
MEETING NOTICE

The City Council of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Tuesday, April 18, 2023 at 3:00 PM.

All attendees are encouraged to wear face coverings when a minimum of six-foot social distancing cannot be maintained. Smoking is not allowed anywhere on the property of City Hall.

The public may watch this meeting live at the following link:

<https://zoom.us/j/93563669946?pwd=RkczeEQrZGx1cXgzU3VqUVI3bTNBQT09>

Meeting ID: 935 6366 9946; Passcode: 996474

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request. This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

It is anticipated that members of other City Boards, Commissions, Panels and/or Committees may attend the meeting in numbers that may constitute a quorum of the other City Boards, Commissions, Panels and/or Committees. Notice is hereby given that this meeting, to the extent required by law, is also noticed as a meeting of the other City Boards, Commissions, Panels and/or Committees of the City, whose members may be in attendance. The members of the City Boards, Commissions, Panels and/or Committees may participate in discussions on the items listed on this agenda, which occur at this meeting, but no action will be taken by those in attendance unless such action item is specifically listed on an agenda during a regular or special meeting for the respective Board, Commission, Panel and/or Committee subject to the Texas Open Meetings Act.

The City Council may retire to Executive Session any time during this meeting, under Texas Government Code, Subchapter D. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the Governing Body in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Governing Body's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific, factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda upon which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for **three (3) minutes** per person and shall be allowed more time at the Mayor or Chair's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names individuals present in the audience who wish to yield their three(3) minutes. Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).

Submit written comments by email to woodcreek@woodcreektx.gov by **NOON**, the day prior to the meeting. Please include your full name, home or work address, and the agenda item number. Written comments will be part of the official written record only.

AGENDA

CALL WORKSHOP TO ORDER

MOMENT OF SILENCE

PLEDGES

ROLL CALL and ESTABLISH QUORUM

PUBLIC COMMENTS

UNFINISHED BUSINESS

1. Discuss and Take Possible Action on Providing New Direction to the Ordinance Review Committee. (*Hines*)
2. Discuss and Provide Direction to the Ad Hoc Work Group for Chapters 154+ and Designate Where the Committee Shall Send the First Packet of Completed Work. (*Hines*)

NEW BUSINESS

3. Review Neighbor-to-Neighbor and Neighborhood Watch initiatives. (*Rasco*)
4. Discuss and Take Appropriate Action on Citizen Mobility in the City of Woodcreek. (*Grummert*)
5. Discussion and Possible Action on the Creation of a Community Garden and Dog Park in the City of Woodcreek and Set Locations for the Community Engagement Additions to Real Property. (*Grummert / Hines*)
6. Discuss and Take Possible Action to Approve the K.Friese Work Authorization for the 2023 Woodcreek Roads Project. (*Rule*).
7. Discuss and Take Possible Action on a Report from the Ordinance Review Committee's Review of Chapter 95- SANITATION and Sections of Chapter 156 - ZONING

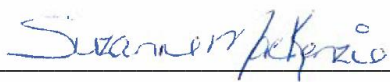
ANNOUNCEMENTS

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the **14th day of April 2023 at 4:00 PM.**

By: _____



Suzanne J. MacKenzie, City Secretary

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Take Possible Action on Providing New Direction to the Ordinance Review Committee

AGENDA ITEM SUMMARY:

The ORC has recently finished pending business and appointed new leadership. They have collectively voiced interest in getting new direction from Council on what direction to take or what ordinances to focus on next. The requests should focus on ordinances that impact citizens most where a citizen committee could be most effective at providing review and feedback.

FINANCIAL IMPACT:

none

SUBMITTED BY:

Debra Hines

AGENDA TYPE:

April 18 Workshop

COMPLETION DATE:

4/2/2023 12:43:03 PM

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Provide Direction to the Ad Hoc Work Group for Chapters 154+ and Designate Where the Committee Shall Send the First Packet of Completed Work

AGENDA ITEM SUMMARY:

The Ad Hoc Work Group is nearing completion of a packet of work including proposed updates to Chapters 154+ covering site development, subdivision. adding an ETJ regulations and environmental chapter. There has been much discussion on where this packet of information should travel to next. The governing body has not collectively voted on the next step for this work.

FINANCIAL IMPACT:

Possible costs in legal review

SUBMITTED BY:

Debra Hines

AGENDA TYPE:

April 18 Workshop

COMPLETION DATE:

4/2/2023 12:48:08 PM

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Review Neighbor-to-Neighbor and Neighborhood Watch initiatives

AGENDA ITEM SUMMARY:

We made an attempt to get these programs started under Councilmember Hambrick's leadership, but we didn't get either firmly established. There is still a need and would like to discuss how we might get a restart.

FINANCIAL IMPACT:

Possibly \$1,000 if we do a mailing

SUBMITTED BY:

Jeff Rasco

AGENDA TYPE:

April 18 Workshop

COMPLETION DATE:

4/4/2023 6:31:15 AM



Dear Neighbor, I hope you had a great Fourth of July! My name is Jeff Rasco, and I am your ambassador in the city's Neighbor to Neighbor program for our block--from Brookhollow west to the cul-de-sac. Monica and I live at 164 Augusta Dr., right about in the middle. We know most of you, but we all probably don't know each other well enough yet. That's where Neighbor to Neighbor comes in.

Item 3.

The card I've included will allow us to get all of our information in one place to share, and help each other in times of need (or just times to get together). The plan for N2N came from our big freeze this winter, when so many neighbors reached out to help each other. Lives may very well have been saved by the collective actions of neighbors throughout Woodcreek.

Please complete the card and call or text me at 512-296-7276 to come pick it up from you, which will also give us a chance to chat more about the N2N program. I can also be reached at jeffrasco@gmail.com or Facebook message @JeffRasco. You may find the rest of the information in the packet helpful, as well.

All information you share will remain highly confidential, not shared with any political party or commercial enterprise, or in any way used for political or financial gain. But it will be shared with each participating neighbor on "Augusta West." This will allow us to know who you are and vice versa, and give each neighbor critical information in times of need, weather and other emergencies, or welcoming new neighbors moving in.

I look forward to picking up your card and visiting.

Jeff Rasco



Dear Neighbor, I hope you had a great Fourth of July! My name is Jeff Rasco, and I am your ambassador in the city's Neighbor to Neighbor program for our block--from Brookhollow west to the cul-de-sac. Monica and I live at 164 Augusta Dr., right about in the middle. We know most of you, but we all probably don't know each other well enough yet. That's where Neighbor to Neighbor comes in.

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All information you share will remain highly confidential, not shared with any political party or commercial enterprise, or in any way used for political or financial gain. But it will be shared with each participating neighbor on "Augusta West." This will allow us to know who you are and vice versa, and give each neighbor critical information in times of need, weather and other emergencies, or welcoming new neighbors moving in.

I look forward to picking up your card and visiting.

Sincerely,

Jeff Rasco

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Take Appropriate Action on Citizen Mobility in the City of Woodcreek.

AGENDA ITEM SUMMARY:

Given that such a project may take time to manifest, council should begin considering what steps could be taken now to move forward with the possibility of addressing citizen mobility in the city.

FINANCIAL IMPACT:

Unknown at this time

SUBMITTED BY:

Chrys Grummert

AGENDA TYPE:

New Business

COMPLETION DATE:

3/22/2023 12:16:23 PM

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Take Appropriate Action on Seeking Outside Funding Opportunities for the Creation of Walking Trails/Sidewalks within the City.

AGENDA ITEM SUMMARY:

This item presents some of the possible opportunities for outside funding for creating walking trails/sidewalks in the city. The packet contains two such possible opportunities, as examples, but does not attempt to limit what other outside funding possibilities may exist that may help the city.

FINANCIAL IMPACT:

Unknown at this time

SUBMITTED BY:

Chrys Grummert

AGENDA TYPE:

New Business

COMPLETION DATE:

4/2/2023 2:23:28 PM



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

November 29, 2022

Re: TxDOT's 2023 Transportation Alternatives Set-Aside (TA) Program Call for Projects

To All Interested Parties:

The Texas Department of Transportation (TxDOT) has announced a statewide Call for Projects for Transportation Alternatives Set-Aside (TA) Program funding. The TA program provides funding to plan for and construct a variety of alternative transportation projects that improve safety and mobility for non-motorized travelers and mitigate congestion by providing safe alternatives to motor vehicle transport.

Through TxDOT's 2023 TA Call for Projects, the department will select projects for recommendation to the Texas Transportation Commission (commission) for current TA funds associated with available FY 2022-FY 2023 and anticipated FY 2024-FY 2025 federal appropriations under the Infrastructure Investment and Jobs Act (IIJA), totaling approximately \$250 million. Projects located in all areas of the state, regardless of population size, may be submitted under the current program call.

This Call for Projects features a two-step application process. The Preliminary Application (Step 1) provides high-level proposed project information to determine eligibility and funding opportunities. Following successful completion of Step 1, a Detailed Application (Step 2) provides more comprehensive project information. This two-step approach is intended to enhance the quality of project applications and to foster communication between prospective project sponsors and TxDOT District staff. Both steps must be completed for a project to be considered for funding under this program call.

Applications for TA funds administered through this Call for Projects must be submitted in the form prescribed by TxDOT and in accordance with the program rules located under 43 Texas administrative Code §§11.400 - 11.418.

TxDOT's 2023 TA Program Guide and Preliminary Application (Step 1) are available on the department's website at: <http://www.txdot.gov/inside-txdot/division/public-transportation/bicycle-pedestrian.html>. TxDOT's 2023 TA Program Guide includes detailed information about eligibility requirements, specific procedures applicable to this Call for Projects, evaluation criteria, a map of the department's district offices, a list of the District TA Coordinators, and a list of virtual workshop dates for prospective project sponsors.

The completed Preliminary Application must be received by TxDOT, via Box.com as outlined in the preliminary application instructions, no later than 5:00 p.m., CDT, on Friday, January 27, 2023. The Detailed Application (Step 2) will be posted on TxDOT's webpage on or about March 27, 2023.

Your interest in TxDOT's TA program is appreciated.

Sincerely,

DocuSigned by:

Eric Gleason

Eric L. Gleason

Director, Public Transportation Division

OUR VALUES: *People • Accountability • Trust • Honesty*

OUR MISSION: *Connecting You With Texas*

An Equal Opportunity Employer



2023 TA Call for Projects Frequently Asked Questions during Project Sponsor Workshops

Below are frequently asked questions received during TxDOT’s 2023 TA Call for Projects Project Sponsor Workshops which occurred between November 29 and December 16, 2022. 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.

- General Questions** 1
- Eligible Project Sponsors, Projects, and Reimbursable Activities** 3
- Application and Evaluation Processes** 5
- Non-Infrastructure Project Category: Preliminary Applications** 7
- MPOs, TMAs, and Jurisdictional Questions** 7
- Transportation Development Credits (TDC), Economically Disadvantaged Counties Program (EDCP), and local match requirements** 8
- Procurement/Hiring consultants**..... 10
- Project Design and Environmental Documentation**..... 11
- Project Estimating, Letting and Construction** 13

General Questions

- 1) 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.

- 2) 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.

3) 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.

4) 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.

5) 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.

6) 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.

7) 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.

8) 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.

- 9) 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

- 10) 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.

- 11) 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.

- 12) 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.

- 13) 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.

- 14) 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.

- 15) 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. Additionally, projects sponsored by TxDOT will not be evaluated by the TxDOT District that prepared the application.

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

- 16) 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.

- 17) 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

- 18) 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.

- 19) 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.

- 20) 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.

- 21) 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.

- 22) 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.

- 23) 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.

- 24) 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.

- 25) 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.

- 26) 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.

- 27) 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.

- 28) 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.

- 29) 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.

30) 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

31) 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

32) 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.

- 33) 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.

- 34) 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

- 35) 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.

- 36) 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.

- 37) 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.

- 38) 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.

- 39) 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.

- 40) 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.

- 41) 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.

- 42) 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

- 43) 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.

- 44) 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.

- 45) 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

- 46) 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.

- 47) 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)].

- 48) 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.

- 49) 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

- 50) 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.

- 51) 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.

- 52) 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.

- 53) 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.

- 54) 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>

- 55) 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

- 56) 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.

- 57) 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.

- 58) 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.

- 59) 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.

60) 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.

61) 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.

62) 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 ½ mile of a transit stop or bike project within 3 miles of transit stop).



2023 TA Call for Projects Frequently Asked Questions during Project Sponsor Workshops

Below are frequently asked questions received during TxDOT’s 2023 TA Call for Projects Project Sponsor Workshops which occurred between November 29 and December 16, 2022. 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.

- General Questions** 1
- Eligible Project Sponsors, Projects, and Reimbursable Activities** 3
- Application and Evaluation Processes** 5
- Non-Infrastructure Project Category: Preliminary Applications** 7
- MPOs, TMAs, and Jurisdictional Questions** 7
- Transportation Development Credits (TDC), Economically Disadvantaged Counties Program (EDCP), and local match requirements** 8
- Procurement/Hiring consultants**..... 10
- Project Design and Environmental Documentation**..... 11
- Project Estimating, Letting and Construction** 13

General Questions

- 1) 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.

- 2) 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.

3) 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.

4) 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.

5) 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.

6) 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.

7) 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.

8) 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.

- 9) 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

- 10) 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.

- 11) 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.

- 12) 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.

- 13) 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.

- 14) 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.

- 15) 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. Additionally, projects sponsored by TxDOT will not be evaluated by the TxDOT District that prepared the application.

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

- 16) 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.

- 17) 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

- 18) 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.

- 19) 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.

- 20) 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.

- 21) 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.

- 22) 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.

- 23) 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.

- 24) 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.

- 25) 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.

- 26) 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.

- 27) 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.

