

**RIO GRANDE VALLEY
METROPOLITAN PLANNING ORGANIZATION (RGVMPO)**

**Bicycle and Pedestrian Advisory Committee Meeting
Wednesday, October 7, 2020**

**AT
11:00 A.M.**

AGENDA

VIA – Microsoft Teams

I. CALL TO ORDER

II. ROLL CALL

III. CITIZENS INPUT

IV. PRESENTATION, ACTION AND DISCUSSION ITEMS

A. Consideration and Action to Approve the Minutes of September 2, 2020

B. Discussion on 2021-2022 TASA Project Call – Update

C. Discussion Regarding ATG Active Transportation Plan

- Deadline to submit comments to the RGV MPO for the Active Transportation Plan
- Questions

V. NEW OR UNFINISHED BUSINESS

VI. ADJOURNMENT

Meeting of the Rio Grande Valley Metropolitan Planning Organization Bicycle Pedestrian Advisory Committee (BPAC) Meeting

Wednesday, September 2, 2020
At
11:00 AM

Microsoft TEAMS MINUTES

I. CALL TO ORDER

The Bicycle Pedestrian Advisory Committee (BPAC) meeting was held VIA Microsoft TEAMS and called to order by Vice Chairman Michael McNew, at 11:03 AM.

II. ROLL CALL

RGVPAC Representatives in attendance were as follows:

Members Present:	
Entity	Individual
Bicycle / Ped Health Advocate	Rose Gowen (Chairperson) ABSENT
Bicycle / Pedestrian Citizen At-Large	Michael McNew (Vice Chairman)
City of Brownsville	Cody Baczewski (Designee)
	Antonio Zubieta (Alternate)
City of Edinburg	Larry Ayala (Designee)
City of Harlingen	Andy Vigstol (Designee)
	Javier Mendez (Alternate)
City of McAllen	Marlen Garza (Designee)
	Martina Mejia (Alternate)
City of Pharr	Cynthia Garza (Designee)
	Maria Rangel (Alternate)
Texas Parks/Wildlife Department – Estero Llano Grande State Park	Javier De Leon (Designee)
TxDOT	Joseph E. Leal (Designee)
	Evan Roberts (Alternate)
	Craig Wuensche (Alternate)
Valley Metro – B-Cycle	Juan Macias (Designee)
Valley Metro	Frank Jaramillo (Designee) ABSENT
Bicycle World RGV	Ana Adame (Designee)
Citizen At-Large	Eudenia "Eudy" Carrillo (Designee) ABSENT
Museum South Texas History	Rene A. Ballesteros (Designee) ABSENT
Bicycle / Pedestrian Citizen At-Large	Richard Cavin (Designee)
Bicycle / Pedestrian Citizen At-Large	Michael Padgett (Designee) ABSENT
Ex-Officio	
Rails -To-Trails Conservancy	Eva Lizette Garcia
STAFF	
RGVMPO	Andrew A. Canon
RGVMPO	Crystal Gonzalez
RGVMPO	Rudy Zamora

III. CITIZENS INPUT – NONE

IV. PRESENTATION, DISCUSSION, AND ACTION ITEMS

A. Consideration and Action to Approve the Minutes of August 5, 2020

Vice Chairman Michael McNew asked if there were any corrections to the Minutes of August 5, 2020. No corrections were noted to the minutes of August 5, 2020, Cody Baczewski (City of Brownsville) made a motion to approve minutes as presented by staff. The motion was seconded by Cynthia Garza (City of Pharr) and upon a vote; the motion passed unanimously.

B. Consideration and Action to Approve New Member

- **Christine Donald (Santa Ana National Wildlife Refuge)**

Christine Donald introduced herself, stating that she has been with USFWS for 15 years and is interested in more bicycling programs in the refuge units. Vice Chairman Michael McNew asked if the refuge were currently open to the public and Christine Donald explained that currently the refuge is not open to the public, but it was not due to COVID and instead was due to flooding from recent storms. Eva Garcia asked if the Santa Ana Refuge had a separate Friends group than Laguna Atascosa and Christine Donald explained that there are separate groups. The name of the Complex group is called Friends of the Wildlife Corridor. Eva explained that she wanted to understand the relationship with the two different Refuges. Christine explained the Visitor Services staff do work together.

