by human service agencies and donations can also be used as Local Match.

#### Project Selection

Applications for vehicles are received by NDOR at any time during the fiscal year. The applicant must indicate if the vehicle is intended to replace an existing vehicle, expand the existing fleet or start new service. Funding for vehicles is awarded based on a determination of need.

Operating assistance applications are made available during the first quarter of each calendar year. Current subrecipients and other interested parties are notified that the application process is open. Applications are reviewed for the following:

1. Eligibility of the applicant
2. Budget to provide proposed services
3. Service area
4. Non-duplication of services
5. Fare structure
6. Public involvement (either through a public hearing or public notice as required)
7. Coordination with other public, private-nonprofit for private-for-profit transportation organizations

Project funding is awarded based on eligibility and need. Executed agreements are in place prior to the start of the state fiscal year (July 1<sup>st</sup> through June 30<sup>th</sup>).

### Subrecipient Oversight

NDOR Transit Section staff conducts periodic site visit reviews of 5310 subrecipients. A checklist is completed during the site visit. At a minimum, reviewers evaluate eligibility, vehicle condition, maintenance records, ADA compliance and Civil Rights requirements. A follow up report is issued to the subrecipient detailing findings of noncompliance and suggested best practices. Subrecipients are required to address any findings by providing NDOR with documentation that substantiates processes have been changed to meet compliance requirements. When NDOR is satisfied that the deficiencies have been addressed, the site visit findings are closed and the subrecipient is notified.

### Civil Rights

Applicants are required to sign and forward the FTA certifications and assurances with the application. This document includes compliance with Title VI requirements. In addition, NDOR provides technical assistance to subrecipients to ensure compliance. Workshops have been developed and are conducted across the state. Technical assistance is provided for preparing Title VI plans and compliant procedures. Template brochures, complaint forms and plans are available online. Copies of Title VI plans and governing body approval are on file at NDOR.

### **Section 5311(b)(3) Rural Transportation Assistance Program (RTAP)**

The RTAP is a companion program to the Section 5311 rural formula program. Funds from this program support training, technical assistance and related services for transit employees in the rural areas of the state. Section 5311 and 5310 subrecipients are eligible to participate in RTAP funded activities. Projects are 100% Federally funded with no local match required.

The Nebraska Association of Transportation Providers (NATP) is supported through the RTAP program. NATP advocates for public transportation in Nebraska, communicates information to member agencies and plans events. NATP, NDOR and the University of Nebraska collaborate to provide a variety of workshops, seminars, continuing education opportunities and other RTAP eligible activities.

RTAP funds are also used to support training and professional development opportunities for NDOR Transit Section staff. These opportunities include the annual Community Transportation Expo, the Rural and Intercity Bus Conference and Multi-State Technical Assistance (MTAP) Meetings.

Eligible RTAP expenses include contracting for the provision of training/technical assistance and reimbursing transit employees for allowable travel expenses to attend both in-state and out-of-state training. An RTAP reimbursement request must be submitted to NDOR with all receipts relating to registration costs, lodging, mileage, meals, etc.

RTAP funds are also used to support the rural transit driver training program required by NDOR. Eligible travel expenses to attend training and driver salaries (straight time only) are reimbursed to the transit systems.

### **Section 5311(f) Intercity Bus**

Intercity bus is defined as scheduled, fixed route services connecting two or more urban areas not in close proximity, with limited stops in the urban areas. Vehicles must have the capacity for carrying passenger's baggage and connecting with scheduled services to more distant points. The coordination of rural connections between small transit operations and intercity bus carriers may include the provision of service which acts as a feeder to intercity bus service. Projects funded under this program should serve rural intercity bus passengers. Objectives of this funding include the following:

1. Support the connection between rural areas and the larger regional or national system of intercity bus service;
2. Support services to meet the intercity travel needs of residents in rural areas; and
3. Support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment in facilities.

Under Section 5311, NDOR is required to spend not less than 15 percent of the annual apportionment in the provision of intercity bus service. The requirement is waived if the Governor (or designee) certifies that "the intercity bus service needs of the state are adequately met." NDOR is required to consult with intercity bus providers prior to obtaining the Governor's certification. To meet this requirement, NDOR contracted the University of Nebraska in 2014 to complete an intercity bus study. The study is located on NDOR's website at <http://www.transportation.nebraska.gov/docs/Intercity-Bus-Assessment-2014.pdf>.

Private, for-profit intercity bus providers are encouraged to apply for funding. Non-profit agencies and governmental entities are also eligible to apply. NDOR contacts potential applicants annually to inform them when applications will be accepted. In addition, NDOR may release a request for proposal soliciting intercity bus providers to apply for funding.

Both operating and capital projects are eligible for intercity bus funds. The Federal share for intercity projects is the same for the Section 5311 programs as a whole: 50% of the net cost for operations and 80% of the net cost for capital projects and administration expenses. Projects are selected based on eligibility and availability of funds.

State funds are available to intercity bus providers for operating assistance only. Per State Statute 13-1213, only governmental entities, transit authorities and public purpose organizations qualify to receive state intercity bus funds. Private, for-profit providers are not eligible for this program.

### **Section 5310, Enhanced Mobility of Seniors and Individuals with Disabilities Program**

## **Guidance**

### **Program Purpose**

This program provides funding for transportation projects for the elderly, disabled and low income individuals in the urban and rural areas of the state. Objectives of this program include the following:

1. Public transportation projects planned, designed and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate or unavailable;
2. Public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.)
3. Public transportation projects that improve access to fixed-route service and decrease reliance on complimentary paratransit; and
4. Alternatives to public transportation projects that assist seniors and individuals with disabilities with transportation.

NDOR administers the 5310 program with the objective to meet the needs of the target demographic. The need is greatest in the rural areas of the state where transportation options and opportunity for coordination are very limited. In addition, it is often necessary to travel long distances to access adequate medical and social services. Funding is awarded after careful consideration of these and other factors.

### **Designated Recipients**

In August of 1974, the NDOR was designated the administrative agency for the statewide Section 5310 (at that time 16b2) program. The Section 5310 program is designed to supplement FTA's other programs.

Under the 2012 Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) legislation, the large urbanized areas of Lincoln and Omaha became eligible 5310 designated recipients. This change required the Governor designate new 5310 recipients in large urbanized areas.

After a consultative process that included all stakeholders, the Omaha Metropolitan Area Planning Agency (MAPA) was designated by the Governor as the recipient for these funds. A letter of designation was forwarded to FTA Region VII in September 2013. That designation was superseded in August 2015 with a letter from the governor identifying both MAPA and NDOR as designated recipients for the Omaha Metropolitan Area 5310 funds. MAPA will select all applicants and receive funding to provide operating assistance. NDOR will receive funding for capital projects to procure vehicles and related equipment.

The Lincoln and Lancaster County Metropolitan Planning Organization (MPO) requested that NDOR continue as the direct recipient for Section 5310 funds in the urbanized area. As per their request, a letter designation NDOR as the recipient for these funds was forwarded to FTA

Region VII in September 2013. NDOR coordinates with the MPO to release applications, review and applications and select proposed projects.

NDOR is the designated recipient for the 5310 program in the small urbanized and rural areas of the state.

### Eligible Subrecipients

Private-nonprofit organizations and state or local governmental authorities are eligible applicants. Private sector participation is also eligible through contracting opportunities with eligible applicants. Private-nonprofit entities must be incorporated as such and registered as an active corporation with the Nebraska Secretary of State. If the entity's home office is located and incorporated in another state, NDOR may allow the nonprofit entity to apply without State of Nebraska incorporation. Governmental authorities must certify that there are no nonprofit organizations readily available in the area to provide similar service.

### Eligible Assistance Categories

At least 55% of 5310 funds must be used on "traditional" capital, public transportation projects designed to meet the needs of seniors and individuals with disabilities. Contracted transportation services are considered capital projects. At most, 45% can be spent for any other eligible purpose including operating expenses and New-Freedom-type projects (formerly eligible under Section 5317). New Freedom projects exceed the ADA minimum requirements, improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA complementary paratransit, or provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

Up to 10% of Nebraska's annual allocation of Section 5310 funds may be reserved for use by the NDOR to administer the program. However, at this time NDOR does not utilize this option so that 100% of the apportionment can be expended on projects.

### Eligible Projects

Eligible capital projects include purchase of vehicles and other related equipment, technology, contracted transportation service and operating assistance (for operation of 5310 funded vehicles only). Mobility management is also considered an eligible capital expense under Section 5310.

### Project Selection

Applications from rural areas of the state are received and reviewed for eligibility by the NDOR Transit Section. Eligible applications are forwarded to a selection committee for review. Selection Committee members typically include the NDOR 5310 Program Manager, Section 5311 and 5310 subrecipients and an individual with a background in human services. Applications are scored by each committee member using an established criteria including

availability of existing transportation, level of transportation coordination in the service area and local needs.

