

U.S. DEPARTMENT OF TRANSPORTATION
FIRST AMENDED AND RESTATED GRANT AGREEMENT UNDER THE
FISCAL YEAR 2022 RAISE GRANT PROGRAM

This agreement is between the United States Department of Transportation (the “USDOT”) and the Nebraska Department of Transportation (the “Recipient”).

This agreement reflects the selection of the Recipient to receive a RAISE Grant for the Project Access York.

If schedule A to this agreement identifies a Designated Subrecipient, that Designated Subrecipient is also a party to this agreement, and the parties want the Designated Subrecipient to carry out the project with the Recipient’s assistance and oversight.

The USDOT and Recipient executed a grant agreement on November 1, 2023 (“the Original Grant Agreement”). This agreement amends and restates in its entirety and replaces the Original Grant Agreement.

The parties therefore agree to the amend and restate the grant agreement to read in its entirety as follows:

ARTICLE 1
GENERAL TERMS AND CONDITIONS.

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under the Fiscal Year 2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program: FHWA Projects,” dated October 1, 2024, which is available at <https://www.transportation.gov/policy-initiatives/raise/raise-grant-agreements>. The General Terms and Conditions reference the information contained in the schedules to this agreement. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, terminating of the RAISE Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the USDOT the RAISE Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

ARTICLE 2
SPECIAL TERMS AND CONDITIONS.

There are no special terms for this award.

**SCHEDULE A
ADMINISTRATIVE INFORMATION**

1. Application.

Application Title: Project Access York

Application Date: 04/14/2022

2. Recipient's Unique Entity Identifier.

See section 23.3 of the General Terms and Conditions

3. Recipient Contact(s).

Jodi Gibson
Local Assistance Division Manager
Nebraska Department of Transportation
1400 Hwy. 2, Lincoln, Nebraska 68509-4759
402-479-4337
jodi.gibson@nebraska.gov

4. Recipient Key Personnel.

None.

5. USDOT Project Contact(s).

Alison Koch
Transportation Specialist
FHWA
100 Centennial Mall North Room 220
402-742-8460
Alison.Koch@dot.gov

6. Payment System.

USDOT Payment System: FMIS

7. Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Division

8. Federal Award Identification Number.

See section 23.2 of the General Terms and Conditions.

9. Designated Subrecipient.

Designated Subrecipient: City of York, Nebraska

Designated Subrecipient Project Contact:

Sue Crawford
City Administrator
City of York
100 East 4th Street
York, Nebraska 68467
402-363-2600
scrawford@cityofyork.net

SCHEDULE B PROJECT ACTIVITIES

1. General Project Description.

This project will build pedestrian safety infrastructure for York that includes a pedestrian overpass over a busy highway that intersects the city, pedestrian trails for access to jobs, food and quality of life amenities, and safe crosswalks for schools.

2. Statement of Work.

Project Access York consists of design, NEPA documentation, right of way acquisitions, and construction for three inter-related pedestrian safety infrastructure components:

- 1) A pedestrian overpass over Highway 81
- 2) Pedestrian trails (9 miles of 10' wide accessible trails):
 - a. Village 81 Trails: trails for pedestrians to access to the I-80/81 area and safely move without a car in that area.
 - b. Charging Station Trail: A pedestrian trail from the charging station to a nearby historical attraction.
 - c. Parkway Trails
- 3) School crosswalk safety signals (five school crossings)

SCHEDULE C
AWARD DATES AND PROJECT SCHEDULE

1. Award Dates.

Budget Period End Date: June 30, 2031

Period of Performance End Date: See section 4.5 of the General Terms and Conditions

2. Estimated Project Schedule.

Milestone	Schedule Date
Planned NEPA Completion	December 12, 2024
Planned Construction Substantial Completion and Open to Traffic Date:	December 30, 2029

3. Special Milestone Deadlines.

None.

SCHEDULE D
AWARD AND PROJECT FINANCIAL INFORMATION

1. Award Amount.

RAISE Grant Amount: \$15,625,000

2. Federal Obligation Information.

Federal Obligation Type: Multiple

Obligation Condition Table		
Portion of the Project	Portion of the RAISE Grant	Obligation Condition
Base Phase: Preliminary Engineering	\$863,013.80	
Option Phase 1: Construction	\$14,761,986.20	If the FHWA State Division Office approves the PS&E for the Project and the Recipient has met all the applicable Federal, State, and local requirements. Division will require the Obligation Request via the construction authorization form be filled out before authorization.

3. Approved Project Budget.

Eligible Project Costs			
	Base Phase: Preliminary Engineering	Option Phase 1: Construction	Total
RAISE Funds:	\$863,013.80	\$14,761,986.20	\$15,625,000
Other Federal Funds:	\$0	\$0	\$0
Non-Federal Funds:	\$40,665.57	\$283,094.43	\$323,760
Total:	\$903,679.37	\$15,045,080.63	\$15,948,760

4. Cost Classification Table

Reserved.