- 28) 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.

- 29) 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.

30) 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

31) 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

32) 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.

- 33) 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.

- 34) 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

- 35) 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.

- 36) 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.

- 37) 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.

- 38) 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.

- 39) 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.

- 40) 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.

- 41) 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.

- 42) 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

- 43) 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.

- 44) 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.

- 45) 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

- 46) 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.

- 47) 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)].

- 48) 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.

- 49) 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

- 50) 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.

- 51) 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.

- 52) 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.

- 53) 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.

- 54) 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>

- 55) 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

- 56) 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.

- 57) 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.

- 58) 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.

- 59) 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.

60) 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.

61) 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.

62) 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 ½ mile of a transit stop or bike project within 3 miles of transit stop).

City of Woodcreek Comprehensive Plan Citizen Mobility

What do you see as the most pressing issues facing Woodcreek in the next several years?

**Overall score shown (3 points for Priority 1, 2 points for Priority 2, 1 point for Priority 3)*

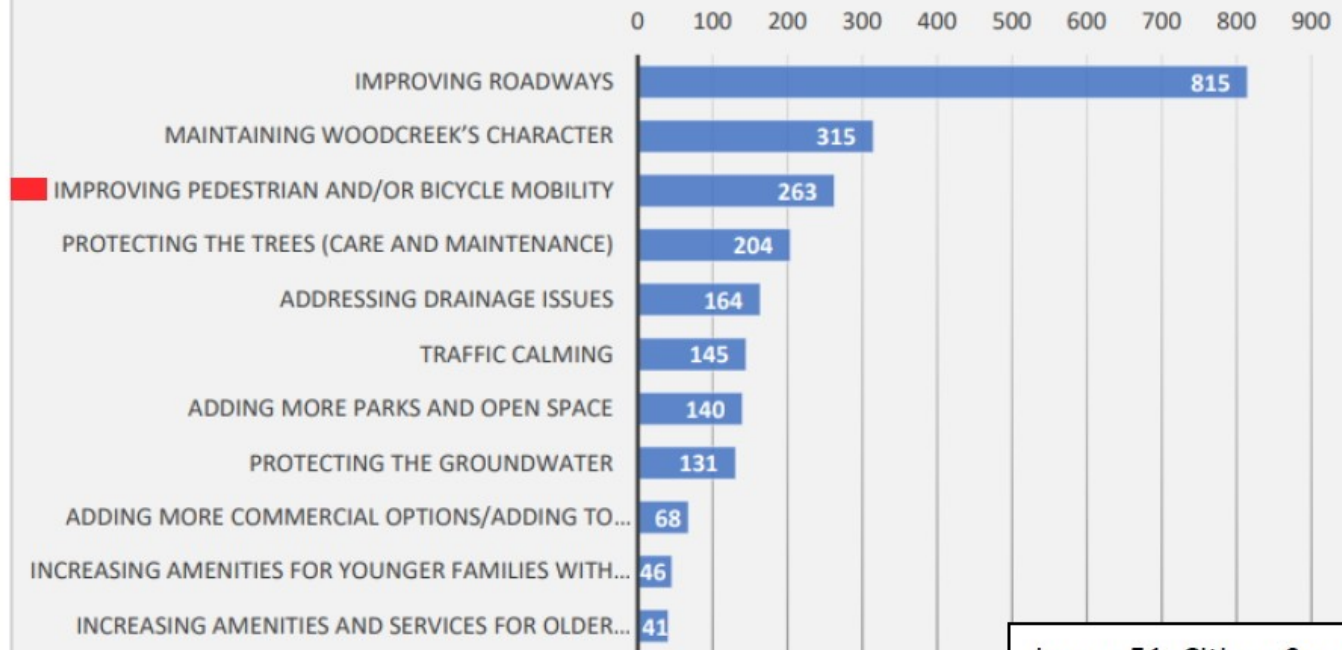


Image 51: Citizen Survey Graph 2

Addressing Mobility

- Traffic calming received significant support, falling among the top three desired improvements in mobility for the city.
- • Improving trails and connections to Wimberley was frequently mentioned. This may be in support of or as a response to the larger Wimberley trails projects being proposed. It should be noted that citizens supported this concept of interlocking trails connecting Woodcreek with the rest of the Valley.
- • Implementing walking space (sidewalks or trails) along roadways was mentioned as a pressing issue and as a top priority for improving mobility in the City. Citizens cited walking on the golf course, which is technically not permitted, as an alternative or that they are simply walking in the road. These open comments point to a community that has a significant population of residents who appreciate taking walks and other similar activities. The city would do well to address providing safe spaces for the residents to support this preference.

Strategy Three: Create walking trails to address pedestrian safety.

Action Plan:

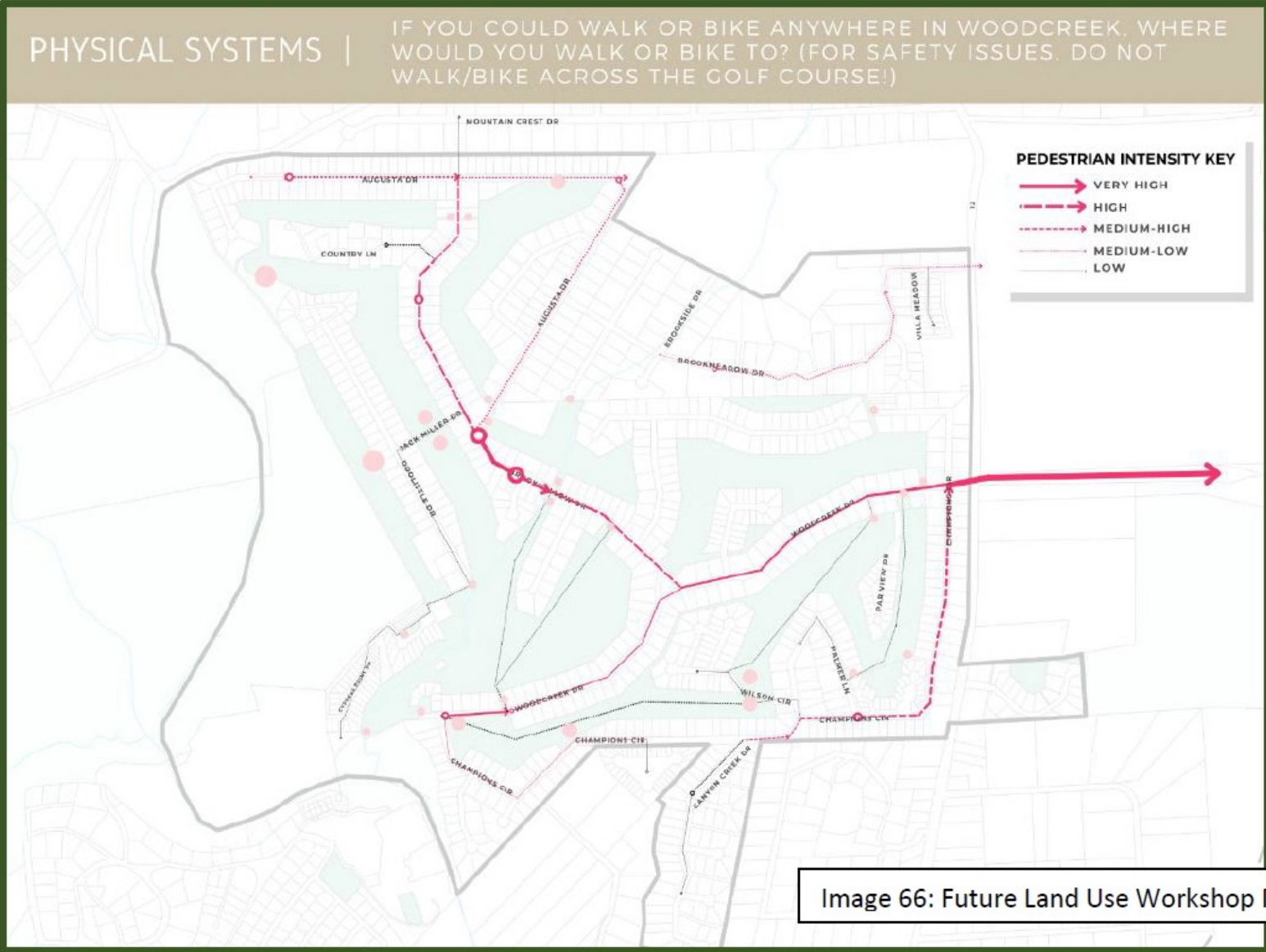
- Seek alternative funding through grants
- Work with the County on existing trails projects
- Obtain engineering studies to work on the placement of trails within the community
- Utilize citizen feedback to create a plan and prioritize routes for mobility improvements
- Create a timeline for execution of the plan and funding

What mobility improvements would you like to see the City address?

**Overall score shown (7 points for Rank 1, 6 points for Rank 2, etc.)*

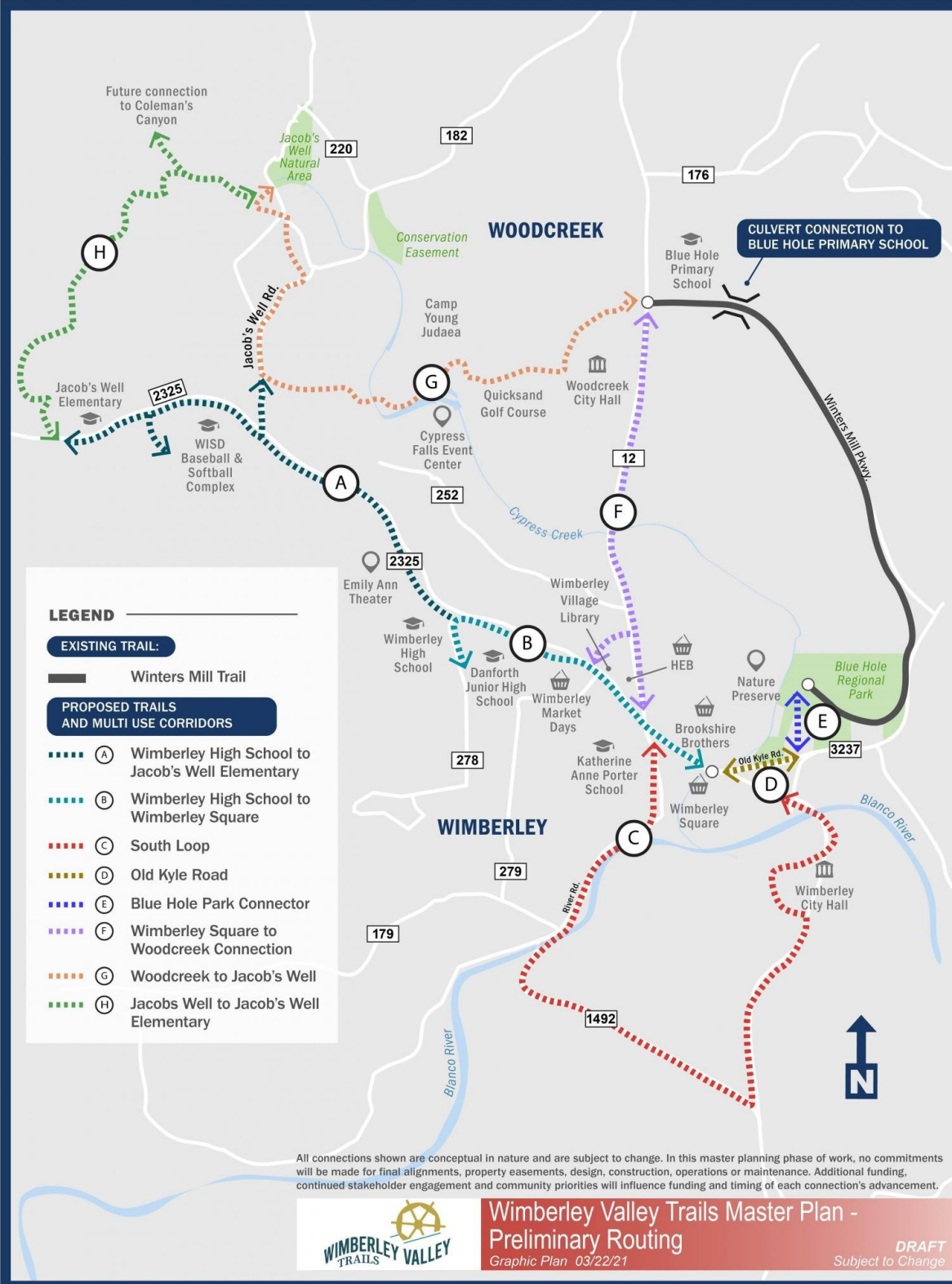


Image 65: Citizen Survey Graph 7



Vision for Woodcreek





All connections shown are conceptual in nature and are subject to change. In this master planning phase of work, no commitments will be made for final alignments, property easements, design, construction, operations or maintenance. Additional funding, continued stakeholder engagement and community priorities will influence funding and timing of each connection's advancement.

20 years strong AMERICA WALKS

HEALTH BENEFITS OF WALKING

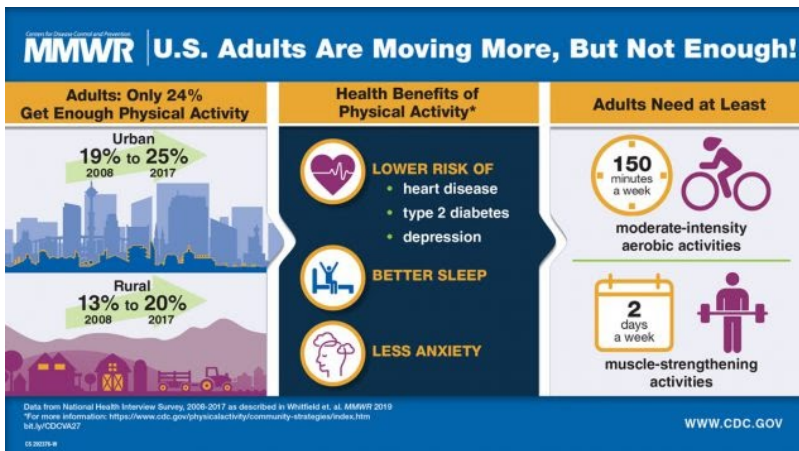


PROBLEM OVERVIEW

Less than 50% of youth and 24% of adults get enough physical activity.