Applications from the small urbanized areas of Grand Island and South Sioux City are received and reviewed for completeness by NDOR. The MPOs participate in the selection process as committee members. The committee will typically include individuals as described in the preceding paragraph.

Applications from the Lincoln/Lancaster County area are received and reviewed for completeness by the MPO and NDOR. Eligible applications are forwarded to a selection committee for review. Selection committee members typically include the NDOR 5310 Program Manager, MPO Transportation Planner, a representative from the city-owned bus system and individuals with a human services background.

NDOR has developed an evaluation criteria for those 5310 applications for which NDOR has the primary responsibility for selecting and awarding funds. The criterion is based on the following weighted factor analysis:

<b><u>Review Area</u></b>	<b><u>Factor</u></b>
Extent and urgency of local needs	6
Availability of existing transportation services	5
Degree of coordination among local organizations and existing transit operators	3
Vehicle utilization	3
Financial and management capabilities	2
Thoroughness of operating plan	1

Reviewers rate each area with values of 3 = excellent; 2 = good; 1 = adequate; and 0 = poor. The category rating is then multiplied by the assigned category factor to achieve a score. Applications are ranked numerically by the total of category scores.

The Omaha MPO receives applications for capital and operating assistance projects and awards funds per a selection process approved by FTA.

#### **Local Match Requirements**

Capital projects are funded with 80% Federal funds and require a 20% Local Match. Operating assistance is supported up to 50% of the net eligible operating costs (minus operating revenue)

and requires a 50% local match. Matching funds may come from local public funds or private sources and must be confirmed prior to project initiation.

### Roles and Responsibilities

NDOR is responsible for:

1. Notifying eligible local entities (rural, small urban and Lincoln/Lancaster County MPO area) of the availability of the program. NDOR maintains and updates a list of potential applicants. (Please note: MAPA administers the project initiation and selection process in the Omaha Metro Area.)
2. Developing project selection criteria, determining applicant eligibility and selecting projects for funding.
3. Working with the local areas to develop their transit programs and applications.
4. Submitting a Program of Projects to FTA.
5. Including a Program of Projects on the STIP.
6. Procuring vehicles and related equipment.
7. Maintaining an equipment inventory and evaluating project results.
8. Ensuring compliance with Federal program requirements from project initiation through audit and closeout.

Each applicant in rural areas of the state must apply directly to NDOR for project consideration. Applicants in the Lincoln/Lancaster urbanized area must apply through the MPO. To the extent feasible, applicants must coordinate the planning and operation of their transportation system with interested agencies and transit operators.

5310 applicants are required to:

1. Notify by certified mail, each public and private transit and paratransit operator in the service area describing the proposed services the organization plans to provide and requesting comment from each operator. Copies of all letters, certified mail receipts and responses must accompany the application. A list of providers will be supplied by NDOR with the application forms. Please note: the requirement for notification by certified mail may be waived at NDOR's discretion.
2. Issue a public notice (newspaper) describing the services the applicant intends to offer to meet the special needs of seniors and individuals with disabilities in the service area. The notice should invite any interested public or private transit or paratransit operator within the service area to comment on the proposed services by sending a written notice to NDOR and to the local applicant within 30 days. A copy of the public notice and the comments received must be included in the application.

### Coordination

At the local level, coordination among social service agencies and other transportation providers

is accomplished through the notification process outlined in the previous section. Applicants in the Lincoln/Lancaster County Metropolitan Area are required to coordinate the proposed project through the Metropolitan Planning Agency.

### Subrecipient Oversight

NDOR Transit Section staff conducts periodic site visit reviews of 5310 subrecipients. A checklist is completed during the site visit. At a minimum, reviewers evaluate vehicle condition, maintenance records, ADA compliance and Civil Rights requirements. A follow up report is issued to the subrecipient detailing findings of noncompliance and suggested best practices. Subrecipients are required to address any findings by providing NDOR with documentation that substantiates that processes have been changed to meet compliance requirements. When NDOR is satisfied that the deficiencies have been addressed, the site visit findings are closed and the subrecipient is notified.

### Civil Rights

Applicants are required to sign and forward the FTA certifications and assurances with the application. This document includes compliance with Title VI requirements. In addition, NDOR provides technical assistance to subrecipients to ensure compliance. Workshops have been developed and are conducted across the state. Technical assistance is provided for preparing Title VI plans and compliant procedures. Template brochures, complaint forms and plans are available online. Copies of Title VI plans and governing body approval are on file at NDOR.

### **Section 5303 Metropolitan Planning and Section 5304 Statewide Planning**

NDOR receives two, separate annual apportionments for planning and research activities. One apportionment is for the Metropolitan areas of the State (Section 5303) and the other apportionment (Section 5304) funds statewide, rural planning and research.

NDOR distributes the Section 5303 funds to metropolitan planning organizations (MPOs) by means of a distribution formula based on 2010 census population estimates. Nebraska has four metropolitan areas that meet the FTA definition of metropolitan areas. Lincoln/Lancaster County and the Omaha Metro are large urbanized areas (population of at least 200,000). Grand Island and South Sioux City are small urbanized areas (population at least 50,000 but less than 200,000).

Beginning with the state's fiscal year 2014 Section 5304, NDOR combines this apportionment with the 5303 funds and distributes all the funding to the MPOs for activities including planning, technical studies, demonstrations and cooperative research.

MPOs are required to submit their annual Unified Planning Work Program (UPWP) to NDOR for review and approval. The UPWP serves as the local and regional work plan for transportation projects funded by the Federal Highway Administration and the Federal Transit Administration. Reimbursement invoices and project progress reports are submitted to the NDOR Transit

Section for review and payment.

Compliance requirements including Title VI are outlined in the executed agreements. MPOs submit invoices to NDOR with detailed progress reports. NDOR Transit Section staff review and approve invoices for payment and monitor the UPWP progress reports to ensure activities are allowable.

### **Section 5339 Bus and Bus Facilities**

The FTA Section 5339 program is a new formula program that provides funding for capital projects to replace, rehabilitate, and purchase buses and bus-related equipment and to construct bus-related facilities. This program was established under the MAP-21 legislation and replaces the previous Section 5309 discretionary program.

The state apportionment of Section 5339 funds may be used to supplement Section 5311 capital projects in the rural areas of the state. The state funds can also be transferred to supplement Section 5307 funds in the urbanized areas. Public agencies and private nonprofit organizations engaged in public transportation are eligible subrecipients.

Federal share is 80% with a 20% local match requirement. Examples of eligible capital expenses include but are not limited to:

- Acquisition of vehicles for fleet and service expansions
- Rehabilitation of buses
- Construction and renovation of bus maintenance and administrative facilities
- Transfer facilities, transportation centers, intermodal terminals and park and ride stations
- Purchase of replacement vehicles and vehicle preventative maintenance
- Passenger shelters
- Miscellaneous equipment such as mobile radio units, fare boxes, computers, shop and garage equipment

## **E. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS**

Applications for the Section 5311 operating assistance program are submitted to the NDOR Transit Section annually. Templates and examples of public notices, Labor Warranty narrative, etc., are located on NDOR's website. The application and supporting documents are submitted to the NDOR Transit Section through an online portal.

Section 5311 purchase of vehicle applications are accepted at any time during the year. The application is available on NDOR's website. Vehicle applications are typically submitted in a pdf file via email.

The rural, small urban and Lincoln/Lancaster County area 5310 applications are released at least once per calendar year. There is no established schedule for release of 5310 applications. Typically, when the funds from the oldest apportionment are expended a new grant cycle begins

with the next apportionment.

Current subrecipients and other potential applicants are contacted when the 5310 application process begins. The release of the applications for the Lincoln/Lancaster County area is accomplished through coordination with the MPO. Applicants are provided with an application form, instructions, procedures and other sample documents. Applications and supporting documentation must be submitted by a deadline determined by NDOR.

More information about the 5311 and 5310 project selection process is located in the Program Management Section of this document.

The application process for 5311 and 5339 capital construction projects is outlined in Section J, Asset Management.

The application submission and approval process for each of the grant programs results in approved subrecipient budgets and agreements. Information from approved applications forms the basis for the program of projects (POP). Selected projects and corresponding award amounts are based on criteria for each of the grant programs. Details of each award are included in a POP that is submitted to FTA as part of the TEAM application process.

The POP for each grant program is included in the State Transportation Improvement Program (STIP). Any projects and awards within the boundaries of an MPO are incorporated into their respective Transportation Improvement Programs (TIPs). TIPs are further incorporated into the STIP by reference.