5. Approved Pre-award Costs

On February 15, 2023, Nebraska Department of Transportation sent a written request to the FHWA Nebraska Division for advance construction (23 U.S.C. 115) authorization to perform preliminary design and environmental services. Nebraska Department of Transportation requested advance construction for \$903,679.34 in RAISE Grant funds. The Division authorized advance construction on February 23, 2023.

Activities under that authorization are approved pre-award costs under 2 C.F.R. 200.458.

SCHEDULE E
CHANGES FROM ORIGINAL GRANT AGREEMENT

Scope: No Change

Schedule: No Change

Budget: No Change

Other: Updating Article 1 General Terms and Conditions to reflect the Office of Management and Budget (OMB) update to [2 CFR 200](#) which will become effective October 1st, 2024.

CHANGES FROM APPLICATION

Scope: At the time of the application, the only charging stations were on the south side of the Interstate, so the application proposed to build a ½ mile trail connecting to those chargers. However, by the time of trail construction, the Recipient now expects charging locations north of the Interstate, with one set of chargers expected to be in place north of the Interstate by the end of 2023. Accordingly, the project's scope will be altered to eliminate the ½ mile trail south of the Interstate that does not connect to other trails and construct a trail connecting to charging stations north of the Interstate. This new trail has the added benefit of connecting with other trails. Encouraging charger use north of the interstate allows full access to the complete trail system. Furthermore, there is no safe way to get pedestrians across the interstate to access the trails north of the Interstate from south of the Interstate. Curb cuts have already been completed and are no longer part of the project. The Curb Cut Improvements identified in the application were completed prior to the RAISE Grant award notices. A majority of the curb cuts for ADA accessibility have been completed with an active street reconstruction project, there are still some to complete after street reconstruction is completed. To stay on schedule for the street reconstruction project, the curb cut portion of the project needed to be initiated. The City of York was not familiar with the project milestone schedule associated with the RAISE Grant during the grant application period. As it turns out, the street reconstruction project will be completed before the RAISE Grant project. The street reconstruction project has a contract completion date of July 12, 2024.

Schedule: NEPA Completion was planned for September 2024 in the application, but is now planned for December 12, 2024, due to the additional time to work through RAISE Grant requirements and get the project ready for Advance Construction approval to procure environmental services. The application planned for construction to be completed in May 2026; however, it has been delayed to a planned completion date of December 30, 2029. This allows for the project to align with the project delivery system of the Nebraska Department of Transportation (NDOT) and NDOT's Construction Division's construction schedule.

Budget: Preliminary Engineering and Environmental Services budget has been modified after consultant negotiations were completed. The current consultant fee is adjusted to \$903,679.34 (\$863,013 advanced construction and \$40,665 of non-federal funds) from the application estimate of \$985,000, the remaining \$81,321 balance has been moved into the construction costs. As the Curb Cut Improvements have been completed, the \$404,270 cost for them identified in the application, which was expected to come from non-Federal funds, has been recategorized as a previously incurred cost.

The table below provides a summary comparison of the Project budget.

Fund Source	Application		Schedule D	
	\$	%	\$	%
Previously Incurred Costs				
Federal Funds				
Non-Federal Funds			404,270	2.5%
Total Previously Incurred Costs			404,270	
Future Eligible Project Costs				
RAISE Funds	15,625,000	95.5%	15,625,000	95.5%
Other Federal Funds	0		0	
Non-Federal Funds	728,030	4.5%	323,760	2%
Total Future Eligible Project Costs	16,353,030	100	15,948,760	97.5%
Total Project Costs	16,353,030	100	16,353,030	100

Other: N/A

SCHEDULE F
RAISE PROGRAM DESIGNATIONS

1. Urban or Rural Designation.

Urban-Rural Designation: Rural

2. Capital or Planning Designation.

Capital-Planning Designation: Capital

3. Historically Disadvantaged Community or Area of Persistent Poverty Designation.

HDC or APP Designation: No

4. Funding Act.

Funding Act: FY2022

SCHEDULE G
RAISE PERFORMANCE MEASUREMENT INFORMATION

Study Area: Hwy 81 and David Drive down to I-80; 12th and Washington to the ballpark complex and school crossing. The Washington Avenue is approximately 28,000 feet from I-80 by way of arterial streets.

