

ADOPTED BY THE TRANSPORTATION POLICY COMMITTEE ON JANUARY 6, 2022

CORPUS CHRISTI MPO CALL FOR PROJECTS

# PROGRAM GUIDANCE AND PROCEDURES

Surface Transportation Block Grant Set-Aside (STBG-SA) Funding (Category 9)



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# PROGRAM GUIDANCE AND PROCEDURES:

## Surface Transportation Block Grant Set-Aside (STBG-SA) Funding (Category 9)

### BACKGROUND

The FAST Act eliminated the MAP-21 Transportation Alternatives Program (TAP) and replaced it with the Surface Transportation Block Grant set-aside (STBG-SA) funding program (Category 9). The performance-based competitive selection process used to award the funds in Metropolitan Areas should be consistent with the adopted Metropolitan Transportation Plan (MTP). The STBG-SA program allows all projects and activities that were previously eligible under TAP, encompassing a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreational trails, safe routes to school projects, community improvements such as historic preservation and vegetation management, and environmental mitigation related to stormwater and habitat maintenance.

The Corpus Christi MPO Transportation Policy Committee (TPC) is the designated forum for municipalities, counties, transit agencies, tribal governments, state and private agencies to address regional transportation issues in the Corpus Christi Metropolitan Area. The Corpus Christi Metropolitan Planning Organization (Corpus Christi MPO) encompasses portions of Nueces and San Patricio counties as illustrated in Exhibit 1. The Corpus Christi MPO is comprised of committees and participating organizations that collaborate and create partnerships to address the region's complex transportation needs. The Corpus Christi MPO's original members (City of Corpus Christi, City of Portland, Nueces County, San Patricio County, and the Texas Department of Transportation – Corpus Christi District) became the Corpus Christi MPO's initial member agencies in 1973. To develop a more multi-modal transportation planning process, the Corpus Christi MPO now includes the Corpus Christi Regional Transportation Authority and the Port of Corpus Christi Authority.

This document will describe the goals and criteria used by the Corpus Christi MPO to evaluate and select projects for Corpus Christi MPO's allocation of approximately \$4,500,000 in Category 9 funding for federal fiscal years 2022 through 2025.

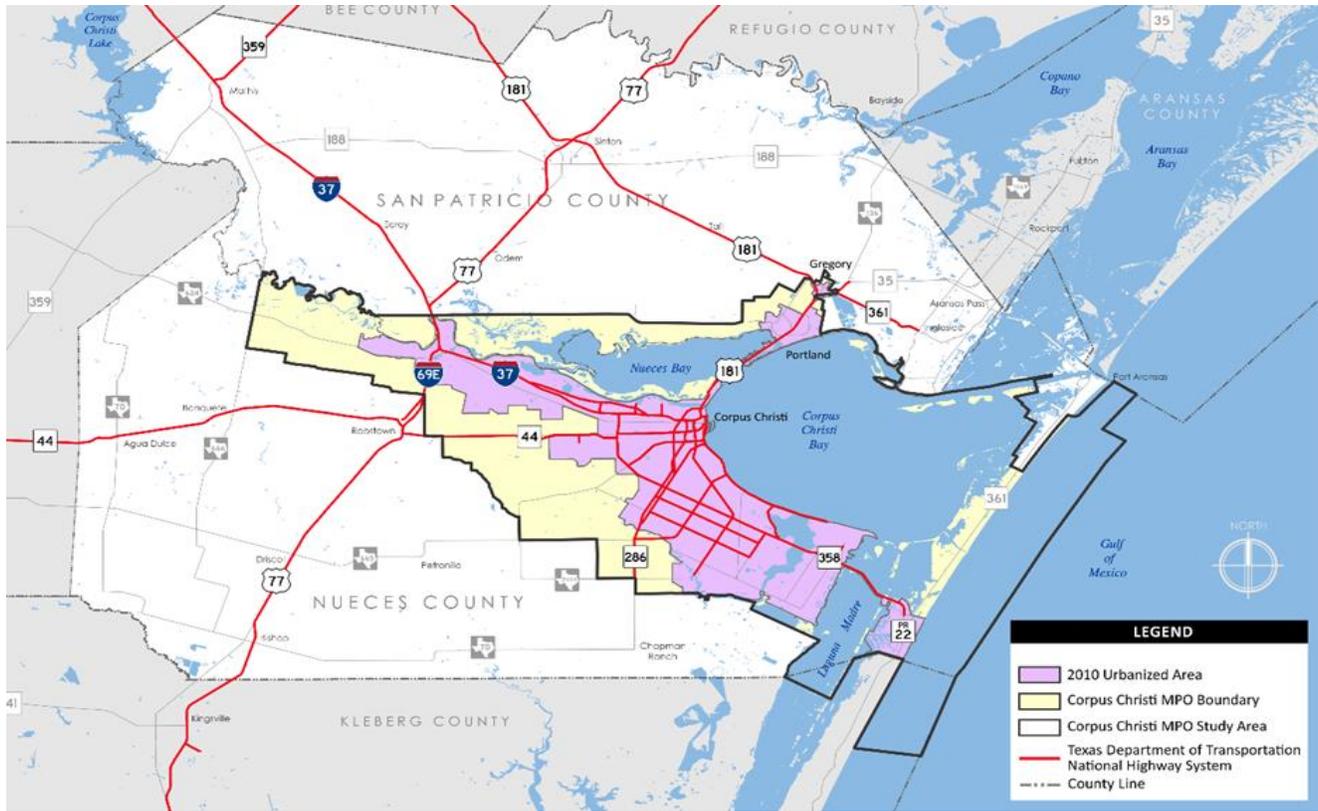
### ELIGIBLE APPLICANTS

The FAST Act carries forward the eligible sponsors for the Set Aside from MAP-21 TAP eligibility and added "nonprofit entities responsible for the administration of local transportation safety programs" as eligible sponsors. Nonprofit organizations (other than the one new addition described below), State DOTs, and MPOs/RPOs are not eligible project sponsors; however, they are encouraged to work with eligible sponsors to advance projects where there is a shared interest. Eligible Category 9 (STBG-SA) project sponsors include:

1. Local governments;
2. Regional transportation authorities;
3. Transit agencies;
4. Natural resource or public land agencies, including Federal agencies;
5. School districts, local education agencies, or schools;
6. Tribal governments;
7. A nonprofit entity responsible for the administration of local transportation safety programs;
8. Any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of subsection (c) of section 213 of title 23.

