

1. **REQUESTED MOTION:**

ACTION REQUESTED Adopt Authorizing Resolution and approve submission of a Federal Transit Administration USC 5311 Nonurbanized Area Grant Application.

WHY ACTION IS NECESSARY: To provide continued financial assistance to Lee Tran from the Federal Transit Administration for the operation of transit fixed route and paratransit services in the rural areas of Lee County.

WHAT ACTION ACCOMPLISHES: This will enable Lee Tran to obtain \$150,169 in Rural Operating Assistance from the Federal Transit Administration for FY 2004.

2. **DEPARTMENTAL CATEGORY:** 06
COMMISSION DISTRICT #: All

C6E

3. **MEETING DATE:** 02-04-2003

4. **AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:**

5. **REQUIREMENT/PURPOSE:**

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 3-17
- OTHER

6. **REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT Independent
- C. DIVISION Transit
- BY: Steve Myers

Steven L Myers

7. **BACKGROUND:** The Federal Transit Administration enables transit operators to apply for operating assistance for rural areas under the Non-urbanized Area Formula Program. In order to request these funds, the Board must adopt the attached Resolution and authorize the Chairman to sign the certifications. This grant request is for the period of October 1, 2003 to September 30, 2004, for the total amount available \$. 150,169.^{P.M.}

The matching local share of Lee Tran's portion of the grant (\$126,744^{P.M.}) will be funded through the Lee Tran budget for FY03/04 subject to Board approval. The grant has been written for the total cost of our rural transportation in hopes that if and when additional funds become available, Lee Tran is eligible for these additional funds. The remaining local share (\$23,425) will be provided by the Lee County CTC. The current CTC is a for profit organization and not eligible to directly receive grant funds. Therefore, Lee Tran will purchase elderly and handicap eligible trips as part of the grant project.

Revenue Code: KI5440148600.331420.9001
Operating Fund, Transit
Transit Rural Fixed Route, FTA USC 5311
Operating Assistance

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager	
					OA	OM	Risk	GC		
<i>Steven L Myers</i> 1/23/03	N/A	N/A	N/A	<i>S. Hall</i> 1/23/03	<i>P.M.</i> 1/23/03	<i>1/23/03</i>	<i>1/23/03</i>	<i>1/23/03</i>	<i>1/23/03</i>	<i>[Signature]</i>

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN. <i>RK</i>
1-23-03
1/10
COUNTY ADMIN. FORWARDED TO: <i>BH</i>
123-345

AUTHORIZING RESOLUTION
RESOLUTION NO. _____

Resolution authorizing the submittal of a grant application with the Department of Transportation, United States of America, for a grant under 49 U.S.C. Section 5311.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects:

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program.

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Federal Transit Act, as amended, the applicant give an assurance that it will comply with the Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that minority business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, be it resolved by the Lee County Board of County Commissioners

1. That the Chairman or the Vice Chairman, is authorized to execute this grant application on behalf of Lee County, Florida with the U.S. Department of Transportation to aid in the financing of capital, planning and/or operating assistance projects pursuant to 49 U.S.C. Section 5311.
2. That the Chairman or the Vice Chairman, is authorized to execute or file with such grant application an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That the Transit Director or designee is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the grant agreement for the program of projects.
4. That the Chairman or the Vice Chairman, is authorized to set forth and execute affirmative minority business policies in connection with the program of projects' procurement needs.

5. That the Chairman or the Vice Chairman, is authorized to execute grant applications on behalf of Lee County, Florida with the U.S. Department of Transportation for aid in financing of the capital, planning and/or operating assistance program of projects.

THE FOREGOING RESOLUTION was offered by Commissioner _____ who moved its adoption, the motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Douglas R. St. Cerny _____

Andrew Coy _____

Ray Judah _____

Robert P. Janes _____

John Albion _____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2003.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

Chairman

ATTEST:

_____ (Seal)

**APPLICATION FOR
FEDERAL ASSISTANCE**

OMB Approval No. 0348-0043

		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	3. DATE RECEIVED BY STATE		State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier
5. APPLICANT INFORMATION			
Legal Name: <u>Lee County Board of County Commissioners</u>		Organizational Unit: <u>Lee County Transit</u>	
Address (give city, county, State, and zip code): <u>6035 Idlewild Road</u>		Name and telephone number of person to be contacted on matters involving this application (give area code) <u>Steve Myers (239) 277-5012</u>	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): <u>59-6000702</u>		7. TYPE OF APPLICANT: (enter appropriate letter in box) <input checked="" type="checkbox"/> B A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____	
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other(specify): _____			
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: <u>20-509</u>		9. NAME OF FEDERAL AGENCY: <u>Federal Transit Administration</u>	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): <u>Lee County, FL</u>		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: <u>Rural Operating Assistance Lee County, FL</u>	
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date <u>10/01/03</u>	Ending Date <u>9/30/04</u>	a. Applicant <u>14th</u>	b. Project <u>14th</u>
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$ <u>150,169</u> .00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____	
b. Applicant	\$ <u>261,272</u> .00		
c. State	\$ _____ .00	b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
d. Local	\$ _____ .00		
e. Other	\$ <u>23,425</u> .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
f. Program Income	\$ <u>34,450</u> .00	<input type="checkbox"/> Yes If "Yes," attach an explanation. <input checked="" type="checkbox"/> No	
g. TOTAL	\$ <u>469,316</u> 0		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Type Name of Authorized Representative		b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed	

OPERATING and ADMINISTRATIVE EXPENSES

Name of Applicant Organization Lee County, Florida

Date Completed 01/20/03

TOTAL EXPENSE

(All Applicants)

ELIGIBLE EXPENSE

(5311 & 5311(f) Applicants)

		TOTAL EXPENSE (All Applicants)	ELIGIBLE EXPENSE (5311 & 5311(f) Applicants)
Labor	(501)	5,372,003	225,624
Fringe and Benefits	(502)	1,982,496	83,265
Services	(503)	746,461	31,351
Materials and Supplies	(504)	726,048	30,494
Fuel and Lubricants	(504.01)	864,393	36,305
Utilities	(505)	138,552	5,819
Insurance	(506)	189,209	7,947
License and Taxes	(507)	3,103	130
Purchased Transit Service	(508)	975,252	46,850
Miscellaneous	(509)	36,395	1,529
Leases and Rentals	(512)	50	2
Depreciation	(513)		
TOTALS		11,033,962	469,316 (a)

SECTION 5311 AND 5311(F) GRANT REQUEST

Operating Expenses Shared by FTA	\$469,316 (a)
Farebox Revenue	\$34,450 (b)
Operating Deficit (operating expenses less revenue) Note: (a)-(b)=(c)	\$434,866 (c)
Section 5311 Request (no more than 50% of Deficit)	\$150,169 (d)

GRAND TOTAL REVENUES \$11,033,962 (e)
(from Operating and Administrative Revenue form)

Note: If Grand Total Revenues (e) exceeds Total Expenses, reduce Section 5311 (d) request by that amount.

OPERATING and ADMINISTRATIVE REVENUES

Name of Applicant Organization

Lee County, Florida

Date Completed

01/20/03

OPERATING REVENUES	TOTAL REVENUE (All Applicants)		REVENUE USED AS FTA MATCH
			5311 Applicants show exact amount)
Passenger Fares for Transit Services (401)	Total=	1,358,654	
	Total Rural=	34,450 (b)	
Special Transit Fares (402)		36,747	
School Bus Service Revenues (403)			
Freight Tariffs (404)			
Charter Service Revenues (405)			
Auxillary Transportation Revenues (406)		107,059	
Non-Transportation Revenues (407)		110,583	
Total Operating Revenues		1,613,043	
OTHER REVENUES			
Taxes Levied directly by Transit System (408)			
Local Cash Grants and Reimbursements (409)		4,599,818	150,169
Local Special Fare Assistance (410)			
State Cash Grants and Reimbursements (411)		2,757,762	
State Special Fare Assistance (412)			
Federal Cash Grants and Reimbursements (413)	Total=	2,039,914	
	USC 5311	150,169	
Purchased Transportation Revenue (414)		23,425	
Contributed Services (430)			
Contributed Cash (431)			
Subsidy from Other Sectors of Operations (440)			
Total of Other Revenues		9,420,919	150,169
GRAND TOTAL REVENUES		11,033,962	150,169