## **F. FUNDS TRANSFERS**

As described above, NDOR does transfer the state's 5304 statewide planning funds to the MPOs. Section 5339 funds can be transferred to supplement urban and rural formula grant programs. Typically, 5310 and 5311 funds remain in their original grants. However, NDOR may transfer funds to other programs as allowable in the respective FTA circulars for these programs. FTA is notified when funds apportioned to the state are transferred to other eligible recipients.

## **G. STATE ADMINISTRATION AND TECHNICAL ASSISTANCE**

The State utilizes 10% of the annual 5311 apportionment for project administration. However, the majority of these funds are used to provide technical assistance at the local level. NDOR does not use funds from the Section 5310 program for administration and technical assistance. However, many of the technical assistance opportunities (workshops, training, policy development and reviews, etc.) are available to both 5311 and 5310 subrecipients.

Technical assistance is generally provided by contracted content area experts. For example, NDOR contracts with Precision Compliance, Inc. (PCI) for drug and alcohol testing compliance support. Staff from PCI provides workshops, policy reviews, on site visits and are available to

answer technical questions from the 5311 subrecipients.

NDOR has entered into a contract with the University of Nebraska (NU) to partner on a variety of projects supporting and promoting public transportation in Nebraska. This Statewide Transit Initiative includes elements of technology, driver training, marketing, mobility management and Title VI compliance.

While state admin funds are used to provide technical assistance, RTAP funds are available to support participation in workshops and national conferences. For more information about the expenditure of RTAP funds please refer to Section D, Program Management.

## **H. PRIVATE SECTOR PARTICIPATION**

NDOR has been responsible for administering rural public transportation since 1979 and has consistently encouraged the coordination and cooperation of transportation services in the state. When developing transportation plans and programs, applicants for FTA assistance are required to consider comments from private providers.

NDOR policy is to provide financial assistance to those applicants where existing public transportation service is not available or insufficient. As part of the application process, applicants must demonstrate that they have considered the ability of private enterprise to provide similar service. Applicants must, at the very least, provide public notice when applying for operating assistance or funds for vehicle purchase. When proposing new or expanded transportation service, applicants must schedule a public hearing and provide public notice. This provides private sector entities the opportunity to comment on the proposed service.

## **I. CIVIL RIGHTS**

NDOR annually signs and submits the FTA Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements. This document binds NDOR to the FTA master agreement including all civil rights requirements. Every three years (or as required by FTA) NDOR submits an updated, statewide Title VI plan and DBE methodology and goals. A link to the approved 2014 State Title VI plan is available on NDOR's website at <http://www.transportation.nebraska.gov/rpt/pdfs/title-vi/2014titleviplanftaapproved.pdf>. The other documents are available to the public on request.

Applicants are required to sign and return the FTA Certifications and Assurances when applying for funding. These assurances include the following standard Civil Rights compliance clauses:

1. Nondiscrimination (Title VI including Limited English Proficiency Persons)
2. Equal employment opportunity
3. Disadvantage business enterprise

## **Title VI**

Title VI of the Civil Rights Act of 1964 is the Federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive Federal financial assistance. This also includes other civil rights provisions of Federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving Federal financial aid.

Section 5310 and 5311 subrecipients are required to develop and submit a Title VI plan to NDOR for review and approval. The plan must be approved by the subrecipient's governing body or official responsible for policy decisions. Subrecipients must submit a copy of the board resolution, meeting minutes or similar documentation as evidence of approval. The subrecipient plan must contain all the elements as required in FTA Circular 4702.1B. An FTA approved template plan is provided to subrecipients to assist them with plan development.

The University of Nebraska (NU) is contracted to provide Title VI technical assistance to subrecipients. Curriculum has been developed and workshops conducted at a variety of locations across the state. Ongoing education, technical assistance, and translation of required documents are provided by NDOR and NU. Compliance with civil rights requirements is reviewed and confirmed during on site reviews of 5310 and 5311 subrecipients.

### **Disadvantaged Business Enterprises (DBE)**

To comply with 49 CFR Part 26, the NDOR Transit Section establishes an overall DBE goal based on the availability of ready, willing and able DBEs relative to the availability of all ready, willing, and able businesses within the same industry. Industries are identified using the North American Industry Classification System (NAICS). The current goal was set in 2014 and expires September 30, 2017.

The process utilized by the NDOR Transit Section is as follows:

1. Collect data from the following sources to establish a base figure of the relative availability of DBEs to perform work on DOT-assisted contracts.
  - a. 2010 Census, NAICS table
  - b. Funding amounts from Section 5311 annual operating applications and capital construction.
  - c. Total number of firms and total number of DBE firms from other NDOR Divisions
2. Conduct a consultative process that provides an opportunity for minority, women's general contractor groups, community organizations, and other officials or organizations to provide input concerning availability of disadvantaged and non-disadvantaged businesses.

In 2014 consultation included identifying and contacting statewide governmental and not

for profit agencies that provide services to minority and women-owned business. The NDOR Transit Section requested these organizations outreach to the entities they serve to encourage participation in the NDOR DBE program.

In addition, the Transit Section reviewed the Missouri DOT and Iowa DOG certified DBE lists to identify out-of-state DBEs currently doing business in one of the NAICS work classifications specified in the plan. Other potential DBE businesses were located in the Nebraska Directory of Woman and Minority Owned Businesses published by the Lincoln Commission on Human Rights. Letters inviting them to submit a DBE application in Nebraska were sent to these businesses.

3. NDOR will publish a notice of the proposed overall goals and inform the public the goals are available for inspection and comment for 30 days following the date of the notice.
  - a. The public may inspect the goals and goal setting process on NDOR's website at <http://www.transportation.nebraska.gov> and during normal business hours (8:00 am-4:30 pm) at the NDOR Central Complex, 1500 Highway 2, Lincoln, NE.
  - b. Written comments can be submitted within 45 days of this written notice to NDOR Rail and Public Transportation and/or the Department of Transportation, FTA Regional Civil Rights Officer:
    - i. NDOR Rail and Public Transportation Division  
1500 Highway 2  
  
Lincoln, NE 68509
    - ii. FTA Region 7 Civil Rights Officer  
901 Locust, Room 404  
  
Kansas City, MO 64106
4. Public notice will be published in the following publications:
  - a. Lincoln Journal Star, Lincoln, NE
  - b. Omaha World Herald, Omaha, NE
  - c. Mundo Latino, Omaha, NE
  - d. Norfolk Daily News (both Spanish and English), Norfolk, NE

The NDOR Construction Division certifies DBEs and maintains the Unified Certification Program Directory. Questions regarding the certification process are directed to the NDOR DBE

Program Manager.

### **Equal Employment Opportunity**

NDOR must ensure that no person shall on the grounds of race, color, religion, national origin, sex, age or disability be excluded from participating in, or denied the benefits, or be subject to discrimination in employment under any project, program or activity receiving Federal financial assistance. The NDOR EEO program is administered by the Human Resources Division who also maintains and updates the EEO program plan.

## **J. ASSET MANAGEMENT**

### **Vehicles and Related Equipment**

Transit vehicles and related equipment are purchased for eligible applicants using Federal Section 5311, 5310 and 5309 funds. State funds are not available for capital purchase of vehicles. The NDOR Transit Section orders vehicles through state contracts secured through the Nebraska Department of Administrative Services. Vehicle specifications are written to ensure all vehicles meet Buy America requirements, the Americans With Disabilities Act (ADA) provisions and all other federal regulations.

Vehicle applications for Section 5311 and 5309 projects are accepted at any time. Section 5310 applications are released on a schedule determined by the availability of funds.

Upon approval of the project application, a purchase order is prepared and the vehicle(s) are ordered. NDOR receives and inspects the vehicles which are turned over to subrecipients after the NDOR Transit Section has received the local match and proof of insurance. Modification of vehicles by subrecipients is prohibited unless prior approval is received from NDOR. Vehicle titles must be retained by the subrecipient and cannot be transferred without prior approval from NDOR.

Subrecipients are required to establish a preventative maintenance (PM) program for each vehicle. The maintenance schedule should be based on the manufacturer's recommendations. All vehicle maintenance files are kept either electronically or in paper copy at the transit system. Files must be available for review by NDOR Transit Section staff during onsite visits. At a minimum, the vehicle file folder should contain the following:

1. File name by vehicle identification number (VIN), Make and year it was purchased.
2. Copy of vehicle title and proof of insurance
3. Pre-trip inspections
4. PM maintenance records (including receipts)
5. PM maintenance records for wheelchair lift (if applicable)
6. Vehicle manufacturer maintenance schedule
7. Mechanic inspection sheets
8. Backup information for warranty claims

## 9. Vehicle disposition request and final disposition report (if applicable)

ADA equipment includes wheelchair ramps, lifts and restraints. Routine maintenance of lifts should be performed at scheduled intervals by a reliable, manufacturer certified mechanic. As part of the regular pre-trip inspection, drivers should inspect all ADA equipment each day prior to the vehicle being placed in service.