The Physical Activity Guidelines for Americans recommend that young people between 3-17 get at least 60 minutes every day and adults over 18 at least 150 minutes of moderate to vigorous physical activity each week to maintain health and decrease risk for chronic health conditions including high blood pressure, high cholesterol, diabetes, cancer, overweight/obesity, arthritis, and depression¹.

Sedentary behavior has either remained stable and/or increased from 2001-2016 in the U.S. population, depending on the particular sedentary activity. Television screen time has remained high and stable, while computer use outside of work and school has increased.



Increases in walking and other modes of active travel can improve ambient air quality and reduce noise pollution if enough people shift from use of motor vehicles to active travel.

Time spent walking and moving can improve muscle strength and flexibility, cardiorespiratory fitness, joint health, bone density, sleep quality, it can also help with managing weight, stress, and mental health.

Source: CDC.gov

WHY WALKING?

Walking can literally save lives, especially for the physically inactive.

Walking has population-level health benefits and reduces rates of death from all causes.³ One study found that people who walked about 3.5 hours per week of brisk walking (depending on the person) had a 11% reduction of risk for death, with the most benefit for those who walked the least to start.

Increased walking decreases risk of cardiovascular disease.

Cardiovascular disease is the leading cause of death in the U.S.⁴ There is an inverse relationship between cardiovascular disease risk and any walking and leisure walking.⁵

Brisk walking can lower blood pressure.

Studies show that walking 10,000-12,000 steps per day significantly lowers both systolic and diastolic blood pressure. Consistent walking is as effective as running in lowering blood pressure.

Walking is accessible and available.⁶

Walking is free, low-skill, requires no special equipment, and is available where people are. Walking is also accessible across a lifespan, making it one of the best solutions for increasing population-level physical activity.

More people need to be engaged in even more walking.

Though self-reported walking for transportation and leisure increased between 2005-2015, the number of minutes spent walking went down.⁷

How much activity do I need?

Moderate-intensity aerobic activity

Anything that gets your heart beating faster counts.

at least
150
minutes
a week

AND

Muscle-strengthening activity

Do activities that make your muscles work harder than usual.

at least
2
days
a week



Tight on time this week? **Start with just 5 minutes.** It all adds up!

Source: CDC.gov

TOP HEALTH BENEFITS OF WALKING

1. Walking is good for your mind.⁸

Walking can help in the treatment of both anxiety and depression (especially depression). It can improve self-esteem and happiness. Walking outdoors may provide additional benefits.

2. Walking in green space can improve sleep.⁹

Regular walking in green space may improve both sleep quality and quantity, and reduce episodes of insomnia.

3. Walking can help stem the effects of arthritis.¹⁰

Even limited walking (<10 minutes/week) can help to prevent onset of physical disability due to arthritis.

4. Participating in walking groups can help improve health.¹¹

There is evidence of wide-ranging health benefits for participating in regular walking groups including improvements in blood pressure, resting heart rate, BMI, blood cholesterol, VO2 Max, and depression scores. Walking in groups increases safety and adherence to walking programs, increasing effectiveness.

ABOUT AMERICA WALKS

America Walks, a 501(c)(3) national nonprofit organization, is leading the way in advancing safe, equitable, accessible, and enjoyable places to walk and move by giving people and communities the resources to effectively advocate for change. We provide a voice for walking and walkable communities with federal agencies, provide strategy support, training and technical assistance to statewide, regional, and local organizations, and convene of the national Every Body Walk! Collaborative.

PO Box 70742 Bethesda, MD 20813 - 503.610.6619 - <http://www.americawalks.org>

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- ⁶ Jeremy N. Morris and Adrienne E. "Hardman.Walking to Health". *Sports Med*. 1997 May 23.
- ⁷ Ussery et al.. "Transportation and Leisure Walking Among U.S.Adults: Trends in Reported Prevalence and Volume", *National Health Interview Survey 2005-2015 Am J Prev Med* 2018.
- ⁸ Kelly P, et al. "Walking on sunshine: scoping review of the evidence for walking and mental health." *Br J Sports Med*, July 2019 Vol 53 No 14
- ⁹ Jong Cheol Shin et, al. "Greenspace exposure and sleep: A systematic review". *Environmental Research Volume 182*, March 2020.
- ¹⁰ "Walking and the 2-year risk of functional decline: An observational study of US adults with arthritis." *Preventive Medicine Volume 119*, February 2019, Pages 100-107
- ¹¹ Sarah Hanson, Andy Jones. "Is there evidence that walking groups have health benefits? A systematic review and meta-analysis.". *Journal British Journal of Sports Medicine. Volume 49. Issue 11*. 2015 Page 710 - 715.(<http://dx.doi.org/10.1136/bjsports-2014-094157>)

20 years strong AMERICA WALKS

SAFETY BENEFITS OF WALKING

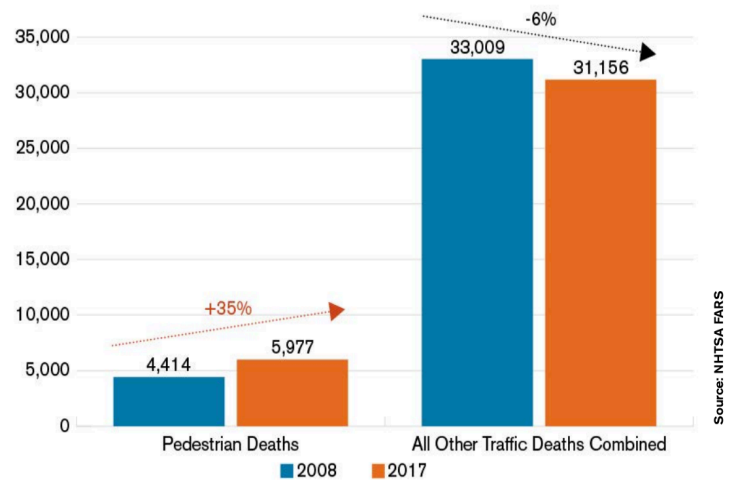
“Walkable communities support individual health and wellness, economic strength, and improved environmental conditions...we have our work cut out for us to convince decision-makers to make the changes necessary to address these alarming fatalities and help all communities realize the benefits of walking.”

-AMERICA WALKS EXECUTIVE DIRECTOR KATE KRAFT

DANGERS TO PEDESTRIANS

- In 2018, there were 36,560 traffic fatalities in the United States, and pedestrian fatalities decreased from the year prior by 2.4%.¹
- 2018, however, was the deadliest for pedestrians and bikers, with 6,283 people killed while walking and 857 struck and killed while biking.²
- Speed matters: only 5% of pedestrians would die if struck by a vehicle traveling at 20 mph or less. At 30 mph, there’s a 40% chance of fatal injury if struck; at 40 mph, the chance of dying increases to 80%, and at 50 mph it reaches 100%.³
- Pedestrians are 1.5 times more likely than passenger vehicle occupants to be killed in a car crash on each trip.⁴
- From 2008 to 2017, the number of pedestrian fatalities has increased by 35%; on the other hand, the combined number of all other traffic deaths has decreased by 6%⁵
- People over 50, Black or African American people, Alaska Native or American Indian people, and those walking in communities with lower median household incomes are struck and killed at much higher rates.⁶

Numbers of U.S. Traffic Deaths in 2008 and 2017



Source: GHSA.org



WHAT WE ARE DOING TO HELP

America Walks [Safer System initiative](#): America Walks will use the 2018 Road to Zero grant to create and initiate context-sensitive safety treatments for midsize cities to reduce the growing number of pedestrian fatalities and injuries, through creating [complete streets](#) and supporting [Vision Zero Cities](#). America Walks' safer systems work with the 12 vulnerable communities facilitated:

- Cross-sector collaboration
- Inclusion of safe systems principles in planning frameworks
- Completed tailored pedestrian safety projects

TOP 5 SAFETY BENEFITS OF WALKING

1. Walking helps people get out of their cars: the risk of getting into a traffic crash increases with the average amount of travel each person spends in a car (per-person vehicle travel). Reducing that amount lowers the risk of traffic crashes for everyone.⁷

2. The more people that are walking or bicycling, the less likely drivers are to collide with them. Policies that increase the numbers of pedestrians and cyclists are effective in improving the safety of those on foot and bike.⁸

3. Investing in walking infrastructures could save money in the long run: developing Complete Streets often adds very little expense to transportation budgets. Long term, they can prevent expensive retrofitting of roads later on and also better the overall health of the community.⁹

VICTIM BLAMING

America walks is working to prevent the media from arguing “distracted walking” results in pedestrian fatalities. This argument prevents the real causes, such as poor street design, and improper speeds, from being known.

HELP SPEAK OUT [HERE](#)

4. Making roads safer for walkers helps make roads safer for everyone. Improving roadway environments like speed control and other related systems in favor of pedestrians helps to decrease the fatality of car crashes when they inevitably occur.¹⁰

5. Older adults, people of color, and low-income communities are most vulnerable to pedestrian fatalities. Prioritizing walking infrastructure projects that focus on these disproportionately affected groups is vital for overall

pedestrian safety. For example, local authorities can incentivize or award infrastructure projects in disadvantaged areas.¹¹

ABOUT AMERICA WALKS

America Walks, a 501(c)(3) national nonprofit organization, is leading the way in advancing safe, equitable, accessible, and enjoyable places to walk and move by giving people and communities the resources to effectively advocate for change. We provide a voice for walking and walkable communities with federal agencies, provide strategy support, training and technical assistance to statewide, regional, and local organizations, and serve as the convener of the national Every Body Walk! Collaborative.

PO Box 70742 Bethesda, MD 20813 - 503.610.6619 - <http://www.americawalks.org>

ADDITIONAL RESOURCES

<https://smartgrowthamerica.org/program/national-complete-streets-coalition/>

<https://www.nsc.org/>

<https://safety.fhwa.dot.gov/>

<http://www.hsrb.unc.edu/>

<https://www.nsc.org/road-safety/get-involved/road-to-zero>

<https://visionzeronetwork.org/>

<https://www.ite.org/technical-resources/topics/complete-streets/>

https://www.ghsa.org/sites/default/files/2019-02/FINAL_Pedestrians19.pdf

WORK CITED

¹ National Highway Traffic Safety Administration: *Traffic Safety Facts*, <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812826>

² Smart Growth America, *Dangerous By Design 2020*. <https://smartgrowthamerica.org/app/uploads/2020/01/DbD-2020-Report.pdf>

³ U.S. Department of Transportation National Highway Traffic Safety Administration. Literature Review on Vehicle Travel Speeds and Pedestrian Injuries Among Selected Racial/Ethnic Groups. October 1999. <http://www.nhtsa.gov/people/injury/research/pub/hs809012.html>

⁴ Beck, LF; Delinger, AM; O'Meil, ME. Motor vehicle crash injury rates by mode of travel, United States: Using exposure-based methods to quantify differences. *American Journal of Epidemiology*. 2017. 166, 212-218.

⁵ Governors Highway Safety Association: *Pedestrian Traffic Fatalities by State 2018 Preliminary Data*, https://www.ghsa.org/sites/default/files/2019-02/FINAL_Pedestrians19.pdf

⁶ Smart Growth America, *Dangerous By Design 2019*. <https://smartgrowthamerica.org/dangerous-by-design/>

⁷ *ibid.*

⁸ Jacobsen, P.L. Safety in numbers: more walkers and bicyclists, safer walking and bicycling. *Injury Prevention*. 2003. 9:205-209. <http://injuryprevention.bmj.com/content/9/3/205.full.pdf>

⁹ Smart Growth America: *Cost of Complete Streets*, <https://smartgrowthamerica.org/resources/cost-of-complete-streets/>

¹⁰ Vision Zero Network: *What is Vision Zero?* <https://visionzeronetwork.org/about/what-is-vision-zero/>

¹¹ Smart Growth America. "Take action" *Dangerous By Design 2019*. <https://smartgrowthamerica.org/dangerous-by-design/>

Safe Streets and Roads for All
(SS4A)
Department of Transportation
Grant Program

<https://www.transportation.gov/grants/SS4A>



Safe Streets and Roads for All (SS4A) Grant Program

The [Bipartisan Infrastructure Law](#) (BIL) established the new Safe Streets and Roads for All (SS4A) discretionary program with \$5 billion in appropriated funds over 5 years. The SS4A program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries.

The SS4A program supports Secretary of Transportation Pete Buttigieg's [National Roadway Safety Strategy](#) and the Department's goal of zero deaths and serious injuries on our nation's roadways.

FY23 NOFO Is Open, Now through July 10, 2023

The [fiscal year \(FY\) 2023 Notice of Funding Opportunity \(NOFO\)](#) for Safe Streets and Roads for All grants is [live on Grants.gov](#) and open for applications.