Baseline Measurement Date: September 1, 2026

Baseline Report Date: October 31, 2026

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency
Bike and Pedestrian Counts/Trips	Economic Competitiveness, Quality of Life Average daily bicycle and pedestrian counts using National Bicycle & Pedestrian Documentation Project methodology by conducting hourly counts at key locations in the study area. Counts will be collected on a typical weekday, Saturday and Sunday and should be conducted monthly to produce a quarterly average.	quarterly
Fuel Savings	Environmental Sustainability, Economic Competitiveness The total amount of fuel savings, based on reduced vehicle miles of travel, by all vehicles in the street network during the analysis period (the PM peak traffic hour) taking into account vehicle class, speed, acceleration, delays, stops, speed, and distance as estimated by the applicable traffic model provided by the Operating Administration.	annual

SCHEDULE H
CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS

1. Consideration of Climate Change and Environmental Justice Impacts.

The Recipient states that rows marked with “X” in the following table are accurate:

	The Project directly supports a Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Project directly supports a Local/Regional/State Equitable Development Plan that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Project directly supports a Local/Regional/State Energy Baseline Study that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Recipient or a project partner used environmental justice tools, such as the EJSCREEN, to minimize adverse impacts of the Project on environmental justice communities. <i>(Identify the tool(s) in the supporting narrative below.)</i>
X	The Project supports a modal shift in freight or passenger movement to reduce emissions or reduce induced travel demand. <i>(Describe that shift in the supporting narrative below.)</i>
	The Project utilizes demand management strategies to reduce congestion, induced travel demand, and greenhouse gas emissions. <i>(Describe those strategies in the supporting narrative below.)</i>
X	The Project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both. <i>(Describe the incorporated infrastructure in the supporting narrative below.)</i>
X	The Project supports the installation of electric vehicle charging stations. <i>(Describe that support in the supporting narrative below.)</i>
	The Project promotes energy efficiency. <i>(Describe how in the supporting narrative below.)</i>
	The Project serves the renewable energy supply chain. <i>(Describe how in the supporting narrative below.)</i>
	The Project improves disaster preparedness and resiliency <i>(Describe how in the supporting narrative below.)</i>

	The Project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity. <i>(Describe how in the supporting narrative below.)</i>
	The Project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm. <i>(Describe that infrastructure in the supporting narrative below.)</i>
	The Project supports or incorporates the construction of energy- and location-efficient buildings. <i>(Describe how in the supporting narrative below.)</i>
	The Project includes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both. <i>(Describe the materials in the supporting narrative below.)</i>
	The Recipient has taken other actions to consider climate change and environmental justice impacts of the Project. <i>(Describe those actions in the supporting narrative below.)</i>
	The Recipient has not yet taken actions to consider climate change and environmental justice impacts of the Project but, before beginning construction of the Project, will take relevant actions described in schedule B. <i>(Identify the relevant actions from schedule B in the supporting narrative below.)</i>
	The Recipient has not taken actions to consider climate change and environmental justice impacts of the Project and will not take those actions under this award.

2. **Supporting Narrative.**

The Project reduces greenhouse gas emissions by converting auto travel with active transportation travel. In addition, the Project connects trails to at least one electric charging station.

SCHEDULE I
RACIAL EQUITY AND BARRIERS TO OPPORTUNITY

1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that rows marked with “X” in the following table are accurate:

	A racial equity impact analysis has been completed for the Project. <i>(Identify a report on that analysis or, if no report was produced, describe the analysis and its results in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure racial equity in the overall delivery and implementation of the Project. <i>(Identify the relevant programs, plans, or policies in the supporting narrative below.)</i>
	The Project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation. <i>(Identify the relevant investments in the supporting narrative below.)</i>
X	The Project includes new or improved walking, biking, and rolling access for individuals with disabilities, especially access that reverses the disproportional impacts of crashes on people of color and mitigates neighborhood bifurcation. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Recipient has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity. <i>(Describe those actions in the supporting narrative below.)</i>
	The Recipient has not yet taken actions related to the Project to improve racial equity and reduce barriers to opportunity but, before beginning construction of the Project, will take relevant actions described in schedule B. <i>(Identify the relevant actions from schedule B in the supporting narrative below.)</i>
	The Recipient has not taken actions related to the Project to improve racial equity and reduce barriers to opportunity and will not take those actions under this award.

2. Supporting Narrative.

The Project provides multi-modal transportation for safe walking, biking, and rolling access for individuals with disabilities and individuals without automobiles. The Project also connects to a park specifically designed to provide new recreational opportunities for children with disabilities.

