

NEBRASKA DEPT OF TRANSPORTATION



Nebraska Transit State Management Plan

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

**Nebraska Department of Transportation
Transit Section
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Introduction

The primary objective of the Nebraska Department of Transportation (NDOT) Transit Section is to coordinate public and private non-profit transportation activities across the State in accordance with NDOT Strategic Goals, State statutes and Federal regulations. The Transit Section also provides technical assistance to improve and expand 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), NDOT 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 America's Surface Transportation (FAST) Act, a multi-year transportation authorization signed into law in 2015.

In addition to implementing and supporting statewide transportation initiatives, NDOT 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 NDOT 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 NDOT Strategic Planning 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 <https://dot.nebraska.gov/media/2859/2032-overview.pdf>

Overview of Programs

Below is a broad overview of the programs the NDOT Transit Section currently administers.

Section 5311, Rural Area Formula Program

On February 6, 1979, NDOT 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. NDOT uses RTAP funds primarily to reimburse subrecipients for travel expenses incurred to attend training facilitated or approved by NDOT.

Section 5311(f) Intercity Bus

Intercity bus service is defined as scheduled, fixed route services connecting two or more urban areas not within 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 Program

In August 1974, NDOT 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. After consulting with the MPOs for Lincoln and Omaha, NDOT agreed to remain the designated recipient for Lincoln.

The Metropolitan Area Planning Agency (MAPA) in Omaha requested and received the Section 5310 designation from the Governor. However, MAPA manages the capital purchase of vehicles for the program through the application and award phase. Through mutual agreement, NDOT receives flexed funds from MAPA to purchase vehicles for approved applicants and manages the program through the life of the vehicle.

Section 5303 Metropolitan Planning and Section 5304 Statewide Planning

NDOT 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 NDOT 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 NDOT for statewide transportation planning and improvement projects. At NDOT'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. NDOT receives an apportionment for small urban areas of the state in addition to a statewide apportionment. The small urban Section 5339 funds are distributed through an application process. The application for the 5339 funds can be submitted at any time and is available to eligible applicants on our website at <https://www.nebraskatransit.com/funding-and-applications>.

State Program 305

The state legislature budgets funds to provide assistance for public transportation operating expenses and capital purchase of vehicles in each biennium budget. State funds are provided to rural, intercity bus, small urban, small cities 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 NDOT. These activities include the administration of Federal and State financial assistance programs. The NPTA also identifies NDOT as the state agency responsible for coordinating and improving public transportation in the state.

The NDOT 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 NDOT 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 aids with developing and releasing requests for qualifications (RFQs) to secure consultant services.
5. Operations Division aids with the development of RFPs for services and commodities.
6. Government Affairs Section acts as the liaison between NDOT, the State Legislature and other elected officials.
7. Nebraska Department of Administrative Services competitively procures and administers state vehicle contracts from which NDOT 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 includes information about the type of funding being requested, type of service to be provided and amount of project funds. Public hearings are required 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 capital assistance projects. The notice must describe the type of funding that is being requested and the proposed services which the organization plans to provide and request.

The NDOT Transit Manager engages stakeholders at a variety of functions including meetings for the Nebraska Association of County Officials and League of Municipalities. The Transit Manager frequently speaks at various events including the Nebraska Tribal Transportation Conference and Nebraska Federation for the Blind Annual Meeting. Additional information about funding can be found on the Nebraska Transit website, <https://www.nebraskatransit.com/funding-and-applications>.

The Statewide Coordinated Public Transit-Human Services Transportation Plan is updated at a minimum every 5 years. The state plan was most recently updated in 2023 and combined as an element of a larger, statewide mobility management project. The plan includes 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 meets 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 non-urbanized 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 non-urbanized areas.
3. Encourage and facilitate the most efficient use of all transportation funds used to provide passenger transportation in non-urbanized 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 non-urbanized areas.

NDOT uses 10% of the state's annual 5311 apportionment to administer the program and provide technical assistance.

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 services may participate in the program through contracts with eligible applicants. Intercity bus operators can apply directly to NDOT 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. Published schedules and other marketing materials must note the transportation service is open to the 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 must be incidental and 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.