With no further questions, Committee Member Richard Cavin made a motion to approve Christine Donald as the representative for USFW. The motion was seconded by Committee Member Cynthia Garza and upon a vote; the motion passed unanimously.

C. Discussion on 2021-2022 TASA Project Call

Crystal provided an update on TASA 2021-2022, sharing the flyer that specifies the Call for Projects. The Call opens September 1st and closes October 23rd. Entities applying will ask to turn in a 'hand' copy of the application(s) as they always have. Funding available for construction with this call is \$3,084,185 and \$342,687 for planning projects. The flyer and additional files for the Call for Projects is on the RGV MPO website and has been shared on Social Media. Vice Chairman Michael McNew asked what entities are eligible to apply. Crystal responded that municipalities, transit agencies, school districts, and public sector organizations may apply. Eva Garcia chimed in that the project sponsor will have to execute an Advanced Funding Agreement with TxDOT if awarded.

Vice Chairman Michael McNew asked if there were any additional questions. Eva Garcia asked how the Call was being distributed to the municipalities and was notified that the call had been presented to the RGV MPO Technical Advisory Committee. Crystal advised the Committee that a workshop video was available but there were no plans for another workshop, although one could be coordinated at the request of the Committee.

Eva Garcia brought up the details of the TASA Timeline being presented and asked how the projects were going to be scored. Vice Chairman Michael McNew explained the previous process they had gone through with former calls and that the BPAC members were responsible for really reviewing the applications and ensuring they met the scoring criteria before making recommendations to the TAC. Eva Garcia asked if there was going to be a special meeting for the review and evaluation. Crystal stated we would be meeting on November 19th for the review and evaluation. After further discussion, the Committee agreed that the platform/procedure for application evaluation should be explored for virtual and in-person submittal.

Report only, no action taken.

D. Discussion on a New Regional Bike Map

Vice Chairman Michael McNew explained that the Hidalgo County MPO, with TxDOT, created a Bicycle Friendly Business map which shows stores, restaurants, and city facilities that will allow a person by bicycle to come to their facility where they can provide either first aid, water, bike rack, etc. This map also includes all the speed limits, bicycle trails, shoulders, and anything that would help a cyclist get to and from their destinations. It is on

the U.M.A.P. but 2,500 first editions were printed. Mr. McNew wanted to share to preemptively think about a regional map for both Hidalgo and Cameron Counties. It also included bikeshare station locations, safety tips and inserts of more urban areas. TxDOT printed them for free with the production occurring with staff time.

Report only, no action taken.

E. Discussion Regarding ATG Active Transportation Plan

Mr. Lee Miller with Alliance Transportation Group (ATG) provided an update on the following:

- **Update on Schedule**

Last week the existing conditions and needs assessment memo was delivered to the MPO Staff. There has not been a lot of time for the staff to go over it yet, but they will be working hard to get the next couple of the Chapters out by the end of September.

- **Review of Existing Conditions and Needs Assessment**

A policy and program review was done on the more populated communities to see what was supporting active transportation use. There are a lot of communities that have a safe passing ordinance, a few municipalities are doing open street events. This gives us an idea of where to focus efforts going into the future. The crash data showed there are 19 intersections that have more than 4 crashes, with the most crashes occurring at the intersection of International Blvd. and Southmost Blvd. in Brownsville. There are a concerning amount of fatalities occurring and it should be highlighted in a safety campaign for better design.

- **Reminder for Local Pictures and Comments on Vision Statement by September 9th**

Mr. Miller thanked Andy and Eva for sending local photos. He invited others to submit photos and made a last call for comments on the Vision Statement.

Report only, no action taken.

