



2023 TA Call for Projects

Frequently Asked Questions Update 5/5/2023

Below are frequently asked questions received before and after Project Sponsors submitted the Preliminary Applications for TxDOT’s 2023 TA Call for Projects (between November 29 and April 28, 2023). 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.

| | |
|---|-----------|
| Updated - TxDOT Sponsorship and Letters of Support | 1 |
| Updated - Project Refinements | 2 |
| General Questions | 3 |
| Eligible Project Sponsors, Projects, and Reimbursable Activities | 5 |
| Updated - Application and Evaluation Processes | 7 |
| Non-Infrastructure Project Category: Preliminary Applications | 9 |
| Updated - MPOs, TMAs, and Jurisdictional Questions | 10 |
| Transportation Development Credits (TDC), Economically Disadvantaged Counties Program (EDCP), and local match requirements | 11 |
| Updated - Procurement/Hiring consultants | 13 |
| Updated - Project Design and Environmental Documentation | 15 |
| Updated - Project Estimating, Letting and Construction | 17 |

TxDOT Sponsorship and Letters of Support

1) Who should be listed as an “other partnering agency” in the Detailed Application?

Answer:

To be considered a sponsoring/partnering entity, an entity must be contributing to the project. Examples of contributing activities include: providing a portion of the local match, providing ROW, or managing a phase of the project. If another entity is supportive of the project but is not contributing, that entity can provide a letter of support for the community support section (Attachment G) but would not be a sponsoring/partnering entity.

If the project is being sponsored by the TxDOT District, then the Detailed Application (Step 2) is required to include the following documentation of TxDOT’s commitment to sponsor a project:

- In the “Other Sponsoring Entities” field, insert which TxDOT District and the specific contact person with which the Project Sponsor has been communicating. For example, “TxDOT Lufkin District – John Smith”.
- Letter or email from local project sponsor(s) requesting TxDOT sponsorship – Label F - Project Sponsor Resolution
- Letter of Concurrence from TxDOT District Engineer – Label F - Project Sponsor Resolution

- TxDOT District Engineer and local project sponsor(s) signatures on Detailed Application

Even if a TxDOT District agrees to sponsor a project on behalf of a local entity, an adopted resolution from the project sponsor's governing board is still a required attachment to the Detailed Application.

If the project is on-system and the TxDOT District is not sponsoring the project, a letter from the TxDOT District Engineer providing concurrence with the project being on-system is still required.

- 2) How does an eligible project sponsor submit a request for TxDOT to sponsor a project on their behalf?

Answer:

Project sponsors should have discussed sponsorship opportunities during the Preliminary Application phase and district review meetings. Sponsoring a project on behalf of another eligible project sponsor is at the TxDOT District's discretion. TxDOT's sponsorship would be formalized during Step 2 (Detailed Application) with documentation requesting TxDOT sponsorship for the local project sponsor, a letter of concurrence from the TxDOT District Engineer, and the TxDOT District Engineer and local project sponsor signatures on the Detailed Application.

- 3) If TxDOT is applying in collaboration with a local government, does that give that applicant an unfair advantage over those not getting assistance from TxDOT?

Answer:

Each project is competitively evaluated based on the same multidisciplinary criteria. Projects sponsored by TxDOT will not be prioritized over projects without TxDOT sponsorship.

Project sponsors interested in collaborating with their local TxDOT District staff on an application should contact their District TA Coordinator to discuss.

- 4) Do project sponsors need to obtain a TIP letter from an MPO (Attachment J)? If our project is already included in the MPO TIP, do we need to include any sort of attachment demonstrating this?

Answer:

If the proposed project is not eligible to be grouped in the MPO TIP, then a letter acknowledging the project and the intent to include it in the MPO's TIP is required. However, if the project is eligible to be grouped (most projects), then a letter of support acknowledging that the project would be grouped for purposes of the STIP would be acceptable. A letter of support from the MPO is required to ensure that the MPO is aware the project sponsor is seeking funds from the TxDOT TA Call for Projects.

- 5) Would it be acceptable to include letters of support that were originally obtained for and reference a previous grant proposal for the same project, so as to not burden the same supporters twice?

Answer:

Yes, this is acceptable.

- 6) 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.

Project Refinements

- 7) In the Detailed Application, 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 PS&E and 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 funds awarded to a project by the commission is fixed, based on the estimated budget provided in the Detailed Application.

- 8) 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:

- 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 enhancement, a proposed project must be a logical unit of work and be constructible as an independent project.

General Questions

- 9) Where can interested parties find out more information about TxDOT's 2023 Transportation Alternatives Call for Projects?