The deadline for applications is 5:00 p.m. (EDT) Monday, July 10, 2023. Late applications will not be accepted. For details, more information, and applicant guidance:

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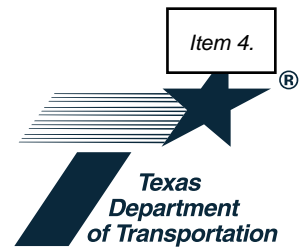
Eligible Activities

The following activities are eligible for the SS4A program:

- Develop or update a comprehensive safety action plan (Action Plan). This includes:
 - Developing an Action Plan;
 - Conducting supplemental planning in support of an Action Plan; and
 - Carrying out demonstration activities in support of an Action Plan.
- Conducting planning, design, and development activities for projects and strategies identified in an Action Plan
- Carry out projects and strategies identified in an Action Plan.

There are two types of SS4A grants: Planning and Demonstration Grants and Implementation Grants.

LOCAL GOVERNMENT ASSISTANCE, GRANT, AND MATCH PROGRAMS



- Routine Airport Maintenance Program
- State Infrastructure Bank
- Local Government Assistance Program (City and County Roads)
- Transportation Alternatives-Set Aside Program (Bicycle and Pedestrians)
- Traffic Safety Grants
- Highway Bridge Program
- Federal Transit Administration Grant
- Economically Disadvantaged County Program
- Connecting You With Texas




TxDOT RESOURCE LINKS

Scan the QR codes with your mobile device or click on the resource link buttons located here and at the bottom of every page of this document to direct you to additional resources and more details on the information provided in this document.





Texas Department of Transportation

TxDOT's public website for agency information and resources focused on meeting the needs of drivers, businesses, government officials, and those who want to learn more about TxDOT.




TxDOT 2021-2022 Educational Series

TxDOT's complete 2021-2022 Educational Series that focuses on a range of transportation issues affecting TxDOT and the state of Texas.



Visual Dictionary

TxDOT's Visual Dictionary is designed to provide better understanding of transportation elements, words, and concepts.





LOCAL GOVERNMENT ASSISTANCE, GRANT, AND MATCH PROGRAMS

OVERVIEW

The Texas Department of Transportation (TxDOT) provides a variety of grants, programs and initiatives that help local governments build and maintain roads and other transportation infrastructure, and provide public transportation services within their jurisdictions. As state and local governments face the challenges of increasing traffic due to population growth and economic expansion, it is critical that TxDOT and local governments work together to maximize the benefits provided through joint planning, and joint funding of critical projects, and effectively maintaining current facilities. The following resources listed are some of the most sought-after grants and match programs provided by TxDOT for local governments.


ROUTINE AIRPORT MAINTENANCE PROGRAM

TxDOT administers the Routine Airport Maintenance Program (RAMP) through annual grants to public entities to fund maintenance functions at over 275 eligible General Aviation airports. The grants provide matching funding up to \$50,000 to fund airport maintenance through local public entity purchasing or contracts, or through maintenance performed by local TxDOT District maintenance resources. The objective of the Routine Airport Maintenance Program is to assist communities in maintaining their General Aviation facilities and to protect the investment in our statewide system of airports.

Contact: TxDOT Aviation Division




<https://www.txdot.gov/inside-txdot/division/aviation/airport-grants.html>



eGRANTS PORTAL

Aviation and Public Transportation grants are administered through TxDOT's eGrants website:



https://apps2.dot.state.tx.us/apps/egrants2/Login2.aspx?APPTHEME=TXDOT_Global



STATE INFRASTRUCTURE BANK

The State Infrastructure Bank (SIB) is a revolving loan fund that allows borrowers to access capital funds at or below market interest rates. The overall goal of the State Infrastructure Bank program is to provide innovative financing methods to communities to assist them in meeting their infrastructure needs. The Texas Transportation Commission may grant State Infrastructure Bank financial assistance to any public or private entity authorized to construct, maintain, or finance an eligible transportation project. Eligible costs include all costs incidental to the construction of public highways such as construction, utility relocation, right-of-way acquisition, appraisal and testing, engineering, surveying, and inspection. Projects must be consistent with transportation plans developed by the local metropolitan planning organization and with the Statewide Transportation Improvement Program (STIP).

Contact: TxDOT Project Finance, Debt and Strategic Contracts Division



<https://www.txdot.gov/inside-txdot/division/debt/sib/general-information.html>

LOCAL GOVERNMENT ASSISTANCE PROGRAM (CITY AND COUNTY ROADS)

Section 201.706, Texas Transportation Code, requires TxDOT to assist cities and counties with the maintenance of city streets and county roads by providing engineering and maintenance expertise on roadway maintenance and by providing available surplus materials to any local government. Distributed materials may include surplus materials on hand or new materials. Local government officials should contact their local TxDOT District Engineer to obtain additional information about this program.

Contact: TxDOT District Engineer



<https://www.txdot.gov/inside-txdot/district.html>

Use the map to find your local TxDOT district engineer.



TRANSPORTATION ALTERNATIVES-SET ASIDE PROGRAM (BICYCLE AND PEDESTRIANS)

TxDOT administers Transportation Alternatives (TA)-Set Aside Program funds for locally sponsored bicycle and pedestrian infrastructure projects in communities less than 200,000 located outside the urbanized core of metropolitan areas. In large urbanized areas with populations over 200,000, Transportation Alternatives funds are distributed directly to Metropolitan Planning Organizations (MPO) to administer according to their needs. Projects for the program are selected through a competitive process.

Contact: TxDOT Public Transportation Division



<https://www.txdot.gov/inside-txdot/divisionpublic-transportation/bicycle-pedestrian.html>

TRAFFIC SAFETY GRANTS

Traffic Safety Grants are funded by the National Highway Traffic Safety Administration (NHTSA) and administered through TxDOT. Only educational institutions, local governments, non-profit organizations, and state agencies can submit traffic safety proposals for funding consideration with TxDOT. Requests for proposals start in November each year and end in early January of the following year. Examples of Traffic Safety Grants include increased enforcement, traffic safety training, and driver behavior education and outreach programs to reduce fatalities, injuries, and crashes on Texas roadways. Program areas include reducing impaired driving, discouraging distracted driving, and encouraging use of driver and passenger seat belts.

Contact: TxDOT Traffic Safety Division



<https://www.txdot.gov/inside-txdot/division/traffic/grants.html>

eGRANTS PORTAL

Traffic Safety eGrants are administered through the Traffic Safety Grants Management System:



<https://www.txdot.gov/apps/egrants/Login2.aspx?APPTHEME=TXDOT>



HIGHWAY BRIDGE PROGRAM

The Highway Bridge Program (HBP) is a federal-aid program that provides funding to enable states to improve the condition of highway bridges through replacement, rehabilitation, and systematic preventive maintenance.

Contact: TxDOT Bridge Division



<https://www.txdot.gov/government/programs/programs.html>



FEDERAL TRANSIT ADMINISTRATION GRANTS

TxDOT distributes grant funds, ensures compliance with program requirements, and promotes safety, coordination, partnerships and best practices. TxDOT administers Federal Transit Administration grants that are for specific purposes and have separate eligibility and funding requirements.

• Rural Areas Program

TxDOT provides federal funds for capital, planning, operating and administrative grants to support public transportation in the 37 current transit districts in rural areas and small cities that are considered non-urbanized that helps people in rural areas with access to healthcare, religious services, shopping, education, employment, and recreation.

• Enhanced Mobility of Elderly Individuals and Individuals with Disabilities

TxDOT provides federal funds to public and private nonprofit entities for the mobility of seniors and individuals with disabilities. Grants are for operating capital equipment, preventive maintenance, and purchase of service.

• Bus and Bus Facilities Program

TxDOT administers federal funds to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities in rural and small urban areas.

• Statewide and Nonmetropolitan Transportation Planning Programs

TxDOT administers federal funds and sets the procedural requirements to ensure that multimodal transportation planning in the state is cooperative, continuous, and comprehensive, resulting in long-range plans and short-range programs of transportation investment priorities in rural areas.

• Transit Scholarship Program

TxDOT administers the Transit Scholarship Program to provide transit scholarships designed to give agencies the opportunity to send employees to transit-related training or transit “rodeos” and obtain reimbursement for training and travel related expenses. Transit rodeos are important because they provide competitive venues where transit drivers and mechanics demonstrate their skills and best practices, share their knowledge, and compete for a chance to advance to state and national competition.

Contact: TxDOT Public Transportation Division



<https://www.txdot.gov/government/programs/stips/info/transit.html>





ECONOMICALLY DISADVANTAGED COUNTY PROGRAM

In 1997, the 75th Texas Legislature passed Senate Bill 370, better known as TxDOT’s Sunset Bill. Section 2.18 of SB 370 gave the Texas Transportation Commission the ability to adjust the minimum local matching funds requirement.

In economically disadvantaged county, when compared to other counties in the state, has the following characteristics:

- Below average per capita taxable property value;
- Below average per capita income; and
- Above average unemployment; or
- Met the standard criteria within the last six years and has been included in no less than five federally declared disasters within the same time period.

TxDOT identifies the counties that meet all three of the above criteria derived from data obtained from the Texas Comptroller of Public Accounts on an annual basis or, a county that has met the three criteria within the past six years or has been included in no less than five federally declared disasters within the same time period obtained by the Federal Emergency Management Agency. These counties are eligible for the program during the fiscal year in which they are determined eligible.

The amount of relief granted to eligible projects is based on a formula developed to measure a local government’s effort and ability to provide their local match for projects.

ECONOMICALLY DISADVANTAGED COUNTY PROGRAM



To see the most up-to-date information on Economically Disadvantaged County Program and a current list of eligible counties.



<https://www.txdot.gov/inside-txdot/forms-publications/publications/disadvantaged.html>



CONNECTING YOU WITH TEXAS



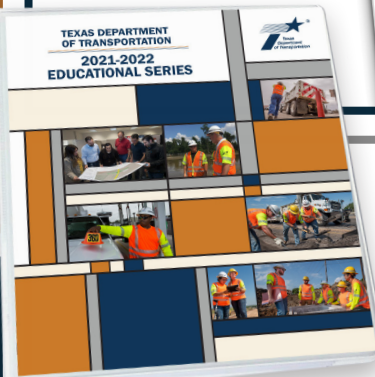
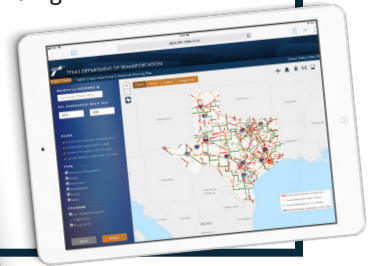
TxDOT is committed to your safety and to the reliability of the information contained on this site. While road conditions can change rapidly, DriveTexas.org is an industry leader in providing some of the most accurate and up-to-date travel-related information currently available to drivers in Texas. Information presented here is as close to real time as possible. For those who use our roads, please do not use this site while operating a motor vehicle.

Be Safe. Drive Smart. Thank you!

TEXAS DEPARTMENT OF TRANSPORTATION Project Tracker



Project Tracker is the gateway to up-to-date information about TxDOT highway improvement projects, providing 24/7-access to the public, employees, and elected officials.



TEXAS DEPARTMENT OF TRANSPORTATION Government Affairs



TxDOT's Government Affairs Division works closely with government on both the state and federal levels through the State Legislative Affairs and Federal Affairs sections.

TEXAS DEPARTMENT OF TRANSPORTATION 2021-2022 Educational Series

TxDOT's complete 2021-2022 Educational Series that focuses on a range of transportation issues affecting TxDOT and the state of Texas.



Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Take Appropriate Action on the Creation of Community Gardens in the City of Woodcreek.

AGENDA ITEM SUMMARY:

This item explores the possibility of how the city can fulfill the number one response on the Comprehensive Plan, as it relates to what citizens would like in their parks. Also council could explore the possible available grants to fund this project, such as the USDA Urban Agriculture and Innovative Production Grant. Several citizens have stepped forward expressing their willingness to volunteer towards Community Gardens. I see this as the city creating the gardens, but that the citizens run and organize it.

FINANCIAL IMPACT:

Unknown at this time.

SUBMITTED BY:

Chrys Grummert

AGENDA TYPE:

New Business

COMPLETION DATE:

3/18/2023 2:16:37 PM

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

NOTE: Addition to the Community Garden Item

AGENDA ITEM SUMMARY:

NOTE: Addition to the Community Garden Item

FINANCIAL IMPACT:

SUBMITTED BY:

Debra Hines

AGENDA TYPE:

April 18 Workshop

COMPLETION DATE:

4/7/2023 7:25:40 PM

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discussion and Possible Action on the Creation of a Community Garden and Dog Park in the City of Woodcreek and Set Locations for the Community Engagement Additions to Real Property

AGENDA ITEM SUMMARY:

The Comprehensive Plan Survey listed a Community Garden as the TOP priority for citizens. The City should consider allocating some land for this volunteer and donation based effort. CYJ is working with Mayor Rasco to coordinate volunteers this summer and building a community garden is the perfect match for these work sessions.