Service areas, fares, and rider policies are developed at the local level. Section 5311 subrecipients are not allowed to pick up and drop off passengers within the urbanized area. At least one stop (either origin or destination) 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 unless they are exempt.

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 are reimbursed with 80% Federal and 10% state funds and require a 10% local match. Capital construction projects are reimbursed with 80% Federal funds and require a 20% local match.

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 from existing 5311 subrecipients are received by NDOT at any time during the fiscal year. The application is accessed through an online dashboard system. 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.

The Section 5311 program awards grants for operating assistance on a two-year grant cycle. Applications are due in March prior to the grant cycle ending on June 30 of that fiscal year. However, NDOT may allow new applicants to apply for funding at any time if the project will provide service to an underserved area. Existing 5311 program participants can apply for vehicles throughout the fiscal year. Startup rural transit agencies should apply for operating assistance and vehicle(s) at the same time. Applications and instructions for new 5311 applicants are located on our website at <https://www.nebraskatransit.com/funding-and-applications>.

Below is an example schedule for the grant application process for current subrecipients (

Current Subrecipients Notified of the Upcoming Grant Cycle	Applications Released to the Online Dashboard	Grant Training Provided by NDOT Transit Section	Applications Due	Grants Awarded	Agreements Executed
October 2024	January 2025	January/February 2025	March 2025	May 2025	May/June 2025

Applications are reviewed for the following:

- Eligibility of the applicant
- Budget to provide proposed services.
- Non-duplication of services
- Public involvement (either through a public hearing or public notice as required)
- Adequate local match sources

Subrecipient Oversight

NDOT Transit Section staff conducts periodic compliance reviews (virtually or on site) of 5311 subrecipients. Documentation is requested and reviewed prior to and during the review. The reviewer completes a checklist documenting findings. 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 NDOT with documentation that substantiates processes have been changed to meet compliance requirements. When NDOT is satisfied that the deficiencies have been addressed, the compliance review 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 for operating assistance. This document includes compliance with Title VI requirements. In addition, NDOT provides technical assistance to subrecipients to ensure compliance. 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 NDOT.

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.

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 NDOT with all receipts relating to registration costs, lodging, mileage, meals, etc.

The Nebraska Association of Transportation Providers (NATP), NDOT and the University of Nebraska collaborate to provide a variety of workshops, seminars, continuing education opportunities and other RTAP eligible activities. Workshops have also been provided by outside vendors including Easter Seals and the National Transit Institute.

RTAP funds are used to support NDOT's transit driver training program. NDOT requires all Section 5311 drivers to participate in driver training and highly recommends that 5310 drivers also attend. All driver training opportunities are provided at no cost to the subrecipient and eligible travel expenses to attend training and driver salaries (straight time only) are reimbursed to the transit systems through the RTAP program.

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

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 programs 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, NDOT 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." NDOT is required to consult with intercity bus providers prior to obtaining the Governor's certification. To meet this requirement, NDOT contracted with a consultant in 2023 to complete an intercity bus study. The study is located on our website at <https://irp.cdn-website.com/9c0b8ff3/files/uploaded/2023IntercityBusNeedsConsultation.pdf>.

Private, for-profit intercity bus providers are encouraged to apply for funding. Non-profit agencies and governmental entities are also eligible to apply. The Section 5311(f) program awards grants for operating assistance on a two-year grant cycle. For existing 5311(f) subrecipients, applications are due in March prior to the grant cycle ending on June 30 of that fiscal year (see 5311 timeframes above). However, NDOT may allow

new applicants to apply for funding at any time for projects that add service to a previously underserved area. Existing and potential intercity bus providers are contacted when applications are available with a timeline to apply. In addition, applications and instructions are available on our website at <https://www.nebraskatransit.com/funding-and-applications>

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. A list of intercity bus providers currently serving Nebraska and those funded through NDOT's Section 5311(f) program can be found on our website at <https://www.nebraskatransit.com/map-of-providers>.

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.

