Funding Substitution for Buy America Compliance: City of Fort Worth

Surface Transportation Technical Committee June 28, 2019

Ken KirkpatrickCounsel for Transportation



Previous RTC Action

2014 Incident Management Call for Projects

Congestion Mitigation and Air Quality Improvement Program (CMAQ) Funds

Matched with Transportation Development Credits

City of Fort Worth Awarded \$160,036
Incident Management Equipment
Safety-Related Items

City Implementation of Grant

NCTCOG/City of Fort Worth Interlocal Agreement

City Procured Items through City Process

Items Purchased with Buy America Implications

Heavy Duty Response Truck (Ford Super Duty F-350)

Robotic Forensic Mapping System

Portable Message Signs

Total Cost: \$113,373

Buy America Compliance Cannot Be Documented

FHWA Buy America Requirements

23 United States Code §313, 23 CFR 635.410

100% of steel, iron and manufactured products permanently included in federal-aid highway projects must be produced in the U.S.

Exceptions:

Public Interest Waiver (General Waiver)

Such materials and products are not produced in the U.S. (specific waiver)

Inclusion of domestic material increases overall cost by 25%

Minimal use of non-domestic steel and iron (greater of 0.1% or \$2,500 of project cost)

Note: FTA requirement (65% domestic content; final assembly in the U.S.)

Changing Buy America Landscape

Application to "Manufactured Products"

December 21, 2012, FHWA Guidance

Miscellaneous products exception (e.g., nuts, bolts, washers, fittings, etc.)

Applies to a manufactured product if it consists of at least 90% steel or iron content

December 22, 2015: FHWA guidance invalidated by U.S. District Court (District of Columbia)

2014-2016: FHWA Quarterly Waiver Process

Applicable for "non-traditional" federal-aid highway projects (e.g., vehicles funded with CMAQ funds)

No vehicles meet FHWA Buy America requirements

Mid-2017: Waivers Discontinued (Executive Order 13788)

Action Requested

Substitute \$113,373 in RTC Local Funds for 2014 City of Fort Worth Incident Management Equipment Award

Reduces Risk Related to Buy America Compliance

Direct staff to amend the Transportation Improvement Program and other planning/administrative documents, as appropriate, to incorporate the approved substitute

FY2020 and FY2021 Unified Planning Work Program for Regional Transportation Planning

Surface Transportation Technical Committee June 28, 2019

Unified Planning Work Program

- **Task 1 Administration and Management**
- Task 2 Transportation Data Development and Maintenance
- Task 3 Short-Range Planning and Programming, and Air Quality and Transit Operations
- **Task 4 Metropolitan Transportation Plan**
- Task 5 Special Studies and System Operations

Implemented through:

- 28 Subtasks
- 150-200 Programs and Projects

Funded through:

- 17 Revenue Sources
- 140+ Grants

FY2020 and FY2021 Major Planning Initiatives

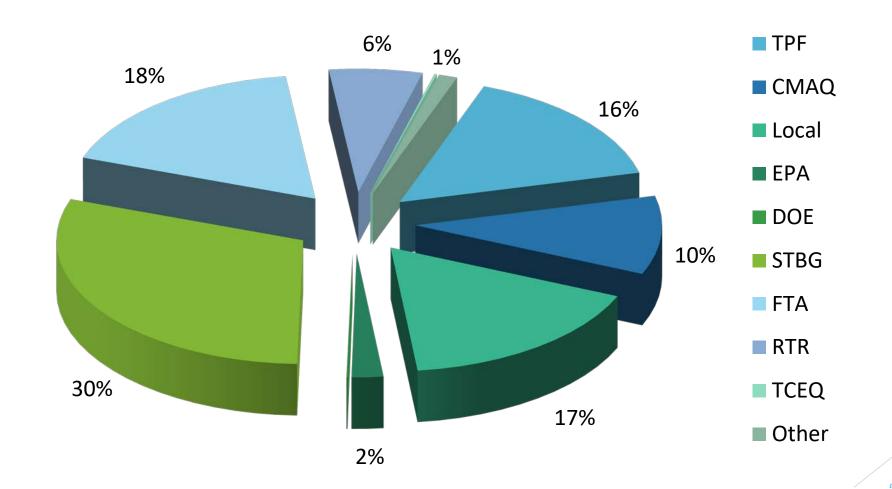
- Monitoring of Mobility 2045
- 2021-2024 Transportation Improvement Program
- Data Collection/Travel Model Enhancement
- Automated Vehicle Technology
- Freight Planning
- High-Speed Rail
- Bicycle/Pedestrian Plans
- Regional Transit Planning Assistance
- DFW Airport Innovative Transportation Initiatives: Goods Movement, Rail Passenger Connections to the TRE and Hyperloop
- Harry Hines Boulevard Corridor Study
- MATA M-line Extension

FY2020 and FY2021 TPF Funding Summary

FY2020 and FY2021 US FTA (5303)	\$ 5,773,584
FY2020 and FY2021 US FHWA (Estimated PL)	\$14,910,150
FY2019 US FHWA (Estimated PL-Carryover)	<u>\$ 4,529,838</u>
Total Transportation Planning Funds	\$25,213,572
Anticipated Expenditures	\$22,770,600
PL Balance to Carry Over to FY2022	\$ 2,442,972

Summary of Total Funding

Estimated Total Funding (all sources): \$146,000,314



Development Schedule

DATE	UPWP DEVELOPMENT
February 22	Initiation of Requests for NCTCOG Assistance
February 22	STTC Notification of UPWP Development
March 14	RTC Notification of UPWP Development
March 22	Project Submittals for NCTCOG Assistance Due
May 13	Public Meeting on Draft Recommendations
May 24	Draft Recommendations to STTC for Information
June 1	Draft Due to TxDOT and Concurrently Provided to STTC
June 13	Draft Provided to RTC for Information
June 28	STTC Action on Recommended UPWP
July 11	RTC Action on Recommended UPWP
August 1	Final Document Due to TxDOT
August 22	Executive Board Endorsement of Recommended UPWP

Requested STTC Action

Recommend RTC approval of the FY2020 and FY2021 Unified Planning Work Program (UPWP), including the UPWP Policies contained in Exhibit I-8 of the Work Program.