SCHEDULE J LABOR AND WORK

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that rows marked with “X” in the following table are accurate:

	The Recipient or a project partner has adopted the use of project labor agreements in the overall delivery and implementation of the Project. <i>(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted the use of local and economic hiring preferences in the overall delivery and implementation of the Project, subject to all applicable State and local laws, policies, and procedures. <i>(Describe the relevant provisions in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted the use of registered apprenticeships in the overall delivery and implementation of the Project. <i>(Describe the use of registered apprenticeship in the supporting narrative below.)</i>
X	The Recipient or a project partner will provide training and placement programs for underrepresented workers in the overall delivery and implementation of the Project. <i>(Describe the training programs in the supporting narrative below.)</i>
	The Recipient or a project partner will support free and fair choice to join a union in the overall delivery and implementation of the Project by investing in workforce development services offered by labor-management training partnerships or setting expectations for contractors to develop labor-management training programs. <i>(Describe the workforce development services offered by labor-management training partnerships in the supporting narrative below.)</i>
	The Recipient or a project partner will provide supportive services and cash assistance to address systemic barriers to employment to be able to participate and thrive in training and employment, including childcare, emergency cash assistance for items such as tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups like mentoring, support groups, and peer networking. <i>(Describe the supportive services and/or cash assistance provided to trainees and employees in the supporting narrative below.)</i>

	The Recipient or a project partner has documented agreements or ordinances in place to hire from certain workforce programs that serve underrepresented groups. <i>(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)</i>
	The Recipient or a project partner participates in a State/Regional/Local comprehensive plan to promote equal opportunity, including removing barriers to hire and preventing harassment on work sites, and that plan demonstrates action to create an inclusive environment with a commitment to equal opportunity, including: a. affirmative efforts to remove barriers to equal employment opportunity above and beyond complying with Federal law; b. proactive partnerships with the U.S. Department of Labor's Office of Federal Contract Compliance Programs to promote compliance with EO 11246 Equal Employment Opportunity requirements; c. no discriminatory use of criminal background screens and affirmative steps to recruit and include those with former justice involvement, in accordance with the Fair Chance Act and equal opportunity requirements; d. efforts to prevent harassment based on race, color, religion, sex, sexual orientation, gender identity, and national origin; e. training on anti-harassment and third-party reporting procedures covering employees and contractors; and f. maintaining robust anti-retaliation measures covering employees and contractors. <i>(Describe the equal opportunity plan in the supporting narrative below.)</i>
x	The Recipient has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. <i>(Describe those actions in the supporting narrative below.)</i>
	The Recipient has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the Project, will take relevant actions described in schedule B. <i>(Identify the relevant actions from schedule B in the supporting narrative below.)</i>
	The Recipient has not taken actions related to the Project to improving good-paying jobs and strong labor standards and will not take those actions under this award.

2. Supporting Narrative.

The Nebraska Department of Transportation (NDOT) Contractor-Specific On-the-Job Training (OJT) Program (NDOT OJT Program) was created by the NDOT and FHWA and is administered by the NDOT Highway Civil Rights Office (HCRO) to fulfill the Training Special Provisions (TSP) requirements of federal-aid construction contracts as

set forth under 23 CFR part 230. The purpose of the TSP is to address the under-representation of minority and female workers in the construction trades through the assignment of OJT training goals. Therefore, the training and upgrading of minorities and women toward journeyman status is a primary objective of the NDOT OJT Program. The contractor must use an OJT training program approved by the NDOT and/or FHWA. An approved OJT training program must specify the number of hours required for a trainee to achieve journey-level status in each job classification. Apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, shall also be considered acceptable provided they are being administered in a manner consistent with the equal employment obligations of federal aid highway construction contracts.

Nebraska State Statutes 73-102 "Fair Labor Standards" and 73-104 "Fair Labor Standards, defined" set forth clear requirements intended to create good paying jobs and incorporate strong labor standards. These statutes require all governing authorities of the State of Nebraska and governmental subdivisions, and every person acting as a purchasing agent for the State of Nebraska or any governmental subdivision shall in awarding contracts for public works require all contractors bidding on public works to file with such authority statement that they are complying with and will continue to comply with fair labor standards in the pursuit of business and in the execution of contract they are bidding. Fair labor standards are further defined to mean such a scale of wages and conditions of employment as are paid and maintained by at least fifty percent of the contractors in the same business.

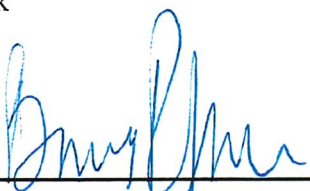
State of Nebraska Workers are also offered the opportunity to become members of the Nebraska Association of Public Employees.

DESIGNATED SUBRECIPIENT SIGNATURE PAGE

The Designated Subrecipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

City of York

10/8/24
Date

By: 
Signature of Designated Subrecipient's Authorized Representative

Barry Redfern
Name

Mayor
Title

RECIPIENT SIGNATURE PAGE

The Recipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

Nebraska Department of Transportation

10/8/2024
Date

By:

Khalil Jaber
Signature of Recipient's Authorized Representative

Khalil Jaber

Name

Deputy Director – Engineering

Title

USDOT SIGNATURE PAGE

The USDOT, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

**UNITED STATES DEPARTMENT OF
TRANSPORTATION**

_____	By: _____
Date	Signature of USDOT's Authorized Representative
	Wayne Fedora, P.E.

	Name
	FHWA Nebraska Division Administrator

	Title