NDOT administers the 5310 programs 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, NDOT 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 21st 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 provided to FTA Region VII in September 2013. That designation was superseded in August 2015 with a letter from the Governor identifying both MAPA and NDOT as designated recipients for the Omaha Metropolitan Area 5310 funds. MAPA releases applications and awards funding. MAPA flexes 5310 funds to NDOT for capital projects to procure vehicles and related equipment. NDOT is responsible for managing the program and subrecipient compliance.

The Lincoln and Lancaster County Metropolitan Planning Organization (MPO) requested that NDOT continue as the direct recipient for Section 5310 funds in the urbanized area. As per their request, a letter designating NDOT as the recipient for these funds was forwarded to FTA Region VII in September 2013. NDOT coordinates with the MPO to release applications, review and applications and select proposed projects.

NDOT 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, NDOT 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.

Up to 10% of Nebraska’s annual allocation of Section 5310 funds may be reserved for use by the NDOT to administer the program. However, at this time NDOT 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, and contracted transportation service. Mobility management is also considered an eligible capital expense under Section 5310. Please note, currently, NDOT does not allow operating assistance as an eligible project for the 5310 program.

Project Selection

Applications from rural areas of the state are received and reviewed for eligibility by the NDOT Transit Section. Applications for funding are accepted every year from August 1 through October 31. NDOT announces funding availability through a dedicated list serv, post card notifications to existing and potential applicants and a statewide press release. Applicants are directed to the application and instructions on our website at <https://www.nebraskatransit.com/funding-and-applications>.

Below is a timeframe for the rural 5310 program:

Funding announcement released	Applications accepted	Applications reviewed	Awards announced
May	August 1- October 31	November/December	January

Eligible applications are forwarded to a selection committee for review. Selection committee members typically include the NDOT Transit Manager, Section 5311 subrecipients and/or members of NDOT’s transit consultant staff at the University of Nebraska. Applications are scored by each committee member using an established criterion 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 NDOT. The MPOs may participate in the selection process as committee members.

Applications from the Lincoln/Lancaster County area are received and reviewed for completeness by the NDOT. Eligible applications are forwarded to a selection committee for review. Selection committee members typically include the NDOT 5310 Program Manager and MPO Transportation Planner.

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

<u>*Review Area</u>	<u>Factor</u>
Extent and urgency of local needs	4
Extent to which the project addresses current gaps in service	3
Degree of coordination with organizations and operators	2
Vehicle utilization	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.

PLEASE NOTE: If adequate funding is available to meet all eligible requests for assistance the funding will be awarded by NDOT without the review of a committee.

Local Match Requirements

Capital projects are funded with 80% Federal funds and require a 20% Local Match. Matching funds may come from local public funds or private sources and must be confirmed prior to project initiation.

Roles and Responsibilities

NDOT is responsible for:

1. Notifying eligible local entities (rural, small urban and Lincoln/Lancaster County MPO area) of the availability of the program. NDOT 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 NDOT 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:

- 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 NDOT and to the local applicant within 30 days. A copy of the public notice and the comments received must be included in the application.
- Submit all applications and supporting documents by the deadline determined by NDOT.

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

NDOT Transit Section staff conducts reviews of 5310 subrecipients. The review may be conducted on site, virtually or a combination of both. A checklist is completed by the reviewer to document compliance, recommendations, and findings. 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 NDOT with documentation that substantiates processes have been changed to meet compliance requirements. When NDOT is satisfied that the deficiencies have been addressed, the compliance review 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, NDOT 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 NDOT.

Section 5303 Metropolitan Planning and Section 5304 Statewide Planning

NDOT 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.

NDOT 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). GrandIsland and South Sioux City are small, urbanized areas (population at least 50,000 but less than 200,000).

At NDOT's discretion the state's Section 5304 apportionment, may be combined with the 5303 funds and distributed 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 NDOT 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 NDOT Transit Section for review and payment.

Compliance requirements including Title VI are outlined in the executed agreements. MPOs submit invoices to NDOT with detailed progress reports. NDOT 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 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. NDOT receives a statewide apportionment for the rural area and small urbans. Applications from eligible applicants are accepted by NDOT at any time and are available on our website at <https://www.nebraskatransit.com/funding-and-applications>. Applications are reviewed for eligibility and completeness by NDOT Transit Section staff.