Answer:

All program call materials can be found at TxDOT's website

(<https://www.txdot.gov/content/txdotreimagine/us/en/home/business/grants-and-funding/bicycle-pedestrian-local-federal-funding-programs.html>). Additional materials will be made available

periodically throughout the program call. When the Program Call opened, materials included Program Guide, Preliminary Application, Preliminary Application Instructions, and various supporting resources.

At or around March 27th, Detailed Application, Detailed Application Instructions, and additional supporting resources will be uploaded to the same webpage.

- 10) Is there a maximum or minimum award amount for the various TA project categories?

Answer:

- Community Based Infrastructure – Target project funding award amounts between \$250,000 and \$5 million per project.
- Large Scale Active Transportation Infrastructure – Target project funding award amounts between \$5 million and \$25 million per project.

- Active Transportation Network Enhancements Infrastructure – Local governments under 200,000 people, minimum target project funding award amount \$250,000; Local governments over 200,000 people, minimum target project funding award amount \$1 million.
- Active Transportation Non-Infrastructure –Target minimum project funding award amount \$100,000.
- Due to the need for obligating funds within the constraints of this federal program, TxDOT will maintain some flexibility in regard to total funding awarded in each project category. Project funding amounts listed are intended as targets. Depending on the number of applications received and amounts requested during the Call for Projects, TxDOT may award projects with costs that exceed these targets. Conversely, projects at or above maximum targets should be developed with phasing in mind, with options for scaling the project back if TxDOT is not able to award the total amount requested.

11) How do I decide which category to apply for?

Answer:

Please refer to Figure 3 on page 14 of the Program Guide for a decision tree aiding Project Sponsor in selecting the appropriate Project Category. TxDOT may refer a project sponsor to a different project category after reviewing their preliminary application, prior to releasing the detailed application.

12) Is my project eligible and is my entity/organization eligible for funding?

Answer:

Please refer to Table 3 in the Program Guide for information about project sponsor eligibility, eligible project activities, and project examples. Feel free to email bikeped@txdot.gov with detailed inquiries.

13) Is there a target number of awards or maximum amount of funding that TxDOT is looking to fund for each of the project categories?

Answer:

TxDOT does not have a target number of awards. Table 3 in the Program Guide identifies target amounts for certain project categories. Depending on the number of applications received and amounts requested during the Call for Projects, total awards by project category may vary from these targets.

14) Does TxDOT usually receive more TA applications for projects than they have funding for?

Answer:

Historically, TxDOT has received more project applications from larger project sponsors than the available funding. However, in the 2017 and 2019 TA call for projects, TxDOT received fewer applications for non-urban area projects than available funding. In response, TxDOT modified its TA Program rules with the intent to increase the number of project applications from smaller communities, resulting in an excess of applications from these areas.

15) How often will there be a Transportation Alternatives Call for Projects?

Answer:

TxDOT has hosted a TA Call for Projects every other year since 2015. Metropolitan Planning Organizations (MPOs) designated as Transportation Management Areas (TMAs) also competitively award Transportation Alternatives funding within their jurisdictions. Please contact your local MPO for additional information regarding frequency of their calls for projects. If this pattern holds, TxDOT's next TA call for projects will kick off during the 2025 fiscal year.

16) Which population numbers should a project sponsor use to determine which funding area they are eligible for? For which jurisdiction should we use population data: county, city, census designated place?

Answer:

Project location population figures used for TxDOT's 2023 TA Call for Projects should be based on the US Census Bureau's 2020 Decennial Census. See <https://data.census.gov/cedsci/>. Due to delayed release of some 2020 Census data, transportation management areas are based on 2010 Census urbanized area boundaries.

The jurisdiction used to determine population will vary by project. For a project located in a city or unincorporated area, you would use the population area for the city or "Census Designated Place". For a rural project, then you would use the surrounding Census tracts.

- 17) 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>
- 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 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/>

Eligible Project Sponsors, Projects, and Reimbursable Activities

- 18) If a project is awarded, does the project sponsor need to pay for the construction of the project out of pocket and then get reimbursed? Or can the project be initially paid by the grant?

Answer:

The TA program is not a grant program, but a federal reimbursement program for eligible activities. Project sponsors awarded infrastructure funding as part of TxDOT's TA program are reimbursed for eligible construction and design (if applicable) expenses. Project sponsors awarded non-infrastructure funding as part of TxDOT's TA program are reimbursed for eligible planning document expenses. After the project sponsor incurs eligible expenses and pays its contractors, the project sponsor will be reimbursed by TxDOT according to the Advanced Funding Agreement, signed before work begins.

Expenses incurred prior to an Advance Funding Agreement, federal authorization of the project, and notice to proceed from TxDOT (including grant writing or development assistance) are not eligible for reimbursement.

- 19) Would proposed projects in larger cities in Transportation Management Areas (TMAs) such as Houston or Dallas be eligible project sponsors under this call for Projects?