V. NEW OR UNFINISHED BUSINESS

- **Recycled Bike Art** – Vice Chairman Michael McNew shared that Bike McAllen, Metro McAllen, Texas A&M and Quinta Mazatlan came together to put on a recycled bicycle art project. They are putting on a 30-day kindness trail and everyone is invited to visit.

VI. ADJOURNMENT There being no further business to come before the BPAC Committee, Member Larry Ayala (City of Edinburg) made a motion to adjourn meeting at 11:58 AM. The motion was seconded by Cynthia Garza (City of Pharr), and upon a vote; the motion passed unanimously.

TASA UPDATES AS PER MINUTE ORDER #115852 ADOPTED BY TXDOT TRANSPORTATION COMMISSION ON SEPT. 24, 2020

- Add Preliminary Engineering (PE) and Environmental Documentation as eligible in communities under 50,000 in population
 - Modifies local match options to include development credits & eliminate “in kind” match.
 - For areas in the MPO planning area (MAB) but outside of the federally designated Transportation Management Area (TMA) may submit applications to either the MPO or statewide program call, but not both concurrently.
 - Requires MPO to include TxDOT’s Direct Cost for PE and Construction oversight in the TASA awarding. **(We are seeking specific guidance on this matter)**
-
- Allows returned funds to address reasonable project overruns.

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §§11.403-11.406, and §11.411 relating to Transportation Alternatives Set-Aside Program to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the general counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §§11.403-11.406, and §11.411 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

Recommended by:

DocuSigned by:
Eric Gleason
C570CB3DE9C24B0...
Director, Public Transportation Division

DocuSigned by:
James M Bass
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Executive Director

115852 Sept. 24, 2020

Minute Number Date Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes
3 amendments to §§11.403-11.406, and §11.411, concerning
4 Transportation Alternatives Set-Aside Program.

5
6 EXPLANATION OF PROPOSED AMENDMENTS

7 The department is amending its current Transportation Alternative
8 Set-Aside Program (TASA) rules to encourage and improve project
9 proposals from communities with a population of 50,000 or less,
10 reduce the department's risk of federal funds lapsing in the
11 nonurban funding category, streamline project delivery, and
12 improve the likelihood of successful completion of awarded
13 projects. Changes to the rules regarding eligible activities,
14 allowable costs, local fund matching requirements, and project
15 selection by metropolitan planning organizations (MPO) and the
16 department are proposed.

17
18 Under federal guidelines, the department is responsible for
19 project oversight for preliminary engineering and construction
20 whether TASA funds are administered by the department or an MPO.
21 These direct state costs are federally reimbursable and are
22 included as a part of the overall project award for the
23 department's program and some MPO programs. However, some MPOs
24 require the project sponsor to cover direct state costs at 100
25 percent.

26

1 Amendments to §11.403, Project Selection by MPOs, add a new
2 subsection (e) to require an MPO to include the department's
3 direct state costs for oversight of preliminary engineering and
4 construction in TA Set-Aside project awards. This change reduces
5 the financial exposure for communities applying for TASA funds
6 administered by MPOs and establishes consistency among the MPOs
7 across state. This change also provides consistency among
8 projects administered by an MPO and projects administered by the
9 department. Existing subsections (e)-(j) are re-designated
10 accordingly.

11
12 The amendment to re-designated subsection (j) restricts project
13 sponsors from submitting a project to both a department TASA
14 program call and an MPO program call concurrently.

15
16 The department's Public Transportation Division's (PTN) Bicycle
17 and Pedestrian Section administers TASA funds for projects
18 located outside Census Urbanized Areas of 200,000 or greater,
19 which are identified as Transportation Management Areas (TMAs).
20 MPOs administer TASA funds within their entire planning area.
21 This results in areas of overlap, where communities that fall
22 inside an MPO but outside the TMA boundary are eligible to apply
23 for TASA funds from both the department and the relevant MPO.
24 Currently, a project sponsor in an overlapping area that submits
25 a project to an MPO's call for projects and is not awarded funds,
26 is prohibited from submitting that same project to any department
27 TASA program call. This prohibition reduces the pool of

1 potential applications to the department's TASA call for
2 projects, especially applications from smaller communities within
3 MPO boundaries that may have a hard time competing with larger
4 communities within their MPO. Additionally, smaller MPOs receive
5 limited TASA funding, which may result in their funding only a
6 few projects in each program call.

