



2019 TA/SRTS Call for Projects

Frequently Asked Questions

Below are some frequently asked questions received during TxDOT's 2019 TA/SRTS Call for Projects. The Code of Federal Regulations (CFR) and Texas Administrative Code (TAC) have been cited in response to several questions using only the abbreviations CFR and TAC.

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General Questions

- 1) Is there a maximum or minimum award amount for TA or SRTS projects?

Answer:

For the 2019 Transportation Alternatives (TA)/Safe Routes to School (SRTS) Program Call, TxDOT did not establish a maximum or minimum award threshold for TA or SRTS projects. Over the two previous TA program calls, the average nonurban federal funding award was around \$750,000, while the average small urban federal funding award was around \$1,350,000.

For smaller proposed projects, a project may be determined to be ineligible if the estimated cost to administer the funds exceeds the estimated construction costs. For larger proposed projects, while there is no maximum funding award, program funds are limited. The department may find it necessary to contact a project sponsor to split a larger project into smaller segments.

- 2) How many projects will be selected as a result of TxDOT's 2019 TA/SRTS Call for Projects?

Answers:

The number of project awards will depend on the eligible number and size of TA/SRTS project applications received by the department. Through the 2019 Call for Projects, TxDOT intends to make about \$10.6 million in TA funds associated with FY 2019 - FY 2020 appropriations to the department for nonurban areas (population areas of 5,000 or less). Additionally, the department intends to make available \$8.7 million in SRTS infrastructure funding for eligible projects located within 2 miles of a K – 8th grade school (no population restrictions in the project eligibility requirements of 43 TAC §§25.500-25.505). All or some portion of these funds may be awarded as a result of this Call, depending on the actual amount of funding available and the eligible number of TA/SRTS project applications received by the department. Additionally, a conditional project list will be developed from this Call for projects that

are eligible for TA nonurban and small urban funding. This conditional project list will be TxDOT's recommended TA projects when the next federal transportation bill is passed. It is anticipated that approximately \$13.5 million for each population area (nonurban and small urban) will be available for FY 2021 – FY 2022.

- 3) What resources are available to local governments to aid them in complying with federal and state requirements?

Answer:

TxDOT and FHWA have many resources available to local governments. The resources listed below are some of the most commonly used resources (accessible via the internet):

TxDOT

- TxDOT Local Government Projects website: <https://www.txdot.gov/government/programs/local-government-projects.html>
- Online Toolkit: <https://www.txdot.gov/government/processes-procedures/lgp-toolkit.html>
- Training and Qualifications: <https://www.txdot.gov/government/programs/local-government-projects/training.html>
- Forms and Publications: <https://www.txdot.gov/inside-txdot/forms-publications/publications/local-government.html>
- Local Government Standards and Special Provisions: <https://www.txdot.gov/business/resources/txdot-specifications/local-government.html>

FHWA

- FHWA website: <https://www.fhwa.dot.gov/>
- Federal-aid Essentials for Local Public Agencies: Federal-aid Essentials offers a central online library of informational videos and resources, designed specifically for local public agencies. Each video addresses a single topic-condensing the complex regulations and requirements of the Federal-aid Highway Program into easy-to-understand concepts with illustrated examples. Visit FHWA's website at: <https://www.fhwa.dot.gov/federal-aidessentials/>

Application and Evaluation Processes

- 4) If a TA project is selected by the Texas Transportation Commission in Winter 2020, when will project sponsors (with funded projects) be required to pay their local match?

Answer:

The local funding match for TxDOT's review of project plans and environmental documentation will be due to TxDOT within 30 days of the local government receiving the fully executed project agreement, Advance Funding Agreement (AFA).

Note: TA projects must be included on the locally approved Transportation Improvement Program (TIP) and on the federally approved Statewide TIP (STIP) before the project AFA can be fully executed by TxDOT. This process generally takes 9-12 months; however, it can take as few as 4-6 months.

The remaining local match for administration and construction will be due to TxDOT 60 days prior to TxDOT's construction letting of the project. If a local letting is authorized, the local government would remit the local match for TxDOT's administration of the construction phase. The project sponsor would be reimbursed for 80% of the eligible construction costs and be responsible for 100% of any cost overruns.

Note: Authorization for a local letting is a district decision. The local government would be required to request a local letting through the district office and complete a Risk Assessment evaluation. TxDOT makes the final decision on whether a local letting would be authorized.

- 5) Are local government costs toward preparing the detailed application package eligible for reimbursement?