Answer:

Yes. Proposed projects located in TMAs are eligible for TxDOT's 2023 TA Call for Projects. These project sponsors would be eligible to apply for the Large-scale infrastructure, Network Enhancements infrastructure, and Non-Infrastructure project categories but would not be eligible for the Community Based project category.

- 20) Can an MPO be a project sponsor? If an MPO applies and is funded - how would "ownership" of a trail be transferred to a city(s)?

Answer:

New to the 2023 TA Call for Projects, metropolitan planning organizations (MPOs) that serve an area with a population of 200,000 or less are eligible as direct recipients for TA funds.

For infrastructure projects, TxDOT encourages MPOs to partner with the local entities on the application and implementation since the local jurisdiction would likely be the owner of the ROW and resulting project and likely responsible for maintaining the investment.

- 21) Is the purchase of property for a bikeway or pedestrian facility eligible for reimbursement under this program?

Answer:

The department's TA funds are available for right-of-way acquisition on a case-by-case basis as approved by TxDOT. ROW acquisition must facilitate project execution within TA Program obligation requirements and be supported by affected property owners to ensure property acquisition does not delay project implementation.

- 22) How does an eligible project sponsor submit a request for TxDOT to sponsor a project on their behalf?

Answer:

Project sponsors can discuss sponsorship opportunities during the preliminary application phase and district review meetings. Sponsoring a project on behalf of another eligible project sponsor is at the TxDOT District's discretion. TxDOT's sponsorship would be formalized during Step 2 (Detailed Application) with documentation requesting TxDOT sponsorship for the local project sponsor, a letter of concurrence from the TxDOT District Engineer, and the TxDOT District Engineer and local project sponsor signatures on the Detailed Application.

- 23) If TxDOT is applying in collaboration with a local government, does that give that applicant an unfair advantage over those not getting assistance from TxDOT?

Answer:

Each project is competitively evaluated based on the same multidisciplinary criteria. Projects sponsored by TxDOT will not be prioritized over projects without TxDOT sponsorship.

Project sponsors interested in collaborating with their local TxDOT District staff on an application should contact their District TA Coordinator to discuss.

- 24) Are utility or water drainage costs eligible under any project category?

Answer:

Minor utility adjustments or stormwater and drainage work may be included in the budget if these activities are incidental to the bicycle or pedestrian project. Minor utility adjustments or stormwater & drainage work would be eligible if these costs do not exceed 30% of the total project construction cost. Major utility relocations are not eligible.

- 25) A project sponsor's jurisdictional boundaries cross two counties with a portion of the jurisdiction eligible for TDCs and a portion not eligible for TDCs. If this project sponsor applies for a TxDOT TA award in the Active Transportation Non-Infrastructure project category will the project be eligible for TDCs (100% federal funding)?

Answer:

For infrastructure and non-infrastructure projects that are located only partially within a TDC eligible area, TxDOT will prorate based on the portion of the project that is TDC eligible. For example, if a city applies for the Active Transportation Non-Infrastructure project category for a city-wide planning document and 30% of a city is TDC eligible, then TDCs would cover 30% of the local match (6% of total project value) and the city would be responsible for remainder (14% of the total project cost).

Application and Evaluation Processes

- 26) Our project is in the Community Based project category, but as we develop the budget for the Detailed Application it seems that project costs will exceed the \$5 million dollar target for Community Based, should we change the project category to Large Scale Active Transportation and complete the transformational elements narrative?

Answer:

If the project costs are \$6 million or less, continue as a Community Based Project. The \$5 million dollar threshold is a target. If the project exceeds \$6 million in project costs please move to the Large Active Transportation Category and complete the Transformative Elements narrative.

- 27) Will the cost of a project impact project score? Should a project sponsor reduce width or use less expensive surfacing in order to reduce costs and increase project competitiveness?

Answer:

The cost of a project will not impact the score. TxDOT wants to use federal dollars to fund high quality projects that provide adequate levels of service with low maintenance costs over the life of the facility. Project sponsors may be asked to reduce the limits of a good project to meet any funding constraints. If a project sponsor feels that project costs are too high, add an explanation and exhibit in Attachment A or B that shows possible phasing of the project.

- 28) If a project is proposing to repurpose an existing travel lane for bicycle use, would it be possible to satisfy the public hearing requirement now rather than later? This would allow the project to be implemented more quickly, which is a key objective of the Transportation Network Enhancement category.

Answer:

While it would allow for quicker implementation if the public hearing occurred before potential award, project sponsors need to ensure that the project is developed enough to meet the public hearing requirements. Project sponsors should reference the [Environmental Handbook for Public Involvement](#) to make sure the project is developed enough to meet the requirements to hold the public hearing and work with the TxDOT District environmental coordinator to develop the best approach.