7
8 The amendment to re-designated subsection (j) also removes the
9 restriction that prohibits a project sponsor from submitting a
10 project to a future department TASA program call or future MPO
11 program call.

12
13 Under federal guidelines, TASA funds are available for
14 obligation for a period ending three years after the last day of
15 the federal fiscal year for which the funds are authorized. TASA
16 funds are allocated based on population, with approximately half
17 of the department's TASA funds being eligible to communities
18 with a population of 5,000 or less (nonurban) and the other half
19 being eligible to communities with a population of 5,001 -
20 200,000 (small urban). In large urbanized areas with
21 populations over 200,000, FHWA requires that the state
22 suballocate TASA funding directly to MPOs, based on their
23 relative share of population, to administer according to the
24 MPO's needs. The department is responsible for preliminary
25 engineering and construction oversight on both state-selected
26 and MPO-selected projects. Communities with populations of
27 50,000 or less are ideal candidates for the program because they

1 have a significant need to construct basic infrastructure for
2 safer walking and bicycling but have limited financial
3 resources. However, these communities face challenges in
4 developing TASA projects because they are more likely to request
5 the use of in-kind contributions to reduce their cash local
6 match, more likely to lack financial resources and technical
7 expertise to oversee project development and construction, and
8 more likely to withdraw projects from the program, resulting in
9 funds being returned to the program and the project sponsor
10 reimbursing the department for federal expenditures without the
11 project being constructed. These factors result in smaller
12 communities being less likely to apply for TASA funds and
13 therefore limiting competition for and use of funds, especially
14 in the nonurban category. The following rule additions and
15 revisions address these factors.

16

17 Amendments to §11.404, Eligible Activities, add new subsection
18 (b) and re-designate the existing subsections accordingly. New
19 subsection (b) allows planning and design activities for the
20 construction of bicycle and pedestrian facilities to be eligible
21 for reimbursement but only for projects located in communities
22 with a population of 50,000 or less.

23

24 Amendments to §11.405, Allowable Costs, make various changes to
25 the section, add new subsections (b) and (e), and re-designate
26 the existing subsections accordingly. Subsection (a) is amended
27 to clarify which costs are allowable. New subsection (b)

1 transfers and revises existing §11.406(b) to provide that costs
2 incurred before the execution of the local agreement or before
3 federal and state authorization to proceed are not eligible for
4 reimbursement. Re-designated subsection (c) is changed to
5 provide that the costs of preliminary engineering, including
6 environmental studies and documentation, design, and plans,
7 specifications, and estimates (PS&E), are allowable only for
8 projects located in communities with a population of 50,000 or
9 less. This change reduces the financial burden of plan
10 development for smaller communities. New subsection (e) and the
11 change to re-designated subsection (d) clarify that pre-
12 construction costs are the responsibility of the project sponsor
13 unless the section provides otherwise.

14
15 Currently, the department's TASA program only funds
16 construction. Allowing project sponsors to use expenses that
17 were incurred in the plans, specifications, and estimate
18 development phase of a project as in-kind contributions was
19 intended to alleviate the burden of the local match for
20 construction. However, experience has shown that in-kind
21 contributions complicate project development and billing, delay
22 project delivery and obligation of funds, and require
23 substantial district and division staff time for oversight.

24
25 Amendments to §11.406, Local Funding Match, eliminate in-kind
26 contributions as an option for local match. The amendments add
27 a new subsection (b), which expands options for local match in

1 communities with a population of 50,000 or less to include
2 consideration of transportation development credits, state
3 funds, or both on an economic needs basis, subject to the
4 availability of funds. In subsection (c), the phrase "or
5 regulation" is deleted as an editing change because the
6 reference to federal law includes federal regulations. In
7 subsection (f), language is revised regarding the department's
8 direct state cost for consistency in the subchapter.

