

FTA Section 5310 Program Overview and Application Guidelines

Administered by the Nebraska Department of Transportation (NDOT)
Local Assistance Division—Transit Section

Rural, Small Urban and Lincoln Urban Areas

Americans with Disabilities Act (ADA) and Limited English Proficiency (LEP) Information

Materials can be provided in alternative formats and other languages by contacting NDOT Transit Section at 402-479-3185 or email carly.grutel@nebraska.gov.

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NDOT operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful, discriminatory practice under Title VI may file a complaint with the NDOT Transit Section—Title VI Coordinator. For more information about NDOT's FTA Compliant Civil Rights Program, contact Sarah Soula, 1500 Nebraska Parkway, Lincoln, NE 68502 or email sarah.soula@nebraska.gov. You can also visit our website at <https://dot.nebraska.gov/public-transit/> for additional information about ADA and Civil Rights compliance.

I. Program Background

A. Purpose

The Section 5310 Program provides formula funding to states and designated recipients to improve mobility for seniors and individuals with disabilities.

B. Authorizing Legislation

The Fixing America's Surface Transportation (FAST) Act, signed into law December 4, 2015, reauthorizing surface transportation programs through Fiscal Year 2020; amending Chapter 53 of Title 49 of the United States Code.

II. NDOT's Role in Administering the Section 5310 Program in Nebraska

The Governor designated the Nebraska Department of Transportation (NDOT) to administer the Section 5310 Program. Activities by the administering agency include the following:

- A. Work with local areas in the development of local transit programs.
- B. Choose local project applications based on selection criteria.
- C. Submit a statewide program of projects to Federal Transit Administration (FTA).
- D. Responsible for vehicle and equipment procurement.
- E. Monitor and evaluate project results.
- F. Providing ongoing oversight of assets.

III. Eligible Recipients / Project Owners

- A. Private nonprofit organization, or
- B. State or local governmental authority that certifies there are no nonprofit organizations readily available in the area to provide the service.

All Section 5310 applications will be reviewed to determine applicant eligibility to access program funds. Required documents for each recipient type are described in Section VII of this document. Applicants that do not substantiate the applicant's eligibility will not be considered for funding. Applicants that are federally debarred or suspended will not be considered program eligible. The check for federally debarred or suspended organizations is conducted on-line at this link: <http://www.sam.gov>. All applicants must have an active registration on file to be awarded funds. Registration is free. Be cautious of scams that exist that will attempt to charge you for this service.

IV. Eligible Projects

Eligible projects through NDOT include the purchase of vehicles to meet the needs of the elderly and disabled persons in the service area.

Vehicles acquired with Section 5310 funds are procured by an FTA-compliant bid process conducted by NDOT. These purchasing schedules establish both base pricing and certain optional features pricing for several vehicle types.

After identifying the vehicle type and any optional features, NDOT places a purchase order to the dealer/vendor awarded that vehicle type. Close to the time of delivery, NDOT invoices for the non-federal, local share amount from the subrecipient to be sent to NDOT.

When the vehicle is delivered from the vendor/dealer, NDOT conducts an inspection of the vehicle to determine and certify that the vehicle meets the content specifications, verifies conformance to Federal Motor Vehicle Safety Standard certification requirements, and verifies that applicable FTA Buy America requirements have been met. If issues are identified at that time, the vendor/dealer is required to correct the issues. When the sub-recipient receives the vehicle, they should also inspect the vehicle to note that the correct vehicle is delivered and that features/options have been included.

V. Planning Requirements

Federal transit law, as amended by Moving Ahead for Progress in the 21st Century Act (MAP-21), requires that projects selected for funding under the Section 5310 Program be “included in a locally developed, coordinated public transit-human services transportation plan” and that the plan be “developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers and other members of the public.”

NDOT's Statewide Coordinated Plan can be found on Nebraska Public Transit website:

<https://dot.nebraska.gov/public-transit/plans-and-policies/>

VI. Funding Requirements

The FTA's federal share of eligible costs of an approved capital project shall be at an amount no greater than 80 percent of the net cost. Please note, purchase of service is considered a capital project.

The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization, or new capital funds. Some examples of these sources of local match include state or local appropriations; dedicated tax revenues; private donations; revenue from service contracts; transportation development credit; or net income generated from advertising and concessions.

In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than United States Department of Transportation (USDOT) programs, or from USDOT's Federal Lands Highway program. Examples of types of federal programs that are potential sources of local match include: employment, training, aging, medical, community services or rehabilitation services.

VII. NDOT's FTA Section 5310 Grant Application Process

Applications for funding are accepted annually between August 1 through October 31. The announcement of funding includes a statewide press release through NDOT and a postcard to notify existing and potential applicants from various nonprofits and government agencies throughout the state. Email carly.grutel@nebraska.gov to be added to this specific list serv.

The application and supporting documentation templates are currently available at <https://www.nebraskatransit.com/funding-and-applications>. The application is updated annually, please note an application from the previous fiscal year will not be accepted.