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## Exhibit 1. Map of the Corpus Christi Metropolitan Planning Area



It is incumbent upon each project sponsor to read TxDOT’s Local Government Project guidance <https://ftp.txdot.gov/pub/txdot/lgp/procedures/guide.pdf> and become familiar with the contracting and reporting procedures associated with Category 9 (STBG-SA). Applying for federal funds is a significant undertaking, which must be led by the project sponsor from start to finish. Projects that have not navigated the federal requirements and been advertised for construction within 1 year of their programmed year may be subject to forfeiture of awarded funds and project cancellation (i.e., a project programmed for FY 2022 was not yet advertised at the end of FY 2023).

## Exhibit 2. Table of the Category 9 Process Timeline for 2022 – 2025 Funds

Category 9 Process Timeline for 2022 – 2025 Funds	
September 16, 2021	Program Guidance Review by TAC
October 7, 2021	Program Guidance Review by TPC
October 21, 2021	TAC Review of Category 9 Program and Application Form
November 4, 2021	TPC Review Category 9 Program Guidance and Procedure and Application Form
December 16, 2021	TAC Regular Meeting Review and Recommend DRAFT Corpus Christi MPO Call-for-Project 2021 and the DRAFT Application Form
January 6, 2022	TPC approve Category 9 Program Guidance and Procedure and Application Form and issue a formal Call for Projects
January 20, 2022	TAC Regular Meeting and Workshop No. 1
February 17, 2022	TAC Regular Meeting and Workshop No. 2
March 1, 2022	Project Applications Due
March 3, 2022	TPC receives update on CAT 9 Applications
March 17, 2022	TAC Review and Comment on Project Scores and Proposed List of Funded Projects

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April 7, 2022 TPC Reviews Project Scores and Proposed List of Funded Projects

April 21, 2022 TAC Review and Recommend Scores, Ranking, and Funded Projects

May 5, 2022 TPC Review and Approve Scores, Ranking, and Funded Projects

### FUNDING AND ELIGIBLE ACTIVITIES

#### Available Funding

The FAST Act, which has provided funding in Category 9 since December 2015, expired September 30, 2020; but was extended until September 30, 2021, with a continuing resolution. While it is possible that the FAST Act will be re-extended, it is more likely that a new bill will be enacted and there is no absolute assurance that the STBG Set-Aside which funds Category 9 will continue or that this type of funding will be available through the Year 2025. Funds made available through the federal bill prior to that date would still be available for use after September 30, 2021; however, new funds designated after this date, including this round of Funding, may not be. The funding breakdown below describes how the funding is currently allocated to the Corpus Christi MPO region; again, subject to change beyond September 30, 2021. The maximum a project can receive in Category 9 funds is \$2,000,000. The minimum project award is \$50,000 for non-infrastructure projects and \$200,000 for infrastructure construction projects.

#### **Exhibit 3. Table of Available Funding Estimates**

Carry Over	2022	2023	2024	2025	Total
\$2,300,000	\$580,000	\$580,000	\$580,000	\$580,000	<b>\$4,500,000</b>

**Note: TxDOT's 2022 UTP estimate for Corpus Christi MPO CAT 9 for FY 2021-2025 and TxDOT-TPP Carryover Estimates 2021**

Federal requirements state that Category 9 funds must be obligated within two years of the year of programming. Failure to obligate the funds results in the loss of the funding. The funds will revert back to Corpus Christi MPO for re-allocation at the regional level.

Category 9 is not a grant program in that no money is provided upfront. Approved costs are reimbursed only after an Advanced Funding Agreement (AFA) between TxDOT and the project sponsor is signed and a Minute Order is authorized for the project. In order to get an approved Minute Order, the project must obtain the following clearances: right-of-way clearance, utility clearance, railroad clearance, environmental (NEPA) clearance, and have an approved Plan, Specification and Estimate (PS&E) package. No activities performed prior to obtaining the minute order are reimbursable through the awarded funding.

#### Eligible Activities

50% of Category 9 funds are distributed to MPOs with population over 200,000 such as the Corpus Christi MPO, which are designated as Transportation Management Areas (TMAs) by TxDOT. TMAs are Census Designated Urban Areas with a population over 200,000. The other 50% of Category 9 funds are designated for statewide use. TMA MPOs will select projects in consultation with TxDOT districts, while small urban areas (with populations below 200,000) and rural areas, the funds are administered by TxDOT's Public Transportation Division (PTN). For projects selected by the Corpus Christi MPO, the local project sponsor is responsible for completing all pre-construction activities (design, environmental clearance, right-of-way and utility relocation/coordination) with local funds. Category 9 funds can then be used to reimburse project sponsors for 80% of the costs that were paid by the local entity, up to the awarded amount. Construction inspection and construction management activities associated with approved projects are eligible uses of Category 9 funds. Any costs exceeding the amount of funds awarded through the Category 9 process are the responsibility of the project sponsor. Please consult the [TxDOT Local Government Project Toolkit](#) for a detailed description of the requirements and procedures to utilize federal transportation funding.

