

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF SECTION 5311 TRANSPORTATION OPERATING ASSISTANCE FUNDS
REQUEST FOR THE LANCASTER COUNTY PUBLIC RURAL TRANSIT, FY 2017-2018

RESOLUTION #: R - 17-0018

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program, and

WHEREAS, the Lancaster County Public Rural Transit desires to apply for said funds to provide public transportation in Lancaster County, plus the bordering communities of Adams, Ceresco, Cortland, Eagle, and Greenwood;

NOW, THEREFORE, BE IT RESOLVED that the Lancaster County Board of Commissioners hereby instructs Lancaster County Public Rural Transit to apply for said funds. Said funds are to be used for the Lancaster County Public Rural Transit transportation operations in the FY 2017-2018 Application for Public Transportation Assistance.

Moved by Commissioner: Roma Amundson

Seconded by Commissioner: Jennifer Brinkman

Motion carried 4 to 0

Approved this 2nd day of March, 2017

Toby Witzgen
Jennifer J. Brinkman
Bill Army
[Signature]

APPROVED AS TO THIS FORM

This 2nd day of March, 2017

Joe Kelly

Joe Kelly, County Attorney



5311 Funding Application
for Public Transportation Operating Assistance
Fiscal Year: 2017-2018



For any questions please email:
frank.faughn@nebraska.gov (mailto:frank.faughn@nebraska.gov)

Federal Reimbursement Calculation – Operating Costs

1
Operating Costs (total from Page 3)
\$61097

2
Project Income (From above)
\$9000

3
Estimated Net Operating Deficit (Line 1 minus Line 2)
\$52097

4
Federal Funds Requested (50% of Line 3)
\$26049

5
Remaining Net Deficit (Line 3 minus Line 4)
\$26048

State Reimbursement Calculation – Operating Costs

6
State Funds Requested (50% of Line 5)
\$13024

7
Local Matching Funds Required (Line 3 minus Line 4 minus Line 6)
\$13024

Federal Reimbursement Calculation – Non-Operating Costs

8
Non-Operating Costs (Total from Page 4)
\$36708

9
Federal Funds Requested (80% of Line 8)
\$29366

State Reimbursement Calculation – Non-Operating Costs

10
State Funds Requested (10% of Line 8)
\$3671

11
Local Matching Funds Required (Line 8 minus Line 9 minus Line 10)
\$3671

Funds By Source

12
Federal
\$55415

13
State
\$16695

14
Local Match
\$16695

Meal Delivery

Does the transit system provide meal deliveries.
no

Local Matching Funds Source

Lancaster County Board of Commissioners Requested Funds.

Authorized By:
Todd Wiltgen, Chairperson Lancaster Board of Commissioners

Authorized Date:

Management Structure Lancaster County Public Rural Transit

Lancaster County Board of Commissioners: Todd Wiltgen/Chair, Bill Avery/Vice-Chair, Roma Amundson, Jennifer Brinkman, and Deb Schorr.

Chief Administrative Officer: Kerry Eagan

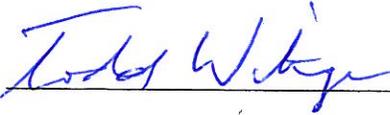
Administrative Aide: Minette Genuchi

Subcontractor Director: Randall S. Jones, Aging Partners

Transit Manager: Mitch Sump

Accounting & Reporting: Al Neeman

Prepared By: Mitch Sump

Approved By:  Date: March 2nd, 2017

Title: Chairperson of Lancaster County Board of Commissioners

5311 Operating Assistance State Fiscal Year 2017

Exhibit A

- a. Certification of Compliance with Civil Rights
- b. Certification of Restrictions on Lobbying
- c. Labor Narrative
- d. Acceptance of Special 5333(B) of Title 49
- e. Certifications and Assurances for FTA Programs

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

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

Todes Wity

Signature

Chairperson of Lancaster Board of Commissioners

Title

3/2/2017

Date

CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, Todd Wiltgen, Chairperson of Lancaster Board of Commissioners, hereby certify on
(Name and Title of Grantee Official)

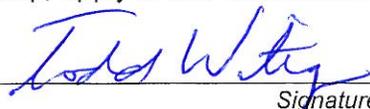
behalf of Lancaster County Public Rural Transit :

- (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

Chairperson of Lancaster Board of Commissioners

Title

March 2nd, 2017

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 abide by all conditions of the Section 5333 (b) warranty (see page d. of Exhibit A.) A listing of eligible public mass transportation providers in the applicant’s transportation service area should be provided with this document.