Per FTA, a Federally funded vehicle has met its useful life after 4 years or 100,000 miles. However, NDOR will determine if/when a subrecipient's vehicle has met its useful life. Prior to disposing of any vehicle, subrecipients must request approval from the NDOR Transit Section by submitting the vehicle/equipment disposition request form. After NDOR's approval, vehicles may be disposed of by public auction, sealed bid sale or private sale (2 appraisals from authorized dealers required prior to approval).

Template maintenance schedules, forms and other information is located in the Asset Management section of NDOR's transit website [HERE](#). The Transit Section has also developed a [Program Management Manual for Vehicles](#) which outlines in depth the requirements for vehicle acquisition, maintenance and disposal.

If a subrecipient suspends service and their vehicle(s) no longer have a useful life per the FTA definition, NDOR will determine if their vehicle(s) can be utilized for transportation by another subrecipient. If the vehicle(s) are determined to have useful life remaining, the vehicle's value will be ascertained by contacting the vendor from which the vehicle(s) were procured and/or consulting the Kelley Blue Book. Active 5310 and 5311 subrecipients will then be contacted regarding the availability of the vehicle(s). The subrecipient purchasing the vehicle is required to pay the previous subrecipient 20% of the current value.

During onsite visits, NDOR Transit staff inspects vehicles and review maintenance records. Deficiencies are noted in a follow up report and subrecipients are required to submit documentation indicating they have implemented policies and procedures to comply with requirements for vehicle maintenance.

### **Transit Facilities**

Both Section 5311 and 5339 funds can be utilized for the construction or renovation of transit-related facilities. Capital construction projects are eligible for 80% federal funding with a 20% local match requirement.

All capital construction projects must follow the Federal guidelines for procurement in Circular 4220.1F. For consideration of any capital construction project, the applicant must submit to NDOR at a minimum the project description, location, an area of potential effects map (APE), purpose and need statement, and estimated cost. Environmental documents required by the National Environmental Protection Act (NEPA) will be prepared and submitted with the assistance of the FTA Regional Environmental Specialist.

New construction or rehabilitation of an existing structure will meet requirements for local land use planning and zoning, relocation, traffic and parking, energy conservation, consideration of historic properties, and safety and security. All facilities will be constructed or remodeled to meet ADA accessibility requirements.

To apply for a capital construction project using Section 5311 or 5339 Federal funds, the applicant will follow the process as outlined below:

1. Contact the NDOR Transit Section to determine if Federal funding is available.
2. Prepare and submit the required information as described above. A detailed feasibility study may not be required.
3. Conduct a public hearing to allow for public input. Submit the meeting notice affidavit and hearing minutes to the NDOR Transit Section.
4. Secure the required local match from the sponsoring entity and forward a copy of the resolution authorizing the project to the NDOR Transit Section.
5. With the assistance of the NDOR Transit Section, obtain approval and environmental clearance from FTA. Smaller projects will typically receive a documented categorical exclusion (DCE) from FTA.
6. Work directly with FTA to complete the remaining environmental requirements including documentation from the Nebraska State Historical Preservation Office (NESHPO).
7. NDOR assigns a project and control number and prepares an agreement for signatures.
8. Secure the architectural and engineering services through a quality based, competitive bidding process. Contact NDOR for additional information.
9. NDOR reviews and approves final plans.
10. Secure a construction contractor through a competitive, low bid process. Contact NDOR for additional information.
11. NDOR staff will conduct an onsite visit during the construction phase to ensure the required FTA posters are posted on the job site and other requirements are being met.
12. During construction, the Contractor is required to forward weekly, certified payroll information to NDOR as evidence of compliance with the Davis Bacon Act.

NDOR Transit Section staff will conduct periodic site visits to inspect capital facilities in conjunction with a regular Section 5311 visit. Facility condition and cleanliness will be inspected, deficiencies noted and a report issued. Subrecipients are expected to provide NDOR with adequate documentation that the deficiencies have been corrected.

## **K. CHARTER BUS SERVICE RULE**

Per CFR 49 Part 604, FTA's Charter Bus Service Rule protects private charter operators from unauthorized competition from FTA grant recipients. Section 5310 and 5311 subrecipients may not provide charter service if a private provider is available to furnish the transportation in the service area.

Subrecipients are encouraged to contact NDOR if they have a question about whether service

they are asked to provide is charter. Federal regulations regarding charter service are located in 49 CFR 604.2-604.11.

Exemptions to the charter rule will be reviewed and applied on a case-by-case basis. The following are examples of exemptions which allow for Section 5310 and 5311 subrecipients to provide charter type service:

1. Participating in emergency response and preparedness training.
2. Transporting government officials on (up to 80 hours/year is allowable).
3. Transporting transit employees for transit purposes including training.
4. Providing transportation services to clients from a qualifying human services organization. Clients must be elderly, disabled, or low income (e.g., children enrolled in a Head Start Program).
5. Responding to an immediate emergency.

#### **L. SECTION 504 AND ADA COMPLIANCE**

FTA subrecipients are required to comply with the Americans with Disabilities Act (ADA) of 1990 as amended, and Section 504 of the Rehabilitation Act of 1974. Both regulations require that services, vehicles and facilities must be accessible to persons with disabilities. Subrecipient compliance with Section 504 and ADA is reviewed during onsite visits.

Federal funds will not be awarded to a subrecipient that does not have at least one ADA accessible vehicle available to program participants. Federally funded vehicles purchased by NDOR and transferred to subrecipients meet ADA requirements. To ensure that vehicles continue to meet these requirements, modifications to vehicles are not allowed without prior approval from NDOR.

ADA related equipment including lifts, ramps and tie downs must be maintained as recommended by the manufacturer. Drivers must be trained to proficiency in the operation of ADA features. NDOR requires Section 5311 rural transit drivers complete a training curriculum that includes both classroom and hands on experience with ADA equipment. Section 5310 drivers are strongly encouraged to attend the same training.

#### **M. SCHOOL BUS TRANSPORTATION**

Subrecipients of FTA funds are prohibited from providing exclusive transportation for students or school personnel. School students may be transported when the service is open to the general public. Transportation for children in a Head Start program is allowable as it is considered a social service.

#### **N. NATIONAL TRANSIT DATABASE (NTD) REPORTING**

Section 5311 subrecipients are required to report revenues, expenses, vehicle revenue hours of service, miles traveled, and passenger boardings on their monthly invoices for reimbursement.

Accident, vehicle and facility data is collected throughout the year. Required information is input into the NTD by NDOR Transit Section staff. The reporting year is July 1 through June 30. Urban and Tribal recipients of FTA funds report their data directly to the NTD.

## **O. PROGRAM MEASURES**

5310 subrecipients with vehicles are required to report information monthly through vehicle usage reports. Required data includes the number of elderly, disabled and wheelchair bound passengers were transported during the month. The trip purpose (medical, employment, nutrition, social/recreational, education, shopping/personal) and total miles is also required.

5311 subrecipients report program measures monthly through the online invoicing system. Required data includes passenger boardings, mileage and vehicle revenue hours of service.

## **P. STATE PROGRAM MANAGEMENT**

NDOR's program management process is described in some detail in the preceding sections. The NDOR Transit Section assumes responsibility to ensure that subrecipients of FTA funds are in compliance with State and Federal regulations. To fulfill this obligation, NDOR supports the following:

1. Supports ongoing education for transit managers and drivers
2. Provides contracted content area experts for technical assistance
3. Develops and provides resources
4. Conducts periodic oversight reviews (desktop financial and on-site).

### **Ongoing Education**

As outlined in a preceding section, the NDOR Transit Section utilizes RTAP funds to provide in-state workshops, organize networking opportunities, and support attendance at out of state conferences for transit managers and staff. Examples of in-state workshop topics recently conducted include Title VI, drug and alcohol, safety and security.

On January 1, 2014, the NDOR Transit Section implemented a required, rural transit driver training program for Section 5311 subrecipients. The Nebraska Safety Center at the University of Nebraska Kearney developed the curriculum and conducts workshops at multiple locations across the state.

The training includes a core curriculum of Defensive Driving and Passenger Assistance Safety and Security (8 hours each). The core curriculum must be completed within 12 months from the date the driver began transporting passengers in rural public transportation vehicles. After the core curriculum has been completed, drivers are required to participate in a minimum of 4 hours of continuing education annually. The continuing education requirement includes a 2 hour refresher of Defensive Driving or Passenger Assistance Safety and Security (rotating every other year) and a 2 hour elective.