And

Recommend that the RTC direct staff to also administratively amend the Transportation Improvement Program and other administrative/planning documents, as appropriate, to reflect the approved projects.

Unified Planning Work Program Contact Information

Dan Kessler Assistant Director of Transportation 817-695-9248 dkessler@nctcog.org

Vercie Pruitt-Jenkins Administrative Program Coordinator817-608-2325

vpruitt-jenkins@nctcog.org

Vickie Alexander
Program Manager
817-695-9242
valexander@nctcog.org

Tara Bassler
Transportation Program Assistant
817-704-2505

tbassler@nctcog.org





BUILD Grants

Better Utilizing Investments to Leverage Development Transportation Discretionary Grants Program

Source: USDOT BUILD Discretionary Grants - www.transportation.gov/BUILDgrants

Program Overview

2

- **BUILD B**etter **U**tilizing **I**nvestments to **L**everage **D**evelopment
- \$900 Million Available Nationwide in FY 2019:
 - □ Grant Awards: Maximum = \$25 Million; Minimum = \$5 Million (Urban)/\$1 Million (Rural)
 - No more than 10% may be awarded to a single State; up to 50% intended for rural projects

Federal/Non-Federal Cost Sharing:

- □ Maximum 80%/20% in urban areas (including BUILD); rural projects may exceed 80%/20%
- Non-Federal revenue may consist of State, local, or private-sector funds, ROW contributions, toll credits, or recycled revenue from publicly-owned/operated asset sales/leases
- Generation of non-Federal revenue no longer considered part of primary selection criteria

Submittal/Award/Funding Milestones:

- Application Deadline July 15, 2019 @ 7:00pm CDT (awards given by November 12, 2019)
- □ Obligation Deadline September 30, 2021
- Expenditure Deadline September 30, 2026

Regional Project Selection Methodology

- Select potential urban/rural projects from east and west sub-regions
- Identify compatibility strengths/weaknesses with grant program merit criteria (safety, state of good repair, quality of life, economic competitiveness, innovation, project readiness, etc...)
- Evaluate partnership opportunities with TxDOT, other transportation providers, private sector entities, and/or local governments
- Review recent discretionary grant submittals (BUILD, INFRA, TIGER, FASTLANE, SGR, etc.) and existing project commitments (MTP, UTP/10-Year Plan, TIP, etc.)
- Determine significant economic development opportunities with needed transportation catalysts and review transportation performance targets





Proposed NCTCOG Project Candidates and Funding Details

4

Staff proposes the Regional Transportation Council (RTC)/North Central Texas
 Council of Governments (NCTCOG) submit the following projects:

	Non-Federal Funds ¹			Federal Funds 1		Total
Project	Local	State	Private	Other Federal	Proposed BUILD Request	Project Cost ¹
North Texas Multimodal Operations, Velocity,	\$15.0 ²	\$0.0	\$2.0 ³	\$4.5	\$25.0	\$46.5
Efficiency & Safety (MOVES) Program	37%		63%		340. 3	
SH 114 Frontage Roads – FM 1938 to Dove Road	\$3.5 ⁴	\$7.3	\$0.0	\$10.3	\$25.0	\$46.1
(Southlake/Trophy Club/Westlake)	23%		77%		340.1	
US 80 Reconstruction – IH 635 to Belt Line Road (Mesquite)	\$1.2 ⁵	\$56.0	\$0.0	\$174.8	\$25.0	¢257.0
		22%		78	3%	\$257.0

^{1.} All funding and cost values indicated in millions

^{2.} Trinity Metro and DART funding commitments

^{3.} BNSF Railway funding commitment

^{4.} City of Southlake commitment (ROW and construction)

^{5.} City of Mesquite commitment (ROW)

Proposed Timeline

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April 22, 2019	BUILD Grant Notice of Opportunity Announced
May 24, 2019	STTC Information (Identify Candidate Projects)
June 13, 2019	RTC Information (Identify Candidate Projects)
June 28, 2019	STTC Action (Project Identification, Scope, & Cost Estimate/Sources Finalized)
June 28, 2019	Request Deadline for Letters of Support Send to Rebekah Hernandez - rhernandez@nctcog.org
July 11, 2019	RTC Action
July 15, 2019	BUILD Application Submittal Deadline - www.grants.gov
August 22, 2019	Executive Board Endorsement

BUILD Discretionary Grant Program Requested STTC Action

- Recommend Regional Transportation Council (RTC) approval of:
 - Proposed list of projects, as indicated in slide #4 and provided in Reference Item #5, to
 submit for funding consideration through the FY 2019 BUILD Discretionary Grant Program
 - Administratively amending the TIP, STIP, and other planning/administrative documents to include the proposed projects, if selected for FY 2019 BUILD Grant award

Contacts:

Natalie Bettger

Senior Program Manager (817) 695-9280 nbettger@nctcog.org

Dan Lamers

Senior Program Manager (817) 695-9263 dlamers@nctcog.org

Christie Gotti

Senior Program Manager (817) 608-2338 cgotti@nctcog.org

Karla Weaver

Senior Program Manager (817) 608-2376 kweaver@nctcog.org

Application Preparation:

Jeff Hathcock

Program Manager (817) 608-2354 jhathcock@nctcog.org

Jeffrey C. Neal

Program Manager (817) 608-2345 jneal@nctcog.org



U.S. Department of Transportation Funding for Advanced Transportation and Congestion Management Technologies Deployment Initiative



Overview of Funding Opportunity

\$60 Million Total; 5 to 10 awards up to \$12 million each

FY 2016 to 2020; applications will be solicited annually for competitively selecting grant recipients for that funding year

Transportation Technologies to improve safety, efficiency, system performance, and infrastructure return on investment

Applications due July 19, 2019

Minimum 50% non-federal cost share

ATCMTD Use of Funds

- Advanced traveler information systems;
- Advanced transportation management technologies;
- Infrastructure maintenance, monitoring, and condition assessment;
- Advanced public transportation systems;
- Transportation system performance data collection, analysis, and dissemination systems;
- Advanced safety systems, including V2V and V2I communications, technologies associated with autonomous vehicles, other collision avoidance technologies;
- Integration of ITS with the Smart Grid and other energy distribution and charging systems;
- Electronic pricing and payment systems; or
- Advanced mobility and access technologies; dynamic ridesharing and information systems to support human services for elderly and disabled individuals