9
10 Preliminary cost estimates used to determine funding awards can
11 vary considerably from final engineer's estimates. Current
12 rules require project sponsors to be responsible for all of the
13 costs of overruns, which has led to withdrawal of projects or
14 reductions in project scope. Meanwhile, excess funds from
15 projects that are completed at a cost under the amount awarded
16 are returned to the department's TASA program balance, leading
17 to increased risk of funds lapsing due to federal guidelines'
18 limitation on the time during which TASA funds are available for
19 obligation.

20
21 Amendments to §11.411, Selection of Projects by the Commission,
22 authorize available program funds to be used for certain project
23 overruns. Subsection (d) is modified to replicate the existing
24 language in the Safe Routes to School (SRTS) Program rules (43
25 TAC §25.505(d)) to allow the responsible division administering
26 the program to consider applying program funds that remain after
27 the awards or that are returned to the program due to cost

1 underruns to projects with overruns, which will help minimize
2 risk of lapsing TASA funds. Additional criteria language is
3 added describing how the responsible division will apply these
4 additional funds to projects with overruns on a needs basis.

5
6 The last sentence of subsection (d) is re-designated as
7 subsection (e) and subsection (e) is re-designated accordingly.

8

9 FISCAL NOTE

10 Brian Ragland, Chief Financial Officer, has determined, in
11 accordance with Government Code, §2001.024(a)(4), that as a
12 result of enforcing or administering the rules for each of the
13 first five years in which the proposed rules are in effect,
14 there will be no fiscal implications for state or local
15 governments as a result of enforcing or administering the rules.

16

17 LOCAL EMPLOYMENT IMPACT STATEMENT

18 Eric Gleason, Director, Public Transportation Division, has
19 determined that there will be no significant impact on local
20 economies or overall employment as a result of enforcing or
21 administering the proposed rules and therefore, a local
22 employment impact statement is not required under Government
23 Code, §2001.022.

24

25 PUBLIC BENEFIT

26 Eric Gleason has determined, as required by Government Code,
27 §2001.024(a)(5), that for each year of the first five years in

1 which the proposed rules are in effect, the public benefit
2 anticipated as a result of enforcing or administering the rules
3 will be more efficient and streamlined implementation of bicycle
4 and pedestrian infrastructure in Texas communities with less
5 than 50,000 in population.

6

7 COSTS ON REGULATED PERSONS

8 Eric Gleason, has also determined, as required by Government Code,
9 §2001.024(a)(5), that for each year of that period there are no
10 anticipated economic costs for persons, including a state agency,
11 special district, or local government, required to comply with the
12 proposed rules and therefore, Government Code, §2001.0045, does
13 not apply to this rulemaking.

14

15 ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

16 There will be no adverse economic effect on small businesses,
17 micro-businesses, or rural communities, as defined by Government
18 Code, §2006.001, and therefore, an economic impact statement and
19 regulatory flexibility analysis are not required under Government
20 Code, §2006.002.

21

22 GOVERNMENT GROWTH IMPACT STATEMENT

23 Eric Gleason has considered the requirements of Government Code,
24 §2001.0221 and anticipates that the proposed rules will have no
25 effect on government growth. He expects that during the first
26 five years that the rule would be in effect:

27 (1) it would not create or eliminate a government program;

1 (2) its implementation would not require the creation of
2 new employee positions or the elimination of existing employee
3 positions;

4 (3) its implementation would not require an increase or
5 decrease in future legislative appropriations to the agency;

6 (4) it would not require an increase or decrease in fees
7 paid to the agency;

8 (5) it would not create a new regulation;

9 (6) it would not expand, limit, or repeal an existing
10 regulation;

11 (7) it would not increase or decrease the number of
12 individuals subject to its applicability; and

13 (8) it would not positively or adversely affect this
14 state's economy.

