



2019 TA/SRTS Call for Projects

Detailed Application

Frequently Asked Questions

Below are some frequently asked questions received after TxDOT’s 2019 TA/SRTS Call for Projects – Detailed Application was distributed to project sponsors. 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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Project Refinements

- 1) In the detailed application (Step 2) can a project sponsor change the funding opportunity they are interested in from what was selected in the preliminary application (Step 1)?

Answer:

The eligibility determination was made based on the information provided in the preliminary application, so project sponsors may not request consideration for a different funding program in the detailed application. If the project sponsor selected multiple funding programs in the preliminary application and wishes to narrow their interest to fewer funding programs than were previously selected, that would be allowable.

- 2) In the detailed application can the project sponsor change from the project sponsor identified in the preliminary application?

Answer:

Project sponsor eligibility was determined in Step 1 of the application process. To maintain consistency and process integrity, a change in project sponsor is not allowed at this stage. We encourage project sponsors to partner on applications and project development (and to document those partnerships on

the detailed application). Only one eligible entity is permitted to serve as a project sponsor and enter into the Advance Funding Agreement with TxDOT. The project sponsor will be 100% responsible for the local match and project development.

- 3) Can a project sponsor make changes to the proposed project scope and/or location in the detailed application (Step 2) from what was submitted in the preliminary application (Step1)?

Answer:

It is anticipated that projects will be refined between the preliminary and detailed applications based on discussion with the district, further evaluation of site constraints, cost estimation, and local priorities. However, a project submitted in a detailed application in Step 2 should be substantially the same project that was initially submitted in a preliminary application in Step 1. Examples of acceptable project refinements could include:

- slightly extending project limits to a more logical endpoint
- truncating limits to a logical destination to avoid adverse site conditions
- rerouting a project between the original termini to a parallel route with more favorable site conditions
- splitting a project into two phases or geographic areas

Additionally, smaller projects submitted in Step 1 may be combined into a single detailed application as long as the project sponsor demonstrates in the detailed application how the project elements function as a single, complete project. Whether proposed as an independent project or as an element of a larger transportation project, a proposed project must be a logical unit of work and be constructible as an independent project.

Project Details, Safety, Connectivity and Accessibility

- 4) 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 design criteria specified in the TxDOT-adopted AASHTO Guide for the Development of Bicycle Facilities (2012).

- 5) Should I check the traffic markings and signage box if the project incorporates new and existing marked crosswalks?

Answer: Crosswalks are pavement markings. Only include countermeasures proposed as part of the project in the detailed application.

- 6) If a project sponsor is applying for funding of the first phase in a two-phase project, should they include the entire two-phase project as part of the connectivity to destinations (Item 12)?

Answer:

For detailed application item 12, the project sponsor should check the major destinations to which the proposed bicycle/pedestrian project will provide access. The proposed facility does not have to directly connect to a destination if the project closes a gap or eliminates a barrier and connects to an existing non-motorized network that provides direct access to the destination. Future planned facilities should not be considered when selecting destinations for purposes of Item 12.

Local Support

- 7) 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 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 §2.107(b)(C)). 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>

- 8) Do project sponsors need to hold a public hearing before the application deadline if the project will result in substantial changes to the layout or function of the roadway, such as a road diet?

Due to the nature of road diets and the potential impact to the traveling public, it is strongly advised to conduct public outreach and provide documentation of public support in the detailed application.

Current TxDOT environmental rules require a public hearing be held for a project that “substantially changes the layout or function of a connecting roadway or existing facility.” A public hearing to comply with this state requirement may occur after the project is awarded funding. See p. 24 of the Program Guide for more information.

- 9) Can a project sponsor submit a letter of support in lieu of a resolution by the governing body?

Answer:

An adopted resolution from the project sponsor’s governing board is a required attachment to the detailed application as stated in the detailed application instructions. Additionally, p. 14 of the Program Guide, states: “An application package that fails to include items required in the instructions for the preliminary and detailed application will be considered incomplete and may not be considered for funding.” An example resolution supporting the detailed application is available on our funding webpage here: <https://www.txdot.gov/inside-txdot/division/public-transportation/bicycle-pedestrian.html>.

- 10) If the project sponsor is an ISD and the City will be maintaining the project once complete, should the City also pass a resolution concerning long-term maintenance?

Answer:

If an entity other than the project sponsor will be responsible for maintaining the project after construction, attach a letter from the responsible party committing to long-term maintenance. If the project is awarded funding, the project sponsor and agency responsible for maintenance may want to enter into an agreement formalizing respective responsibilities.

- 11) 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.

- 12) Should letters of support be sent directly to TxDOT from the senders or attached under the Public Outreach attachment through the online application? Who should the letters be addressed to?

Answer:

Letters of support must be attached to the detailed application, so all supporting documentation is compiled in one consolidated electronic file. This ensures that the letters will be taken into consideration during project evaluation. Letters of support should be addressed to the project sponsor.