## PROJECT ELIGIBILITY

The list below describes the 11 general project categories eligible for funding through the application process.

### **1** Bicycle and Pedestrian Facilities

Bicycle and pedestrian projects allow communities to make non-motorized transportation safe, convenient, and appealing. Projects may include on-road and off-road trail facilities that serve to meet the transportation needs of pedestrians, bicyclists, and users of other non-motorized forms of transportation. These active transportation projects encourage healthful physical activity, keep the air clean by decreasing reliance on fossil fuels, and enrich local economies with recreational assets.

Eligible Projects:

- New or reconstructed sidewalks or walkways
- Pedestrian and bicycle signs or signals
- Lighting that primarily benefits cyclists and pedestrians (Lighting Plan Requirements)
- Transportation projects that achieve ADA compliance, such as curb ramps
- New or reconstructed off-road trails that serve a transportation need, such as trails that provide connections to schools, parks, or other public places
- Crosswalks, bicycle lanes or shared lane pavement markings
- Widening or paving shoulders
- Bicycle parking facilities, such as bicycle lockers and bicycle racks (including those on buses)
- Shared use paths, side paths, and trails that serve a transportation purpose
- Bicycle and pedestrian bridges and underpasses
- Crossing improvements that shorten crossing distance, provide access, and/or primarily improve bicycle and pedestrian safety
- Traffic realignments, road diets, or intersection changes that improve bicycle and pedestrian access or safety
- Rails with trails projects, which are adjacent to active (not abandoned) lines

### **2** Bicycle and Pedestrian Education (Grades K-8 only)

Non-infrastructure projects that educate or encourage children in kindergarten through the eighth grade to safely walk or bike to school are defined as eligible in Section 1404(f)(2)(A) of SAFETEA-LU.

Eligible Projects:

- Public awareness campaigns and outreach to press and community leaders
- Traffic education and enforcement in the vicinity of schools
- Student sessions on bicycle and pedestrian safety, health, and environment
- Funding for training, volunteers, and managers of safe routes to school programs

### **3** Conversion of Abandoned Railway Corridors to Trails

Rail-trails help to expand travel and recreational opportunities within communities. Converted rail corridors make ideal trails because of their flat grade, long length, and intact right-of-way. Rail-trails, as these types of trails are called, help to encourage physical activity and reduce air pollution. An example of this would be the Texas-Mexican Railway Company trestle crossing Oso Bay.

STBG-SA funds can be used only for abandoned, rail banked or currently inactive rail lines; funds cannot be used to move or perform construction on active rail corridors. Funding for this category may also be used solely for purchase of railroad right-of-way or property, as long as future development of a public facility is planned.

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Eligible Projects:

- Construction of multi-use trails within a railroad right-of-way
- Major reconstructions of multi-use trails within a railroad right-of-way
- Developing rail-with-trail projects, where there is an adjacent line that is no longer active
- Purchasing and converting unused railroad property for reuse as a trail

### **4** Construction of Turnouts, Overlooks, and Viewing Areas

By developing turnouts, overlooks, and viewing areas, communities can enhance the travel experience and supply an educational element that attracts tourists to local roads that are of scenic, historic, natural, cultural, archeological, and recreational significance. STBG-Set-Aside funds cannot be used for the construction of visitor or welcome centers, or the staffing, operating, and maintenance associated those facilities. Marketing or promotion of such facilities is also ineligible.

None of the 19 designated scenic routes are in the Corpus Christi MPO area. The closest is US 77 from Robstown (Highway 44) to Harlingen (Highway 186). Other eligible locations include designated Heritage Areas by the Texas Historical Commission (such as Fort Lipantitlan), Wildlife Management Areas by the Wildlife Division of Texas Parks and Wildlife (such as Redhead Pond), as well as those areas that are listed on the National Register of Historic Places (such as the 1914 Nueces County Courthouse) and National Park Service sites (such as the Padre Island National Seashore).

Eligible Projects:

- Construction of turnouts, overlooks, and viewing areas
- Interpretive signage or kiosks explaining site significance
- Right-of-way acquisition for such facilities may be considered

### **5** Outdoor Advertising Management

The control and removal of outdoor advertising activity allows communities to preserve the scenic character of their roads by tracking and removing illegal and non-conforming billboards. Nonconforming signs are those signs that were lawfully erected but do not now comply with the Highway Beautification Act of 1965.

Eligible Projects:

- Billboard inventories, including those done with GIS/GPS
- Removal of illegal and non-conforming billboards

### **6** Historic Preservation and Rehab of Historic Transportation Facilities

The Historic Preservation and Rehabilitation of Historic Transportation Facilities category allows communities to rehabilitate and restore transportation facilities of historic significance. These rehabilitated facilities serve to educate the public and to provide communities with a unique sense of character that attracts tourists and generates a vibrant economic life. These funds cannot be used for the sole purpose of replicating a historic building, nor can they be used for the operation of historic sites, including transportation museums. The staffing, operating, and maintenance associated with such facilities is also ineligible.

Eligible projects must rehabilitate, restore or improve interpretation of a historic transportation facility. The addition of new items to the facility, such as desks, cabinets, furniture or other amenities that would improve building aesthetics or operations, are not eligible. Similarly, improvements that merely enhance operations (such as adding heating or cooling systems) are not eligible; however, in some cases, heating or cooling systems may be added, but only when deemed necessary for preservation of the historic structure; not for the comfort of guests or staff. Historic transportation facilities must be listed or eligible for listing on the National Register of Historic Places.