The application and all required supporting documentation must be submitted to NDOT (either electronically or US postal mail) **no later than October 31, 11:59p.m.** to the email or address below:

Email: Carly Grutel
Transit Programming & Reporting Lead
carly.grutel@nebraska.gov

Postal Mail: Nebraska Department of Transportation
Local Assistance Division -Transit Section
Attn: Carly Grutel
1500 Nebraska Parkway
Lincoln, NE 68502

The application package is due October 31st and must include the following:

- _____ Completed application with applicable signatures
- _____ Certifications and Assurances: FTA annually issues a Master Agreement that updates the description of all relevant federal requirements of all FTA's programs. Certifications signed by the applicant in the Section 5310 grant application as well as signing the award agreement commit the applicant/sub-recipient to all relevant requirements. The FTA's Master Agreement document can be reviewed and obtained on transit website: <https://dot.nebraska.gov/public-transit/plans-and-policies/>
- _____ Articles of Incorporation (nonprofit entities only, copy accepted)
- _____ Certification no other nonprofit entities are located in the service area and are capable of providing transportation service (**governmental entities only**).
- _____ Certificate of Equivalent Service – if applicable.
- _____ Resolution from governing body approving the application and committing the local match (resolution must reference Section 5310 funding from the Federal Transit Administration).
- _____ Copy of public notice as it appeared in the local paper to notify other entities of your intent to apply for funding.
- _____ Copy of the affidavit of the proof of publication for the public notice.
- _____ Unique Entity ID (UEI): Any organization applying for a grant with funds from the federal government must have an active UEI registered at the System for Award Management (SAM.gov). This is a nine-digit identification number that provides a unique identification for a single business or nonprofit entity. Applicant agencies that are unaware if their UEI number is currently active can check at here: <https://www.sam.gov/SAM/>
If your organization does not have a UEI number one can be obtained at no cost.

VIII. Review for Program Eligible Projects and Evaluation

All 5310 applications will be reviewed to determine program eligibility for the proposed project(s). NDOT can only consider for funding Section 5310 eligible projects proposed by Section 5310 eligible applicants.

NDOT has developed criteria to evaluate and select Section 5310 projects. Eligible applications will be forwarded to a selection committee for review. Applications will be reviewed based on the following criteria:

- Extent and urgency of local needs
- Availability of existing transportation services
- Degree of coordination among local organizations and existing transit operators
- Vehicle utilization
- Thoroughness of project plan

For more information about the selection process refer to NDOT's current State Management Plan here: <https://dot.nebraska.gov/public-transit/plans-and-policies/>

IX. Post Award Requirements

After 5310 applicants have been approved, there are multiple steps before the vehicle is to be purchased by NDOT.

- A. Request for Vehicle Floor Plan and Options
NDOT will discuss available vehicle floor plans and options with grant awardee. Information gathered from the grant awardee will be placed in a form titled Capital Project Description and Budget.
- B. Title VI Plan
All Federal Transit Administration (FTA) programs must adhere to Title VI requirements and guidelines, this includes funding subrecipients. A copy of the grant awardee's Title IV plan must be submitted to NDOT.
- C. ADA (Americans with Disabilities Act) Manual
All Federal Transit Administration (FTA) programs must adhere to ADA requirements and guidelines, this includes funding subrecipients. A copy of the grant awardee's ADA manual must be submitted to NDOT.
- D. Agreement
Prior to NDOT purchasing the vehicle, an agreement must be created by NDOT and signed by both the grant awardee and NDOT. A copy of the Capital Project Description and Budget will be included in the agreement as Exhibit A.

X. Post Delivery and Compliance Oversight

- A. Delivery and Pickup of Vehicle
When NDOT receives notification regarding the vehicle being delivered to NDOT, a notice will be sent out to the subrecipient with a request for local share match and copy of insurance. Once those are received a pickup date will be scheduled.

B. Use and Operation of Equipment

The vehicles, equipment or purchase of services must be used to provide service within the service area and to the population groups described in the application. Equipment must be used, maintained and disposed of in accordance with NDOT requirements.

Use of vehicles is not limited to your agency's clientele. The intent is to serve the needs of all elderly and disabled citizens through a coordinated effort. Grantees are encouraged to make vehicles available for shared use with other agencies and programs to maximize the usefulness of the vehicle and further meet the transportation needs of your community. Vehicles may be made available to service the transportation needs of persons who are not elderly or disabled or to provide non-passenger services (such as meal delivery), provided that such use does not interfere with the provision of transportation to elderly and/or disabled persons.

Grantees that operate their vehicles or equipment through a lease agreement with another social service agency, a private for-profit provider or public agency must maintain responsibility for the operation of the vehicle. All training, insurance, maintenance, record keeping, reporting, etc., requirements must be certified and monitored through a lease contract with the transportation provider.

C. Asset Management

Subrecipients are required to ensure that vehicles purchased with federal funds are maintained in a state of good repair to ensure safe and efficient operation. Subrecipients are required to have a maintenance plan and conduct regular, preventative maintenance on the manufacturer's recommended schedule.

D. Reporting

Subrecipients are required to create an account at nebraskatransit.com for the purpose of accessing your reporting dashboard. For the first four years the vehicle is owned and operated by the subrecipient, monthly reports are required to be submitted through the dashboard. After four years, each vehicle received through the 5310 program requires an annual report to be submitted if the vehicle is owned and operated by the subrecipient.

E. On-site Visits

At least once every three years, NDOT will conduct an on-site review. The areas reviewed include asset management, Title VI and ADA compliance. The subrecipient is required to correct any deficiencies within the timeframe provided by NDOT.

F. Vehicle Disposition

Regardless of age, condition or mileage, subrecipients cannot dispose of a federally funded 5310 vehicles without prior approval from NDOT. Disposition requests are submitted to NDOT through the online dashboard system.

G. Driver Training

5310 drivers are not required to participate in NDOT sponsored training or networking opportunities. However, to ensure safe operation of vehicles and compliance with regulations, drivers and program managers are encouraged to attend applicable training offered by NDOT. Most training is provided at no cost for eligible participants and travel costs can be reimbursed. Must receive prior approval from NDOT.