- 29) There is a limit of three applications. Does this limit apply to preliminary applications (Step 1), or can a project sponsor submit more than three preliminary applications and then narrow the number of applications to three for the detailed application (Step 2)?

Answer:

Project sponsors may submit up to three preliminary applications. These projects may be submitted for any project category. Only projects found eligible based on the preliminary application can be submitted for Step 2, the detailed application phase.

- 30) Will applications submitted during previous TA Calls for Projects that were not awarded funding be considered in the FY 21-22 program without re-application?

Answer:

No, projects submitted during previous TxDOT TA Calls for Projects that were not awarded must be resubmitted using the 2023 preliminary and detailed applications to be considered for funding under TxDOT's 2023 TA Call for Projects.

- 31) Is there a benefit to/preference for proposing a project in TxDOT ROW?

Answer:

Projects that are on or adjacent to the TxDOT maintained roadway network will not receive a higher rank simply because the project is on-system. TxDOT's priority with this program call is to fund quality bicycle and pedestrian projects leveraging as much TA funding as possible. However, TxDOT reserves the right to use other federal and/or state resources to implement a project submitted under this program call that is located within TxDOT right-of-way and advances the department's ADA/pedestrian accessibility, safety, or mobility goals. Refer to pg. 5 of the Program Guide for more information about alternative funding sources.

- 32) Does the program have a preference between project types (i.e., sidewalks, multi-use paths, etc.)?

Answer:

All eligible project types are welcome. Review Section C of the Program Guide for information about project evaluation and selection criteria to assist in identifying competitive projects.

- 33) Do all project elements have to connect? For example, is making sidewalk improvements at different locations considered one project or do the improvements need to connect?

Answer:

A project that fills in gaps in a non-motorized transportation network may be eligible, if the detailed application demonstrates how the proposed elements contribute to a single, interconnected project or network. Project sponsors may be asked to split a larger project into smaller segments if each element of the project makes more sense as a standalone project.

- 34) Our city is having trouble finding a single project to meet the \$5 million minimum for the Large-Scale Active Transportation Infrastructure project category. Can a project sponsor propose multiple projects under a single application to reach this minimum threshold?

Answer:

Yes, projects may be composed of multiple elements that work together to create a connected network. The project sponsor should demonstrate how the elements contribute to a connected network in the project description, the maps, the planning section, and in the transformational narrative.

- 35) Are projects crossing RR ROW less likely to be recommended for the detailed application?

Answer:

No, projects that cross RR ROW are not less likely to be recommended for Step 2 (detailed applications). However, it is important to identify project complexities early in the project development process so that these complexities can be addressed to avoid delays in project implementation if the project is awarded funding. Advanced railroad coordination is strongly recommended and may be essential for funding consideration. Obtaining railroad approval can take several years in some instances. The detailed application should document coordination to date with the affected railroad regarding the proposed project.

- 36) Does "project readiness" mean you need to have engineering complete and PS&E documents ready to go?

Answer:

No. Project readiness is dependent on a number of factors listed in Table 4 in the Program Guide and using information provided in the Detailed Application (Step 2). Shovel-ready projects demonstrate excellent project readiness; however, projects with few constructability concerns that are not shovel ready are still very competitive in TxDOT's calls for projects for TA funds.

- 37) Does the preliminary application need to be completed by an engineer?

Answer:

No. The preliminary application does not need to be completed by an engineer. The cost estimate in the preliminary application is intended to be a high level, general estimate. It provides TxDOT staff an idea of project scale and scope. The itemized budget estimate in the detailed application needs to be reflective of conceptual or planning-level estimated costs anticipated for the project.

- 38) 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) and Statewide TIP (if individually listed), execution of the Advance Funding Agreement, federal authorization of the project, and authorization from TxDOT to proceed are not eligible for reimbursement.

- 39) 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.

- 40) 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 as long as the original project concept and intent is maintained. The cost estimate provided for the preliminary application is a high level, general estimate. In the detailed application, the itemized budget estimate determines the amount of federal funds that will be awarded.

- 41) 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 in accordance with federal law.

Non-Infrastructure Project Category: Preliminary Applications

- 42) When applying for Non-Infrastructure (Planning) TA funding, how do we respond to questions which seem to only apply to infrastructure projects?

Answers:

Project location:

The first page of the Preliminary Application requests identification of a project in relationship to a roadway. Planning documents will likely not have specific project locations identified. Please select “Not within the right-of-way of any roadway”.

Google Map link:

The first page of the Preliminary Application requests a google map link (made shareable). Project sponsors seeking Non-Infrastructure TA funding can put any of the following in this form field:

- A google map link featuring the geographic extent of assumed planning document study area
- A google map link of the jurisdiction boundaries if the planning document study area is coterminous with the entity boundaries, or
- The name of the city or census designated place if the planning document study area is coterminous with the entity boundaries.