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Eligible Projects:

- Restoration and reuse of historic buildings with strong link to transportation history
- Restoration and reuse of historic buildings for transportation-related purposes
- Interpretive displays at historic sites
- Access improvements to historic sites and buildings
- Restoration of railroad depots, bus stations, and lighthouses
- Rehabilitation of rail trestles, tunnels, bridges, and canals
- Increasing building accessibility, in accordance with ADA guidelines

### **7** Vegetation Management

Through the Vegetation Management activity, communities improve roadway safety, prevent invasive species, and provide erosion control along transportation corridors. An example would be the removal of Brazilian Peppertree from rights-of-way throughout the metropolitan area.

Eligible Projects:

- Clearing of low-hanging branches or other vegetation encroaching on a travel corridor
- Landscaping to improve sightlines or other safety considerations
- Removal of invasive species
- Planting grasses or wildflowers to manage erosion along transportation corridors

### **8** Archaeological Activities

The Archaeological Activities category allows communities to explore the history in America with archaeological excavations and surveys in conjunction with highway construction projects. Only projects related to the impacts of implementing a transportation project are eligible for funding under this category.

Eligible Projects:

- Research, preservation planning, and interpretation
- Developing interpretive signs, exhibits, and guides
- Inventories and surveys

### **9** Stormwater Management

Stormwater Management projects allow communities to decrease the negative impact of roads on the natural environment. Storm runoff over road surfaces carries pollutants into water, upsetting the ecological balance of local waterways and degrading water resources for humans and animal populations. Additionally, stormwater runoff may also erode soil, potentially reducing structural stability, augmenting flood events, and stripping soil from sensitive agricultural areas. Projects funded in this category seek to reduce these environmental impacts. An example project would include mitigating runoff and flooding related to roads in the Calallen area.

Eligible Projects:

- Detention and sediment basins
- Stream channel stabilization
- Storm drain stenciling and river clean-ups
- Water pollution studies

### **10** Wildlife Mitigation

Wildlife Mortality Mitigation allows communities to decrease the negative impact of roads on the natural environment. Roads can harm wildlife through habitat fragmentation and vehicle-caused wildlife mortality.

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Example projects would include the Portland Living Shoreline or the Indian Point Marsh Area Living Shoreline proposed by the Texas General Land Office.

Eligible Projects:

- Wetlands acquisition and restoration
- Stream channel stabilization
- Wildlife underpasses or overpasses which may include bridge extensions to provide or improve wildlife passage and wildlife habitat connectivity
- Monitoring and data collection on habitat fragmentation and vehicle-caused wildlife mortality

### **11** Safe Routes to School

Infrastructure Projects — Safe Routes to School (SRTS) projects enable and encourage children, including those with disabilities, to walk and bicycle to school. Infrastructure projects must be within two miles of a Kindergarten through 8th-grade school and must primarily benefit walking or biking students. Eligible infrastructure projects include, but are not limited to, the projects listed below.

Eligible Projects:

- New or improved sidewalks/multi-use paths
- Traffic calming and speed reduction improvements
- Pedestrian and bicycle crossing improvements
- On-street bicycle facilities
- Off-street bicycle and pedestrian facilities
- Secure bicycle parking facilities
- Traffic diversion improvements in the vicinity of schools

## INELIGIBLE ACTIVITIES

Per MAP-21, and continued in the FAST Act, several projects that were eligible under the Transportation Enhancements program are no longer eligible. Specifically, formerly eligible projects such as the creation and operation of transportation museums, and tourist and welcome centers are no longer eligible.

While general education programs for bicyclists and pedestrians are also no longer eligible, active transportation safety and education programs for students in kindergarten through the eighth grade remain eligible. The eligibility of these programs and activities is preserved through provisions in MAP21 (and subsequently the FAST Act) that extend eligibility for SRTS non-infrastructure items defined in SAFETEA-LU.

## PROJECT ELIGIBILITY DETERMINATIONS

Project sponsors should design projects that clearly fit into the eligible categories defined in this document. Corpus Christi MPO staff in consultation with TxDOT-TPP and FHWA will make the final determination on project eligibility and will disallow any project that is not clearly eligible. It is the responsibility of the project sponsor to present how the project aligns with the guidelines for eligible project activities.

- There is no limitation on the number of applications that may be submitted by an eligible entity. A separate resolution of local cash-match commitment from the eligible entity project sponsor (e.g., local government/agency) is required for each submitted project.

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- Federal guidance states that projects must be principally for transportation rather than recreation and the project must have logical endpoints. For example, if a project proposes a looped trail within a city park is considered recreational and is not eligible. However, the route to that park is eligible.
- Consistent with other Federal-aid highway programs, Category 9 funds are administered by TxDOT. After project selection, a determination will be made as to whether the project will be administered by TxDOT or the local entity.
- The STBG-SA Category 9 Program is not a grant. The funds provided are on a cost-reimbursement basis. Therefore, it is important to understand that the applicant will need adequate cash flow to accommodate the payment of 100 percent of the project costs. Applicants will be reimbursed with the Federal portion after the work has been accomplished.
- The local match must be cash. A resolution of local cash-match commitment from the eligible entity project sponsor (e.g., local government/agency) must be provided with the application. In certain limited circumstances in-kind contributions non-cash donations may be considered but only after consultation with FHWA and TxDOT. Consultation should occur prior to application submission.
- The eligible entity project sponsor is responsible for any and all cost overruns.
- The Corpus Christi MPO Transportation Policy Committee (TPC) will approve all final projects and funding levels. Itemized budgets submitted for STBG-SA (CAT 9) funding will be reviewed by the Federal Highway Administration (FHWA), TxDOT, and the Corpus Christi MPO to ensure work activities are eligible and itemized costs are reasonable. Based on available funds, project application requests for TAP funds may not be fully funded.
- Prior to Project Letting: Applicants must have a fully executed Advanced Funding Agreement (AFA) with the TxDOT Corpus Christi District and comply with all applicable state and federal requirements related to the development of federal-aid highway projects. The AFA must be executed within one year from the date of selection by the MPO Policy Committee or risk loss of federal funding.
- Administrative Fee: TxDOT may impose an administrative fee of up to 15% of the project cost. The fee is an eligible expense covered with awarded funds but for which applicants must account when calculating the availability of funds for construction.
- Selected projects must be included in the Corpus Christi MPO's Transportation Improvement Program and the Statewide Transportation Improvement Program prior to project letting.
- Commence Construction: TAP Projects must advance to construction within three years from the date of selection by the Corpus Christi MPO TPC or risk loss of federal funding.
- All on-system projects must follow TxDOT procedures.
- Regardless of whether the projects are located within the right-of-way of a Federal-aid highway, the treatment of projects will require: project agreements, authorization to proceed prior to incurring costs, prevailing wage rates (Davis-Bacon), Buy America, and competitive bidding.
- Projects should primarily benefit the general public, and not a private entity.