15

16 TAKINGS IMPACT ASSESSMENT

17 Eric Gleason has determined that a written takings impact
18 assessment is not required under Government Code, §2007.043.

19

20 SUBMITTAL OF COMMENTS

21 Written comments on the proposed amendments to §§11.403-11.406,
22 and §11.411 may be submitted to Rule Comments, General Counsel
23 Division, Texas Department of Transportation, 125 East 11th
24 Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov
25 with the subject line "*Transportation Alternatives Set-Aside
26 Program Rule Revisions.*" The deadline for receipt of comments
27 is 5:00 p.m. on November 9, 2020. In accordance with

1 Transportation Code, §201.811(a)(5), a person who submits
2 comments must disclose, in writing with the comments, whether
3 the person does business with the department, may benefit
4 monetarily from the proposed amendments, or is an employee of
5 the department.

6

7 STATUTORY AUTHORITY

8 The amendments are proposed under Transportation Code, §201.101,
9 which provides the Texas Transportation Commission (commission)
10 with the authority to establish rules for the conduct of the
11 work of the department.

12

13 CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

14 Title 23, United States Code, §133(h).

1 SUBCHAPTER G. TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM

2 §11.403. Project Selection by MPOs.

3 (a) This section applies only to an MPO serving an
4 urbanized area with a population over 200,000 and the award of
5 TA Set-Aside funds suballocated for such an urbanized area.

6 (b) The MPO, in consultation with the department, shall
7 develop a competitive process to allow project sponsors to
8 submit project applications for funding that achieve the
9 objectives of the TA Set-Aside Program.

10 (c) The MPO shall coordinate determinations regarding
11 project eligibility, subject to audit by the FHWA.

12 (d) The MPO, in consultation with the department, shall
13 conduct project selection in accordance with all applicable
14 federal and state laws and regulations.

15 (e) The MPO, in consultation with the department, shall
16 include the department's direct state costs for oversight of
17 preliminary engineering and construction in TA Set-Aside project
18 awards.

19 (f) [~~(e)~~] Following the conclusion of the competitive
20 process, the MPO shall provide to the department a list of all
21 projects submitted during the program call on which the selected
22 projects are identified, and immediately shall begin the process
23 required to include the selected projects in its TIP.

24 (g) [~~(f)~~] The project sponsor shall conduct project
25 implementation in accordance with all applicable federal and
26 state laws and regulations.

NOTE: Additions underlined

Deletions in []

GCD: 6/24/2020 1:13 PM

Exhibit B

1 (h) [~~(g)~~] If a project is located on state right-of-way, the
2 project sponsor is responsible for securing a land-use permit
3 from the department prior to construction.

4 (i) [~~(h)~~] A project sponsor requesting an adjustment to the
5 minimum local funding match requirements based on the county's
6 status as an economically disadvantaged county is required to
7 obtain written authorization from the department, in the form
8 prescribed by the department, and must include the form with the
9 application submitted to the MPO. If an adjustment is granted,
10 the adjustment percentage in effect for the county at the time
11 the application is submitted to the MPO will be used. The
12 county must remain eligible for the adjustment until the date
13 the project sponsor enters into the local agreement.

14 (j) [~~(i)~~] Projects, or substantially similar projects,
15 submitted during a program call administered by the MPO are not
16 eligible for consideration under a concurrent program call
17 administered by the department.

18 (k) [~~(j)~~] Not later than November 15 of each year, the MPO
19 shall submit to the department a report that describes:

20 (1) the number of project applications received by the
21 MPO for the preceding federal fiscal year (the period of October
22 1 through September 30), including the aggregate cost of the
23 projects for which applications are received and the types of
24 projects to be carried out, expressed as percentages of the
25 MPO's total apportionment for TA Set-Asides; and

1 (2) the number of projects selected for funding by the
2 MPO for the preceding federal fiscal year, including the
3 aggregate cost and location of projects selected.

4
5 §11.404. Eligible Activities.