ATCMTD Program Focus Areas

Proposals are not limited to these priorities U.S. DOT is particularly interested in the following areas:

Multimodal Integrated Corridor Management

Installation of Connected Vehicle Technologies at Intersections and Pedestrian Crossing Locations

Unified Fare Collection and Payment Systems Across Transportation Modes and Jurisdictions

Freight Community System

✓ Technologies to Support Connected Communities
Infrastructure Maintenance, Monitoring, and Condition Assessment
Rural Technology Deployments

Transportation Performance Measures

Federal Performance Measures



National Highway Infrastructure

Pavement Condition Bridge Condition

System Performance

Level of Travel Time Reliability

Peak Hour Excessive Delay

Travel Time Reliability

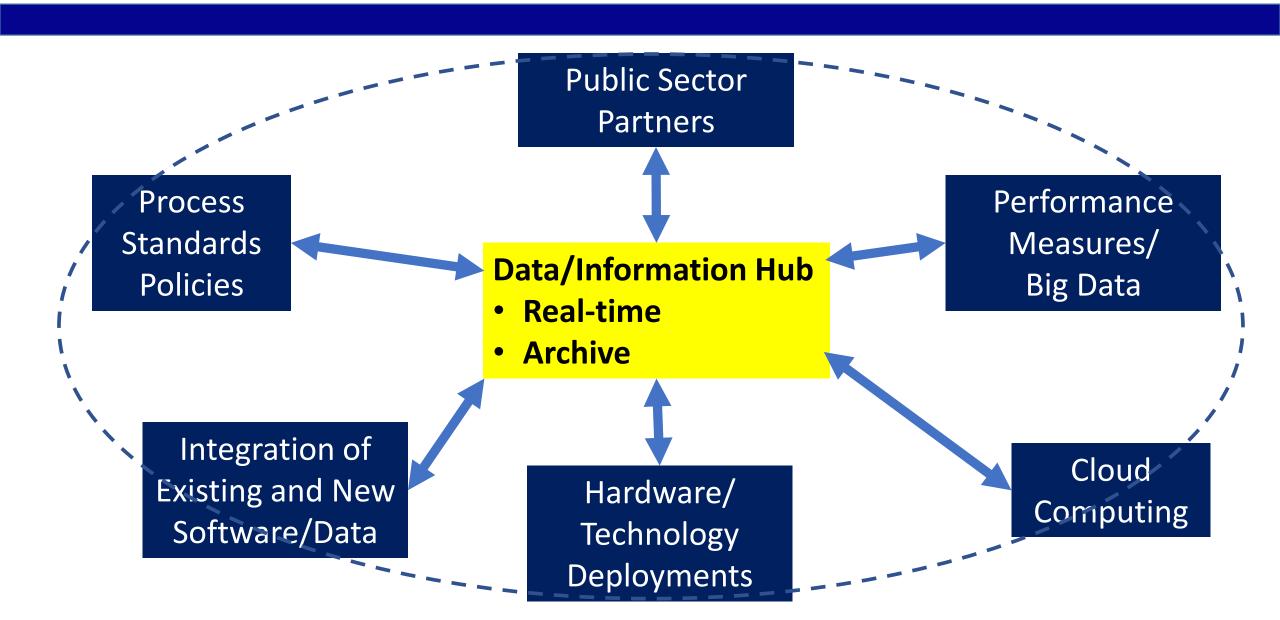
Non-Single Occupancy Vehicle Travel

Total Emissions Reductions

Transit Asset Management







Example of System Benefits

Leverages existing regional ITS infrastructure

Allows dissemination of data between agencies for improved coordination on traffic operation strategies

Provides regional data for planning organizations or academia for performance measures, research, and analysis

Identifies gaps in the data to determine new sources that are needed

Allows for implementation and management of coordinated traffic plans

Affords real-time analysis of regional performance measures

Project Budget

Funding Source	Funding Amount
Grant Application Request	\$3 Million
TCEQ Interests/Credit Rebates from AirCheckTexas or RTC Local	\$3 Million
Total	\$6 Million

Other Items

Seeking Other Recommendations for Inclusion into the Proposal

For Example:

Regional Data Platform

Agreements

Protocol

Wireless Data (Pedestrian, Wrong-Way Driving)

Request for Letter of Support

Need to receive Request by Wednesday, July 3, 2019

Please send Request to Rebekah Hernandez at RHernandez@nctcog.org

Submit Signed Letter by Friday, July 12, 2019

Action Requesting

Recommendation for Regional Transportation Council (RTC) Approval

Regional application for the 2019 Advanced Transportation and Congestion Management Technologies Deployment Initiative Grant Program

Total Cost

Federal Share: \$3 Million

Local Share: \$3 Million

TCEQ Interest/Credit Rebates

RTC Local (if TCEQ Funding Unsuccessful)

Letters of Support

Metropolitan Transportation Plan Policy Bundle: Round 3

Surface Transportation Technical Committee

June 28, 2019

Kevin Feldt



What Is The Mobility Plan Policy Bundle?

- AKA, Appendix H
- List of 20 Voluntary Policies
- 50 Percent Adoption Rate to Qualify
- Successful Applicants
 - Receive Transportation Development Credits (TDCs)
 - Use TDCs as Local Match for Federally Funded Projects
- Must Be New Project
 - Not Currently in Transportation Improvement Program
- Four Ways to Take Action



Action Types

Joint Staff Coordination

 RTC staff and local agency staff work together to implement and encourage policy implementation

Governing Body Approval

 Resolution, court order, minute order, or other instrument reflecting approval for the policy is passed

Ordinance

Ordinance or other locally enforceable rule or law is passed

Election

An election is held to implement the policy



Sample Policies

- Employee Trip Reduction
- Parking Management
- Safe Access to Schools
- Railroad Safety
- Land Use Strategies
- Complete Streets
- Idling Restrictions
- Freight Oriented Development



Successful Applicants

• 12 Local Governments

- Coppell
- Dallas
- Denton
- Fort Worth
- Garland
- Grapevine
- Irving
- Lewisville
- McKinney
- Mesquite
- North Richland Hills
- Richardson