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### APPLICATION PROCESS

#### **Project Applications**

A complete Category 9 project application consists of the following components:

- Completed Fillable Microsoft Word macro-enabled template including Project Cost Breakdown
- Project Schedule
- Other Supporting information (maps, drawings, photographs, reports, etc.)
- Email the completed application to [ccmpo@cctxmpo.us](mailto:ccmpo@cctxmpo.us)

It should be noted that letters of support from elected officials have no influence on the selection of projects in a performance-based programming process. While we encourage that project sponsors inform and collaborate with their elected leadership, letters of support are not necessary unless they are committing funds (matching or additional, non-traditional funding) to the project.

#### **Application Review**

Corpus Christi MPO staff will review draft applications for eligibility and notify applicants of any ineligible submittals. After a review applicants will be notified if the applications are incomplete and will be given one week to submit missing or incomplete information.

#### **Multi-year Funding and Funding Cycles**

Due to the administrative burden of evaluating funding proposals on an annual basis and the management costs for project sponsors from multiple projects, there is a trend that STBG-SA projects and programs include funding for several years, rather than only one single year. Many infrastructure projects can cost more than funding that is available in one year. This has resulted in FHWA and state DOTs accommodating multi-year activities.

#### **Categorical Exclusions**

Except in unusual circumstances, FHWA expects that these types of infrastructure projects will fall under the categorical exclusion provisions of 23 CFR Sec 771.117 that recognize construction of bicycle and pedestrian lanes, paths, and facilities as not involving significant environmental impacts. This streamlines compliance with the National Environmental Policy Act (NEPA) requirements.

#### **Project Consistency with Adopted Plans**

Screening criteria addresses provisions of FAST Act and assesses consistency with Corpus Christi MPO's current 2045 Metropolitan Transportation Plan and adopted local plans. Projects must be consistent with FAST Act eligibility requirements and local or county plans or they will not be considered further.

### PROJECT PERFORMANCE GOALS

The candidate projects will be evaluated on Performance Goals which evaluate the project's benefits in relation to adopted Goals from the Metropolitan Transportation Plan. There are also four Ancillary Factors to rate each project on including its readiness and deliverability.

Corpus Christi MPO staff will evaluate each project based on the identified factors. A composite of all of the candidate projects and their ratings will then be presented to the TAC for review and recommendation and then to the TPC for final approval.

A majority of the factors rely heavily on outcome-driven, performance-based metrics. The increased focus on performance-based planning and programming is a result of FAST Act (2015), which aims to create a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bicycle, and pedestrian programs and policies originally established in ISTEA (1991).

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MAP-21 (2012) created seven national performance goals for federal highway programs. The seven national performance goals are:

- Safety - To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- Infrastructure Condition - To maintain the highway infrastructure asset system in a state of good repair.
- Congestion Reduction - To achieve a significant reduction in congestion on the National Highway System.
- System Reliability - To improve the efficiency of the surface transportation system.
- Freight Movement and Economic Vitality - To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.
- Environmental Sustainability - To enhance the performance of the transportation system while protecting and enhancing the natural environment.
- Reduce Project Delivery Delays - Reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion by eliminating delays in the project development and delivery.

The USDOT has adopted three core Environmental Justice (EJ) and Title VI policies stating that projects receiving federal transportation funds must:

1. Avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority and low-income populations.
2. Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. Prevent the denial of reduction in or significant delay in the receipt of benefits by minority and low-income populations.

These national goals are reflected in Corpus Christi MPO's current MTP through the plan performance measures, which are ultimately implemented through the TIP.

## COMPETITIVE EVALUATION CRITERIA

### **1. Consistency with the current Corpus Christi MPO Metropolitan Transportation Plan**

All applicants must demonstrate consistency with adopted plans, including the 2045 Metropolitan Transportation Plan (MTP), other locally adopted plans, and related objectives from relevant organizations.

Adopted 2045 MTP Goals:

1. Significantly reduce traffic fatalities and serious injuries on all public roads.
2. Manage regional transportation assets into a state of good repair
3. Reduce congestion on the regional significant corridors.
4. Efficiently operate, and invest in, the surface transportation system
5. Improve regional freight transportation facility performance
6. Use transportation investments to improve the regional economy.
7. Protect and enhance communities, the natural environment, and historic and cultural resources.
8. Provide an equitable transportation system for all, regardless of age, ability, race, ethnicity, or income.

Projects that are specified in the [2045 MTP](#) will receive 5 points. Projects that are not included, but are consistent with the 2045 MTP, will receive 3 points. Projects will receive three additional points if they are listed in a local adopted plan. If they are instead consistent with a local adopted comprehensive plan, they

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will receive 2 additional points. Projects will receive up to one additional point if they are included in another agency plan, such as the [Coastal Bend Ecological Plan](#) or in a school facility improvement plan.