The state apportionment of Section 5339 funds may be used to supplement Section 5311 capital projects in the rural areas of the state if needed. If a state project is deemed eligible for 5339 funds, NDOT will award those funds in lieu of 5311 funds. Public agencies and private nonprofit organizations engaged in public transportation are eligible subrecipients.

NDOT also receives an apportionment for the small urban areas of the state. Eligible applicants can apply for 5339 funds at any time. The application is located on our website at <https://www.nebraskatransit.com/funding-and-applications>

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 NDOT Transit Section. The grant period is two years. The application and supporting documents are submitted to the NDOT TransitSection through an online portal at <https://invoice.nebraskatransit.com/>. New applicants must contact NDOT for access to the portal.

Section 5311 purchase of vehicle applications are accepted at any time during the year from transit agencies currently receiving 5311 funds for operating assistance. The applications are available on NDOT's online portal at <https://invoice.nebraskatransit.com/>.

Current subrecipients and other potential applicants are contacted when the 5310 applications are released in August of each fiscal year. Funding availability is announced through a dedicated list serv, postcard notification to current and potential applicants and a statewide press release. The release of the applications for the Lincoln/Lancaster County area is accomplished through coordination with the MPO. Applications are accepted annually between August 1 through October 31 (see timetable above) and are available on our website at <https://www.nebraskatransit.com/funding-and-applications>

More information about the 5311 and 5310 project selection process is 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 TRAMs 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, NDOT may transfer the state's 5304 statewide planning funds to the MPOs. Typically, 5310 and 5311 funds remain in their original grants. However, NDOT 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. Most of these funds are used to provide technical assistance at the local level. NDOT does not use funds from the Section 5310 program for administration and technical assistance. However, our technical assistance opportunities (workshops, driver training, etc.) are available to both 5311 and 5310 subrecipients.

Technical assistance is generally provided by contracted content area experts. For example, NDOT contracts with RLS & Associates for drug and alcohol testing compliance support. Staff from RLS provides workshops, policy/compliance reviews, and are available to answer technical questions from the 5311 subrecipients.

NDOT has entered 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

NDOT has been responsible for administering rural public transportation since 1979 and consistently encourages 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.

NDOT's policy is to provide financial assistance to those applicants where existing public transportation service is not available or insufficient. Applicants must provide a notice to the public 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

NDOT annually signs and submits the FTA Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements. This document binds NDOT to the FTA master agreement including all civil rights requirements. Every three years (or as required by FTA) NDOT submits an updated, statewide Title VI plan and DBE methodology and goals.

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 based on 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 NDOT. 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 of the plan. 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. Ongoing education, technical assistance, and translation of required documents are provided by NDOT and NU. Compliance with civil rights requirements is reviewed and confirmed during on compliance reviews of 5310 and 5311 subrecipients.

Disadvantaged Business Enterprises (DBE)

NDOT has established a Disadvantaged Business Enterprise (DBE) program per the requirements of the USDOT and the Code of Federal Regulations (CFR), Title 49, Subtitle A, Part 26 (49 CFR Part 26).

A DBE is defined by 49 CFR Part 26 as a for-profit business that is at least 51 percent owned by one or more individuals who are in a group that is considered socially and economically disadvantaged and whose management and daily operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

As a condition of receiving federal financial assistance, NDOT has signed an assurance that it will comply with the requirements of 49 CFR Part 26. It is the policy of NDOT to ensure that DBEs have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also NDOT's policy:

1. To ensure nondiscrimination in the award and administration of USDOT-assisted contracts.
2. To create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts.
3. To ensure that the DBE program is narrowly tailored to applicable federal and state law.
4. To ensure that only firms that meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
5. To help remove barriers to the participation of DBEs in USDOT-assisted contracts.
6. To promote the use of DBEs in all types of federally assisted contracts and procurement activities.
7. To assist the development of firms that can compete successfully in the marketplace outside the DBE program.
8. To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

The NDOT Diversity, Equity, and Inclusion Manager, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the NDOT DBE program funded through Federal Transit Administration (FTA) programs.