2 Transit Agencies

- DCTA
- Trinity Metro



Entity	Recommended TDCs
Coppell	\$ 750,000
Dallas	\$ 2,000,000
Denton	\$ 750,000
Fort Worth	\$ 2,000,000
Garland	\$ 1,250,000
Grapevine	\$ 750,000
Irving	\$ 1,250,000
Lewisville	\$ 750,000
McKinney	\$ 750,000
Mesquite	\$ 750,000
North Richland Hills	\$ 750,000
Richardson	\$ 750,000
DCTA	\$ 1,250,000
Trinity Metro	\$ 2,000,000
Total	\$ 15,750,000



Contact

DJ Hale

Risk and Compliance Coordinator djhale@nctcog.org (817) 608-2373

Brian Dell

Senior Transportation Planner bdell@nctcog.org (817) 704-5694

Kevin Feldt

Program Manager kfeldt@nctcog.org (817) 704-2529



Legislative Update

Surface Transportation Technical Committee | June 28, 2019

Nick Allen

North Central Texas Council of Governments

Federal Update

FY 2020 Appropriations

- House passed bill with \$25.3B for USDOT
- FAA's aviation safety funding increases by \$20M
- Most programs stay at 2019 levels
- Some amendments of interest

Senate Appropriations Committee

- Committee mark-up is TBD
- Chair Richard Shelby (R-AL) says he is waiting for an overall budget deal between House, Senate and President

86th Texas Legislature – State Budget

Fiscal Year 2020-21 Total: \$250.7B

• Increase of 15.7% over FY18-19

TxDOT: \$31.1B

- Includes Prop 1 (\$3.9B) and Prop 7 (\$5B)
- Supplemental budget includes \$125M for areas of oil & gas production

Natural Resources/TCEQ

- TERP: \$154.7M
- LIRAP/LIP (AirCheckTexas): \$0

What passed?

Revenue

SB 69 (Nelson) Allows Comptroller to invest a portion of Rainy Day Fund, removed legislative committee from sufficient balance process

SB 962 (Nichols) Extends Prop 1 by 10 years to 2034

HB 4280 (Morrison) Amends the County Transportation Infrastructure Fund Grant Program for areas of oil & gas production

Air Quality

HB 3745 (Bell, C.) Creates TERP trust fund account

Miscellaneous Approved Bills

- SB 282 (Buckingham) TxDOT to allocate liquidated damages paid by contractors for project delays to the affected district
- **HB 1631** (Stickland) Prohibits red light cameras
- HB 2830 (Canales) Increases the number of design-build contacts TxDOT may enter into each biennium from 3 to 6

HB 3082 (Murphy)- Relating to investigating and prosecuting the criminal offense of operating an unmanned aircraft over or near certain facilities.

Anti-High Speed Rail measures

Anti-tolling measures

LIP / LIRAP

What Failed to Pass?

Questions and Comments

Amanda Wilson

Program Manager (817) 695-9284 awilson@nctcog.org

Nick Allen

Communications Coordinator (817) 704-5699 nallen@nctcog.org

Rebekah Hernandez

Communications Supervisor (682) 433-0477 rhernandez@nctcog.org

Kyle Roy

Communications Coordinator (817) 704-5610 kroy@nctcog.org

https://www.nctcog.org/legislative

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

Fiscal Year 2020-2022 Goal Update

Surface Transportation Technical Committee
June 28, 2019



FY2020-2022 DBE **GOAL UPDATE**

DBE Program Overview



Ensure Non-discrimination



Create a Level Playing Field/Fair Competition

Narrowly Tailor Program to Meet Federal Law



Ensure DBE Firms Meet Required Eligibility Standards



Help Remove Barriers to DBE Participation



Assist in Development of Firms to Compete Outside

FY2020-2022 DBE GOAL UPDATE

Current DBE Goal (2017-2019)

Procurement Type	DBE Goal	
Urban Planning/ Engineering Services	31.92%	
Advertising/Public Relations	21.62%	
Software Development/Computer Services	8.17%	
Equipment	5.88%	
TOTAL		
Total Weighted Summary	25.0%	

FY2020-2022 DBE GOAL UPDATE

Process to Update DBE Goal

- ✓ Initiate Public Input/Stakeholder Involvement
- ✓ Project Potential Contract Awards (FY 20-22)
 - DBE Goal Development
 - Publish Goal for Public Comment/Review
 - Committee Review/Consideration
 - Implement New DBE Goal October 1, 2019

FY2020-2022 DBE GOAL UPDATE

Project Potential Contract Awards

NCTCOG and Subrecipients

Procurement Type	Potential Awards (in \$1,000s) FTA	Potential Awards (in \$1,000s) FHWA	Potential Awards (in \$1,000s) TOTAL
Building Construction	\$275	\$0	\$275
Marketing, Advertising, and Public Relations	\$268	\$1,805	\$2,073
Office Supplies & Equipment (Rental & Purchase)	\$587	\$430	\$1,017
Operational Administrative, Communications, Support Services	\$ 2,476	\$0	\$2,476
Planning/Engineering	\$6,830	\$10,044	\$16,874
Software and Ancillary Information Technology Professional Services	\$383	\$434	\$817
Transportation Equipment	\$0	\$3,586	\$3,586
Vehicle Maintenance and Operations Support	\$4,998	\$0	\$4,998
TOTAL	\$15,817	\$16,299	\$32,116

2 Step Process:

FY2020-2022 DBE GOAL UPDATE

Development of DBE Goal

Step 1:

Determine Relative Availability of Ready, Willing & Able DBE Firms

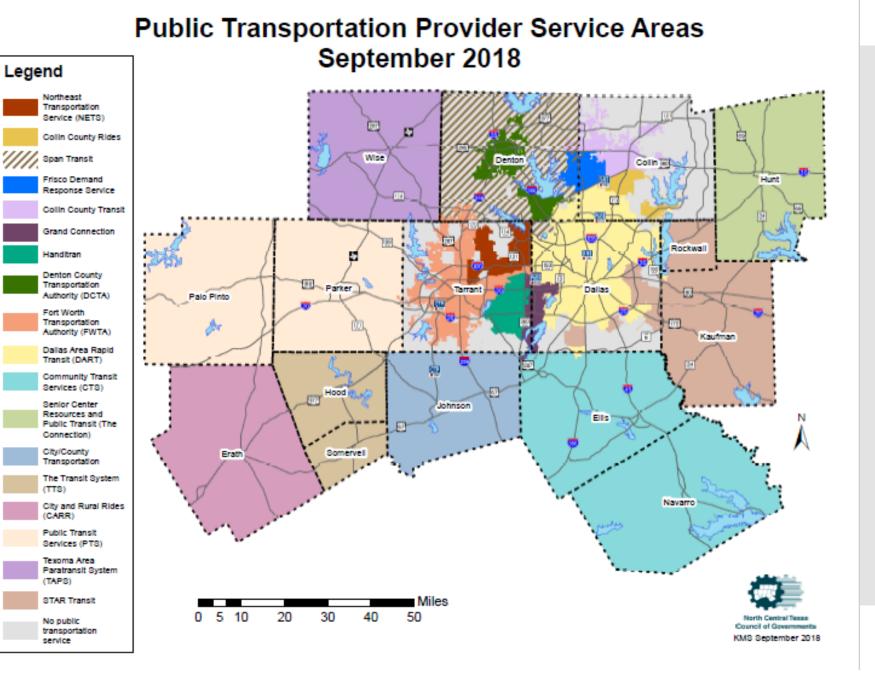


Step 2:

Consideration of Other DBE Data

FY2020-2022 DBE GOAL UPDATE

Service Area Map



FY2020-2022 DBE GOAL UPDATE

DBE Availability Analysis

NCTCOG and Subrecipients

Procurement Type	Potential Awards (in \$1,000s)	DBE Firms	Total Firms	DBE Goal
Building Construction	\$275			
Marketing, Advertising, and Public Relations	\$2,073			
Office Supplies & Equipment (Rental & Purchase)	\$1,017			
Operational Administrative, Communications, Support Services	\$2,476	Pe	nding Anal sultation P	ysis rocess
Planning/Engineering	\$16,874	Con	5013	
Software and Ancillary Information Technology Professional Services	\$817			
Transportation Equipment	\$3,586			
Vehicle Maintenance and Operations Support	\$4,998			
TOTAL	\$32,116			

FY2020-2022 DBE GOAL UPDATE

Schedule

TASK	DATE	STATUS
Public Meeting to Kickoff DBE Goal Update Process	June 10	✓
STTC Meeting: Information Item	June 28	✓
Consultation Meeting with Stakeholders	July 2	
RTC Meeting: Information Item	July 11	
Notice to Public of Proposed Goal	Week of	
(start 45-Day Public Comment Period)	July 10 15	
Submit draft Electronically to FTA	August 1	
STTC: Action Item	August 23	
End of 45-day Public Comment Period	August 25 30	
RTC: Action Item	Sept. 12	
Executive Board: Action Item	Sept. 26	
Submit Final Electronically to FTA	Sept. 27	
DBE Program Update and Goal Effective	October 1	

FY2020-2022 DBE GOAL UPDATE

Questions?



Ken Kirkpatrick

Counsel for Transportation

DBE Liaison Officer

Phone: 817-695-9278

Email: kkirkpatrick@nctcog.org

Emily Beckham

Grants and Contracts Manager

Phone: 817-608-2308

Email: ebeckham@nctcog.org

Technical Tools for Environmental Justice, Transit, and Environmental Planning

Surface Transportation Technical Committee
June 28, 2019



Four Online Planning Tools

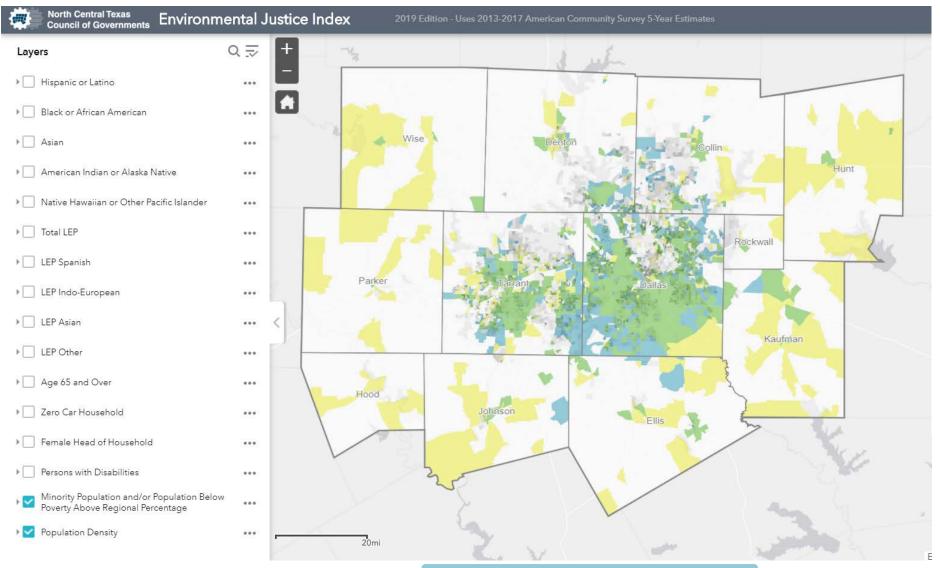
Environmental Justice Index – *online now*

Transit Accessibility Improvement Tool – *online now*

Permittee Responsible Mitigation Database – expected Fall 2019

Economic & Environmental Benefits of Stewardship – *online now*

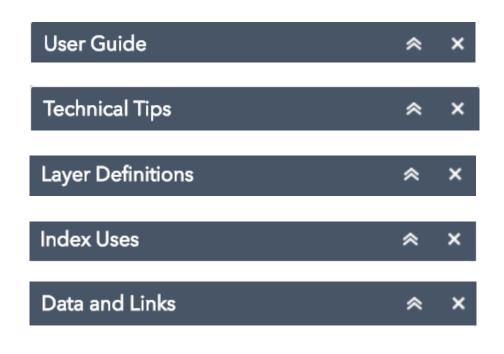
Environmental Justice Index

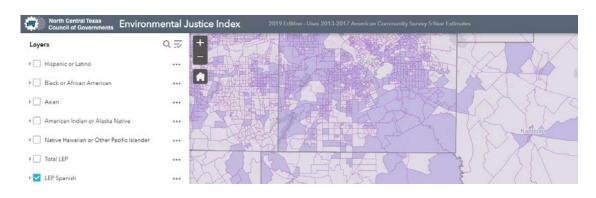


Assists in identifying and addressing potential impacts on environmental justice communities – low-income and/or minority communities. Covers 12-county region.

