

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 2018-2019

RESOLUTION #: R-18-0014

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 2018-2019 Application for Public Transportation Assistance.

Moved by Commissioner: _____

Seconded by Commissioner: _____

Motion carried _____ to _____

Approved this 20th day of February, 2018 _____

APPROVED AS TO THIS FORM

This 20th day of February, 2018

Joe Kelly, County Attorney



5311 Funding Application
for Public Transportation Operating Assistance
Fiscal Year: 2018-2019



For any questions please email :

frank.faughn@nebraska.gov

Federal Reimbursement Calculation		
1	Operating Costs (total from Page 3)	\$63208
2	Project Income (From above)	\$9000
3	Estimated Net Operating Deficit (Line 1 minus Line 2)	\$54208
4	Federal Funds Requested (50% of Line 3)	\$27104
5	Remaining Net Deficit (Line 3 minus Line 4)	\$27104
State Reimbursement Calculation - Operating Costs		
6	State Funds Requested (50% of Line 5)	\$13552
7	Local Matching Funds Required (Line 3 minus Line 4 minus Line 6)	\$13552
Federal Reimbursement Calculation - Non-Operating Costs		
8	Non-Operating Costs (Total from Page 4)	\$44205
9	Federal Funds Requested (80% of Line 8)	\$35364
State Reimbursement Calculation - Non-Operating Costs		
10	State Funds Requested (10% of Line 8)	\$4421
11	Local Matching Funds Required (Line 8 minus Line 9 minus Line 10)	\$4420
Funds By Source		
12	Federal	\$62468
13	State	\$17973
14	Local Match	\$17972
Local Matching Funds Source		
Requested Funding from the Lancaster County Board of Commissioners,		
Authorized By:	Todd Willgen, Chairperson Lancaster County Board of Commissioners	
Authorized Date:	02/20/2018	

Notice of Hearing

Notice is hereby given that a public hearing will be held by Lancaster County Public Rural Transit in the County Commissioners Chambers, Room 112, in the County-City Building at 555 South 10th February 20, 2018 at 9:00 a.m. for the purpose of considering a project for which financial assistance is being sought from the Federal Transit Administration, pursuant to the Federal Transit ACT (FTA), generally described as follows:

Description of the Project: Purpose of the Project is for operating assistance to provide general public transportation. Location of the Project is Lancaster County and the surrounding communities of Adams and Cortland (Gage County), Greenwood and Eagle (Cass County), and Ceresco (Saunders County). The estimated costs of the Project by source of funds are \$62,468 in federal funds, \$17,972 in state funds, and \$17,973 in local funds from Lancaster County.

Elderly and Disabled: Lancaster County Public Rural Transit will take into consideration the special needs of the elderly and persons with disabilities.

These services are open to the general public, with special consideration given to low income, seniors, and persons with disabilities.

General Public: Lancaster County Public Rural Transit is available to provide transportation services for the general public.

Este anuncio contiene informacion sobre una audiencia publica que se llevara a cabo por Lancaster County Public Rural Transit en February 20, 2018 9:00 a 555 South 10th. El proposito de esta audiencia es para discutir cambios de servicios y tarifas. Para obtener una copia traducida de este aviso, o de otros documentos liberados publicamente relacionados con esta audiencia, incluyendo minutos de las reuniones, favor de ponerse en contacto por telefono al 402-441-8815. Un interprete sera proporcionado para asistir a usted.

*** Proof of Publication ***

State of Nebraska)
Lancaster County) SS.

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AGING SERVICES/CITY AGING
1005 O ST
LINCOLN, NE 68508

ORDER NUMBER 730262

The undersigned, being first duly sworn, deposes and says that she/he is a Clerk of the Lincoln Journal Star, legal newspaper printed, published and having a general circulation in the County of Lancaster and State of Nebraska, and that the attached printed notice was published in said newspaper

TWO successive times(s) the first insertion having been on February 6, 20 18 and thereafter on February 13, 20 18 and that said newspaper is the legal newspaper under the statues of the State of Nebraska.

PUBLISHED ON: 02/06/2018, 02/13/2018

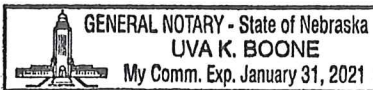
TOTAL AD COST: 60.43
FILED ON: 2/14/2018

The above facts are within my personal knowledge and are further verified by my personal inspection of each notice in each of said issues.

Subscribed in my presence and sworn to before me on

Feb 14, 20 18

U Boone Notary Public



Management Structure Lancaster County Public Rural Transit

Lancaster County Board of Commissioners: Todd Wiltgen/Chair, Roma Amundson, Bill Avery, 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: February 20th, 2018

Title: Chairperson of Lancaster County Board of Commissioners



5311 Operating Assistance State Fiscal Year 2019

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.



CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, Todd Wiltgen Chairperson of Lancaster 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 Commissioners
Title

2/20/18

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:

(See Attached)

Sample labor narrative available here:

<https://www.nebraskatransit.com/NDOR Documents/FTA%20 Section 5311 Funding Documents/sample-narrative-labor.docx>



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 2018/2019 project year which will begin on July 1st, 2018. The operating funds will be used for a portion of the budget for payroll expenses to employ ten staff members who are drivers, dispatcher, and support staff. LCPRT agrees to the terms and conditions of the protective agreement 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 notice stating that LCPRT has received federal assistance under the Federal Transit statute and has agreed to comply with these terms.

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 Commissioners
Address: 555 S. 10th # 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 Commissioners
Title

2/20/18
Date



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

Name of Applicant:

The Applicant agrees to comply with these applicable provisions. Refer to the most current Certifications and Assurances document at: http://www.viainfo.net/wp-content/uploads/2017/03/2014_Certs_and_Assurances.pdf

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

2/20/18

Date

Todd Wittgen, Chairperson of Lancaster Commissioners
Name - Authorized Representative of Applicant