NOTE: Project sponsors seeking Non-Infrastructure TA funding do not need “Start” and “End” points in their maps.

Project complexity:

The final page of the Preliminary Application requests project sponsors to acknowledge elements of complexity with their project location. Planning documents will likely not have specific project locations identified. Please select “No” for any elements of Project complexity that do not apply to your project.

MPOs, TMAs, and Jurisdictional Questions

- 43) Does the local government have to outright own ROW or can an Interlocal Agreement be reached for indefinite use, for example railroad ROW?

Answer:

The project sponsor does not have to own the ROW for the project but must have consent from the ROW owner. Proposed improvements may be located on state-maintained roadway ROW (“on-system”) or on property owned by the project sponsor or a third party (“off-system”). Projects may be constructed on private property if the proper easement is obtained, and the easement allows public access. Projects that include state-maintained ROW or have a direct effect on an existing state-maintained roadway must have a recent letter of consent, addressed to the project sponsor, and signed by the current TxDOT District Engineer of the TxDOT district in which the project is located. This consent cannot be delegated.

A railroad agreement may be necessary for projects that cross a railroad. Coordination with a railroad is required for all projects that are within 100 feet of railroad right-of-way (including grade-separated crossings) and/or all projects that begin or end within 500 feet from an at-grade highway-rail crossing to ensure traffic control and construction do not interfere with an active crossing. Obtaining railroad approval can take several months and in some instances several years. More information will be provided in the Detailed Application instructions.

- 44) If a TA project was not awarded funding following an MPO Call for Projects, can the project sponsor submit the project to TxDOT?

Answer:

Yes. The same project already submitted to the MPO’s Call for Projects can be submitted to TxDOT’s Call for Projects as long as the project is not submitted to MPO and TxDOT calls for projects concurrently. The project sponsor must fill out TxDOT’s TA applications.

- 45) If part of our jurisdiction is in a TMA and part is outside, are we eligible to submit a project located in our jurisdiction but outside of the TMA boundary?

Answer:

Yes, TA funding eligibility is determined by project location. If the project is located inside of the TMA, it is not eligible for Community Based TA funding. Please see Table 3 and Figure 3 to determine for which project category a proposed project may be eligible. If a project crosses a TMA boundary and is therefore located both inside and outside the TMA, please contact TxDOT PTN (bikeped@txdot.gov) for additional discussion.

- 46) Does the local government have to outright own ROW or can an Interlocal Agreement be reached for indefinite use, for example railroad ROW?

Answer:

The project sponsor does not have to own the ROW for the project but must have consent from the ROW owner. Proposed improvements may be located on state-maintained roadway ROW (“on-system”) or on property owned by the project sponsor or a third party (“off-system”). Projects may be constructed on private property if the proper easement is obtained, and the easement allows public access. Projects that include state-maintained ROW or have a direct effect on an existing state-maintained roadway must have a recent letter of consent, addressed to the project sponsor, and signed by the current TxDOT District Engineer of the TxDOT district in which the project is located. This consent cannot be delegated.

A railroad agreement may be necessary for projects that cross a railroad. Coordination with a railroad is required for all projects that are within 100 feet of railroad right-of-way (including grade-separated crossings) and/or all projects that begin or end within 500 feet from an at-grade highway-rail crossing to ensure traffic control and construction do not interfere with an active crossing. Obtaining railroad approval can take several months and in some instances several years. More information will be provided in the Detailed Application instructions.

Transportation Development Credits (TDC), Economically Disadvantaged Counties Program (EDCP), and local match requirements

- 47) Which projects are eligible under provisions of the Transportation Development Credits (TDCs)?

Answer:

Under TxDOT’s 2023 TA Call for Projects, eligibility for TDCs is as follows:

1. The project is located in an economically disadvantaged county certified by the commission for FY 2023, or
2. The project is located in a city/Census Designated Place (CDP) that meets all of the following criteria:
 - Population less than 200,000
 - Below state average per capita taxable property value¹
 - Below state average per capita income², and
 - Above state average unemployment³

The Program Guide identifies cities and CDPs that are eligible for TDCs in a table format. For a map of cities and CDPs eligible to use TDCs for local match please use this link:

<https://txdot.maps.arcgis.com/apps/webappviewer/index.html?id=eb6b53d80aef46a3a9f5c28dd4248597>).

¹ Texas Comptroller of Public Accounts; 2020 City Rates and Levies, Total Property Market Value and U.S. Census Bureau; 2020 5-Year American Community Survey, Table DP05, Total Population

² U.S. Census Bureau; 2020 5-Year Community Survey, Table DP03, Per Capita Income

³ U.S. Census Bureau; 2020 5-Year Community Survey, Table DP03, Civilian Unemployment Rate

For rural projects located outside jurisdictional boundaries or CDPs not identified on the map, contact TxDOT-PTN for guidance.