Projects specified in the 2045 MTP	5 points
Projects consistent with the 2045 MTP	4 points
Projects listed in a local adopted plan	3 points
Project consistent with a local adopted plan	2 points
Projects included in another agency plan	1 point

### **2. Significantly reduce traffic fatalities and serious injuries on all public roads.**

Encouraging the use of nonmotorized modes of transportation is a goal at the intersection of public health, environment, and transportation. Projects will be scored as follows, up to a maximum of 5 points. New infrastructure that is within 2 miles of a school are double points listed below:

- Construct or reconstruct a separated facility (sidewalk) for pedestrians +1 point.
- Construct or reconstruct a separated facility (path) for both bicycles and pedestrians +2 points.
- Construct enhanced road crossing visibility and signage +2 point
- Project is an educational program specifically for K-8 users +5 points
- Construct ramps at street crossings where sidewalks already exist +1 point

A program specifically for K-8 users	5 points
Construct/reconstruct a separated facility (path) for pedestrians	+2 points
Construct enhanced road crossing visibility and signage	+2 points
Construct/reconstruct a separate facility (sidewalk) for pedestrians	+1 point
Construct ramps at street crossings where sidewalks already exist	+1 point

### **3. Manage transportation assets into a state of good repair.**

Projects will be scored if they repair connections to public transportation facilities that are not ADA compliant or using the length and number of connections repaired. Generally speaking, one point will be awarded for each block (50 yards) repaired or for each non-compliant street crossing that is reconstructed, up to a maximum of 5 points.

### **4. Reduce Congestion on the regional significant corridors.**

The integration of transportation and land use planning is a critical component in developing sustainable, attractive communities. To achieve the regional vision, it is important to link local activity centers throughout the region with the residential areas in which they serve and support via multimodal travel options. Activity centers include areas such as commercial/retail and employment centers, as well as civic, institutional and healthcare, educational, and recreational facilities. These areas can be in the form of a central business district, or a town center; a municipal building or complex; medical or health care facilities; schools, universities, colleges; and state, regional or local parks.

Projects in this category will be scored on the level of connectivity between residential areas and local activity centers that parallels designated Corridors of Significance. Projects connecting three or more of the listed activity center types will receive a High (5) rating. Projects not providing any type of access or connectivity to activity centers will receive 0 points.

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Project connecting 3+ of the listed activity center types	5 points
Projects connecting residential areas to 2 of the listed activity center types	3 points
Projects connecting residential areas to 1 of the listed activity center types	2 points
No connection	0 point

**5. Efficiently operate, and invest in, the surface transportation system.**

Projects that bring significant non-federal and non-traditional funding to the TIP warrant additional consideration. Projects requesting funding of less than 50% of the total project cost from federal funding programs will get a **High (5)** score for this scoring factor. Projects with a federal share above 80% will score **Not Addressed (0)**.

In addition, projects that can show a firm, in writing, commitment of non-traditional funding to the project will get 1 additional point. These projects are typically public/private partnerships that provide some of the required non-federal matching funds from private donations, philanthropic sources, local businesses, or other non-government resources. Documentation verifying sources and committed amounts must be included with the candidate’s application.

Project requesting federal funding with more than 50% in local funding project cost	5 points
Projects requesting between 40% to 50% local funding	4 points
Projects requesting between 30% to 40% local funding	3 points
Projects requesting between 20% to 30% local funding	2 points
Projects with 80% federal 20% local	0 points
Project with a commitment of non-traditional funding	+1 point

**6. Improve regional freight transportation facility performance.**

This criterion is under review for applicability for the CAT 9 funding category. For now, we anticipate a qualitative review of projects that address freight transportation in their project application. One potential concept is providing a facility that can be used for light electric vehicles to deliver goods.

**7. Use transportation investments to improve the regional economy.**

Will the project lead to the redevelopment of Brownfields or enhance infill or redevelopment of underutilized parcels? Will the facility improve access to a tourism, heritage, wildlife, or recreation facility?

Project provides critical improvement to accessibility	5 points
Project is necessary for infill development	4 points
Project will enhance facilities for tourism	4 points
Project improves utilization of wildlife or heritage areas	3 points
Project provides nonmotorized access to recreational facility	1 point

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### **8. Protect and enhance communities, the natural environment, and historic and cultural resources.**

Mitigating the negative effects of transportation infrastructure on the environment (water, soils, vegetation, and wildlife) is an important consideration when developing new or reconstructing existing facilities. Projects in this category will be scored based on the level of environmental mitigation being proposed. Will project promote adaptation and resiliency to extreme weather events? (High, Medium, Low) Does the project create mitigation or vegetation management sites? (High, Medium, Low) Does the project improve the management of stormwater runoff? (High, Medium, Low).

Project is taken from “Protecting Tomorrow: Corpus Christi MPO Mitigation Planning Protocol”.	5 points
Project is taken from the Texas Parks and Wildlife Department (TPWD) in their “Texas Conservation Action Plan (TCAP) Gulf Coast Prairies and Marshes”.	5 points
Project directly supports a project that is in one of the above plans.	4 points
Project is in a local entities adopted plan related to this criterion.	3 points
Project is not connected to any plans related to this criterion.	0 points

### **9. Provide an equitable transportation system for all, regardless of age, ability, race, ethnicity, or income.**

Projects will be scored using the zonal attributes previously identified in the Areas of Disadvantaged Populations (ADP) analysis. If a project is majority located in or borders a zone that is:

Project is located in/borders a zone that is well above average	5 points
Project is located in/borders a zone that is above average	4 points
Project is located in/borders a zone that is slightly above average	3 points
Project is located in/borders a zone that is slightly below average	2 points
Project is located in/borders a zone that is below average	1 point
Project is located in/borders a zone that is well below average	0 points

### **10. Connectivity Enhancement**

Projects in this category will be awarded points based on their level of integration with existing facilities. The key to establishing an accessible, well-connected network of alternative facilities is building off of existing infrastructure and providing connections where there currently are none. A continuous, consistent system is safer and more attractive to users. Fragmented and inconsistent systems can create conflict points and confusion among users.