6 (a) During a program call administered by the department,
7 TA Set-Aside funds may be awarded for any of the following
8 activities:

9 (1) construction of on-road and off-road trail
10 facilities for pedestrians, bicyclists, and other non-motorized
11 forms of transportation, including sidewalks, bicycle
12 infrastructure, pedestrian and bicycle signals, traffic calming
13 techniques, lighting and other safety-related infrastructure,
14 and transportation projects to achieve compliance with the
15 Americans with Disabilities Act of 1990;

16 (2) construction of infrastructure-related projects
17 and systems that will provide safe routes for non-drivers,
18 including children, older adults, and individuals with
19 disabilities to access daily needs;

20 (3) conversion and use of abandoned railroad corridors
21 for trails for pedestrians, bicyclists, or other non-motorized
22 transportation users; and

23 (4) construction of infrastructure-related projects to
24 improve the ability of students to walk and bicycle to school,
25 including sidewalk improvements, traffic calming and speed
26 reduction improvements, pedestrian and bicycle crossing

1 improvements, on-street bicycle facilities, off-street bicycle
2 and pedestrian facilities, secure bicycle parking facilities,
3 and traffic diversion improvements in the vicinity of schools.

4 (b) Planning and design activities for the construction of
5 bicycle and pedestrian facilities are eligible only for projects
6 located in communities with a population of 50,000 or less.

7 (c) [(b)] A project that will require the acquisition of
8 real property through the exercise of eminent domain or
9 condemnation is not eligible for participation in the TA Set-
10 Aside Program.

11 (d) [(e)] Whether proposed as an independent project or as
12 an element of a larger transportation project, the project must
13 be limited to a logical unit of work and be constructible as an
14 independent project.

15

16 §11.405. Allowable Costs.

17 (a) Costs are allowable only if they are necessary
18 expenditures for a construction-related project and
19 ~~[expenditures that]~~ are eligible for reimbursement under
20 applicable statutes and regulations.

21 (b) Costs incurred before the execution of the local
22 agreement or before federal and state approval and authorization
23 to proceed are not eligible for reimbursement.

24 (c) [(b)] The costs of preliminary engineering, including
25 environmental studies and documentation ~~[planning]~~, design, and
26 plans, specifications, and estimates, are ~~[not]~~ allowable costs

1 only for projects located in communities with a population of
2 50,000 or less.

3 (d) [~~(e)~~] Eligible pre-construction costs incurred by the
4 department are reimbursable. [~~All other pre-construction costs~~
5 ~~are the responsibility of the project sponsor.~~]

6 (e) All pre-construction costs are the responsibility of
7 the project sponsor except as provided by this section.

8 (f) [~~(d)~~] Expenditures for routine operation and maintenance
9 are not allowable costs unless specifically allowed under the
10 individual federal category for which the project qualifies.

11

12 §11.406. Local Funding Match.

13 (a) Except as provided by this section, the [The] local
14 funding match must be [~~is a~~] cash [~~match or a combination of~~
15 ~~cash and in-kind contribution~~] provided by or through the
16 project sponsor. [~~An in-kind contribution may include only~~
17 ~~actual and documented costs incurred by the project sponsor for~~
18 ~~the development of project plans, specifications, and estimates~~
19 ~~that would otherwise be eligible for reimbursement under~~
20 ~~applicable statutes and regulations.~~]

21 (b) For a community with a population of 50,000 or less,
22 transportation development credits, state funds, or both may be
23 available to apply to all or part of the local funding match if
24 the community:

1 (1) is in an economically disadvantaged county, as
2 defined in the Transportation Code, §222.053(a) or described by
3 Transportation Code, §222.053(a-1); or

4 (2) satisfies economic need criteria specified in the
5 program call materials.

6 ~~[(b) Costs incurred prior to execution of the local~~
7 ~~agreement or prior to federal and state approval and~~
8 ~~authorization to proceed are not eligible for consideration as~~
9 ~~in-kind contributions.]~~

10 (c) Funds from other federal programs may be used as a
11 local funding match only when specifically authorized by federal
12 law ~~[or regulation]~~.