- 48) If a proposed project location extends across the county boundary between two counties where one county is eligible for TDCs and one county is not, how does TxDOT determine TDC eligibility?

Answer:

If a project extends into two counties and one county is eligible for TDCs and one does not, then TxDOT will prorate the reduction percentage according to the proportion of the project located in the TDC eligible area.

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 TxDOT-PTN at BikePed@txdot.gov for assistance in accommodating these reductions on the submitted detailed application.

- 49) If my community is eligible for TDCs, is there a limit to the amount of credit or is it automatically no cash match?

Answer:

TDCs allow for 100% federal TA funds to be applied to the project in lieu of a local match, so eligible projects will require no cash match.

- 50) If the project sponsor has used MPO TDCs for a previous project, can the project sponsor still qualify to use TxDOT TDCs for this call for projects?

Answer:

Previous usage of TDCs does not impact a project sponsor's eligibility for TDC during the TxDOT 2023 Call for Projects. TDC eligibility criteria for TxDOT's 2023 Call for Projects can be found in the Program Guide (pages 15 and 16). Additionally, project sponsors can investigate eligibility using TxDOT's TDC eligibility map

(<https://txdot.maps.arcgis.com/apps/webappviewer/index.html?id=eb6b53d80aef46a3a9f5c28dd4248597>). TDCs granted by an MPO may not be used as match for TxDOT's TA funds.

- 51) MPOs are now eligible project sponsors for TxDOT's TA Call for Projects. Will MPOs be required to provide a 20% local match?

Answer:

Yes, MPOs who are not eligible for TDCs will be required to provide a 20% local match while federal funds will cover 80% of the project. MPOs may wish to partner with a local government(s) to provide the 20% local match.

- 52) A potential project sponsor has secured funding for the engineering design phase and a portion of the construction phase, can this potential project sponsor use this funding as their local match for TxDOT TA funds?

Answer:

The Transportation Alternatives program no longer accepts in-kind contributions in lieu of local cash matches. Additionally, in most cases, other federal funding cannot be used for local match. Funds from other federal funding programs may be used as a local funding match only when specifically authorized by federal law or regulation.

- 53) Are in-kind local matches acceptable for this funding program?

Answer:

The Transportation Alternatives program no longer accepts in-kind contributions in lieu of local cash matches.

- 54) If a project is selected for funding by the Texas Transportation Commission as part of TxDOT's 2023 TA Call for Projects, when will project sponsors (with funded projects) be required to pay their local match?

Answer:

If TxDOT implements a project on behalf of the project sponsor, then the project sponsor would be responsible for paying its entire local match for each phase of work prior to initiation of that phase.

The local funding match for the preliminary engineering phase, including TxDOT's direct state cost for review of project plans and environmental documentation, would be due to TxDOT within 30 days of the local government receiving the fully executed Advance Funding Agreement (AFA). The AFA should be executed between 6 months and one year after the date that the commission selected the project for funding. If a project is state let, the remaining local match for construction and direct state costs for construction oversight would be due to TxDOT 60 days prior to TxDOT's construction letting of the project.

If the project sponsor is responsible for developing preliminary engineering documents for federal participation and/or a local letting is authorized, the local government would remit the local match for TxDOT's direct state costs at the beginning of each phase of work. The project sponsor would then pay its contractors up front and be reimbursed for 80% of the eligible construction costs, plus any local match adjustment.

Procurement/Hiring consultants

- 55) **Where can project sponsors find TxDOT's procurement process for consultants?**

Answer:

TxDOT's local government procurement guidance can be found here: [Local Government Projects Policy Manual: Procurement](#).

- 56) 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 funds. Work to develop the application is not reimbursable with TA program funds.

- 57) 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.

- 58) 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 procuring professional services, the local government must submit federally 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

- 59) If the project sponsor is not seeking reimbursement for design and environmental documentation, then does the project sponsor need to follow federal rules?

Answer:

If the project sponsor does not intend to 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.

- 60) If an engineering firm completed the project application and project receives an award, is that engineering firm eligible to complete preliminary engineering and/or environmental documentation the work?

Answer:

There is nothing in the Local Government program or FHWA guidance that would preclude them from participating. However, the LG and the engineering firm may want to review the Texas Engineering Code (Section 663.4 - Conflicts of Interests) and apply the code on the specifics of the project activities.

LGs need to insure however that while a consultant can aid in preparation of the application and still be eligible to prepare the PS&E etc., no consultant involved in preparing any relevant procurement documents is eligible to be considered for that procurement [2 CFR 200.319(b)].

- 61) If the City has a contract inspector, are those allowable/reimbursable expenses? Would an on-staff inspector be a reimbursable expense?

Answer:

Both a contracted inspector and a LG employee inspector conducting construction inspections are eligible for reimbursement under the program.