Environmental Justice Index







Transit Accessibility Improvement Tool



Assists in identifying potentially transit-dependent populations – low-income, age 65 and over, and persons with disabilities. Covers 16-county region.

Transit Accessibility Improvement Tool





Provides demographic data and service area boundaries to support transit providers' compliance with Title VI of the Civil Rights Act.

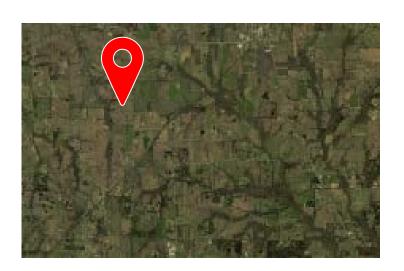
Permittee Responsible Mitigation Database

Helps connect willing landowners needing stream or wetland rehabilitation or restoration with developers or entities needing to rehabilitate or restore streams or wetlands to offset Waters of the US impacts elsewhere. Covers 16-county region.

PRM Requires:

Pre-approval by the US Army Corps of Engineers

Agreement of both parties



Permittee Responsible Mitigation Database

Private or Public Landowner

Permit Applicant

Property information

Aquatic resource information

Contact information

Impacted resource information

Estimated magnitude of impact

Contact information

Both parties benefit



Evaluate My Project

Documentation

User Guide

Case Studies

Stewardship Information

Data Report

About



User Guide

Step by step guide for how to use the project evaluation tool.



Project Evaluation Tool

The Economic & Environmental Benefits of Stewardship tool can estimate the return on investment of implementing environmental stewardship to reduce the environmental effects of transportation projects. The tool can educate decision-makers about the value of environmental stewardship.

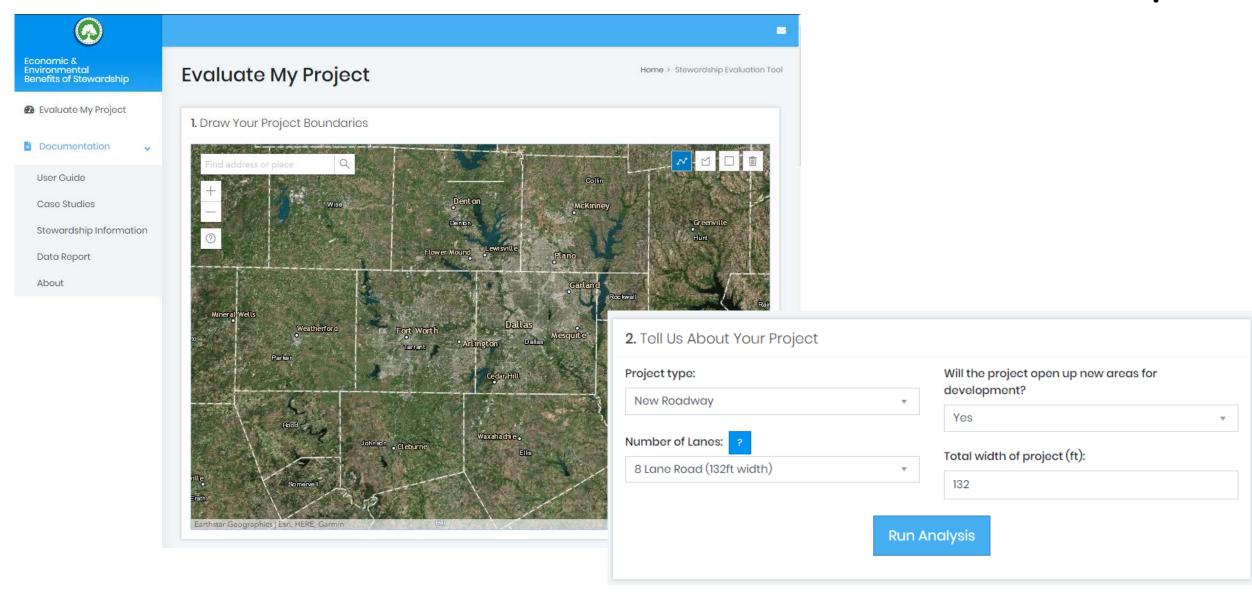


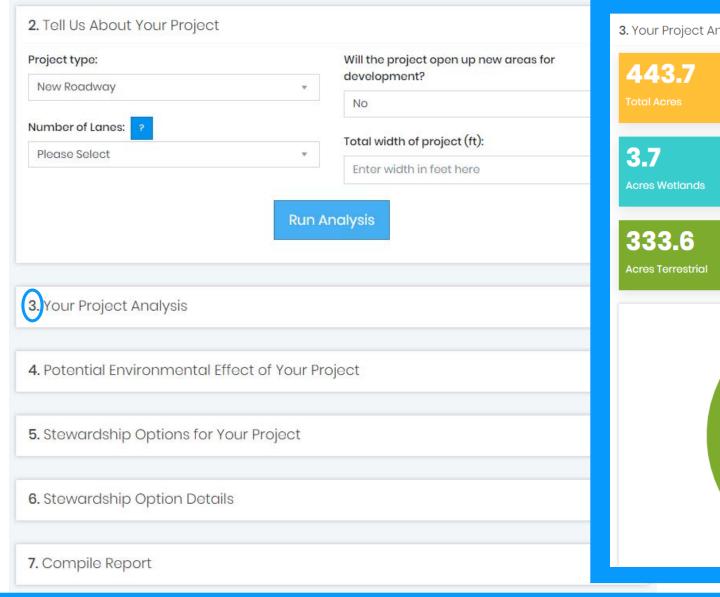
Stewardship Information

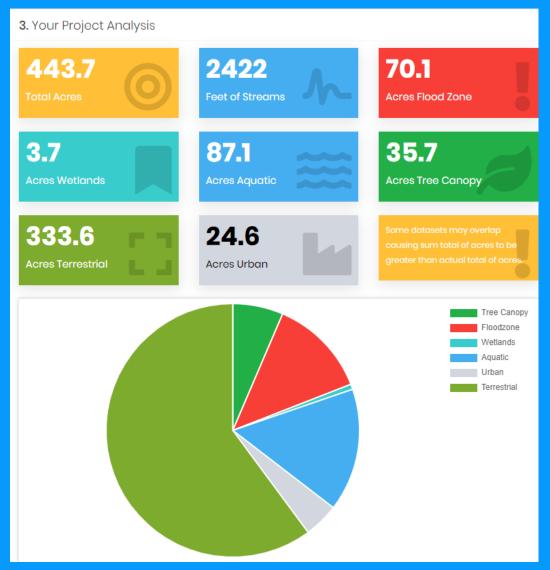
Browse our library of stewardship options and download or print informational fliers.