FINANCIAL IMPACT:

Matching Donation Funds up to \$1500 recommended

SUBMITTED BY:

Debra Hines

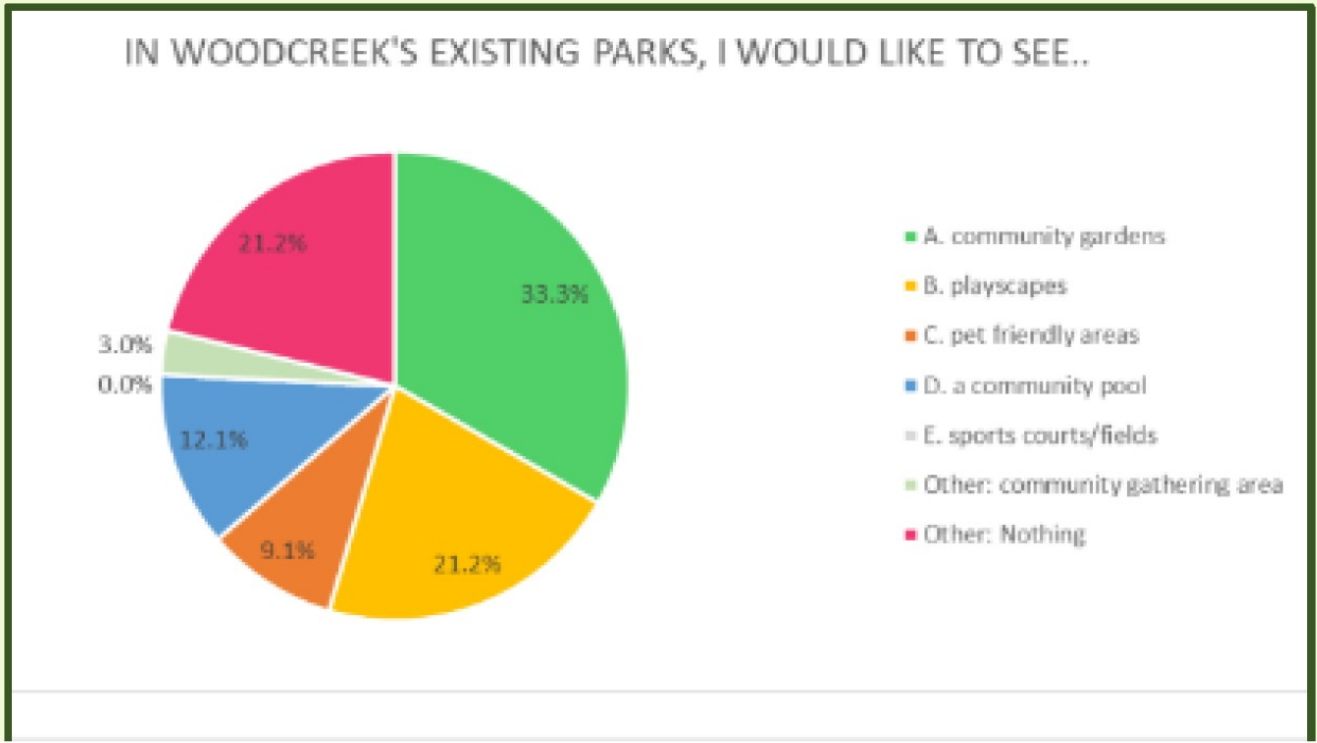
AGENDA TYPE:

New Business

COMPLETION DATE:

4/2/2023 12:39:55 PM

Comprehensive Plan page 50



In order of preference

Community Gardens.....	33%
Playscapes.....	21.2%
Other: Nothing.....	21.2%
a Community Pool.....	12.1%
Pet Friendly Areas.....	9.1%
Other: Community Gathering Area.....	3.0%
Sports Courts/Fields.....	0.0%

<https://www.usda.gov/topics/urban/grants>

USDA Announces Grants for Urban Agriculture and Innovative Production

[Apply on Grants.gov](#)

[Press Release](#)

[Webinar for 2023 Grant Applicants](#)

[FAQs for the 2023 Grants for Urban Agriculture and Innovative Production](#)

Urban Agriculture and Innovation Production (UAIP) competitive grants initiate or expand efforts of farmers, gardeners, citizens, government officials, schools, and other stakeholders in urban areas and suburbs. Projects may target areas of food access; education; business and start-up costs for new farmers; and development of policies related to zoning and other needs of urban production.

USDA Plant Hardiness Zone 8

Gardeners in USDA Plant Hardiness Zone 8 enjoy a long growing season with average low winter temperatures between 10 and 20 degrees F



Community Garden Statistics in 2023 (Latest U.S. Data) Item 5.

By Katie Mayers • Updated on February 11, 2023



Community gardens work wonders by bringing people together and improving community wellbeing.

Community garden statistics show that public gardens have a positive economic benefit on local neighborhoods.

Community Garden Statistics

Highlights of statistics on community gardening:

1. Community gardens increase surrounding **property values** by up to 9.4%.
2. Average community garden **yields** about 20.4 servings of fresh produce per 11 sq. ft.
3. Community gardens can lower household **food security** concerns by up to 90%.
4. Every \$1 invested in a community garden yields around **\$6 worth** of produce.
5. Community gardens have a positive **impact** on neighborhood security.
6. There are over **29,000** community gardens in the 100 largest U.S. cities.
7. Community gardeners eat 37.5% more fruits and **vegetables** than non-gardeners.
8. Common reasons for garden participation are access to fresh foods, **health benefits**, and to enjoy nature.
9. Women community gardeners are 46% less likely to be **overweight** than their neighbors.

1. Community gardens increase surrounding property values by up to 9.4%.

Urban greenspaces have been linked to enhanced property values and fewer vacant homes.

According to research on community gardening statistics, property values within 1000 feet of urban community gardens were found to increase by as much as 9.4%. (1)

Community Garden	Property Values	Time Period
1,000 ft. Radius	9.4% Increase	5 Years

The positive increase in value occurred within five years of the establishment of community gardens in the area.

The study estimated that the cumulative benefits were approximately \$2 million in property value increase per public garden. (1)

Through the years, there have been several studies assessing the impact between local community gardens and property values.

Year of the Study	Distance From a Community Garden	Property Value Increase
1992	1,500 ft. to open spaces	1.43% Increase in sale prices
1999	600 ft. to aesthetic parks	11% Increase in sales prices
2003	Three-block radius to community gardens	\$8,800 in tax revenue through real estate value increase
2003	Adjacent to high-quality parks	8-30% increase in the value
2008	Adjacent to community gardens	Median rent increased by \$91
2012	Adjacent to community gardens	Increase by up to 30%

The overall theme of the studies shows that proximity to high-quality outdoor spaces, like neighborhood gardens, has a positive effect on surrounding property values.

The value increase comes through a property price increase, rent increase, or tax revenue.

2. Average community garden yields about 20.4 servings of fresh produce per sq.m.

Item 5.

Some of the best benefits of community gardens are nutritious food products and food budget savings.

The production potential of a community garden will depend on many factors like the length of the growing season, the size of the plot, and the type of produce.

According to a community gardens statistics study from Guelph, Ontario, the average yield for 50 community gardens was 3.15 lbs (1.43 kg) per sq.m (11 sq. ft). (1)

Average Yield	Community Gardens	Average Yield
3.15 lbs 11 sq.ft.	50 gardens	20.4 servings 11 sq.ft.

This is approximately 20.4 servings of fresh produce per 11 sq. ft. (sq.m) over the growing season.

The study estimated that 434,310 lbs (197,000 kg) of vegetables were produced by using approximately 34 acres (13.76 ha) of land. (1)

The volume would be sufficient to provide enough food to 2,900 people. This neighborhood gardening data shows how economically efficient community gardens can be.

We can just imagine what kind of impact this could have if there were more community gardening programs in our cities.

3. Community gardens can lower household food security concerns by up to 90%.

It's clear that participating in a community garden has a positive effect on reducing household food budget costs.

According to community garden benefits statistics study from Oregon, concerns about food security dropped from 31% of households to 3% of households after participation in local community gardens. (2)

Food Security Concerns Before	Impact of Community Gardens	Food Security Concerns After
31.2% of Households	90% Change	3.1% of Households

Before the gardening season, 31.2% of families were worried sometimes or frequently that food would run out before the money.

After the gardening season, the number of concerned households dropped to 3.1%; this is a whopping 90% change in food security concerns.

Analysis of the community vegetable gardens study also uncovered economic and family health benefits because the family often worked together. (2)

The study concluded that community garden projects could reduce food insecurity concerns, improve dietary intake and strengthen family relationships.

4. Every \$1 invested in a community garden yields around \$6 worth of produce.

The economic benefits of community gardens are measurable and mainly localized.

According to the United States Department of Agriculture (USDA) research, every dollar invested in a community garden yields approximately \$6 worth of produce. (3)

Return on Investment	Participation	Community Gardens
6x ROI	200,000 Gardeners	800 Acres

This is a fantastic 6x return on investment on community gardens in urban areas.

The primary purpose of the research was to assist community gardens in low-income neighborhoods in growing and preserving vegetables to improve nutrition and food security. (4)

The local gardening research included almost 200,000 gardeners who were producing vegetables on 800 acres of "farmland" in 23 major cities in the U.S.

5. Community gardens have a positive impact on neighborhood security.

According to community garden crime statistics research, community gardens have been found to positively impact neighborhood security. (1)

This is achieved by providing safe spaces which are invested in and valued by the community.

Below is an example of the findings of studies evaluating the impacts of community gardens on crime.

Year of the Study	Description	Impact on Crime
1994	Impact of Victoria Hills community garden on police incidents	Incidents dropped by 30% and 56% year after
2004	Relationship between crime and greenspace	Higher levels of greenspace support reduced criminal activity and safer communities
2009	Impacts of 11 community gardens on reported crimes	Reduction in drug activity and dumping increased resilience against crime
2011	Vacant lot greening effect on crime, safety, and disorder	Net reduction in perception of disorder
2011	Comparing crime rates between vacant lots and community gardens	Statistically significant decrease in burglaries, robberies, and felony assaults
2012	Three community gardens in Kitchener, Ontario	Gardeners fostered a sense of security by increasing interaction across divides

Although the findings present mixed evidence of a correlation between community gardens and crime prevention, the results collectively present evidence that building community gardens does support residents' perceptions of neighborhood safety.

Another systematic review on the relationships between greenspaces and crime found that 19 studies reported positive impacts on neighborhood safety, while 9 showed a negative relationship. (1)

The difference is believed to be the result of differences in neighborhood socioeconomic characteristics, types of greenspaces, and types of crimes.

6. There are over 29,000 community gardens in the 100 largest U.S. cities.

Item 5.

According to Trust for Public Land neighborhood gardening statistics, there are over 29,000 community garden plots in city parks in the 100 largest U.S. cities. (5)

U.S. Community Gardens	Growth	U.S. Community Gardens
29,000 in 2018	44% Increase	16,240 in 2012

Trust for Public Land started keeping track of the U.S. organic community gardens in 2012. Since then, the number of public community gardens has surged 44% to 29,000. (5)

Community gardens improve access to local nutritious foods and cultivate social connections via community building.

According to a gardening community study in Denver, gardeners value the social connections they experience in community gardens. (6)

The connections are established through the administrative activities and sharing of tools and vegetables.

Community gardens played also an important role during the Covid pandemic, to improve mental health and provide support during the isolation.

7. Community gardeners eat 37.5% more fruits and vegetables than non-gardeners.

It's no secret that fruit and vegetables are essential components of a healthy diet and the easiest modifiable risk factors to chronic diseases. (7)

Unfortunately, only a small amount of the world's population follows the national recommended daily guidelines.

According to community vegetable gardens statistics research, community garden participation is significantly associated with fruit and vegetable intake. (7)

Community gardeners consume fruits and vegetables 5.7 times per day, compared to non-gardeners 3.9 times per day.

Community Gardeners Fruit & Veg. Intake	Home Gardeners Fruit & Veg. Intake	Non-Gardeners Fruit & Veg. Intake
5.7 times per day	4.6 times per day	3.9 times per day

Community gardeners eat 21.4% more fruits and vegetables than home gardeners and 37.5% more than non-gardeners.

The data also showed that 56% of community gardeners meet national recommendations to consume fruits and vegetables at least 5 times per day. (7)

While only 37% of home gardeners and 25% of non-gardeners meet the national recommendations.

There are also indirect benefits of community gardening participation.

Studies have found that community gardening household members consume fruits and vegetables 1.4 times more per day than those who do not participate. (8)

They also were 3.5 times more likely to consume fruit and veggies at least 5x per day as guided by national recommendations.

8. Common reasons for garden participation are access to fresh foods, health benefits, and to enjoy nature.

Item 5.

According to New York statistics on community garden benefits, the most commonly expressed reasons for participating in community gardens are access to fresh foods, health benefits, and to enjoy nature. (9)

The purpose of the community garden benefits research was to identify the characteristics that are useful to facilitate neighborhood development and health promotion.

The research also found that community gardens located in low-income neighborhoods were 4x more likely to lead to other neighborhood issues being addressed.

Studies also show that community garden programs strengthen communities. (10)

- They provide open spaces for community gatherings and family events.
- They integrate neighbors of different ages, races, and ethnic backgrounds.
- They include lower-income citizens and offer food security.
- They enable gardeners to sell their produce through a local farmer's market.
- They offer educational opportunities for adults and for children.
- They offer a method to encourage a donation of surplus produce.

9. Women community gardeners are 46% less likely to be overweight than their neighbors.

The health benefits of community gardening are real and measurable.

According to community garden diet statistics, women gardeners are 46% less likely to be overweight or obese than are their female neighbors. (11)

While men gardeners are 62% less likely to be overweight or obese than their male neighbors.

Women Gardeners	To Non-Gardeners	Men Gardeners	To Non-Gardeners
-1.84 BMI	11 lb difference	-2.36 BMI	16 lb difference

The study found large, significant differences in the body mass index (BMI) and overweight and obesity risk when comparing community gardeners to their local neighbors. (11)

The BMI difference for women gardeners vs. their neighbors was -1.84, and the difference for men gardeners vs. their neighbors was -2.36. In terms of BMI, these are notable differences.

These results translate to around 11 lbs difference for a 5 feet, 5 inches tall woman and about 16 lbs difference for a 5 feet, 10 inches tall man.

The study found that community gardeners have lower BMIs than their neighbors.

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11. Zick CD, Smith KR, Kowaleski-Jones L, Uno C, Merrill BJ. Harvesting more than vegetables: the potential weight control benefits of community gardening. *Am J Public Health*. 2013;103(6):1110-1115. [Link](#)

SAMPLE Regulations

Community Garden Committee

Community Garden Regulations & Policies

OVERVIEW

1. The Community Garden is intended to be a beautiful, safe, and peaceful place to cultivate, fruit, vegetables, flowers, and herbs. The following set of rules and regulations have been designed to ensure:
 - a. That the community garden is safe.
 - b. That the community garden is a pleasant place to be and look at, for gardeners, neighbors, and the general public.
 - c. Fairness and equity among the gardeners.