Driver training is offered at no charge and allowable travel and wage expenses are reimbursed to reduce the burden to attend. Section 5310 drivers are encouraged to attend driver training workshops but it is not required at this time. More details about rural transit driver training requirements are located on NDOR's website at

<http://www.transportation.nebraska.gov/rpt/pdfs/transit-forms/transit-driver-training-requirements.pdf>

### **Contracted Content Area Experts**

The NDOR Transit Section has procured the services of Precision Compliance, Inc. (PCI) to provide technical assistance and training for drug and alcohol testing compliance. PCI provides policy development guidance, facilitates workshops and conducts onsite reviews of Section 5311 subrecipients.

Title VI compliance is supported by a team at the University of Nebraska Omaha. The Title VI team has developed a workshop curriculum and conducts training at various locations across the state. The team also works individually with each Section 5310 and 5311 subrecipient to develop plans, complaint procedures and translate materials as required.

As needs are identified, NDOR will procure the services of additional content area experts to ensure compliance with all Federal and State regulations.

### **NDOR Transit Staff--Develop and Provide Resources**

The Transit staff seeks out useful information, develops resources and provides best practices models. These resources are shared through a list serv, Transit's NDOR webpage, workshops and daily interaction with subrecipients. Resources on the webpage include a vehicle program manual, links to drug and alcohol testing requirements, forms and templates for Title VI compliance, and a passenger handbook sample.

### **NDOR Transit Section Oversight**

#### **On site Reviews**

NDOR Transit Section staff conducts periodic on site reviews of all 5310 and 5311 subrecipients. Following the compliance review, a report is provided to the subrecipient noting findings and recommendations. When findings are identified the subrecipient is required to follow up by providing supporting documentation or written assurance that the findings have been corrected.

The following areas of compliance are reviewed:

1. Eligibility
2. Management
3. Financial

4. ADA
5. ADA Fixed Route (if applicable)
6. Drug and Alcohol Testing
7. Procurement
8. Asset Management/Maintenance
9. Safety and Security

### Financial Desktop Reviews

Section 5311 subrecipients submit monthly invoices to the Transit Section for reimbursement of operating expenses to provide public transportation in rural communities. The invoices are reviewed by two staff members prior to forwarding to the NDOR Controller Division for payment.

To further ensure that expenses are allowable, an in-depth financial desktop review process has been developed and implemented. During these reviews, subrecipients are requested to clarify expenses and provide supporting documentation. A desktop financial review will be conducted for at least one operating invoice per subrecipient every 24 months.

The following events trigger financial desktop reviews:

1. Size of award-\$100,000 or more in annual Federal operating assistance
2. Inexperienced manager-6 months or less experience
3. System startup-a new system or change in contractor funded less than 12 months
4. Delinquent invoice submittal-delinquent-invoice submitted more than 30 days after the end of the previous month twice in a fiscal year
5. Random selection or specific inquiry-all other transit systems not covered by other triggering events or an issue identified during a general review of the invoice

### Grants Management

The NDOR maintains the transactions for its active FTA grants through several internal mainframe financial and billing systems utilized by the Controller Division and Transit Section. From the time an FTA grant is awarded until it is closed, projects relating to a grant's spending authority and identified in a Program of Projects (POP) reside in the Program/Project Management (PPM) System and the Project Finance System (PFS).

The projects' unbilled transactions are reviewed monthly by the Transit Section prior to an drawdown request through the Electronic Clearing House Operation (ECHO-Web).

The NDOR monitors the active FTA grants through the Transportation Electronic Award and Management (TEAM)-Web system. The Transit Section prepares and files the required Federal Financial Report (FFR) and Milestones Progress Report (MPR) for each active FTA grant awarded to the NDOR in TEAM-Web. The Transit Section also prepares and submits the required grant documents for new grants to be awarded as well as grants to be closed out.

## Procurement Procedures

NDOR procures all federally funded transit vehicles through competitively bid state contracts managed by the Nebraska Department of Administrative Services (NDAS). Vehicle specifications are written to strictly comply with all Buy America, Americans with Disabilities Act and other federal requirements. The vehicles are delivered to NDOR and inspected. Subrecipients must provide local match and proof of insurance prior to receiving the vehicle and title.

For other capital purchases and consultant procurement, the NDOR Transit Section compiles with all State and Federal regulations. The OMB circular A-87 is referenced as needed to ensure costs are allowable. To ensure compliance with state procurement regulations, the NDOR Procurement Manager and NDAS provide guidance for posting requests for proposals and contract maintenance.

Federal and state regulations are followed when procuring consultant services. Requests for proposals are released through NDOR's website and eligible firms are notified. As required by the Brooks Act, a qualifications-based selection process is used when procuring the services of architectural and engineering firms.

## Drug and Alcohol Testing Requirements

Subrecipients with safety sensitive employees must comply with drug and alcohol testing requirements as defined in 49 CFR Part 655 and 49 CFR Part 40 as amended. As mentioned previously, the NDOR Transit Section has procured the services of Precision Compliance, Inc. to assist transit systems with compliance.

The required drug and alcohol management information system reports (MIS) are submitted annually through FTA's dedicated website. Drug and alcohol policies with governing body approval are submitted to NDOR.

## Labor Protections and Other Federal Regulations

Applicants for Section 5311 operating assistance funds are required to sign an acceptance of the employee protection provisions of Section 5333(b). In addition, applications must submit a narrative outlining the anticipated impact on employment of eligible public mass transportation providers in the proposed service area.

NDOR annually signs the FTA Certifications and Assurances which binds NDOR to the FTA Master Agreement. Applicants for any federal funding must sign and submit the applicable FTA certifications and assurances

# APPENDIX

Section 5311 Operating Assistance Application

Section 5310 Capital and Operating Assistance Application

Section 5311 and 5310 Vehicle Application

# APPENDIX

Section 5311 Operating Assistance Application

Section 5310 Capital and Operating Assistance Application

Section 5311 and 5310 Vehicle Application



# 5311 Funding Application for Public Transportation Operating Assistance

Budget and Fleet Information



SPONSOR/APPLICANT INFORMATION			
<b>Project Year: July 1, 2015 thru June 30, 2016</b>			
*Sponsor/Applicant Name:		Contractor No.:	
Data Universal Numbering System (DUNS):		Employer Identification No. (EIN):	
Entity Status with the Internal Revenue Service: <i>(Check one)</i>			
		<input type="checkbox"/> Private Not for Profit	<input type="checkbox"/> Public Entity
Applicant Address:			
Applicant Authorized Representative's Name:		Title:	
Telephone:	Email:		
Is there a subcontractor who will provide and/or manage the transit operations?			
<input type="checkbox"/> No <input type="checkbox"/> Yes <i>(If Yes, complete the following information)</i>			
Subcontractor Name:			
Data Universal Numbering System (DUNS):		<input type="checkbox"/> Private for Profit	
Employer Identification Number (EIN):		<input type="checkbox"/> Private Not for Profit	
<b><i>Provide evidence the subcontractor is not on the excluded parties/suspension and debarment list.</i></b>			
Search the excluded parties/suspension and debarment list <a href="#">HERE</a> . Print a copy of the screen search and attach to this application.			
PUBLIC TRANSPORTATION OPERATING ASSISTANCE FUNDS REQUESTED			
<i>(The cells below are locked. They will autopopulate with information provided on Page 4.)</i>			
Federal: \$0		State: \$0	
Local Match: \$0			

\* This name will appear on the agreement. Please note the sponsor/applicant has annual drug and alcohol testing requirements.

# Operating Budget

Costs eligible for 50% Federal and 25% State reimbursement, 25% Local Match

Personnel Costs			
a	b	c	d
ELIGIBLE EXPENSES	SALARIES	FRINGE	TOTAL ELIGIBLE COSTS
Driver(s)			\$0.00
Dispatcher(s)			\$0.00
Other Personnel ( <i>explain</i> )			\$0.00
Fuel and Oil			
Other Operating Costs			
		<b>TOTAL:</b>	\$0.00

# Non-Operating Budget

**Costs eligible for 80% Federal and 10% State reimbursement, 10% Local Match**

Personnel Costs			
a	b	c	d
ELIGIBLE EXPENSE	SALARIES	FRINGE	TOTAL ELIGIBLE COSTS
Project ( <i>Transit</i> ) Manager			\$0.00
Other Administrative Staff ( <i>explain below</i> )			\$0.00
Insurance ( <i>other than health</i> )			
Building Rent			
Building Utilities			
Building Maintenance ( <i>labor and parts</i> )			
Vehicle Maintenance ( <i>labor and parts</i> )			
Vehicle Insurance			
Marketing			
Office Supplies			
Memberships			
Travel			
Public Hearing Notices			
Internet Connection			
Phones ( <i>landline or cellular</i> )			
Drug and Alcohol Testing			
Other Non-Operating Expenses			
<b>TOTAL:</b>			\$0.00