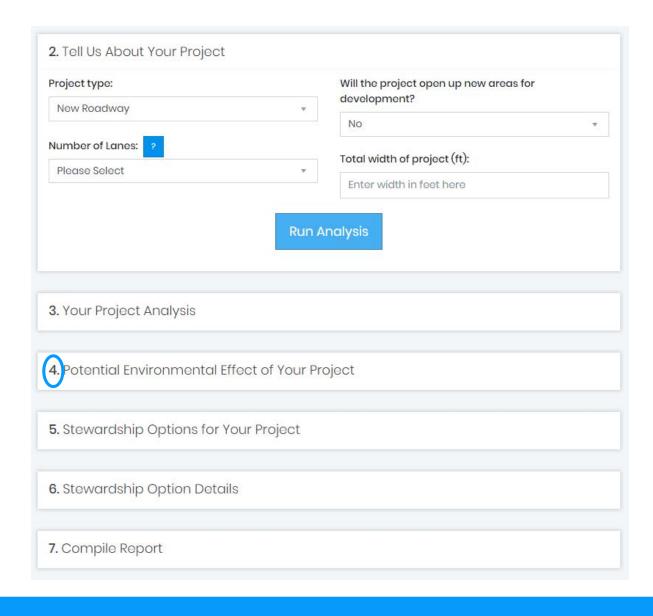


eebs@nctcog.org

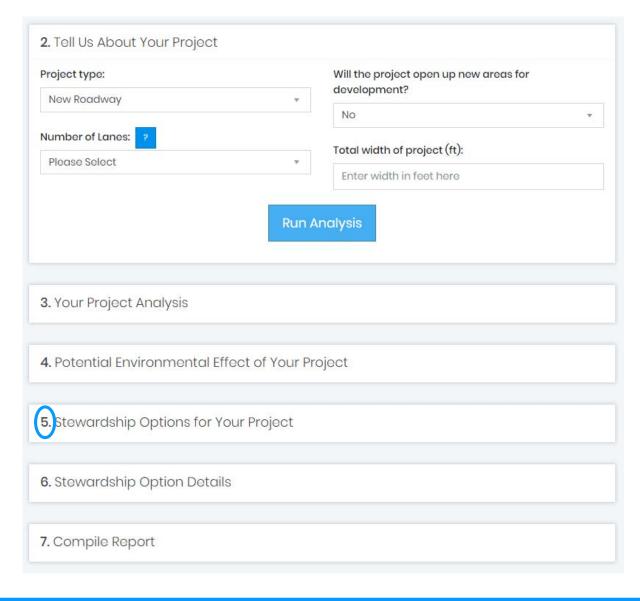


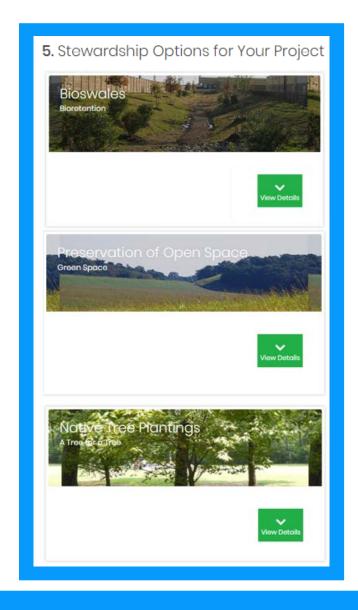


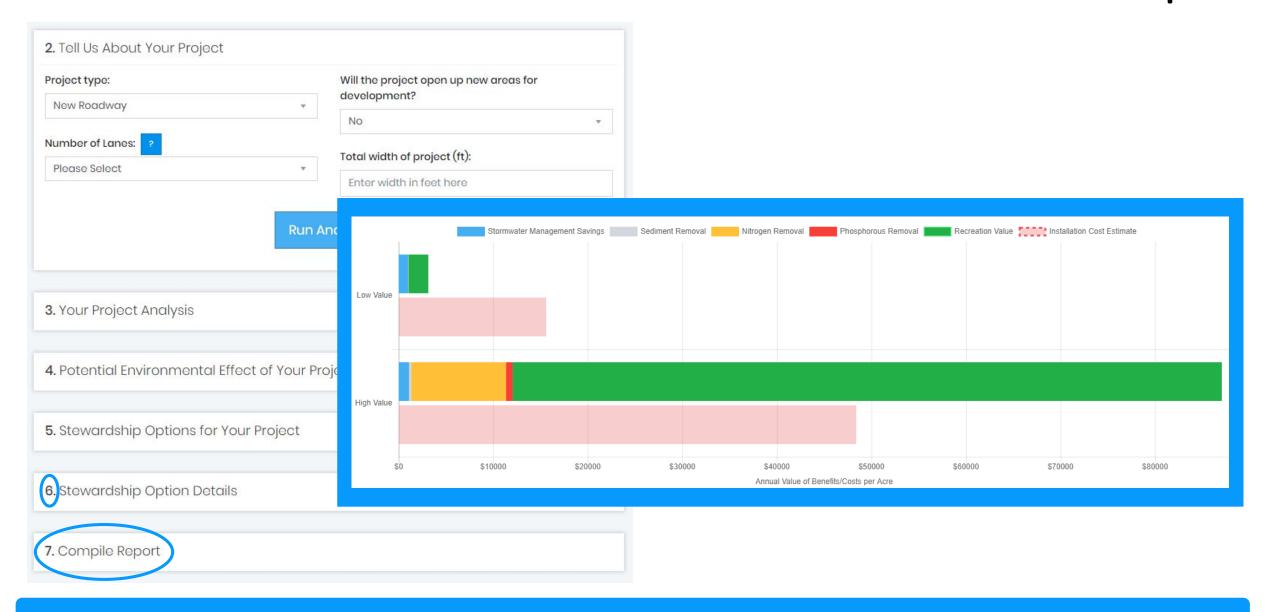












Contact Information

Kate Zielke

Senior Transportation Planner (817)608-2395 kzielke@nctcog.org

Amanda Long-Rodriguez

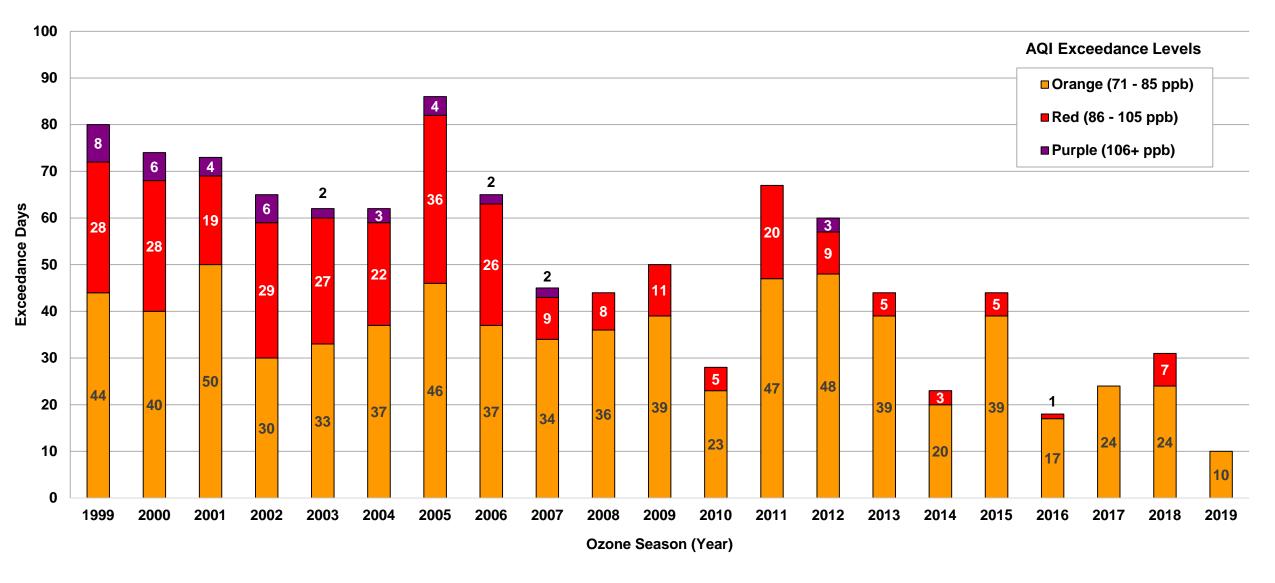
Transportation Planner (817) 608-2367 along@nctcog.org

Jeff Neal