Projects that create new connections to public transportation facilities or connect two or more existing facilities will receive a High (5) rating. Public transportation facilities are commuter parking lots, transit stops and their connections to the surrounding community.

Projects create new connections to public transportation facilities	4 points
Project fully connects two or more existing public transportation facilities	5 points
Project extends an existing facility to a new notable destination	3 points
Project constructs a new, independent facility (no connection to existing facilities)	0 points

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### 11. Project Readiness and Deliverability

The further along a project is on the Project Development path the more committed an entity is to its completion and the sooner construction can begin. The phases of project development that may be managed or performed by a local government may include: Environmental, Design, Right-of-way acquisition, Utility relocation, and Construction. Deliverability is an important aspect of a successful Category 9 project. Corpus Christi MPO will utilize assess and rank each of the submitted candidate project’s ability to be delivered on-time and within budget based on project complexity and past performance with previous Category 9 projects.

Applicants must clearly demonstrate project readiness with a well-defined scope, schedule, cost estimate, project understanding, commitments of needed non-federal funding, and documentation of support from the other participating agencies in the project. Project sponsors should consult with TxDOT Publication 740: Local Project Delivery Manual in order to proactively identify any potential deliverability issues the candidate project(s) may experience and factor them into their schedules and cost estimates. Particularly in the case of the right-of-way phase, the sponsor should provide proof of ownership of the right-of-way, or proof of coordination with the right-of-way owner. Even if the ROW is owned by the sponsor a review from TxDOT ROW unit may be required.

Project has completed PS&E	5 Points
Project has no ROW requirements	+2 points
Project has completed environment review	3 points
Project has completed preliminary design	2 points
Project is desired in year 3 or 4 of the TIP and design or environmental review is currently underway.	1 point
Project is in the TxDOT 10-year UTP	1 point
Project involves railroad coordination	-5 points

**Exhibit 4. TxDOT Project Implementation Process**



#### Project Initiation

This phase of the project includes all the steps between needs identification, through programming, up to the execution of the legal agreement (AFA) between the local government and TxDOT. The MTP and TIP will identify the needs, objectives, priorities, and specific activities that will be performed by each project or program. The product of the project initiation phase includes, at a minimum:

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- **Description of the project or program:** In a performance-based planning and programming process, project identification begins with determining the need for the project based on crash frequency and severity, pavement condition, bridge condition, conformance with current geometric standards, security, issues associated with demand for moving people and goods, resiliency, and other adopted Corpus Christi MPO goals and objectives. The evaluation of need is based on measured current and forecast future conditions, not on an assumption that prior decisions are still valid. Providing analyses and/or data to support problems or unsatisfactory conditions identified in the need sentence is required. Project descriptions will be detailed enough to be understandable to the general public with regard to scope of the project, its location, schedule and costs. It will also provide enough detail to allow forecast and evaluation of the relative performance-based merits of the various projects against each other.
- **Cost:** The preparation of a project cost estimate is a constantly evolving process that begins prior to programming and continues throughout the lifecycle of the project. Funding needs for a project includes the construction cost estimate, both the preliminary and final design plans, the environmental analysis, mitigation activities, and a separate right of way (ROW) cost estimate. The estimate will utilize the description that is used for evaluation purposes.
- **Funding sources:** Twelve specific purpose categories of funds have been established by federal and state legislation and commission policy for highway transportation programs (See Section G above). This call is for Category 9 funds. Funding categories require formally established target LET dates and are either allocated state or district-wide programs or project specific.
- **Schedule:** The schedule shown in the application should include the year that each phase will begin, with detail realistic enough to provide reasonable assurance that projects will achieve federally required funding milestones, including completion of expenditures within four years of funding obligation.
- **RPIC:** Prior to beginning work, the local government and TxDOT will each designate a “responsible person in charge” (RPIC) for the project. The local government is also required to assign a “qualified person” to the project.
- **Minute Order:** Obtain from the Texas Transportation Commission approval of minute orders as appropriate. A minute order is a formal expression of direction or intent approved by the Texas Transportation Commission to authorize actions by TxDOT.

### **Advance Funding Agreement**

An Advance Funding Agreement (AFA) is a contract under which TxDOT and the local government allocate participation in a transportation improvement project. The AFA defines the scope of work, labor and material resources, and cash funding responsibilities to be contributed by each party that are necessary to accomplish a transportation project. These agreements are used when local entities participate in funding projects or programs. The local government funding may be directed toward preliminary engineering, construction, right of way, utility relocation costs, maintenance or as a match for federal funds for any other project expense.

The executed AFA will state the party responsible to perform each project development activity and the funding obligations of each party to the agreement. TxDOT is required to determine if the local government is qualified and has adequate resources and controls to perform the desired project work elements prior to the department's authorizing the entity to perform the project work. This is accomplished through the Local Government Risk Assessment process. Standard templates for Voluntary AFAs and AFAs are available from the standard contracts webpage on the Contract Services Division Crossroads website. This process can take 12-18 months. This timeframe should be considered during programming of project funds.

If there is a significant change in the scope of work, funding or schedule, the district will prepare an AFA amendment that sets forth the change and the reason for the change. An amendment to the AFA will

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frequently trigger a change order in the related bid documents or scope of services. Any change in the scope of the project must be consistent with TxDOT's change order policy. If the proposed change is outside of the change order policy, the district must coordinate with TxDOT's Design Division to get a new minute order from the Transportation Commission to authorize the new project.