# Budget Summary – Operating and Nonoperating Costs

PROJECT INCOME SOURCE	IF CONTRACT (e.g., Meals on Wheels, After School Program), WITH WHOM	AMOUNT
Regular Fare		
Regular Fare		
Regular Fare		
<b>Total Project Income</b>		<b>\$0.00</b>

Federal Reimbursement Calculation – Operating Costs		
<b>1</b>	<b>Operating Costs</b> (Total from Page 2)	\$ 0
<b>2</b>	<b>Project Income</b> (From above)	\$ 0
<b>3</b>	<b>Estimated Net Operating Deficit</b> (Line 1 minus Line 2)	\$ 0
<b>4</b>	<b>Federal Funds Requested</b> (50% of Line 3)	\$ 0
<b>5</b>	<b>Remaining Net Deficit</b> (Line 3 minus Line 4)	\$ 0
State Reimbursement Calculation – Operating Costs		
<b>6</b>	<b>State Funds Requested</b> (50% of Line 5)	\$ 0
<b>7</b>	<b>Local Matching Funds Required</b> (Line 3 minus Line 4 minus Line 6)	\$ 0

Federal Reimbursement Calculation – Non-Operating Costs		
<b>8</b>	<b>Non-Operating Costs</b> (Total from Page 3)	\$ 0
<b>9</b>	<b>Federal Funds Requested</b> (80% of Line 8)	\$ 0
State Reimbursement Calculation – Non-Operating Costs		
<b>10</b>	<b>State Funds Requested</b> (10% of Line 8)	\$ 0
<b>11</b>	<b>Local Matching Funds Required</b> (Line 8 minus Line 9 minus Line 10)	\$ 0

List your sources of local match:



# Transportation Service Narrative

## *Coordination with Service Area Social Agencies*

Identify below the social agencies in the service area, especially those agencies capable of purchasing service, and describe the coordination efforts to meet transportation needs.

Evidence of efforts can be attached in electronic formats such as Microsoft Office (*Word - .doc, .docx, Excel - .xls, .xlsx, PowerPoint - .ppt*); *Adobe Reader Portable Document format (.pdf)*; or *Joint Photographic Experts Group (.jpeg)*. Evidence of efforts are:

1. Agreements for purchase of service.
2. Agreements and written correspondence with each agency.

Enter below the agency contracted, contract purpose and the contract's result(s) or outcome(s).

**Agency Coordinated**

**Coordinated**

**Result(s) or Outcome(s)**

### ***Minority Concentrations in the Service Area***

<b>a</b>	Identify concentrations of minorities, elderly, and disabled persons residing within the service area.																		
Number and percent of population within the service area of the project from the <a href="#">2010 Census</a> .																			
	<table style="margin-left: auto; margin-right: 0;"> <thead> <tr> <th style="text-align: left; padding-right: 20px;"><b>Population</b></th> <th style="text-align: right;"><b>% of Total</b></th> </tr> </thead> <tbody> <tr> <td>White</td> <td></td> </tr> <tr> <td>Black or African American</td> <td></td> </tr> <tr> <td>American Indian and Alaska Native</td> <td></td> </tr> <tr> <td>Asian</td> <td></td> </tr> <tr> <td>Native Hawaiian and Other Pacific Islander</td> <td></td> </tr> <tr> <td>Hispanic or Latino</td> <td></td> </tr> <tr> <td>Other</td> <td></td> </tr> <tr> <td style="text-align: right; padding-right: 20px;"><b>Total:</b></td> <td style="text-align: right; border-top: 1px solid black;"><b>0.00</b></td> </tr> </tbody> </table>	<b>Population</b>	<b>% of Total</b>	White		Black or African American		American Indian and Alaska Native		Asian		Native Hawaiian and Other Pacific Islander		Hispanic or Latino		Other		<b>Total:</b>	<b>0.00</b>
<b>Population</b>	<b>% of Total</b>																		
White																			
Black or African American																			
American Indian and Alaska Native																			
Asian																			
Native Hawaiian and Other Pacific Islander																			
Hispanic or Latino																			
Other																			
<b>Total:</b>	<b>0.00</b>																		

## ***Elderly and/or Persons with Disabilities Concentrations in the Service Area***

Describe any concentrations of this population in your service area.

## ***Management Structure and Procedures***

Describe the organizational structure of your organization, including managers, boards, elected officials, etc. Attach an organizational chart for the transit system.

Person who Prepared this Application:

Title:

Address:

Telephone:

Email:

### **PERSON AUTHORIZED TO SIGN THIS APPLICATION AND COMMIT THE LOCAL MATCH FUNDS**

Name and Title:

Signature:

Date:

Project Name:

Fiscal Year:

2015

# NDOR's Commitment to Civil Rights

Title VI of the Civil Rights Act of 1964 is a Federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive Federal financial assistance. Reference to Title VI includes other civil rights provisions of Federal statutes and related authorities to the extent they prohibit discrimination in programs and activities receiving Federal financial assistance.

Title VI compliance is defined as when the recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort has been made toward achieving this end.

All programs conducted by NDOR and the Section 5311 program recipients must meet the requirements. Education, training, work opportunities, benefits, and provision of services are examples of programs that must meet the Title VI requirements, whether provided directly by the recipient or its subrecipients, agents, contractors, or other vendors.

Discrimination is defined as: (*action or inaction*) whether intentional or unintentional, through which a person or group, solely because of race, color, national origin, disability, sex, age or income status, has been otherwise subjected to unequal treatment or impact, under any program or activity receiving Federal financial assistance.

A complaint may be filed by any individual or group that believes they have been subjected to discrimination or retaliation based on their race, color, national origin, sex, age, disability or income status. The complaint may be filed by the affected party or a representative and must be in writing.

Section 5311 program recipients who feel they have been discriminated against by any NDOR employee or its agent/contractor may contact the NDOR Transit Section. A review will be made to determine if NDOR has jurisdiction to investigate the issues raised. If NDOR does not have jurisdiction, the complaint will be forwarded to the appropriate agency. If NDOR does have jurisdiction, the allegations will be investigated and an attempt will be made to resolve the matter. If violations are found and negotiations to correct the violation are unsuccessful, enforcement proceedings may be initiated to attain compliance.

In addition, any individual or group who believes they have been discriminated against by an employee of a Section 5311 program recipient or its agent/contractor should first contact the Section 5311 recipient in writing. NDOR should also be notified of the complaint within 5 working days.

NDOR and the Section 5311 program recipients are prohibited from retaliating against any person because they reported an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI. If an individual or group believes they have been retaliated against, they should immediately contact NDOR to report their allegation. Filing a complaint with NDOR does not prevent an individual or group from seeking remedy through other resources.

Complaints should be addressed to:

Nebraska Department of Roads  
Attn: Kari Ruse  
1500 Hwy 2  
PO Box 94759  
Lincoln NE 68509-4759  
(402) 479-4870  
[kari.ruse@nebraska.gov](mailto:kari.ruse@nebraska.gov)

# Certification of Compliance with Civil Rights

29 U.S.C. § 623, 42 U.S.C. § 2000 42 U.S.C. § 6102, 42 U.S.C. § 12112 42 U.S.C. § 12132,  
49 U.S.C. § 5332 29 CFR Part 1630, 41 CFR Parts 60 et seq.

Civil Rights – The following requirements apply to the underlying contract:

- (1) Nondiscrimination – In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, Section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, Section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the applicant certifies it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Applicant agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.
- (2) Equal Employment Opportunity – The following equal employment opportunity requirements apply to the underlying contract:
  - (a) Race, Color, Creed, National Origin, Sex – In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Applicant agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor,” 41 C.F.R. Parts 60 et seq. (*which implement Executive Order No. 11246, “Equal Employment Opportunity,” as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” 42 U.S.C. § 2000e note*), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Applicant agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, creed, national origin, sex, or age. 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. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.
  - (b) Age – In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, the Applicant agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.
  - (c) Disabilities – In accordance with Section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Applicant agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, “Regulations to implement the Equal Employment Provisions of the Americans with Disabilities Act,” 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Applicant agrees to comply with any implementing requirements FTA may issue.
- (3) Disadvantaged Business Enterprise – To the extent authorized by Federal law, the Applicant agrees to facilitate participation by Disadvantaged Business Enterprises (DBEs) in the Project and assure that each subrecipient, lessee, third-party contractor, or other participant at their tier of the Project will facilitate participation by DBEs in the Project to the extent applicable.
- (4) Access to Services for Persons with Limited English Proficiency – The Applicant agrees to facilitate compliance with the policies of Executive Order No. 13166, “Improving Access to Services for Persons with Limited English Proficiency,” 42 U.S.C. Section 2000d-1 note, and follow applicable provisions of U.S. DOT Notice, “DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency (LEP) Persons,” 70 Fed. Reg. 74087, December 14, 2005, except to the extent that FTA determines otherwise in writing.
- (5) The applicant also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

The following information is required by the Federal Transit Administration. The economic/racial/ethnic composition of your governing body or riders will not be considered as a factor in awarding grants.