Answer:

No. Any costs incurred prior to the project being selected for funding, being identified in the local Transportation Improvement Program (TIP), included in the Statewide TIP, execution of the project agreement (generally an Advance Funding Agreement), and authorization from TxDOT to proceed are **not eligible for reimbursement or as an in-kind contribution towards the project sponsor's local match for construction.**

- 6) If a proposed project includes a project sponsor overmatch (project sponsor proposes to contribute a cash match greater than 20% of the total construction cost), does this make a project more competitive?

Answer:

The presence of a project sponsor overmatch is not an evaluation criterion. However, an overmatch is an indication of strong local/community support which is an evaluation criterion.

- 7) Is a resolution from the project sponsor required for the detailed application?

Answer:

Yes. As part of Step 2, a resolution of support from the project sponsor will be a required attachment to the detailed application. It will be important for project sponsors to begin thinking about the steps required to get the resolution developed and signed before the August 15th detailed application deadline for the non-urban TA projects (current funds) and SRTS infrastructure projects. The deadline for the FY21/22 small urban TA projects for the conditional project list is October 30th.

- 8) If a project will be considered for both SRTS and TA funding, should the resolution include both possibilities - match and no match?

Answer:

Yes. The detailed application will calculate the local match, if any, for projects eligible for both SRTS and TxDOT's TA funds. Project sponsors should include both scenarios in their resolutions for approval by their governing board.

- 9) Can a project sponsor submit applications for multiple projects?

Answer:

Yes. Project sponsors must submit a separate application for each project. The detailed application addresses all funding types potentially available through this call for projects. Safe Routes to School projects will be automatically considered for both SRTS and TA funding opportunities, so there is no need to submit separate applications for each funding stream.

- 10) What type of right-of-way (ROW) / property ownership documentation is required?

Answer:

Project sponsors will be requested to attach ROW ownership documentation which may include ROW maps and/or deed records to the detailed application. If ROW acquisition is necessary for the project but has not been completed at the time of the detailed application submittal, please include a commitment letter by the current property owner indicating the property owner's willingness to transfer property.

- 11) Can the cost estimate and scope change between the preliminary application and detailed application?

Answer:

Yes, the cost estimate and scope of the project can be adjusted between the preliminary application and detailed application. The cost estimate provided for the preliminary application is a high level, general

estimate. In the detailed application, the cost estimate determines the amount of federal funds that will be awarded.

MPOs, TMAs, and Jurisdictional Questions

12) If a TA or SRTS project was not awarded funding following an MPO Call for Projects, can the project sponsor submit it to TxDOT?

Answer:

No. The same project or a substantially similar project already submitted to the MPO's Call for Projects cannot be submitted to TxDOT's Call for Projects.

13) Will a project be eligible for TxDOT's 2019 TA funds if it is in a population area that will be designated as a Transportation Management Area (TMA) in the next Decennial Census.

Answer:

Yes. TxDOT's 2019 TA funding eligibility is based on the TMA boundaries and population sizes established by the 2010 Decennial Census.

14) Can a portion of a project be submitted to TxDOT and another portion submitted to an MPO's Call for Projects?

Answer:

Yes. If a project sponsor can create independent projects with logical termini that meet the purpose and need and maintain independent utility, then the project sponsor may submit one project to TxDOT and the other to the MPO.

Economically Disadvantaged Counties Program (EDCP)

15) If a project sponsor believes itself to qualify for an EDCP reduction, should the project sponsor fill-in the detailed application budget assuming that reduction will be received?

Answer:

The project sponsor should fill-in a construction cost estimate on the 2019 TA/SRTS detailed application to reflect the assumed construction costs. The detailed application will have fields and formulas automated so the project sponsor can see the impact of EDCP after filling-in the construction cost estimate and selecting drop down options related to the EDCP.

16) Which projects are eligible under provisions of the Economically Disadvantaged County Program (EDCP)?

Answer:

All projects proposed under an eligible TA/SRTS project activity may be considered for EDCP. However, for a project to be eligible for the EDCP, the project must be located in a county that has been designated by the Texas Transportation Commission as a disadvantaged county. The infrastructure improvements must be within public roadway right-of-way (ROW) either on-system (state-maintained) or off-system (locally maintained) or be immediately adjacent to roadway ROW.

If the project is located in a county that has been certified by the commission as an economically disadvantaged county, the detailed application package for those projects eligible for relief may include a request for adjustment to the minimum local funding match requirement. If an adjustment is granted, the adjustment percentage in effect for the county at the time of TxDOT's 2019 TA/SRTS program call is initiated will be used. The county must remain eligible for an EDC adjustment until the date the project sponsor executes the project agreement with TxDOT.

For current EDC program guidance visit TxDOT's website at: <http://www.txdot.gov/inside-txdot/division/transportation-planning/disadvantaged-county.html>.