- 13) 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.

Project Complexity – Right of Way/Property Ownership

- 14) 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 from the current property owner indicating the property owner's willingness to transfer property in accordance with the federal Uniform Relocation Assistance and Real Property Acquisition Act (Uniform Act). For more information, see Section J of the Program Guide and Items 26 and 29 in the Detailed Application Instructions.

- 15) All proposals must provide documentary evidence of the project sponsor's property rights by title of ownership, lease, or easement for all property within the project limits. – Can we use plats for this?

Answer:

Yes plats may be used if they clearly show property ownership in relation to the proposed project's right-of-way.

- 16) The detailed application requires documentation of the project sponsor's ROW interest. A project sponsor may not have filed a plat or deed in the county real estate records for the street in question. What evidence could be provided in this situation?

Answer:

Project Sponsors can request assistance from the county clerk to search for the recorded plat. If nothing is found, the project sponsor should obtain a surveyor's written opinion on the existence and general description of a prescriptive easement based on recovered boundary evidence.

Safe Routes to School

- 17) For the pre- and post-project student tallies, do the schools have to tally all the classrooms? If post-project student tallies show no major increase of students using sidewalks, will the sponsors be penalized for this?

Answer:

A comprehensive tally (all age-appropriate classrooms vs 5th graders only, for example) would better demonstrate need for the project and create a baseline on which to improve upon in the future. It is in everyone's (the school's, TxDOT's, etc.) best interest to demonstrate the success of the projects to better support future investments in Safe Routes to School type projects. Post-project student tally results will not impact a project sponsor's future TxDOT TA or SRTS funding opportunities.

18) Can you explain what constitutes a “contiguous route”? Would this be an uninterrupted sidewalk from the project area to the school(s), save for streets?

Answer: Yes, an uninterrupted pedestrian and/or bicycle facility connecting the project to the school.

19) Does the Safe Routes to School program fund the development of plans, specifications, and estimate (PS&E)?

Answer:

Safe Routes to School funding is 100% federally reimbursable and covers PS&E and Environmental Documentation. PS&E/environmental expenses are only eligible for reimbursement if they are included in and approved as part of the detailed application of an awarded project.

Additionally, the project sponsor must follow state and federal rules and procedures when procuring a design consultant. Only activities that occur after project award, execution of an Advance Funding Agreement, Federal Project Authorization and Agreement, and TxDOT authorization to proceed with the project are eligible for reimbursement.

Itemized Budget (Eligible Activities, Incidental Costs, Amenities, etc.)

20) Can a project sponsor make changes to the project budget?

Answer:

Yes, project sponsors can adjust the project budget from the estimated budget submitted in the preliminary application. The budget submitted for the preliminary application was intended to be a planning-level estimate, and it is anticipated that project budgets will be changed in the detailed application based on discussion with TxDOT District staff and a more detailed evaluation of the project costs. For the detailed application, the budget must be comprehensive and consider all phases of construction. To ensure funding is adequate to construct the project, guidance from a professional experienced in delivering the type and scale of projects similar to the proposed activity in Texas is recommended. The total amount of TA/SRTS funds awarded to a project by the commission is fixed, based on the estimated construction budget provided in the detailed application.

21) Are project sponsors restricted to TxDOT’s average low bid unit prices when preparing the project budget?

Project sponsors are not restricted to the TxDOT average low bid unit prices. Project sponsors can use the average low bid unit prices as a guide, but should make adjustments for local conditions, scale of project, inflation to year of construction, etc.

22) 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.

23) Would pavement work to raise the elevation of existing parking to meet ADA standards be an eligible expense?

Answer:

Yes, if the primary purpose of the project is to improve non-motorized transportation for pedestrians and/or bicyclists and the pavement work is **incidental** to the project. However all incidental items for a project cannot exceed 30% of total construction costs.

24) Can incidental costs, like drainage improvements be used toward the in-kind match if the drainage improvements exceed 30% of the total construction budget?

Answer:

No, only costs associated with the development of PS&E and environmental documentation may be used as in-kind contribution toward the local match for construction under TxDOT's current TASA rules. In-kind contributions are not eligible for SRTS projects. The local government would be responsible for any incidental construction costs for activities such as drainage improvements that exceed 30% of the total construction budget. If any element in a project nomination fails to meet federal and state requirements, the item will not be considered an eligible expense for reimbursement or as an in-kind contribution toward the local match. A project construction budget must have a minimum of 75% of its cost items eligible for reimbursement in order to remain in competition. Ineligible items will not be funded. The project sponsor will need to demonstrate a willingness and ability to pay ineligible costs and/or demonstrate that the TA/SRTS project is constructible as an independent project without the ineligible items.

25) Is the project sponsor responsible for environmental mitigation/remediation? Should this cost be included in 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. In addition, see response to Question 24 above.

26) If needing to upgrade signals to include pedestrian elements, is replacing the entire signal pole an eligible expense?