I. DISTRIBUTION, FEES, REGISTRATION

1. Plots are leased for one year from October 1 to September 30.
 - a. Gardeners must submit an application and sign a plot lease agreement yearly. Applications will be accepted throughout the year. Plots are available on first come, first serve basis.
 - b. Returning plot gardeners must notify the Community Garden Committee of their intention for the upcoming year by the September deadline. If the deadline is not met, they will forfeit their plot and it will be reassigned if a waiting list is in place.
 - c. If no plots are available, prospective gardeners may add their name to a waiting list. Prospective gardeners will be contacted in order of application when a plot becomes available.
 - d. Gardeners who give up their plot cannot directly give their plot to another gardener or other individual. The Community Garden Committee (CGC) will re-assign plots as they become available.
 - e. If plot holders are not renewing they must clean plot of debris.
2. Individuals may be limited to 2 plots and non-profit organization and other organizations may be limited to 4 plots.

II. RESPONSIBILITIES OF THE GARDENER

1. Gardeners are responsible for their plots year round.
2. **Plots and paths must be kept free of weeds, dead plants, and debris, as well as trash at all times.**
3. Vines must not encroach onto pathways or other plots.
4. Gardeners must be involved in the hands-on cultivation of their plot. However, family or friends can share the responsibility.
5. Gardeners and guests must comply with all rules and regulations. Gardeners are responsible for reading and following written rules.
6. Children 17 and under must be supervised at all times.

III. AT THE GARDEN

Hours of operation are daily, from Sunrise to Dark. No activity is otherwise permitted.

1. No foul language, sound amplification devices, loud behavior, alcohol, or smoking is allowed in the garden.
2. Garbage will be removed by the plot owner and placed in an appropriate receptacle. Removed plants should be placed at a location determined by the CGC.
3. Gardeners must not harvest from another plot unless given permission by that plot owner.
4. No illegal drugs of any kind will be allowed or grown in the garden (this includes medical marijuana).
5. Pets other than service animals are **not** allowed in the garden area.
6. Hoses need to be returned to original location
7. Water **MUST** be turned off on a shared faucet when you leave.
8. Remain at your plot when watering. **DO NOT** leave the water unattended. As individual water use is not metered, it is the responsibility of each gardener to conserve water.
9. Vegetables, flowers, grapes and herbs may be grown. Climbing vines should be confined within the plot. Fruit trees and bushes are not permitted in individual plots. Vines should be trimmed and maintained and must be grown on a trellis or otherwise confined.
10. Trellises of any kind are limited to six feet in height, and must be cleaned of all non-producing annuals soon after the plants stop producing.
11. Tall plants should be located so they do not shade neighboring plots.
12. Organic gardening is encouraged. Gardeners may only use approved pesticides, herbicides, or fertilizers.
13. Gardeners not active for 60 days will be contacted by the CGC to learn of their intentions. If they choose not to garden, their plot will be *reassigned* to the next person on the waiting list.
14. Gates must be locked when the garden is unoccupied.
15. All plots must be maintained in a manner acceptable to the CGC. This includes normal weeding, watering and general care of the assigned plot. The surrounding pathways are to be kept free of debris. All loose materials (refuse, tools, hoses, etc.) must be cleared from the major pathways. Sheds of any kind are not permitted on the plots.

IV. The CGC REQUIREMENTS

Garden plots are only available to individuals who are 18 years or older.

1. In the event of non-compliance with any of the rules:
 - a. The CGC representative will issue a written notice to the plot holder describing the action needed to bring the plot into compliance. Such compliance should be accomplished within two weeks.
 - b. If at the end of the two-week period, the problem has not been resolved, the plot may be re-assigned.

2. Gardeners are responsible for keeping the CGC notified of change address or phone numbers. This is important for general notification of meetings or other information. Gardeners are encouraged to attend occasional meetings called by the CGC. Notice of these meetings will be sent out as they are scheduled.
 3. The City of Bulverde reserves the right to decrease the water allotment to the Community Garden if water conservation measures are enacted. This may include the installation of a controller that automatically turns off the main water during closed hours (sunset to dark).
 4. Once or twice a year, there will be a required work party date set for all gardeners to come and work on community areas of the garden that need work. If a gardener cannot attend due to a conflict in schedule, arrangement to make up a work time is the responsibility of the gardener. We are flexible about this as we understand busy schedules. The main point is to have each gardener be willing to donate a few hours once or twice a year to help maintain the appearance of the garden.
- **The CGC will be responsible for all plots not assigned. All other plots that are assigned as well as the paths and walkways are the responsibility of the gardeners and must be kept clean and weed free.**

V. COMMUNITY GARDEN COMMITTEE OVERSIGHT

Sample Application

Application Form
For
Bulverde Community Garden

Please Print Clearly:

NAME _____

ADDRESS _____

CITY _____ ZIP
CODE _____

PHONE _____ circle whether
CELL/HOME

EMAIL _____

I request (how many) _____ plots at the Bulverde Community Garden. Individuals may be limited to 2 plots. Non-profits/organizations may be limited to 4 plots.

If assigned a plot, I will comply with the garden rules and by-laws established by the Bulverde Community Garden Committee.

Failure to comply with any of these rules may result in termination of my garden privileges after a two-week written notice.

An application form must be submitted each year.

Dated _____ Signed _____

Print Name _____ Email _____

Return this application to Bulverde Community Garden, PO Box 30, Bulverde, TX 78163, attn: Joanne Hall, Chairman or email to jothall@gvtc.com

8/8/2019

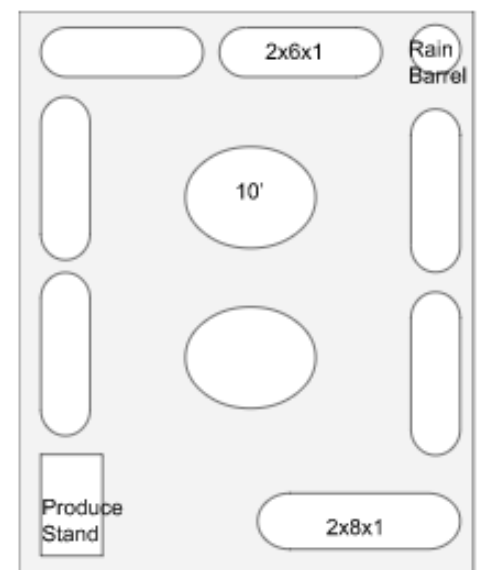
Woodcreek Community Garden Phase 1

Item 5.

VISION STATEMENT: Create a meaningful space that enhances the heart, souls, and minds of Woodcreek residents. We aim to build a Community Garden that beautifies, produces, and develops community engagement within the city. Community gardens provide numerous health benefits, including increased physical activity and improved mental health. Additionally, gardens promote social health and community cohesion by offering a safe, welcoming space for all residents of Woodcreek.

OUR GOALS

- Build a Community Garden in two phases that beautifies the space, produces vegetation, promotes pollinators and develops community engagement within the city
- Provide membership and sponsorship opportunities to residents and local businesses
- Provide community engagement events around the garden space



THE DETAILS

Materials: Donated & sponsored items include: box materials, gardening soil, hoses etc. from local gardening equipment and garden stores. If needed, a one-time fundraiser will generate initial garden funds.

Membership: Membership will be less than 10 participants at first due to limited site space. We will offer membership with a nominal box fee (\$25) per season to encourage ownership and accountability over the garden. Due to limited space, membership will be open first to Woodcreek residents.

Funding: The garden outlined in Phase 1 is small enough to be sustained and maintained through the box fee, donated items, and small donations (if needed). For the phase 2 garden, we will seek out garden-specific grants.

Maintenance: All maintenance of the garden will be the responsibility of the garden committee and the gardeners that are participating in growing. If needed, volunteer assistance will come from local organizations such as the Boy Scouts or Camp Young Judea.

NEXT STEPS

- City Council approval 4/30
- Secure donated materials 5/15
- Post membership availability for Woodcreek residents 5/15
- Develop site 5/15 – 6/1
- Begin planting! 6/1

WOODCREEK MAP



POSSIBLE LOCATION FOR DOG PARK

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Take Possible Action to Approve the K.Friese Work Authorization for the 2023 Woodcreek Roads Project.

AGENDA ITEM SUMMARY:

Ryan Thomas with K.Friese provided the Work Authorization document to City Staff on Friday, April 14, 2023..

FINANCIAL IMPACT:

SUBMITTED BY:

Kevin Rule

AGENDA TYPE:

New Business

**WORK AUTHORIZATION #04
Transportation Bond Project
KFA Project #0915**

This work authorization is made pursuant to the terms and conditions of the original Professional Service Agreement dated November 13, 2020, by and between K Friese & Associates, Inc. and the City of Woodcreek.

SERVICES PROVIDED BY K FRIESE & ASSOCIATES, INC.:

City of Woodcreek Transportation Bond Project: Refer to Attachment A for details.

DELIVERABLES: Refer to Attachment A for details.

This Agreement shall remain in effect until December 31, 2023 unless terminated as provided herein or extended by mutual agreement in writing. This Agreement is subject in all respects to the Terms and Conditions attached hereto and incorporated herein by reference.

BUDGET: Lump sum not to exceed **\$177,136.00**. Refer to Attachment B for budget details and breakdown.

CLIENT:

CITY OF WOODCREEK

K FRIESE + ASSOCIATES, INC.

SIGNED: _____

SIGNED: Charlotte Gilpin

TYPED NAME: Kevin Rule

TYPED NAME: Charlotte A. Gilpin, P.E., CFM

TITLE: City Manager

TITLE: Vice President

DATE: _____

DATE: April 14, 2023

Attachments:
Attachment A
Attachment B

**ATTACHMENT A
SCOPE OF SERVICES
CITY OF WOODCREEK
TRANSPORTATION BOND PROJECT**

WORK SUMMARY

On November 8, 2022, the voters approved the issuance of bonds for the purpose of making street improvements in the City. This scope and fee is to prepare a construction project manual with work maps suitable for bidding of a citywide asphalt overlay project along with bid phase services.

PROJECT MANAGEMENT

1. Overall Project Management – KFA will conduct internal meetings, attend City Council meetings, schedule work, and coordinate on an ongoing basis with City staff and project team. This task includes invoicing, and compiling work products, and deliverables. This assumes a project design duration of 3 months.
2. Project Initiation and Setup includes the preliminary analysis of the Scope of Work, reviewing options for asphalt overlay, chip & seal treatments or a combination thereof.

DESIGN & BID PHASE

1. GIS Basemap – KFA will develop a project basemap from available data including parcels, aerial photography, LiDAR topographic survey, and applicable floodplain data.
2. Construction Documents – KFA will prepare a construction project manual suitable for bidding. This proposal assumes interim submittals will be made at the 90% and 100% milestones and is anticipated to consist of the following items:
 - a. Front End Contract Documents – KFA will utilize document templates from the Engineers Joint Contract Documents Committee (EJCDC) and will update applicable items as appropriate for this project
 - b. Bid Form – Including bid items, units, and quantities
 - c. Technical Specifications – KFA will use applicable TxDOT technical specifications (2014) for bid items and special provisions as necessary for this project.
 - d. Work Maps – KFA will prepare work maps on 11” x 17” sheets showing items of work, existing edges of pavement, and driveways. Areas of overlay and pothole repair will be depicted and annotated.
 - e. Traffic Control Narrative and Details – KFA will prepare a traffic control narrative and details for daytime flagger operations during construction.
3. Cost Estimates – KFA will gather quantities and TxDOT average low bid data to prepare cost estimates at the 90% and 100% milestones.
4. Bid Phase Services – KFA will provide bid phase assistance, which is anticipated to include

**ATTACHMENT A
SCOPE OF SERVICES
CITY OF WOODCREEK
TRANSPORTATION BOND PROJECT**

- a. Attend Pre-Bid Meeting
- b. Respond to Bidder Questions
- c. Prepare Addenda – this proposal assumes preparation of one (1) addendum
- d. Bid Opening – KFA will attend and facilitate the opening and public reading of bids
- e. Bid Tabulation and Award Recommendation – KFA will prepare a tabulation of bids, check for mathematical errors or irregularities, and verify contractor references (if applicable). KFA will prepare a recommendation of award letter.
- f. Issue Conforming Documents – KFA will incorporate addenda and contract information into the project manual for issuance to the Contractor and City.

ASSUMPTIONS MADE FOR THIS PROPOSAL

1. No permitting will be required.
2. Utility coordination and relocation are not included in this proposal.
3. Construction Phase Services to be authorized under a separate Work Authorization.