Exhibit A-1

Lee County Transit Data Information Fact Sheet

	<u>Total System</u>	<u>Rural</u>
1. Annual one-way passenger trips.	2,235,552	65,000
2. Annual individuals served (est.).	10,000	250
3. Vehicles used for this service.	56	3
4. Number of ambulatory seats.	1,680	54
5. Number of wheelchair seats.	112	6
6. Total annual vehicle miles traveled.	3,190,821	176,525
7. Normal vehicles hours in operation per day.	602	34
8. Normal number of days in operation per week.	7	6
9. Average trip length (mi.).	4.3	12

**Lee County, Florida
USC 5311
Exhibit E
Single Audit Act**

The Florida Department of Transportation (FDOT) District One Office has a copy of the FY2000/01 audit report submitted in April, 2002. The FY2001/02 audit report will be submitted to the FDOT District One Office after publication which is anticipated to be distributed in April, 2003.

Appendix A

**FEDERAL FISCAL YEAR 2003 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

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

Name of Applicant: Lee County Board of County Commissioners

The Applicant agrees to comply with applicable requirements of Categories 01 - 16. XXX
(The Applicant may make this selection in lieu of individual selections below.)

OR

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

<u>Category</u>	<u>Description</u>	
01.	Required of Each Applicant	_____
02.	Lobbying	_____
03.	Private Mass Transportation Companies	_____
04.	Public Hearing	_____
05.	Acquisition of Rolling Stock	_____
06.	Bus Testing	_____
07.	Charter Service Agreement	_____
08.	School Transportation Agreement	_____
09.	Demand Responsive Service	_____
10.	Alcohol Misuse and Prohibited Drug Use	_____
11.	Interest and Other Financing Costs	_____
12.	Intelligent Transportation Systems Program	_____
13.	Urbanized Area, JARC, and Clean Fuels Programs	_____
14.	Elderly and Persons with Disabilities Program	_____
15.	Nonurbanized Area Formula Program	_____
16.	State Infrastructure Bank Program	_____

(Both sides of this Signature Page must be appropriately completed and signed as indicated.)

Appendix A

FEDERAL FISCAL YEAR 2003 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE*(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)*

AFFIRMATION OF APPLICANT

Name of Applicant: Lee County Board of County Commissioners

Name and Relationship of Authorized Representative: _____

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. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and Federal requirements applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2003.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances in Appendix A, should apply, as required, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2003.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, as implemented by U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with the Urbanized Area Formula Program, 49 U.S.C. 5307, and may apply to any other certification, assurance, or submission made in connection with any other program administered by FTA.

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 correct.

Signature _____ Date: _____

Name _____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Lee County Board of County Commissioners

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

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature _____ Date: _____

Name _____
Attorney for Applicant

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(h) assistance) and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

EXHIBIT I
FTA Section 5333 (b) Assurance

(Note: Be signing the following assurance, the recipient of Section 5311 and/or 5311(f) assistance assures it will comply with the labor protection provisions of 49 U.S.C. 5333(b) be one of the following actions: (1) signing the Special Warranty for the Non-urbanized Area Program; (2) agreeing to alternative comparable arrangements approved by the Department of Labor (DOL); or (3) obtaining a waiver from the DOL.)

The Lee County Board of County Commissioners (hereinafter referred to as the "Recipient") HEREBY ASSURES that the "Special Section 53333 (b) Warranty for Application to the Small Urban and Rural Program" has been reviewed and certifies to the Florida Department of Transportation that it will comply with its provisions and all its provisions will be incorporated into any contract between the recipient and any sub-recipient which will expend funds received as a result of an application to the Florida Department of Transportation under the FTA Section 5311 Program.

Dated _____

 (Name and Title of Authorized Representative)

 (Signature of Authorized Representative)

LISTING OF RECIPIENTS, OTHER ELIGIBLE SURFACE TRANSPORTATION PROVIDERS, AND LABOR ORGANIZATIONS REPRESENTING EMPLOYEES OF SUCH PROVIDERS, IF ANY.

Identify Recipients of Transportation Assistance Under this Grant.	Project Name, Description, and Provider	Identify Other Eligible Surface Transportation Providers (Type of Service)	Identify Unions (and providers) Representing Employees of Providers in Column 1, 2, and 3.
A) Lee County Transit	Application for Section 5311 funds for Operating Assistance for FY03 for Lee County Transit to provide public transportation service to residents of rural areas of the county traveling within the rural area and/or adjacent urban area and return to rural domicile.	A) GoodWheels	A) No Union (Lee County Transit) B) No Union (GoodWheels)