Labor Narrative:

Lancaster County Public Rural Transit (LCPRT) is applying for federal and state funds to operate the rural transit program in the service area indicated in its Section 5311 application for the 2017/2018 project year which will begin on July 1st, 2017. The operating funds will be used for a portion of the budget for payroll expenses to employ ten staff members who are drivers, dispatchers, and support staff. LCPRT agrees to the terms and conditions of the protective arrangement set for above in Section 5333 (B) of Title 49 U.S. Code.

LCPRT will post, in a prominent and accessible place the terms and conditions of the Warranty for Application to the Small Urban and Rural Program with a notice stating that LCPRT has received federal assistance under the Federal Transit statute and has agreed to comply with these terms.

Sample labor narrative available here:

[http://nebraskatransit.com/NDOR Documents/FTA%20 Section 5311 Funding Documents/sample-narrative-labor.docx](http://nebraskatransit.com/NDOR_Documents/FTA%20Section_5311_Funding_Documents/sample-narrative-labor.docx)

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

Name of Subrecipient: Lancaster County, NE/Lancaster Board of Commissioners

Address: 555 South 10th, Suite 110

Lincoln, NE

68508

Telephone: 402-441-7447

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.

Todd Wiltgen

Subrecipient



Signature

Chairperson of Lancaster Board of Commissioners

Title

March 2nd, 2017

Date

**CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

Name of Applicant: **Lancaster County Public Rural Transit**

The Applicant agrees to comply with these applicable provisions. Refer to the most current Certifications and Assurances document at: 2017 Annual Certifications and Assurances

Group Description

01. Required Certifications and Assurances for Each Applicant.
02. Lobbying.
03. Procurement and Procurement System.
04. Private Sector Protections.
05. Rolling Stock Reviews and Bus Testing.
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.
13. Grants for Bus and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs.
16. Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.
17. Tribal Transit Programs.
18. State Safety Oversight Program.
19. Public Transportation Emergency Relief Program.
23. Hiring Preferences.

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 2017.

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

3/2/2017

Date

Todd Wiltgen, Chairperson Lancaster Board of Commissioners

Name - Authorized Representative of Applicant

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

**FEDERAL FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**
(Signature pages alternative to providing Certifications and Assurances in TrAMS)

Name of Applicant: Lancaster County Public Rural Transit

The Applicant agrees to comply with applicable provisions of (Categories 01 – 23.
OR

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

<u>Category</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	_____
02.	Lobbying.	_____
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, Public Transportation Safety Program, and State Safety Oversight Requirements.	_____
10.	Alcohol and Controlled Substances Testing.	_____
11.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity Improvement).	_____
12.	State of Good Repair Program.	_____
13.	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs.	_____
14.	Urbanized Area Formula Grants Programs and Passenger Ferry Grant Program.	_____
15.	Enhanced Mobility of Seniors and Individuals with Disabilities Programs.	_____
16.	Rural Areas and Appalachian Development Programs.	_____
17.	Tribal Transit Programs (Public Transportation on Indian Reservations Programs).	_____
18.	State Safety Oversight Grant Program.	_____
19.	Public Transportation Emergency Relief Program.	_____
20.	Expedited Project Delivery Pilot Program.	_____
21.	Infrastructure Finance Programs.	_____
22.	Paul S. Sarbanes Transit in Parks Program.	_____
23.	Construction Hiring Preferences.	_____

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2017 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for federal assistance to be awarded by FTA and all FTA Grantees with an active Capital or Formula Award)

AFFIRMATION OF APPLICANT

Name of the Applicant: Lancaster County Public Rural Transit

Name and Relationship of the Authorized Representative: Todd Wittgen, Chairperson Lancaster Board of Commissioners.

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 laws, regulations, and requirements, 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 2017, 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 Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2017.

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: [Handwritten Signature] Date: 3/2/17

Name: Todd Wittgen, Chairperson Lancaster Board of Commissioners
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Lancaster County Public Rural Transit

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 assisted Award.

Signature: [Handwritten Signature] Date: 3/2/17

Name: Joe Kelly, Lancaster County Attorney
Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA and each FTA Recipient with an active Capital or Formula Project or Award must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within FTA's electronic award and management system, provided the Applicant has on file and uploaded to FTA's electronic award and management system this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.