- 62) 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, then the procurement process must meet federal procurement requirements. If a local government is not seeking federal reimbursement for construction administration, 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.

Project Design and Environmental Documentation

- 63) If the proposed project includes a new traffic signalization device, does the traffic signal warrant analysis need to be signed and sealed when the project sponsor submits to TxDOT?

Answer:

For new traffic signalization, beacons, or school zones, project sponsors should provide supporting documentation indicating that the signals, beacons, or school zones meet warrants/conditions in accordance with TMUTCD and TxDOT policy. A signed and sealed warrant study will be required to receive reimbursement but can be completed during project development and is not required as part of the detailed application.

- 64) Our project requires replacement of traffic signals. Would replacement of traffic signals be eligible for reimbursement.

Answer:

If replacing the traffic signal poles and lights is necessary due to the project these costs are reimbursable as incidental costs, so it would fall within that 30% incidental limit with other incidental items for the project. The ped/bike elements of the signals like push buttons or ped heads would be reimbursable as a regular pedestrian or bicycle expense and would not count against the 30% incidental limit.

- 65) The Detailed Application instructions indicate to use the TxDOT NEPA Scope Development Tool. However, I cannot find that specific toolkit on the TxDOT website, even when clicking on and navigating the link provided. Where can project sponsors locate that toolkit?

Answer:

TxDOT moved TxDOT NEPA Scope Development Tool into the Environmental Compliance Oversight System (ECOS). Access to the tool is only available if you have a login to ECOS. Completing the TxDOT NEPA Scope Development Tool is not required and not completing it will not affect your score if you are unable to access that tool as it is not available to everyone.

- 66) If the proposed project is several miles long, is the project sponsor required to provide a project layout for the entire corridor of the project? If the proposed improvements are consistent throughout the corridor, perhaps several representative typical layouts could be provided with special notes indicating utility relocations or alignment changes?

Answer:

Project sponsors will be required to provide the layout for the entire route as it will provide context and a preliminary understanding of potential conflicts, ROW availability, and/or utility challenges. For stretches that have consistent design elements, typical sections can feature a more zoomed out exhibit. For project segments needing more attention, typical sections can feature a more zoomed in exhibit.

- 67) If we have completed PS&E, hydraulic studies, letters of support, ROW letters, or any other documentation that exceed the limits provided in the Detailed Application how should we approach providing documentation of the completed work?

Answer:

As much as possible provide summaries of the items completed and some example pages of the work done in the attachments. For example, if you have many letters of support, a summary list could be provided as an attachment with a few of the full letters you would like to highlight. For PS&E, example pages could be attached to the Detailed Application, but also provide the link to the complete plan set so that it is available for review. A link could be provided to a Box.com or other file sharing service.

- 68) Can a project that is just Engineering Design & Environmental be competitive?

Answer:

Project applications submitted to TxDOT's 2023 TA Call for Projects that are not a planning document submitted in the Active Transportation Non-Infrastructure category must include a request for construction funding. During project evaluation, TxDOT may identify potential constructability concerns (e.g., drainage issues, limited ROW, substantially inadequate budget, etc.). In this situation, TxDOT may recommend a project be phased and advanced for preliminary engineering (i.e., PS&E, and environmental documentation) only. If a project is awarded preliminary engineering funding only, the project must be resubmitted in a future call for projects to be considered for construction funding.

- 69) Can you clarify the requirements for turning in documents 20 weeks prior to letting? Is that for 60% PS&E? the Quality Assurance plan??

Answer:

The 20-week timeframe is specific to the Plans, Specifications & Estimate (PS&E). Most likely you're submitting 30% schematics, then 60%, then 90%. That 90% is typically submitted 20 weeks before letting. It may take less time, but that's the general guidance we provide. That's a discussion you can have with your TxDOT Project Manager. They will look at their workload and provide a timeframe. The Quality Assurance plan can be submitted towards the end of the PS&E development. We encourage Local Governments to adopt TxDOT's Quality Assurance plan for these projects.

- 70) If our sidewalk is connecting to a sidewalk along school property do we need to make sure that sidewalk is brought up standards?

Answer:

There is no requirement to upgrade sidewalks that your project connects to. However, the project may be more effective, overall, if improvements are made to the connecting facility, such as improvements to comply with the Americans with Disabilities Act (ADA). Note that sidewalks within school property for internal circulation only would not be eligible for TxDOT's TA funds. Publicly accessible sidewalks along school property that serve the greater pedestrian or bicycle transportation network would be eligible.

- 71) Must trails/sidewalks meet any AASHTO standards such as lighting and/or call boxes?