13 (d) Donated services may not be accepted as a local funding
14 match~~[r]~~ but may be used to reduce the overall cost of the
15 project.

16 (e) If a project selected by the commission is implemented
17 by the department, the project sponsor must provide the local
18 funding match prior to the commencement of project activities
19 for each phase of work.

20 (f) Projects selected by the commission will include the
21 department's direct state costs for oversight of preliminary
22 engineering and construction in TA Set-Aside project awards~~[an~~
23 ~~administrative cost for the department's oversight]~~. ~~[The local~~
24 ~~funding match associated with this administrative cost must be~~
25 ~~provided in cash.]~~

26

1 §11.411. Selection of Projects by the Commission.

2 (a) The commission, by written order, will select projects
3 for funding under the TA Set-Aside Program based on:

4 (1) recommendations from the director of the division
5 responsible for administering the TA Set-Aside Program;

6 (2) the potential benefit to the state of the project;
7 and

8 (3) whether the project enhances the surface
9 transportation system.

10 (b) The commission is not bound by project selection
11 recommendations provided by the department.

12 (c) The department will notify the project sponsor of the
13 selection.

14 (d) The commission will award an amount [~~specify a fixed~~
15 ~~amount~~] of TA Set-Aside funds for each project. If program
16 funds remain or are returned to the program due to cost
17 underruns, the responsible division administering the program
18 may apply those funds to project overruns based on:

19 (1) justification of overruns;

20 (2) timing of request;

21 (3) availability of funds;

22 (4) a reasonable expectation of the ability of the
23 project sponsor to complete the project; and

24 (5) if overrun requests exceed available funds, the
25 criteria applicable to the use of state funds under §11.406(b)
26 of this subchapter.

1 ~~[Project costs in excess of this amount are the responsibility~~
2 ~~of the project sponsor.]~~

3 (e) The project sponsor may seek additional funds through
4 the TA Set-Aside Program in subsequent program calls.

5 (f) ~~(e)~~ A project that is not selected must be resubmitted
6 to receive consideration during subsequent program calls.



AUSTIN OFFICE
 11701 Stonehollow Dr.
 STE 100
 Austin, TX 78758
 Phone: 512.821.2081
 Fax: 512.821.2085

TBPE Firm Registration No. 812

Active Transportation Plan Draft Outline

The following is high level outline for the Active Transportation Plan (ATP) to help BPAC members better conceptualize the layout of the plan along with the review process and timeline. There will also be the final review process during the 30-day public comment period beginning on November 2nd.

Chapter	General Content Summary	Expected MPO Delivery Date	Expected Review Period
1. Introduction	An introduction to the ATP and the benefits of active transportation, profiles for users of the active transportation system, and description of plan content.	Oct. 15	Oct. 19 - 23
2. Public Outreach	A summary of public outreach measures and feedback received for the ATP with BPAC, Stakeholders, and public.	Oct. 15	Oct. 19 - 23
3. Recommendations and Network Development	Recommendations for implementation programs and policies to benefit people walking or biking along with suggested regional connections and projects in high demand areas.	Oct. 1	Oct. 5-9
4. Implementation	Implementation plan along with TASA scoring criteria, and facility selection guide.	Oct. 1	Oct. 5-9
Appendix A – Existing Conditions and Needs Assessment	Thorough analysis of existing conditions and needs.	Oct. 15	Oct. 19 - 23
Appendix B – Plan Review	Description and review of regional plans within the Rio Grande Valley that aided in the formulation of the ATP.	Oct. 15	Oct. 19 - 23
Appendix C – Design Guidelines	Description of user types, facilities for walking and biking, along with suggested improvement for common urban and rural issues.	Oct. 1	Oct. 5-9
Appendix D – Transportation Alternatives Set Aside Program Project List	Placeholder for the approved TASA project list.	Oct. 15	Oct. 19 - 23