Further, NDOT requires that all subrecipients of federal financial assistance comply with DBE requirements per 49 CFR Part 26 and the USDOT-approved NDOT DBE Program Plan for FTA Programs. Primarily requirements of subrecipients include, but are not limited to:

1. Advertise contracting opportunities to DBEs.
2. Remove contract requirements that limit DBE participation.
3. Ensure DBE prime and subcontractors are paid promptly.
4. Regularly compile reports summarizing DBE participation on federally funded contracts.

The NDOT Civil Rights Office and DBELO provide technical assistance to and oversight of subrecipients under the NDOT DBE Program Plan.

Equal Employment Opportunity

NDOT 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 NDOT EEO program is administered by the Civil Rights Section who also maintains and updates the EEO program plan.

J. TRANSIT ASSET MANAGEMENT (TAM) REQUIREMENTS

Per the National Transit Asset Management System Final Rule (49 U.S.C. 625), NDOT is required to develop a TAM Plan and act as the sponsoring agency for Section 5311 subrecipients. NDOT's primary compliance role is to coordinate the group plan, set performance targets and report required information annually into the National Transit Database.

NDOT's Group TAM Plan includes the four required elements or asset inventory, condition assessment, decision support tools and investment prioritization. NDOT adopted FTA's standard useful life benchmark (ULB) targets for rolling stock and equipment. The subrecipients' Accountable Executive will approve the Group TAM Plan annually as part of the certifications and assurances process.

K. SATISFACTORY CONTINUING CONTROL

NDOT has established procedures for the management of the vehicles, equipment, and facilities using FTA funding. These procedures ensure that assets are used for their originally authorized purpose throughout their useful life. NDOT has classified property management into three focus areas: vehicles, equipment, and facilities.

Vehicles and Related Equipment

Transit vehicles and related equipment are purchased for eligible applicants using Federal Section 5311 and 5310 funds. State funds are available to match capital purchase of 5311 vehicles. The NDOT 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 projects are accepted at any time through an online portal system at <https://invoice.nebraskatransit.com/>. Section 5310 applications are released in August each fiscal year. The application timeframe for the 5310 and 5311 programs is described above. Upon approval of the project application, a purchase order is prepared, and the vehicle(s) are ordered. NDOT receives and inspects the vehicles which are turned over to subrecipients after—

the NDOT Transit Section has received the local match and proof of insurance. Modification of vehicles by subrecipients is prohibited unless prior approval is received from NDOT. Vehicle titles must be retained by the subrecipient and cannot be transferred without prior approval from NDOT.

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 NDOT Transit Section staff during compliance reviews. 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 inspect all ADA equipment each day prior to the vehicle being placed in service.

NDOT will determine if/when a subrecipient's vehicle has met its useful life per FTA's useful life requirements, and if it can be considered for replacement. Prior to disposing of any vehicle, subrecipients must request approval from the NDOT Transit Section by submitting the vehicle/equipment disposition request form via the online portal. After NDOT'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 plans, schedules, forms and other information is located in the Asset Management section of NDOT's transit website [at https://www.nebraskatransit.com/transit-manager-resources](https://www.nebraskatransit.com/transit-manager-resources). 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, NDOT will determine if the 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).

During compliance reviews, NDOT Transit staff inspects vehicles and reviews maintenance plans, documentation, and warranty. 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

Section 5311 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. State funding is not available to support these projects.