Answer:

The need for lighting and call boxes is context dependent and should be considered where appropriate to enhance visibility and user safety. All bicycle/pedestrian infrastructure design must comply with the Americans with Disabilities Act (ADA) and meet or exceed the minimum design requirements identified in the latest edition of TxDOT's *Roadway Design Manual*. Pedestrian facilities must conform to the *Public Right of Way Accessibility Guidelines* (latest edition) as published by the US Access Board or the 2010 ADA Standards and Texas Accessibility Standards, as applicable. All design criteria for on-road and off-road bicycle facilities must comply with TxDOT's *Roadway Design Manual* and the *Guide for the Development of Bicycle Facilities* (latest edition) as published by the American Association of State Highway and Transportation Officials (AASHTO). See Section I of the Program Guide for more information. In addition, further design guidelines will be provided in the Detailed Application instructions, which will be posted on TxDOT's TA funding webpage in Spring 2023.

- 72) 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 Section I of the 2023 TA 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 is 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, Section 6, for information about the public hearing process. <http://ftp.dot.state.tx.us/pub/txdot-info/env/toolkit/760-01-gui.pdf>

- 73) 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 2023 TA Program Call. However, incidental (minor) environmental mitigation/remediation may be an eligible activity and must be documented in the itemized budget in the detailed application.

Project Estimating, Letting and Construction

- 74) What expenses are included in the "TxDOT oversight cost"? Should project sponsors include construction management, construction administration, and material testing if these costs are included in the "TxDOT Oversight Cost".

Answer:

TxDOT oversight costs are intending to cover TxDOT's costs for oversight and administration of TA projects. If the proposed project is anticipating the local government to handle project letting (local let), then it is advisable to include additional construction related costs for construction management, construction administration, materials testing, etc. in the budget in case the local government needs funding for these items. However, if the proposed project is anticipated to be state let by the TxDOT District, then these expenses can be removed as TxDOT will be responsible for these activities.

If the proposed project is planned for local let, but later the project sponsor and the local TxDOT District agree to state let, then those cost can be rolled into the construction budget and provide an additional contingency.

- 75) Is there a standard amount or percentage TxDOT charges for TxDOT administration costs to the applicant?

Answer:

For TxDOT's TA Program, the detailed application will automatically calculate an estimated amount for TxDOT's oversight of project development and construction (known as "direct state costs" or an administrative fee). For purposes of TxDOT's TA Program, direct state costs are calculated at 15% of the total construction cost. The direct state costs are reimbursable with federal funds at the same rate as the rest of the project, including any eligible local match reduction.

- 76) It was stated that projects have a 3-year letting window or TxDOT risks losing funds. When does the 3-year clock start? Is it when funds are awarded?

Answer:

The 3-year clock is dependent on when the funds are authorized to the State. TxDOT PTN programs projects based on project complexity, the proposed project timeline in the detailed application, and project readiness, as well as coordination between the local government and the district. To ensure that TA funds are utilized in a timely manner, simpler projects are programmed to let sooner, while more challenging ones are programmed to let later. It is critical that projects are advanced as expeditiously as possible once awarded, so that TxDOT can manage TA funding allocations and ensure that statewide TA funds do not lapse. Soon after project award a let date will be established for each project.

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

Answer:

Projects should let within three years after a project is awarded funds by the Texas Transportation Commission. However, some project may need to be let sooner to ensure the state does not lapse TA funds. Actual let dates will be based on project complexity, the proposed project timeline in the detailed application, project readiness, 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 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.

- 78) 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.

- 79) Is there a max cost percentage of construction for "Incidental" items?

Answer:

Incidental items, such as landscape replacement, minor drainage improvements, minor environmental mitigation, and minor utility adjustments may not exceed 30% of the project's total itemized construction budget. Additionally, bicycle/pedestrian-related amenities, such as drought-tolerant shade trees, street furniture (e.g., benches, trash receptacles), wayfinding signage, and decorative lighting, should comprise no more than 5% to 10% of the total itemized construction budget, depending on the size and context of the project. In order to be reimbursed by federal funds, incidental items and amenities should be included in the Itemized Construction Cost Estimate in the detailed application.

- 80) How can project sponsors input their assumed inflation and contingency costs in the detailed application budget section?

Answer:

Changes in materials and labor costs due to inflation are difficult to predict. TxDOT will provide clear guidance on what contingency percentages are allowed and acceptable annual inflation rates in the detailed application instructions.

- 81) For TxDOT Transportation Alternatives project awards, is it possible to transfer these Federal Highway Administration (FHWA) funds to the Federal Transit Administration (FTA) for administration?

Answer:

Yes, for an entity who is also an FTA grantee, TxDOT is planning to allow TA funds to be transferred to FTA if both TxDOT and project sponsor agree. Projects must also meet the requirements of the receiving FTA grant program and must have a transit nexus (pedestrian project within 1/2 mile of a transit stop or bike project within 3 miles of transit stop).