ATTACHMENT B - DESIGN BUDGET / WORK PLAN														
Woodcreek Mill & Overlay Project														
Firm Name:	K Friese + Associates													
Discipline Services Provided:	Roadway Design													
Proposal Phase:	Design Phase Services													
Personnel Title:	Ryan Thomas Senior Technical Advisor	Jeremiah Davis Project Manager	Austin Messerli Project Engineer	Alex Magdaleno CAD Mid Level	Admin Assistant									
COA Approved Loaded Hourly Rate:	\$290.00	\$265.00	\$185.00	\$115.00	\$105.00	TOTAL								
Phase	Task Name	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	\$	Hrs.	TOTAL \$	
Design Phase Services														
Project Management														
	Project Initiation and Setup	23.00	\$6,670.00	0.00	\$0.00	40.00	\$7,400.00	0.00	\$0.00	0.00	\$0.00	63.00	\$14,070.00	
	Ongoing Project Management	13.00	\$3,770.00	38.00	\$10,070.00	40.00	\$7,400.00	0.00	\$0.00	15.00	\$1,575.00	106.00	\$22,815.00	
90% Design Phase (Design Development)														
	Pavement Inspection	0.00	\$0.00	20.00	\$5,300.00	10.00	\$1,850.00	30.00	\$3,450.00	0.00	\$0.00	59.00	\$10,527.98	
	Project Design Manual	0.00	\$0.00	46.00	\$12,190.00	115.00	\$21,275.00	234.00	\$26,910.00	0.00	\$0.00	395.00	\$60,375.00	
	Cost Estimate Development	0.00	\$0.00	8.00	\$2,120.00	24.00	\$4,440.00	48.00	\$5,520.00	0.00	\$0.00	80.00	\$12,080.00	
100% Design Phase (Construction Documents)														
	Project Design Manual	0.00	\$0.00	31.00	\$8,215.00	77.00	\$14,245.00	156.00	\$17,940.00	0.00	\$0.00	264.00	\$40,400.00	
	Final Cost Estimate	0.00	\$0.00	8.00	\$2,120.00	12.00	\$2,220.00	24.00	\$2,760.00	0.00	\$0.00	44.00	\$7,100.00	
	Bid Documents Design Services	8.00	\$2,320.00	8.00	\$2,120.00	8.00	\$1,480.00	16.00	\$1,840.00	0.00	\$0.00	41.00	\$7,832.02	
	Task Subtotal	36.00	\$10,440.00	151.00	\$ 40,015.00	318.00	\$ 58,830.00	492.00	\$56,580.00	15.00	\$1,575.00	952.00	175200.00	
Reimbursable Expenses (Preconstruction Costs/Supplies)														
	Travel	Government Rate: \$0.65 Round Trip Miles (San Antonio Office): 120 Miles									U/M	UNIT \$	QTY	TOTAL \$
	Reproduction Services (CivCast)										LS	\$ 1,000.00	1.0	\$ 1,000.00
	Reimbursable Expenses Subtotal												\$ 1,936.00	
PROPOSAL TOTAL												\$177,136.00		

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Take Possible Action on a Report from the Ordinance Review Committee's Review of Chapter 95- SANITATION and Sections of Chapter 156 - ZONING

AGENDA ITEM SUMMARY:

The Ordinance Review Committee (ORC) has reviewed and proposed an update to Chapter 95 in addition to sections of Chapter 156. They have provided Council with a report, draft documents showing proposed updates, and additional individual member comments on this work for consideration.

FINANCIAL IMPACT:

none

SUBMITTED BY:

Debra Hines

AGENDA TYPE:

April 18 Workshop

COMPLETION DATE:

4/6/2023 2:41:41 PM

Memo

To: Debra Hines
Council Liaison:OrdComm

Date: April 5, 2023

From: Jim Miller
Chairman:OrdComm

Re: April 4 Meeting Results

Attached are the four Ordinances that were voted out of Committee to be sent to the Council Workshop. The Revised text format includes the original text except for 156.065 Community Homes (Personal Care) as the change was so extensive. Note that additional or replacement text is in **GREEN** and text to be deleted is in **RED**.

Along with the Ordinances themselves, Committee members wish to send along comments and questions as follows:

Chapter 95

We tried in this revision to focus on health rather than appearance. One Committee member respectfully requests that Privies be banned from the City or at least made too difficult to ever appear.

156.061 Home Occupation

Our intent here was two-fold: (1) keep government outside the home, if possible; and (2) promote home offices. Since the pandemic this is perhaps more of an issue, but the Committee as a whole feels home offices are a plus.

156.065 Personal Care/Community Homes

This ordinance was all wrong as it mixed nursing facilities in with Community Homes. We removed all references to Nursing Home requirements and inserted descriptions and wordings directly from state Code. It is important to note that age in itself is not considered a disability by the State.

It is important to note that one Committee member felt strongly that since Community Homes are strictly a State-controlled issue, we should not even have an Ordinance defining it. This was a minority opinion.

156.080 Business Use Neighborhood Office (NO) and Neighborhood Commercial (NC)

Not much was done here as the Committee feels that extensive work should be done defining these two zones (minimum sq.ft.,etc) which do not appear elsewhere. Also an earnest look should be given to defining the excluded occupancies.



CHAPTER 95: HEALTH AND SANITATION

§ 95.01 POPULAR NAME.

This chapter shall be commonly referred to as the City's "Health and Sanitation Ordinance". (Ord. 09-122, 6-10-2009)

§ 95.02 PURPOSE.

This chapter is adopted so that the City Council may promote the public health, safety and general welfare within the City through the regulation of private sewage treatment facilities (Septic Systems), ~~stagnant filth, carrion, weeds, dangerous weeds and other unhealthy, unsanitary and unwholesome conditions in the City. By prohibiting the creation and maintenance of such nuisances, the City Council seeks to protect property values and prevent bodily injury, death and property damage within the City.~~ The City also promotes public health through regulation of nuisances such as, but not limited to ~~of~~ stagnant water, filth, carrion, and dangerous weeds to prevent establishment of vermin, rodents, mosquitoes and other pests that may spread disease, cause injury, or destroy property.

(Ord. 09-122, 6-10-2009)

§ 95.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The words "shall" and "will" are always mandatory.

Animal-Proof Container. A container with a secured lid constructed of material sufficiently strong to prevent domestic pets or other animals from tearing, opening or breaking.

Building. Any structure of any kind or any part thereof, erected for the support, shelter or enclosure of persons, animals, ~~tangible personal property chattel~~ or property of any kind.

City. The City of Woodcreek, Texas.

City Council. The governing body of the City of Woodcreek, Texas.

Code Officer. The person or persons officially designated by the City to assist the City Council in implementing and enforcing this chapter. Such person may be a volunteer, member of the City Council, an employee of the City, a person contracted by the City or a person otherwise designated to serve in this capacity, and such assistance shall include, but is not limited to, investigating alleged violations of this chapter.

Dangerous Vegetation. Tall grass, leaves, stems, plants or some other natural material, living or dead, that creates little to no visibility for drivers, ~~is unsightly~~ or poses an immediate danger to the health, life or safety to any person or property.

Decorative/Ornamental Vegetation. Any plant, bush, shrub, grass or other type of vegetation, not defined as dangerous vegetation, which serves the function of providing aesthetic qualities to a landscaped area.

~~*Fire Safety Buffer Zone.* A green strip consisting of shrubs, plants or other type of vegetation that are low lying, moist and drought resistant placed for the purpose of resisting fire ignition; may also include paved roadways, golf cart paths, maintenance roads and similar areas of non-combustible material.~~

Junk. Worn out, worthless and discarded material, including odds and ends, old iron or other metal, glass, paper, bottle or cans.

Litter. Refuse, rubbish, garbage, trash, objectionable, unsightly or unsanitary matter.

Long Term. In excess of time normally required to complete intended construction or utilization. In the absence of intended construction or utilization, a period in excess of 90 days.

Matter. That of which any physical object is composed.

Nuisance. Filth, carrion, stagnant water, rubbish, ~~impure or unwholesome matter of any kind, unsightly or unsanitary matter of whatever nature~~ or a condition with the potential to cause or promote pathogens, infection, or disease in any individual or the public in general.

~~*Objectionable, Unsightly or Unsanitary Matter.* Any matter, condition or object which is or should be objectionable, unsightly or unsanitary to a person of ordinary sensitivities.~~

Open Storage. Storing, accumulating, keeping or displaying any unsightly item(s) or material(s) that is open to the public view, regardless of sheltering or covering, on public or private property for more than 24 hours. This includes, but is not limited to, junk, litter, objectionable, unsightly or unsanitary matter, refuse or rubbish.

Person. An individual, corporation, organization, government agency, business, trust, partnership, association or any other legal entity.

Private Sewage Treatment Facility. Include, but are not limited to, sewers, privies, septic tanks and on-site sewage facilities.

Privy. A facility for the disposal of human excreta.

Refuse. Accumulation of worn out, used, broken, rejected or worthless materials.

Rubbish. Trash, garbage, debris, rubble, rocks, wrappings, unused fragments of building materials, tree trimmings, brush and other miscellaneous waste or rejected matter.

Septic Tank. A covered water-tight tank designed for sewage treatment. (Ord.

09-122, 6-10-2009)

§ 95.04 SANITATION REQUIREMENTS.

A person who is an owner, tenant, resident, occupant or has supervision or control over any lot, tract or parcel of land, or a portion thereof, occupied or unoccupied, or is the owner, tenant, resident, occupant or has supervision or control over a building, establishment or structure, occupied or unoccupied, within the municipal boundaries of the City must:

- (A) Fill, drain or regulate any ~~location hole~~ or place which contains stagnant water, an unwholesome condition or any other condition that may produce disease;
- (B) Keep the same free of filth, carrion, refuse, rubbish or other impure or unwholesome matter; and
- (C) Build, make, fill, alter, repair, clean, disinfect, maintain and regulate on-site sewage facilities, sewers, private sewage systems (**Septic System**) and privies in accordance with the laws, regulations and requirements of the county and the state.

(Ord. 09-122, 6-10-2009)

State law reference(s)—Penalty, see § 95.99

§ 95.05 SANITATION RESTRICTIONS.

(A) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property within the municipal boundaries of the City to permit the following:

- (1) Long-term storage of construction material, fill material, excavated material, building supplies and construction equipment;
- (2) An accumulation or piling of rocks or debris in an unnatural and/or unsightly manner, unrelated to landscaping or beautification of residential and commercial buildings or development;
- (3) Open storage or accumulation of junk, inoperable appliances, broken furniture, useless waste or rejected matter;
- (4) Allowing the growth of, or accumulation of, dangerous vegetation; and
- (5) Storage or accumulation of any material or rubbish which the City Fire Marshal determines to be a fire hazard.
- (B) Persons, when building on site, shall be responsible to ensure that:
- (1) The site and surrounding areas are kept free from junk, refuse, rubbish and litter with no significant accumulation outside of a trash enclosure ~~for more than four days;~~
- (2) Any matter ~~which is within 100ft of the construction site is assumed to be from the site and must be disposed of daily.~~ ~~may blow is secured at all times to prevent a nuisance to adjoining property owners or residents;~~
- ~~(3) Animal proof containers are provided for discarded food, drink cans, unsightly or unsanitary matter of whatever nature; and~~
- ~~(4) A portable toilet is provided for the on-site workers.~~
- (C) All exterior-stored household garbage must be stored in an animal-proof container.
- (D) Containers used for exterior stored household garbage for weekly pickup shall not remain at curbside for longer than one day before and one day after the date of scheduled pickup.
- (E) It shall be unlawful for any person to throw, dump, leave or deposit junk, rubbish, refuse, trash or garbage on any road, right-of-way, green belt, common area, park or other public or private property.
- (F) It shall be unlawful for any person owning, claiming or having supervision or control of any occupied or unoccupied residential lot to permit ~~dangerous dry~~ vegetation that ~~has grown to grow~~ to a height greater than ~~twelve (12) six~~ inches upon such property. ~~Grasses in parking areas should be maintained at six (6) inches or less for fire safety. It is an exception to this division (F) if the vegetation is classified as decorative grasses.~~ In the event such dangerous vegetation reaches a height in excess of ~~that permitted six inches~~, the City shall remove said vegetation at the owner's expense.
- ~~(G) All occupied or unoccupied businesses or facilities shall maintain a 35-foot fire safety buffer zone along the perimeter of said business or facility property. Any person, organization, business or non-profit corporation owning, claiming or having supervision or control of any occupied or unoccupied residential or commercial lot or combination of contiguous lots totaling more than one acre shall submit a plan, to the City Council for approval, for the creation and maintenance of a fire buffer zone on the property. Should there be any conflict between the submitted plan and any provision of a City ordinance, the more restrictive document shall govern.~~
- (G) In addition to the provisions and restrictions set for above, it shall be unlawful for any person owning, claiming, or having supervision or control of any occupied or unoccupied property, as provided above, to permit dangerous vegetation to grow to a height that is determined by the City's Fire Marshal to be hazardous to the safety and welfare of the community.

(Ord. 09-122, 6-10-2009)

Cross reference(s)—Penalty, see § 95.99

§ 95.06 INVESTIGATIONS AND NOTICE OF VIOLATIONS.

- (A) The Code Officer, on his or her own knowledge or on the basis of a complaint by a resident or property owner of the City, shall investigate alleged violations of this chapter.
- (B) The Code Officer may enter upon any lot where a violation of this chapter is alleged to have occurred, at any reasonable time, in order to examine the alleged violation outside a private residence.
- (C) The Code Officer may enter and inspect a private residence where a violation of this chapter is alleged to have occurred, at any reasonable time, in order to examine the alleged violation and to remove or direct removal of the same, if necessary, pursuant to Tex. Health and Safety Code § 161.011, upon receiving:
- (1) Permission obtained from a lawful adult occupant of the residence; or
 - (2) An authorization to inspect the residence for a specific public health purpose by a magistrate or by an order of a court of competent jurisdiction on a showing of a probable violation of this chapter.
- (D) If the Code Officer determines there is a violation of this chapter, the Officer shall give notice in writing to such persons violating the provisions of the chapter. The notice will inform the person that he or she has seven days from receipt of the notice to remedy the violation and, if this action is not taken, the City may, but is not obligated to:
- (1) Authorize that the necessary work be done or improvements made; and/or
 - (2) Pay for the expenses incurred in having the work done or improvements made and bill the expenses to the property owner.
- (E) The notice of a violation must be given to the owner personally in writing, either at the time of inspection by personal delivery, by posting the notice on or near the front door of each building, or by certified mail, addressed to the owner of the property at the owner's address as recorded in the County Central Appraisal District, as may be appropriate. If notice by personal service cannot be obtained, the Officer may give notice by:
- (1) Publication of the notice, at least once, in a newspaper of general circulation;
 - (2) Posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (3) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (F) If such person fails or refuses to comply with the provisions of this chapter within seven days after the receipt of notice, the City may go upon such property and do or cause to be done the work necessary to obtain compliance with this chapter.
- (G) The City, in the notice of violation, may inform the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the City without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation occurs within the one-year period, and the City has not been informed in writing by the owner of an ownership change, the City without notice may take action to remedy the violation.
- ~~(H) The City may abate, without notice, dangerous vegetation.~~
- (H) If the City incurs expenses for the work done or improvements made, the City Council or its designee shall assess the expenses and create a lien, including possible foreclosure, against the property as follows.