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 NDOT at a minimum the project description, location, an aerial map of the proposed location, purpose and need statement, schedule 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 funds, the applicant will follow the process as outlined below:

1. Contact the NDOT Transit Section to determine if Federal funding is available.
2. NDOT refers the applicant to a consultant to provide technical assistance in preparing and submitting all required documents to FTA.
3. Prepare and submit the required information as described above. A consultant may be procured to assist in project initiation, NEPA and civil rights compliance.
4. Conduct a public hearing to allow for public input. Submit the meeting notice affidavit and hearing minutes to the NDOT Transit Section.
5. Secure the required local match from the sponsoring entity and forward a copy of the resolution authorizing the project to the NDOT Transit Section.
6. With the assistance of the NDOT Transit Section, obtain approval and environmental clearance from FTA. Smaller projects will typically receive a documented categorical exclusion (DCE) from FTA.
7. NDOT 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.
9. NDOT reviews and approves final plans.
10. Secure a construction contractor through a competitive, low bid process.
11. During construction, the Contractor is required to forward weekly, certified payroll information to NDOT as evidence of compliance with the Davis Bacon Act.

Subrecipients with federally funded facilities are required to develop and submit a facility maintenance plan to NDOT. Annually, subrecipients submit a facility maintenance checklist that includes an overall condition rating. During compliance reviews, NDOT Transit staff inspects capital facilities and reviews facility maintenance plans, documentation, and warranty records. Facility condition and cleanliness will be inspected, deficiencies noted, and a report issued. Subrecipients are expected to provide NDOT with adequate documentation that the deficiencies have been corrected.

Vehicle Inventory Reports

NDOT requires capital assistance grantees to submit annual asset inventories, such as the physical vehicle inventory, physical equipment inventory, and physical facility inventory and verification of continued use. Agencies are required to provide an Annual Grant Self Certification that certifies that the agency continues to use grant funded vehicles, equipment, and facilities for the purpose they were awarded, maintain continuing control of the assets, and maintain the assets per their maintenance plan.

Information from these inventories becomes part of the NDOT inventory record along with the title and certificate of collision insurance coverage.

L. 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 NDOT if they have a question about whether service, they are asked to provide is charter. Federal regulations regarding charter service are 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.

M. 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. Subrecipients are also required to adopt NDOT's template ADA policy. Compliance with Section 504 and ADA is reviewed during compliance reviews.

Federal funds will not be awarded to a subrecipient that does not have at least one ADA accessible vehicle available to program participants. To ensure that vehicles meet ADA requirements, modifications to vehicles are not allowed without prior approval from NDOT.

ADA related equipment including lifts, ramps and restraints must be maintained as recommended by the manufacturer. Drivers must be trained to proficiency in the operation of ADA features. NDOT 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.

N. 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 public.

O. 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. Required information is input into the NTD by NDOT Transit Section staff annually. The fiscal reporting year is July 1 through June 30.

P. 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 on their monthly reimbursement invoices. Required data includes passenger boardings, mileage and vehicle revenue hours of service.

Q. STATE PROGRAM MANAGEMENT

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

- Supports ongoing education for transit managers and drivers.
- Contracts with content area experts for technical assistance
- Develops and provides resources.
- Conducts periodic compliance reviews.
- Provides a statewide mobility manager to facilitate coordination.

Ongoing Education

As outlined in a preceding section, RTAP funds are utilized 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 transit technology and the reasonable modification rule.

On January 1, 2014, the NDOT Transit Section implemented a mandatory, 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 of hire. After the core curriculum has been completed, drivers are required to participate in a minimum of 4 hours of continuing education annually. Continuing driver education topics include dealing with difficult passengers, PPE for transit and advanced wheelchair securement. Drivers are encouraged to attend in person, but virtual options are also available. 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 currently.

Contracted Content Area Experts and Partners

The NDOT Transit Section has procured the services of RLS & Associates, Inc. to provide technical assistance and training for drug and alcohol testing compliance. RLS provides policy development guidance, facilitates workshops and conducts reviews of Section 5311 subrecipients.

Title VI compliance is supported by a team at the University of Nebraska Omaha. The Title VI team works individually with each Section 5310 and 5311 subrecipient to develop plans, complaint procedures and translate materials as required.

NDOT has a contractual relationship with the University of Nebraska to provide develop technology tools for NDOT and subrecipients, provide content area experts for compliance assistance and administer our driver training program.