Check Yes or No:

Has your transit agency received any Title VI nondiscrimination complaints in the last fiscal year? If Yes, attach all documentation to this application.  Yes  No

Our governing body (*Board of Director, City Council, etc.*) is made up predominantly of minority and/or low-income individuals.  Yes  No

Potential riders/clients of our transportation service will be predominantly minority and/or low income individuals.  Yes  No

---

*Signature*

---

*Title*

---

*Date*

CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, \_\_\_\_\_, hereby certify on  
(Name and Title of Grantee Official)

behalf of \_\_\_\_\_ :

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an 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 agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an officer in connection with this 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.
(3) The undersigned shall require that language of this certification be included in the award documents for all subawards at all tiers, (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is 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 Section 1352, Title 31, U.S. Code. 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.

(Note: Pursuant to 31 U.S.C. Section 1352 (c) (1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.)

The applicant certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Applicant understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure, if any.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

## LABOR

Please state in a narrative how this project will affect the employment conditions of your employees. What is the anticipated impact on employment of eligible public mass transportation providers in your proposed service area? Federal Transit Administration rules and regulations have defined public transportation as “any transportation by bus or rail or other conveyance, either publicly or privately owned, which provides to the public general or special services on a regular and continuing basis,” Public transportation does not include the following: 1) school bus, charter or sightseeing service; 2) exclusive ride taxi service; and 3) service to individuals or groups which excludes use by the general public (*i.e., age or income restrictions*).

The term transportation service area of your project is intended to include the geographic area over which the project is operated and the area whose population is served by the project, including adjacent areas affected by the project.

Note: An eligible recipient includes those providers who are approved to receive Section 5311 assistance and other providers who qualify for Section 5311 assistance.

Applicants for Section 5311 assistance are required to agree to the conditions of the labor protection warranty. If the applicant agrees to the warranty, the applicant shall include in the application a statement agreeing to abide by all conditions of the Section 533 (b) warranty (*see Exhibit B-1*). A listing of eligible public mass transportation providers in the applicant's transportation service area should be provided as Exhibit B-2 (*see example*).

**You must submit a narrative as required – do not send this page back.**

**ACCEPTANCE OF SPECIAL 5333(B) OF TITLE 49,  
UNITED STATES CODE WARRANTY FOR APPLICATION  
TO THE SMALL URBAN AND RURAL PROGRAM**

Name of Subrecipient: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_

The recipient, for and in consideration of a transportation grant to be made available to the recipient, pursuant to Section 5311 of Title 49, United States Code, hereby agrees to accept the terms and conditions of the Special 5333 (b) Warranty, incorporated herein and made a part hereof by reference, absent a waiver by the U.S. Department of Labor.

The recipient hereby agrees that it is the exclusive designated legally responsible party under the terms of the Special Section 5333 (b) Warranty and that the State of Nebraska, acting through the Nebraska Department of Roads assumes no obligation under the terms of the Special Warranty which are not otherwise part of its normal obligation as a grant administering agency.

The recipient hereby authorizes the presentation of this acceptance by the state of Nebraska to the U.S. Department of Labor as evidence of the Recipient's commitments above described.

\_\_\_\_\_  
*Subrecipient*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Date*

**FEDERAL FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES FOR  
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

Name of Applicant:

The Applicant agrees to comply with these applicable provisions. Refer to the FTA Fiscal Year 2015 Certifications and Assurances document at: [2015 Annual Certifications and Assurances](#)

**Group Description**

- 01. Required Certifications and Assurances for Each Applicant.
- 03. Procurement and Procurement System.
- 04. Private Sector Protections.
- 06. Demand Responsive Service.
- 07. Intelligent Transportation Systems.
- 09. Transit Asset Management and Agency Safety Plans.
- 10. Alcohol and Controlled Substances Testing.
- 12. State of Good Repair Program.
- 14. Bus/Bus Facilities Programs.
- 17. Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.
- 21. State Safety Oversight Program.
- 22. Public Transportation Emergency Relief Program.

**AFFIRMATION OF APPLICANT**

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these Certifications and Assurances and bind the Applicant's compliance.

FTA intends that the Certifications and Assurances the Applicant selects this document should apply, as provided, to each Project for which the Applicant seeks now, or may later seek FTA funding during Federal Fiscal Year 2014.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

---

*Signature*

---

*Date*

---

*Name - Authorized Representative of Applicant*

# Section 5310 Capital Grant Application for Private Non-Profit Corporations to Transport Elderly Persons and Persons with Disabilities

FY-2015

Project No. NE-16-0039

Private Non-Profit Organization       Governmental Entity

## General Information

Legal Name of Application Organization:		
Federal ID No.:	Data Universal Numbering System: (DUNS):	
Address (include City, State, and Zip Code):		
Name of Project Director or Supervisor:	Phone No.:	Email Address:
Name of Person Preparing this Application:	Phone No.:	Email Address:
Services Generally Provided by Applicant:		

## Transportation Project

Identify the Geographical Areas to be Served: (Towns, Counties)		
Intended Use: (Check one)		
<input type="checkbox"/> Replace Existing Service <input type="checkbox"/> Expand Existing Service <input type="checkbox"/> Start New Service <input type="checkbox"/> Enhance Existing Service		
Specific by Clientele Category: (the number of individuals that will be transported with the requested vehicle(s))		
Elderly:		
Mental Disability:		
Physical Disability (requiring wheelchair lift or ramp):		
Other: (specify i.e. visually impaired, etc.)		
<b>Total Number of Clientele:</b>		

Number of Minority Clientele that will be Transported:		
African American: _____	Hispanic or Latino: _____	Asian: _____
American Indian: _____	Alaska Native: _____	Native Hawaiian: _____
Pacific Islander: _____	Other (identify minority): _____	

# Capital Assistance

## Vehicle(s) Requested

Prioritize Vehicle(s) Requested (1, 2, 3)	No. of Units	Vehicle	Vehicle Cost	Total Cost
		Small Bus	\$55,000	\$
		Twelve-Passenger Van	\$28,000	\$
		Lowered Floor Minivan	\$34,240	\$
<b>Total Costs:</b>				<b>\$</b>
<b>Total Federal Funds requested (80% of total costs)</b>				<b>\$</b>
<b>Local Share (20% difference between Federal funds requested and total costs)</b>				<b>\$</b>

Number of passenger boardings last year for vehicle(s) being replaced:

Projected number of passenger boardings for vehicle(s) requested (*per year*):

Projected number of days per month the new vehicle(s) will be used:


## Technology Requested (*For example – mobile data terminals for dispatching and communication*)

	Unit Cost	No. of Units	Cost
Type of technology requested:			\$
Type of technology requested:			\$
Type of technology requested:			\$
<b>Total Cost:</b>			<b>\$</b>
<b>Total Federal Funds Requested (80% of total cost)</b>			<b>\$</b>
<b>Local Share (20% difference between Federal funds requested and total costs)</b>			<b>\$</b>

## Purchase of Service (POS):

(November 1, 2014 – June 30, 2015)

Number of individuals to be transported using POS funding:

\* Entity to be contracted with to provide transportation service:

--

a. Project number of passenger boardings:

b. Cost per boarding:

c. Total costs for transportation service (a x b):

**Total Federal funds requested: (eligible up to 80% of total costs)**

**Local Share (20%, difference between Federal funds requested and total costs)**

\$
\$
\$
\$

\* The entity contracted to provide service through a purchase of service arrangement must be a public transportation provider. Submit a letter of support from the contracted provider indicating they can provide the service requested. **Special consideration will be given to applicants contracting with a Section 5311 public transportation provider in rural areas. If a rural provider is available in your area, NDOR can provide you with contact information.**

# Operating Assistance for 5310 Project

(November 1, 2014 – June 30, 2015)

**Note:** This section should be completed if your agency is applying for Federal funded operating assistance for your Section 5310 project. Monthly reimbursement of operating assistance for your Section 5310 project is limited to 50% of your eligible operating expenses, with a maximum of \$4,000 per agency per State fiscal year.