- 17) If a proposed project location extends across the county boundary between two counties where varying EDC reductions are present, how does TxDOT adjust the EDCP percentage reduction for the project budget?

Answer:

If a project extends into two counties and one county has an EDC reduction and one does not, then TxDOT will prorate the reduction percentage according to the proportion of the project located in the EDCP eligible county.

If a project extends into two counties and each county has a different EDC reduction percentage, then TxDOT will prorate each reduction percentage according to the proportion of the project located in each county.

NOTE: These are rare situations and will be handled on a case-by-case basis. If a project sponsor believes this situation applies, please notify the TxDOT District TA coordinator for assistance in accommodating these reductions on the submitted detailed applications.

In-Kind Contributions

- 18) Do federal requirements apply to preliminary phases of project development?

Answer:

Federal and state requirements apply to any costs incurred that will be reimbursed with federal funds or used as an in-kind contribution towards the local match for construction. Additionally, all project property acquired (including easements and donations) after 1971 must have been acquired in accordance with the federal Uniform Relocation Assistance and Real Property Acquisition Act (Uniform Act). Furthermore, design must comply with federal and state standards; local design specifications may be approved on a case-by-case basis.

- 19) Does the local match requirement increase when in-kind contributions are used as a local match for construction?

Answer:

The local government's local funding match percentage will not be affected by the inclusion of in-kind contribution(s); however, the overall match required would increase. TxDOT's detailed application was developed in accordance with the guidelines established by the Federal Highway Administration (FHWA) for federal-aid projects with non-federal match. In accordance with FHWA guidelines, the in-kind value is added to the estimated construction cost before the federal share and local match are calculated (generally 80/20 respectively).

For **FHWA Federal-Aid Guidance Non-Federal Match Requirements**, please visit FHWA's website at: https://www.fhwa.dot.gov/legsregs/directives/policy/fedaaid_guidance_nfmr.pdf

Note: TxDOT's administrative cost is based on the local government's construction cost estimate only. TxDOT's administrative cost is federally reimbursable at the same rate as other eligible costs (generally 80/20).

Procurement/Hiring consultants

- 20) When hiring a consultant, when is a local government required to meet Federal Procurement Requirements?

Answer:

Federal Procurement Requirements must be followed when the Local Government is reimbursed with federal dollars, using the cost of professional services as in-kind local match for construction, or when a local government is authorized to local letting for construction. When procuring professional services, the local government must submit federal compliant procurement procedures to TxDOT for review and approval or adopt TxDOT's procurement process. In addition, contracts between the local government and consultants must include applicable federal requirements, and be submitted to TxDOT for review and approval, prior to execution. Federal Procurement Requirements apply regardless of whether the project is let for construction by TxDOT or by the local government.

The Federal Highway Administration's federal-aid essentials for local public agencies video library includes a video entitled Hiring a Consultant using Competitive Negotiation Procedures that provides an overview of the hiring process. Here is the video link: <https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=7>.

For additional guidance on Procurement, Management, and Administration of Engineering and Design Related Services - Questions and Answers visit: https://www.fhwa.dot.gov/programadmin/172qa_01.cfm

21) Can the project sponsor hire a consultant to help with its application?

Answer:

Yes. Project sponsors should be aware that any work done prior to the state's letter of authority is not reimbursable with TA/SRTS funds.

22) If an engineering firm completed the project application and project receives an award, is that engineering firm eligible to complete the work?

Answer:

It depends on how the procurement process was followed. See Federal Procurement Requirements answer above.

23) Can project administration of the construction phase be contracted out? Can project administration for construction be procured at the same time as PS&E?

Answer:

Yes, administration of the project during construction can be contracted out and can be procured at the same time as the contract for development of the plans, specification & estimate (PS&E) and environmental documentation. The local government would need to ensure that the PS&E procurement document includes construction phase administration in the contract's scope of work. If the local government is seeking federal reimbursement or using services as an in-kind contribution for construction for any of these services, then the procurement process must meet federal procurement requirements. If a local government is not seeking federal reimbursement for construction administration or using professional services as in-kind contributions towards the project sponsors local match for construction, then the local government needs to follow state and local government procurement rules. If a local government contracts administration of construction, the local government will still need to designate a Responsible Person In Charge (RPIC) who is a full time employee of the local government and remains engaged in the project, maintains familiarity with day-to-day project operations, makes or participate in decisions about change orders, reviews financial processes, transactions and documentation, and directs project staff (agency or consultant) at all stages of the project. The local government's RPIC will be TxDOT's main point of contact for the project.

24) Once the project sponsor incurs federally reimbursable costs, how long will it take for project sponsors to receive reimbursement from TxDOT?