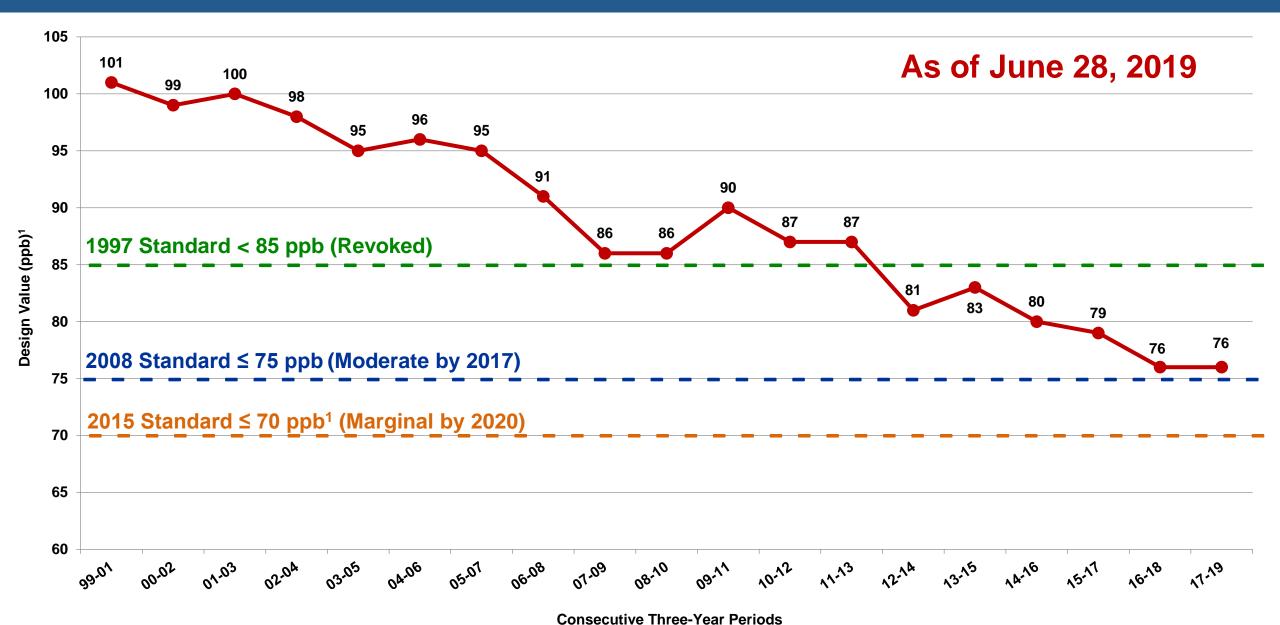
Program Manager (817) 608-2345 jneal@nctcog.org

8-HOUR OZONE NAAQS HISTORICAL TRENDS

Based on ≤70 ppb (As of June 28, 2019)



8-HOUR OZONE NAAQS HISTORICAL TRENDS



For More Information

Jenny Narvaez Program Manager (817) 608-2342

jnarvaez@nctcog.org

Jackson Enberg
Air Quality Operations Analyst
(817) 704-2506

jenberg@nctcog.org

Trey Pope Air Quality Operations Analyst (817) 695-9297

tpope@nctcog.org