## Expenses

1. Paid Personnel Costs. **Do not** include administrative personnel costs (such as Transit Manager/Director)

Job Title	No. of Employees	Salary (Annual)	Fringe Benefits Paid (Annual)	Total Personnel Costs
Driver				\$

2. Fuel and Oil \$
3. **Total Operating Costs:** \$
4. **Total Project Income:** \$

List sources of income:

---



---

5. **Net Operating Cost (Line 3 minus Line 4)** \$
6. **Federal Funds Requested for Operating Assistance (50% of Line 5) (Maximum of \$4,000)** \$

If you have requested more than one funding type (vehicle purchase, technology, purchase of service or operating assistance), please rank in order of importance to your organization (1-4 with 1 being the most important).

- Vehicle Purchase    
  Technology    
  Purchase of Service    
  Operating Assistance

Specify the source of local match:

\_\_\_\_\_  
Applicant's Authorized Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Project Justification**

A. Describe benefits to be derived from the project to the elderly or disabled user:

B. Identify shortcomings of existing services and how your project will overcome them:

C. Describe transportation now being provided by applicant:

**Project Justification (Continued)**

D. Describe in detail vehicle(s) owned and/or operated by applicant.

Acquired with 5310 Federal Transit Funds	Will be Disposed	Will be Taken Out of Regular Service	Regular Service	Lift or Ramp Equipped	Wheelchair Capacity	Ambulatory Capacity	Year	Make	Bus	Van	Minivan	Car	Other (Describe)	Mileage	Condition (Excellent, Good, Fair, Poor)	VIN

**Project Justification (Continued)**

- E. Describe transportation being provided by other agencies (*Private and Public*). Attach evidence of efforts made to notify other providers. **Please note: Governmental entities have additional requirements. See instructions below.**

Evidence of efforts should include:

1. Copies of letters sent
2. Copies of certified mail receipts
3. Copies of responses received
4. Affidavit of publication from newspaper

**FOR GOVERNMENTAL ENTITIES ONLY:** Include in your letter a request to nonprofit agencies to certify the agency cannot provide this transportation service in the service area. Include copies of their responses with this application.

- F. Describe any plans to combine previously described transportation services and how this project will coordinate with existing transportation services. (*Attach purchase of service and interagency agreements, or documentation of unsuccessful coordination efforts.*)

# Local Governmental Authority Certification

*(For governmental entities only)*

As the authorized representative of \_\_\_\_\_,  
I certify that there are no nonprofit organizations readily available in the area to provide the service as  
described in the 5310 application.

\_\_\_\_\_  
*(Printed Name of Person Signing)*

\_\_\_\_\_  
*(Signature of Authorized Representative)*

\_\_\_\_\_  
*(Title)*

\_\_\_\_\_  
*(Date)*

**Maintenance of Vehicles**

To assure that vehicles acquired with Federal Transit Assistance funds are maintained in optimal operating condition, it is required that they be maintained in accordance with the vehicle manufacturer's recommended maintenance schedule. Applicants must verify by certifying below.

**Maintenance Certification**

\_\_\_\_\_ certifies that vehicles purchased under Section 5310 will be maintained in accordance with detailed maintenance and inspection schedule provided by the manufacturer.

\_\_\_\_\_  
*(Printed Name of Person Signing)*

\_\_\_\_\_  
*(Signature of Authorized Representative)*

\_\_\_\_\_  
*(Title)*

\_\_\_\_\_  
*(Date)*

## Vehicle Being Replaced

This vehicle will be taken out of regular service (*can be used as backup*).

Applicant: \_\_\_\_\_

Year of Vehicle Being Replaced: \_\_\_\_\_

*(Vehicle must have been in service for at least four years or has a minimum of 100,000 miles)*

Make: \_\_\_\_\_

Model: \_\_\_\_\_

Vehicle Identification No.: \_\_\_\_\_

Mileage: \_\_\_\_\_

Vehicle Condition: \_\_\_\_\_

Identify which vehicle requested will replace the vehicle listed above.

- Small bus
- Twelve-passenger van
- Lowered floor mini van

## FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

### FEDERAL FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: \_\_\_\_\_

The Applicant agrees to comply with applicable provisions of Groups 01 – 24. \_\_\_\_\_  
OR

The Applicant agrees to comply with applicable provisions of the Groups it has selected:

<u>Group</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	<u>X</u>
02.	Lobbying.	<u>X</u>
03.	Procurement and Procurement Systems.	_____
04.	Private Sector Protections.	_____
05.	Rolling Stock Reviews and Bus Testing.	_____
06.	Demand Responsive Service.	_____
07.	Intelligent Transportation Systems.	_____
08.	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	_____
09.	Transit Asset Management Plan and Public Transportation Agency Safety Plan.	<u>X</u>
10.	Alcohol and Controlled Substances Testing.	_____
11.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21.	_____
12.	State of Good Repair Program.	<u>X</u>
13.	Fixed Guideway Modernization Grant Program.	_____
14.	Bus and Bus Facilities Formula Grants Program and Bus and Bus Related Equipment and Facilities Grant Program (Discretionary).	_____
15.	Urbanized Area Formula Grants Programs, Passenger Ferry Grants Program, and Job Access and Reverse Commute (JARC) Program.	_____
16.	Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program.	<u>X</u>
17.	Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.	_____
18.	Public Transportation on Indian Reservations Programs (also known as the Tribal Transit Programs).	_____
19.	Low or No Emission/Clean Fuels Grant Programs.	_____
20.	Paul S. Sarbanes Transit in Parks Program.	_____
21.	State Safety Oversight Program.	<u>X</u>
22.	Public Transportation Emergency Relief Program.	<u>X</u>
23.	Expedited Project Delivery Pilot Program.	_____
24.	Infrastructure Finance Programs.	_____

More information and definitions for each of the certifications and assurances is located on the Federal Transit Administration website here:

[http://www.fta.dot.gov/documents/2014\\_Certs\\_and\\_Assurances.pdf](http://www.fta.dot.gov/documents/2014_Certs_and_Assurances.pdf)

# FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

## FEDERAL FISCAL YEAR 2014 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE (Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)

### AFFIRMATION OF APPLICANT

Name of the Applicant: \_\_\_\_\_

Name and Relationship of the Authorized Representative: \_\_\_\_\_

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2014, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks now, or may later seek FTA funding during Federal Fiscal Year 2014.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

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

Name \_\_\_\_\_  
Authorized Representative of Applicant

### AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): \_\_\_\_\_

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

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

Name \_\_\_\_\_  
Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.



**Vehicle & Equipment Application for  
Federal Transit Administration Funding**



**Transit Program Name:** \_\_\_\_\_

**Sponsoring Contractor Federal IRS Identification No.:** \_\_\_\_\_

**Sponsoring Contractor D-U-N-S No.:** \_\_\_\_\_

**Legal Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Executive Officer's Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Subcontractor (if any):**

**Legal Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Executive Officer's Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Person Responsible for Daily Operation of Project:** \_\_\_\_\_

**Person Who Prepared This Application:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

\_\_\_\_\_

**Fax:** \_\_\_\_\_

\_\_\_\_\_

**Email:** \_\_\_\_\_

**Name and Title of Individual Authorized to Commit Sponsoring Contractor to this Application:**

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

*(Mayor, City Administrator, Chairman of County Board, etc.)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

**Transit Program Name:** \_\_\_\_\_

Vehicles are intended to: *(Mark all that apply.)*

- Replace Existing Vehicle(s)
- Expand Existing Fleet
- Start New Service *(Complete the Start New Service narrative on Page 4)*

Unit Costs for Vehicle Type:

12-passenger van <i>(without wheelchair lift or ramp)</i>	\$28,000
Lowered floor minivan	\$34,000
ADA Small Bus <i>(12 Ambulatory and 2 Wheelchair Positions)</i>	\$55,000

Project Budget:

Asset	Vehicle/Equipment/Other Description	Quantity	Unit Cost	Total Cost
Vehicle	12-Passenger Van		\$28,000	\$0.00
Vehicle	Lowered floor minivan <b>Note:</b> The availability of this vehicle type is subject to approval of the Buy America waiver.		\$34,000	\$0.00
Vehicle	ADA Small Bus		\$55,000	\$0.00
Equipment				\$0.00
Equipment				\$0.00
<b>Total</b>		<b>100%</b>		\$0.00
Federal Share		80%		\$0.00
Local Share		20%		\$0.00

A public notice is required to occur before the application can be accepted for consideration. The notice should be published in a newspaper having general circulation in the vicinity of the project.

Submit an image of the public notice(s) and a transcript of the hearing electronically, either as a .pdf or a .jpeg to: [dor.transit@nebraska.gov](mailto:dor.transit@nebraska.gov)

A Sample Format of a Public Notice is found on the NDOR Rail and Public Transportation web page:

<http://www.transportation.nebraska.gov/rpt/pdfs/5311/2012-13/sample-pubnotice.doc>

Transit Program Name: \_\_\_\_\_

Please identify the vehicle(s) to be replaced:

Year	VIN	Make	Model	Mileage	Condition

If vehicle is to start a new service, please describe this service below.