Answer:

This one is similar to an incidental cost. If replacing the entire signal pole is necessary to provide the upgraded pedestrian elements to the signals then it may be eligible as an incidental cost. All incidental items for a project cannot exceed 30% of the construction costs. If the pedestrian elements can be added to the signal without replacing the entire signal pole then the signal pole is not an eligible cost.

27) Would a bike rack be an eligible project expense?

Answer:

Yes, as long as the bike rack is publically accessible and contributes to the bicycle network by improving the public's ability to bike.

28) Are amenities eligible for reimbursement?

Answer:

Yes, bicycle/pedestrian-related amenities, such as drought-tolerant shade trees, street furniture (e.g., benches, trash receptacles), wayfinding signage, and decorative lighting, are eligible expenses. These items should comprise no more than 5% to 10% of the total itemized construction budget, depending on the size and context of the project.

29) A project construction budget must have a minimum of 75% of its cost items eligible for reimbursement in order to remain in competition. – Does this include local match items like PS&E, Environmental?

Answer:

TxDOT's 2019 TA/SRTS Program Guide states: "If any element in a project nomination fails to meet federal and state requirements, the item will not be considered an eligible expense for reimbursement or as an in-kind contribution toward the local match. A project construction budget must have a minimum of 75% of its cost items eligible for reimbursement in order to remain in competition. Ineligible items will not be funded. The project sponsor will need to demonstrate a willingness and ability to pay ineligible

costs and/or demonstrate that the TA/SRTS project is constructible as an independent project without the ineligible items.” This percentage applies to the project **construction** budget. Under the state’s current TASA rules, PS&E/environmental documentation costs are not eligible for reimbursement. They are only eligible for use as in-kind contributions toward the local match for construction. Under the SRTS program, PS&E/environmental documentation costs are eligible for reimbursement if these costs are included in a detailed application for a project selected for funding by the commission. See also response to Question 19, above.

Economically Disadvantaged Counties Program (EDCP)

30) 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 projects sponsor should fill-in a construction cost estimate on the 2019 TA/SRTS detailed application to reflect the assumed construction costs. The detailed application has 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. If the county in which the project is located becomes ineligible for the EDCP before the AFA is executed, the project would no longer qualify for the EDCP reduction and the project sponsor would be responsible for the full local match.

31) Which projects are eligible under provisions of the EDCP?

Answer:

All TA projects proposed under an eligible TA 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 by selecting the county from the appropriate drop-down on p. 11. If the project is awarded TA funding and 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 EDCP adjustment until the date the project sponsor executes the project agreement with TxDOT. If the county in which the project is located becomes ineligible for the EDCP before the AFA is executed, the project would no longer qualify for the EDCP reduction and the project sponsor would be responsible for the full local match.

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

32) If a proposed project location extends across the county boundary between two counties where varying EDCP 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 EDCP 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 EDCP 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

33) 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/fedaid_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). Neither the EDCP reduction nor in-kind contributions may be applied toward the local match for TxDOT's administrative cost.

See also response to Question 24, above.

Federal and State Requirements/Hiring Consultants

34) 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.

35) 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, when the local government uses the cost of professional services as in-kind local match for construction, or when a local government is authorized for 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

36) 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. Costs associated with development of the application are not reimbursable under TxDOT's TA/SRTS program.

37) 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 for the PS&E phase of work. See response to Question 35, above.

38) 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, specifications & 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 is not 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 participates 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 or Project Manager will be TxDOT's main point of contact for the project.

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

Answer:

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

- 40) 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 Procurement Requirements?

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 for the preliminary engineering phase of work. Project sponsors must still follow other state requirements for procurement. The environmental documentation and PS&E must still comply with federal rules and regulations. In addition, the project sponsor will still need to follow state and federal rules if overseeing letting and construction of the project.

Project Letting and Construction

- 41) 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 TxDOT District as well as statewide federal funding 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.

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

Answer:

The decision regarding if a project will have a state or local letting will be determined on a case by case basis in coordination between the local government and the TxDOT District Office.

- 43) 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 oversee project development and construction (TxDOT or the local project sponsor) will be determined through coordination between the TxDOT District Office (who will manage the project on the TxDOT side) 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 as soon as possible, to help inform development of the proposed budget.

Resources and Training

- 44) 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>
- TxDOT Local Government Projects 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 Standard Specifications 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/>

45) What training is required to become a “qualified person” if our project is awarded funding? Can you provide additional information regarding how and when a project sponsor should register for a training?

Answer:

If awarded funding, the project sponsor must have a “qualified person” actively involved in the project. A person becomes “qualified” by successfully completing the training discussed below. Further information is included in the following link to the TxDOTs Local Government Project Procedures Training and Qualification – LGP101 page. Towards the bottom of the training page are links to a description of the training, training calendar, registration form, etc. <https://www.txdot.gov/government/programs/local-government-projects/training.html>