Answer:

Following district review and acceptance of a complete invoice, TxDOT is required to provide reimbursement to the project sponsor within 30 days.

25) If the project sponsor is not using in-kind contributions (TA) nor seeking reimbursement for design and environmental documentation (SRTS), then does the project sponsor need to follow federal rules?

Answer:

If the project sponsor does not intend to use in-kind contributions or seek reimbursement for design and environmental documentation, the project sponsor does not need to comply with Federal Procurement Requirements. Project sponsors must still follow other state requirements for project development. The project sponsor will still need to follow state and federal rules if overseeing letting and construction of the project.

Project Design and Environmental Documentation

26) Does public involvement have to take place before the detailed application is submitted?

Answer:

The project sponsor should demonstrate public awareness and support for the project in the detailed application. Additionally any required public outreach can occur during the environmental phase of the project development process. See page 24 of the 2019 TA/SRTS Program Guide for more information. In 2017, the Texas State Legislature created a new public meeting requirement that states a public hearing must be held for a project that “substantially changes the layout or function of a connecting roadway or existing facility” (43 TAC §25.55). The addition of bicycle lanes are considered a substantial change under this legislation. Therefore, projects that include the addition of new bike lanes will require a public hearing. Public hearings held specifically to meet this requirement may be held any time during project development. Please refer to the Environmental Handbook for Public Involvement, pages 14-17, for information about the public hearing process. <http://ftp.dot.state.tx.us/pub/txdot-info/env/toolkit/760-01-gui.pdf>

27) Does construction of a shared use path trigger the public hearing requirement (43 TAC §25.55)?

Answer:

Shared-use paths and wide shoulders are not considered “bicycle lanes” for purposes of this requirement. Also, none of the following situations regarding bicycle lanes are treated as “substantially changing the layout or function of a connecting roadway or an existing facility or facilities:”

- striping bicycle lanes when the pre-existing roadway already accommodated bicycles;
- striping one or more non-continuous bicycle lanes approaching or through intersections, driveways, or other conflict areas; or
- striping bicycle lanes not along, but across a roadway at an intersection to allow the continuation of planned or existing bicycle lanes on crossing local streets or other bicycle facilities.

28) How wide should a shared-use path be?

Answer:

TxDOT recommends shared use paths be 12 ft. wide, depending on context, and anticipated future usage. The minimum width of a shared use path is 10 ft. to meet the TxDOT- adopted AASHTO Guide for the Development of Bicycle Facilities criteria.

29) Is the project sponsor responsible for environmental mitigation/remediation? Should this cost be included into the estimated construction cost budget?

Answer:

It depends. Reimbursement of extensive remediation costs associated with mitigating environmental issues won't be eligible under the 2019 TA/SRTS Program Call. However, incidental (minor) environmental mitigation/remediation is an eligible activity.

Project Letting and Construction

30) When would a project have to be let for construction?

Answer:

Projects should be let within three years after a project is awarded funds by the Texas Transportation Commission. Actual let dates will be based on the proposed project timeline in the detailed application and coordination between the local government and the district and statewide federal obligation requirements. TxDOT's executive director may eliminate a project or a portion of a project from participation in the TA/SRTS program if a construction contract has not been awarded or construction has not been initiated within three years after the date that the commission selected the project.

31) How will it be determined if a project is state let or local let?

Answer:

This will be determined on a case by case basis in coordination between the local government and the project's district office.

32) If a project sponsor has limited financial and staff resources to oversee a project, will TxDOT take on project administration directly or will the applicant need to create a budget and procure services as part of the award?

Answer:

The decision as to who will let a project (TxDOT or the local project sponsor) will be determined through coordination between the TxDOT District Office who will manage the project and the local project sponsor. Some small local entities procure a consultant to assist with project management and oversight for a locally let project. If a project sponsor is interested in TxDOT administering a project, then the project sponsor should discuss this request with the District during the review meeting after completing the preliminary application.

Safe Routes to School Specific Questions

33) Are costs associated with SRTS education materials eligible for reimbursement through the TA/SRTS Program Call?

Answer:

SRTS funding available through this call for projects is only for reimbursement of eligible design, environmental documentation, construction costs, and TxDOT's administrative fee associated with infrastructure construction. However, SRTS project sponsors required to complete student tallies and/or parent surveys (student walking counts) before and after construction.

34) For SRTS eligibility can a project only serve one school or a subset of K-8th if there is more than one eligible school in a 2 mile radius?

Answer:

Yes, SRTS projects can serve only one school or campus or a subset of K-8th grade even if there are multiple campuses or schools within a 2 mile radius.