(1) The Code Officer shall send a statement of expenses to the owner, requesting that payment be made to the City within 60 days after receipt of the statement of charges. The expenses to be charged shall include: the amount paid by the City for the work done or improvements made; the costs of inspection; the costs of providing notice; the costs of identifying and notifying the owner of the property; and any incidental expenses.

(2) If the person does not pay the expenses within 60 days after receiving a statement of charges, the Mayor, or his or her designee, shall file with the County Clerk a statement of expenses, stating the owner's name, if known, and the legal description of the property. When such statement is filed, the City shall have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. For such expenditures and interest, suit may be instituted and recovery and foreclosure had by the City. The statement of expense filed with the County Clerk or a certified copy thereof shall be prima facie proof of the amount expended in such work, improvement or correction of the property. The lien is security for the expenses incurred by the City and interest accruing at the rate of 10 percent per year on the amount due from the date of payment by the City.

(Ord. 09-122, 6-10-2009)

§ 95.99 PENALTY.

(A) The City shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provisions of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared to be a nuisance.

(B) Any person violating any provision of this chapter shall be subject to a fine upon conviction in Municipal Court or another court of competent jurisdiction, of not more than \$2,000.00, and each day of violation of this chapter shall constitute a separate offense. An offense under this chapter is a misdemeanor.

(C) (1) A person does not commit an offense under this chapter unless he or she intentionally, knowingly, recklessly or with criminal negligence engages in conduct as the definition of the offense requires.

(2) Culpable mental states are classified according to relative degrees, from highest to lowest and as described as follows.

(a) *Intentional.* A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.

(b) *Knowing.* A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct, when he or she is aware that his or her conduct is reasonably certain to cause the result.

(c) *Reckless.* A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of, but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(d) *Criminal negligence.* A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when

he or she ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(D) Nothing in this chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this chapter, and to seek remedies as allowed by law, including, but not limited to, the following;

(1) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter;

(2) A civil penalty up to \$1,000.00 per day, with each day constituting a separate offense when it is shown that the defendant was actually notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and

(3) Other available relief. (Ord. 09-122, 6-10-2009)

**EDITED
VERSION**

§ 156.065 COMMUNITY HOMES FOR PERSONS WITH DISABILITIES.

(A) ~~General.~~ As the City's zoning regulations must comply with the Community Homes for Persons With Disabilities Act of the State of Texas. A Community Home that meets the qualifications under Texas Human Resource Code Chapter 123 is a *use by right* that is authorized in any district zoned as Residential. ~~Federal Fair Housing Act, being 42 U.S.C. §§ 3601 et seq., and state laws prohibiting discrimination of the handicapped and elderly,~~ This section clarifies what the City, by law, must allow. ~~and addresses the federal and state restrictions in place.~~

(B) Definition: In this chapter, "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- (1) an orthopedic, visual, speech, or hearing impairment;
- (2) Alzheimer's disease;
- (3) pre-senile dementia;
- (4) cerebral palsy;
- (5) epilepsy;
- (6) muscular dystrophy;
- (7) multiple sclerosis;
- (8) cancer;
- (9) heart disease;
- (10) diabetes;
- (11) an intellectual disability;
- (12) autism; or
- (13) mental illness.

This definition is subject to change per Human Resource Code, Title 8, Chapter 123.002

(C) Definition. ~~Personal Care Facility~~ means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to limitations set forth in deed restrictions or single family zoning districts.

A community home shall provide the following services to persons with disabilities who reside in the home:

- (1) food and shelter;
- (2) personal guidance;
- (3) care;
- (4) habilitation services; and
- (5) supervision.

To qualify as a community home, an entity must comply with Human Resources Code Sections 123.005 through 123.008 and be:

- (1) a community-based residential home operated by:
 - (A) the Department of Aging and Disability Services;
 - (B) a community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities;
 - (C) an entity subject to the Texas Nonprofit Corporation Law as described by Section 1.008 , Business HUMAN RESOURCES CODE Statute text rendered on: 9/1/2022 - 738 - Organizations Code; or
 - (D) an entity certified by the Department of Aging and Disability Services as a provider under the ICF-IID medical assistance program; or
- (2) an assisted living facility licensed under Chapter 247, Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

- ~~(1) This definition includes a community-based residential home operated by:~~
- ~~(a) The Texas Health and Human Services Commission;~~
 - ~~(b) A community center operated under Tex. Health and Safety Code Ch. 534, which provides services to disabled persons;~~
 - ~~(c) A non-profit corporation; or~~
 - ~~(d) Any entity certified by the; Texas Health and Human Services Commission as a provider under the intermediate care facilities for the mentally retarded program.~~
- ~~(2) This definition includes homes for the handicapped as defined in 42 U.S.C. § 3602(h).~~
- ~~(C) Mandated exceptions. To the extent required by state or federal law, a personal care facility is an additional permitted use in any zoning district; provided that:~~
- ~~(1) Homes and residential units not designated and constructed in compliance with the ordinance and code requirements applicable to multiple occupancy residential buildings and nursing homes, shall meet the following requirements:~~
 - ~~(a) The structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes.~~
 - ~~(b) There shall be two parking spaces, plus one additional space for each three residents.~~
 - ~~(c) There shall be not less than 50 square feet of living space within a sleeping room for each occupant assigned to such room.~~
 - ~~(d) There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty.~~
 - ~~(e) The structure and operations shall comply with the standards established by the Health and Human Services Commission as licensing standards for personal care facilities for a Type B facility.~~
- (D) (1) The home must meet all applicable state licensing requirements;
- ~~(3) A personal care facility must have at least one paid staff member on duty 24 hours per day, and one supervisor for each six residents during waking hours; and~~
- (2) Not more than six persons with disabilities and two supervisors may reside in a community home at the same time.
- (3) The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.
- ~~(4) A personal care facility may not have more than 15 residents.~~
- ~~(E) A Community Home that meets the qualifications under Texas Human Resource Code Chapter 123 is a use by right that is authorized in any district zoned as Residential.~~

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

HUMAN RESOURCES CODE

TITLE 8. RIGHTS AND RESPONSIBILITIES OF PERSONS WITH
DISABILITIES

CHAPTER 123. COMMUNITY HOMES FOR PERSONS WITH DISABILITIES

Sec. 123.001. SHORT TITLE. This chapter may be cited as the Community Homes for Persons With Disabilities Act.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.430, eff. April 2, 2015.

Sec. 123.002. DEFINITION. In this chapter, "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- (1) an orthopedic, visual, speech, or hearing impairment;
- (2) Alzheimer's disease;
- (3) pre-senile dementia;
- (4) cerebral palsy;
- (5) epilepsy;
- (6) muscular dystrophy;
- (7) multiple sclerosis;
- (8) cancer;
- (9) heart disease;
- (10) diabetes;
- (11) an intellectual disability;
- (12) autism; or
- (13) mental illness.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.431, eff. April 2, 2015.

Sec. 123.003. ZONING AND RESTRICTION DISCRIMINATION AGAINST COMMUNITY HOMES PROHIBITED. (a) The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential.

(b) A restriction, reservation, exception, or other provision in an instrument created or amended on or after September 1, 1985, that relates to the transfer, sale, lease, or use of property may not prohibit the use of the property as a community home.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.004. QUALIFICATION AS COMMUNITY HOME. To qualify as a community home, an entity must comply with Sections [123.005](#) through [123.008](#) and be:

- (1) a community-based residential home operated by:
 - (A) the Department of Aging and Disability Services;
 - (B) a community center organized under Subchapter A, Chapter [534](#), Health and Safety Code, that provides services to persons with disabilities;
 - (C) an entity subject to the Texas Nonprofit Corporation Law as described by Section [1.008](#)(d), Business Organizations Code; or
 - (D) an entity certified by the Department of Aging and Disability Services as a provider under the ICF-IID medical assistance program; or

(2) an assisted living facility licensed under Chapter [247](#), Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991. Amended by Acts 1997, 75th Leg., ch. 491, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 233, Sec. 6, eff. Sept. 1, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.432, eff. April 2, 2015.

Sec. 123.005. REQUIRED SERVICES. A community home shall provide the following services to persons with disabilities who reside in the home:

- (1) food and shelter;
- (2) personal guidance;
- (3) care;
- (4) habilitation services; and
- (5) supervision.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.006. LIMITATION ON NUMBER OF RESIDENTS. (a) Not more than six persons with disabilities and two supervisors may reside in a community home at the same time.

(b) The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.007. LICENSING REQUIREMENTS. A community home must meet all applicable licensing requirements.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.008. LOCATION REQUIREMENT. A community home may not be established within one-half mile of an existing community home.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.009. LIMITATION ON NUMBER OF MOTOR VEHICLES. Except as otherwise provided by municipal ordinance, the residents of a community home may not keep for the use of the residents of the home, either on the premises of the home or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.

Added by Acts 1991, 72nd Leg., ch. 16, Sec. 12.01(a), eff. Aug. 26, 1991.

Sec. 123.010. ENSURING SAFETY OF RESIDENTS. The Department of Aging and Disability Services shall make every reasonable effort to ensure the safety of residents of a community home operated by or under the regulatory jurisdiction of the department and the residents of a neighborhood that is affected by the location of the community home.

Added by Acts 1993, 73rd Leg., ch. 646, Sec. 14, eff. Aug. 30, 1993.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. [219](#)), Sec. 4.433, eff. April 2, 2015.

§ 156.061 HOME OCCUPATION CRITERIA.

Home occupation must comply with all the following criteria.

- (A) The occupation shall produce no alteration or change in the character or exterior appearance of the principle (or any other) building located on the property from that of a dwelling unit for human habitation.
- (B) Such use shall be incidental and secondary to the use of the premises for residential purposes and shall not utilize an area exceeding 20 percent of the gross floor area of the dwelling unit.
- (C) The occupation use shall be carried on solely by a member(s) of the family residing on the premises.
- (D) The occupation shall not create additional vehicular traffic.
- (E) There shall be no storage of merchandise, equipment, or materials associated with the occupation on the property or on the outside of buildings) connected with the business, except one vehicle used in the business. Merchandise may be stored within the vehicle. Such vehicle shall be no larger than a passenger van or pickup truck. If the vehicle is used for storage purposes, such storage shall be contained within the vehicle and the merchandise shall not be visible.
- ~~(F) The occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner.~~
- ~~(G) No equipment or materials associated with the occupation shall be displayed or stored outside of buildings.~~
- (H) The occupation shall not produce wastewater runoff outside the dwelling unit or on property surrounding the dwelling unit.
- (I) The occupation shall not interfere with permitted uses in the neighborhood, nor make the adjoining premises unsuitable for such permitted uses.
- ~~(J) The occupation shall not consist of the following uses: industrial, utility, manufacturing, repairing, maintaining, fabrication, laboratory or other similar uses.~~
- (K) No occupational use shall be allowed which creates any ultra-hazardous risk or condition on the premises or to surrounding neighbors or their property, or any other health or fire hazard, whether regulated by statute or rule promulgated by any administrative body of the state, by the federal government, by the City or which would constitute a common-law nuisance.
- (L) The occupation shall not produce, nor result in, any excessive external noise or vibration, or any other noxious irritants.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

Cross reference(s)—Penalty, see § 156.999

EDITED
VERSION

§ 156.080 BUSINESS USE REQUIREMENTS AND LIMITATIONS.

- (A) ~~The City is divided into six business districts.~~ Any Zone ~~all districts~~ permitting any business or commercial use requires one-acre lots and must meet requirements for parking, light and height restrictions as set forth in this chapter. The City's business ~~zones districts~~ allow low-rise garden-type buildings to a maximum of two stories for use in providing professional offices and retail services.
- (B) Permitted Neighborhood Office (NO) zoning includes:
- (1) Office of an accountant, architect, attorney, engineer, physician, dentist, medical clinic, broker, consultant, insurance agent, real estate agent, travel agent, administrative offices for building contractors and the like or similar professional offices; and
 - (2) Accessory structures and uses to any of the foregoing permitted uses.
- (C) Permitted Neighborhood Commercial (NC) zoning includes:
- (1) Antique stores, art studio or gallery, book and stationary store, electrical appliance or repair; financial institution, retail florist shop, professional or service offices, pet shop, photographer's studio, radio, television or electronics sales and service, shoe sales and repair or tailor and dressmaking and other retail stores; and
 - (2) Specifically prohibited are on-site vehicle repair or services, sales or rental of pornographic or adult items, sales of fireworks, on-site manufacturing and fabrication, on-site dispensing of fuel and on-site dispensing of items that might pose a fire hazard or which might pose a safety hazard of any kind.
- (D) Special events: those uses permitted by City Council pursuant to § 156.082 of this chapter.
- (E) Commercial lots bordering a residential zoning district shall be required to have an eight (8) ~~six~~-foot high privacy fence on all sides adjoining the residential zoning district.
- (F) Parking: one hard-surface (asphalt or concrete) parking space is required for each 250 square feet of gross floor space.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)