In 2017, NDOT contracted with Enterprise Commute to deliver a statewide turnkey vanpool program to Nebraska. Enterprise leases vehicles to commuters and provides all maintenance, insurance and a guaranteed ride home program. NDOT utilizes Section 5311 funds to subsidize eligible, rural vanpools. Congestion Mitigation and Air Quality program funds from FHWA to subsidize vanpools operating between the large, urbanized areas.

NDOT has procured the services of consultants to develop solutions and strategies to fill gaps in service, enhance existing transportation services and improve coordination. The scope of work for these projects includes intercity bus feasibility studies, promoting regional transportation options, providing DBE technical assistance to NDOT and subrecipients and procuring transit technology for scheduling and data collection.

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, NDOT Transit's webpage at nebraskatransit.com, 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.

NDOT Oversight

Compliance Reviews

Compliance oversight is conducted throughout the lifecycle of the grant program through a combination of desk reviews, virtual reviews, and site visits. NDOT Transit Section staff conducts compliance reviews of all 5310 and 5311 subrecipients at least once every 3 years. Compliance reviews are performed to determine a subrecipient's compliance with applicable federal and state requirements.

Following each review, a report is provided to the subrecipient outlining the areas reviewed, noting findings, and providing recommendations to mitigate the deficiencies. When findings are identified the subrecipient is required to follow up by developing and submitting a Corrective Action Plan (CAP). The CAP documents indicate how findings will be addressed. To address findings and close the CAP process, subrecipients must provide supporting documentation or written assurance that the findings have been corrected. After all findings have been addressed and corrective actions approved the compliance review is considered complete and a close out letter of compliance is provided to the subrecipient for their records.

The following areas of compliance are reviewed:

1. Eligibility
2. Civil Rights
3. Financial
4. ADA
5. Drug and Alcohol Testing
6. Procurement
7. Maintenance
8. Equipment
9. Reporting
10. Planning
11. Intercity Bus Service

Biennial Vehicle Inventories

FTA Circular C 5010.1E require grantees to conduct a physical inventory of equipment and to reconcile the results with the equipment records at least once every two years. NDOT Transit Section staff conducts a physical inventory of all 5310 and 5311 subrecipients at least once every two years. Biennial Vehicle Inventories are performed to ensure satisfactory continuing control, vehicles are being maintained, used for the purpose and program for which they were awarded, and to ensure subrecipient's compliance with applicable federal and state requirements.

Asset Management/Maintenance

- Equipment
- Planning
- DBE

Reimbursement/Invoices

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 staff members prior to forwarding to the NDOT Controller Division for payment.

Grants Management

NDOT maintains the transactions for 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 a drawdown request through the Electronic Clearing House Operation (ECHO-Web).

NDOT monitors the active FTA grants through the Transit Award Management System (TrAMS) system. The Transit Section prepares and files the required Federal Financial Report (FFR) and Milestones Progress Report (MPR). 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

NDOT 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 NDOT 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, NDOT Section complies with all State and Federal regulations. The current OMB's Uniform Administrative Requirements Circular is referenced as needed to ensure costs are allowable. To ensure compliance with state procurement regulations, the NDOT 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 advertised locally 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 NDOT Transit Section has procured the services of a consultant to assist transit systems with compliance, provide training and conduct compliance reviews (virtually or on site).

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 NDOT.

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 include a narrative outlining the anticipated impact on employment of eligible public mass transportation providers in the proposed service area.

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

USEFUL LINKS TO PROGRAM INFORMATION:

[Nebraska Transit Public Website](#)

[2023 Transit Asset Management \(TAM\) Plan](#)

[2018 NDOT Transit ADA Plan](#)

[5311 ADA Template](#)

[5310 ADA Template](#)

[2023 NDOT Statewide Title VI Plan](#)

[2024-2026 NDOT Transit DBE Goals and Methodology](#)

[2023 Disadvantaged Business Enterprise \(DBE\) Plan for FTA Programs](#)

[2023 Statewide Human Services Coordinated Plan](#)

[Nebraska Statewide Vanpool Program](#)

[Program Management Manual for Vehicles](#)

[5311 Compliance Review Checklist](#)

[5310 Compliance Review Checklist](#)

[Driver Training Program Requirements](#)