After a contract (AFA) is executed between the local entity and TxDOT, the local entity must request and obtain authorization to proceed with the project work. This authorization is a State Letter of Authority (SLOA). The SLOA must be issued on all projects whether the work is done by the local entity or contractors. For non-construction projects, a single SLOA is required prior to initiation of work on the project. For transportation projects that include construction up to three SLOAs may be required during the course of the overall project. The first SLOA is required prior to the Preliminary Engineering phase, the second SLOA is required prior to the acquisition of right of way or the accommodation of utilities and the third is required prior to initiation of advertising for construction.

*A Federal Project Authorization and Agreement (FPAA) is required prior to TxDOT issuing each State Letter of Authority (SLOA)*

In addition to the SLOA, a Federal Project Authorization and Agreement (FPAA) is required for both non-construction and construction projects that use federal funds. Upon completion of the FPAA form, the use of federal funds is authorized between FHWA and TxDOT for reimbursement of the approved costs.

### **Environmental Compliance**

The impacts of a project or program upon the social, economic, and environmental conditions of a region are considered during the earliest stages of planning and development for any federally funded project. In many projects, the Environmental Compliance phase is performed concurrently with the preliminary design (30 percent design). The Environmental Compliance phase must be completed prior to right-of-way acquisition or utility accommodation.

During development of an MTP the combined impacts of all funded projects are estimated, and appropriate mitigation is identified. The three major categories of environmental study are: Class I - environmental impact statement (EIS) is very detailed and is used when the project is expected to have significant impacts on the human or natural environment. Class II – Categorically Excluded (CE). Projects which do not have cumulative or significant effects. Class III – Environmental Assessment (EA). Projects in this category are not Class I or Class II. Costs for this activity vary considerably, with four percent (4%) of initial construction cost often used as a starting point.

### **Preliminary Engineering and 30% Design**

During this step, project sponsors work with TxDOT and partner entities to define the project location, develop concepts to satisfy the project need, and agree on parameters (such as horizontal curve radii and super elevation, grades and stopping sight distances) for the final design. Parameters for the design may be established if they don't affect objective consideration of alternatives in the NEPA review process or cause adverse environmental impacts. Preliminary design must include an identification of the environmental issues and commitments that must be considered during the project development.

The Design Summary Report (DSR) contains the record of project development and design and constitutes an understanding of basic features of the project by FHWA, TxDOT divisions, TxDOT district office, and local government agencies. Costs for this activity generally five percent (5%) of initially estimated project construction costs. This activity generally takes 18 months, which should be considered during programming and reprogramming of project funds.

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### **Right-of-Way and Utilities**

Determine existing Right-of-Way (ROW) limits, ownership of the properties that abut ROW, and ownership of any properties that may be temporarily or permanently acquired. It also includes identification of owners of any utilities that are in the existing ROW or on the proposed ROW. Above ground utility information may be obtained by standard land surveying methods. Underground utility locations may be determined by conventional survey methods, newer technologies, or by Subsurface Utility Engineering (SUE). During a Preliminary Design Concept Conference, proposed project limits, impacts, and physical and financial constraints are studied. Preliminary ROW data is used to adjust alignments and minimize ROW impacts to properties. Acquisition of ROW requires a separate cost estimate, which should be noted in the TIP and STIP. The schedule for ROW acquisition can greatly delay a project and should be considered during programming / reprogramming of project construction funds.

### **Final (100%) Plans, Specifications, and Estimate Development (PS&E)**

The Design Concept Conference (DCC) is the beginning of PS&E preparation and occurs after most of the background data is gathered. The DCC finalizes fundamental aspects, concepts, and design criteria of the project. The Design Summary Report (DSR) developed during Preliminary Engineering is updated as these activities are performed. The DSR is the auditable record of project development and is stored in the project File of Record. Make a site visit to inspect existing conditions pertinent to sequence of construction. Outcomes include determining the need for construction speed zoning and traffic control requirements at intersections, prepare preliminary staging plans using typical sections with plan views showing complex areas, and developing detours and road closures plan to ensure safe, continuous operation for motorcyclists, pedestrians and bicyclists, along with work zone safety for the traveling public, department employees, and contractor's employees. It may also be necessary to determine time of day limitations for construction activities to avoid impacts to traffic and adjacent properties. Costs for this activity are generally five percent (5%) of initially estimated project construction costs. This activity generally takes 18 months, which should be considered during programming and reprogramming of project funds.

### **Letting and Award**

Letting is the process to award a contract, for the erection of public works, to one of several bidders. Bids to construct projects are forwarded to the Transportation Commission for approval and the approved contract is awarded (let) to the lowest responsive bid submitted by a qualified bidder. On an annual basis, the Letting Management Section of the Financial Management Division (FIN) requires districts establish the three-year letting schedule. The one-year letting schedule is a planning document and is subject to change, typically advancing or delaying projects from the following 2 years. Letting schedules are posted on the Internet.

### **Construction**

Highway construction means construction activities carried out in relation to a highway. This includes the act of locating, supervising and mapping of an area for a highway. The construction of highways is usually done by state or local communities. The construction of highways will conform to federal or the state laws.

Construction plans are the drawings approved by the engineer, or true reproductions thereof, which show the location, character, dimensions, and details of the work and which are a part of the contract.

### **Proposed Closeout and Maintenance**

Upon completion of the project, the department prepares a Statement of Cost to document actual project costs incurred by the department. If any additional funds are owed by the local government, Financial Management Division sends an invoice to the local government. Any overpayment by the local government, after all cost and claims are paid, is returned Project.

## APPENDIX A: OTHER REGULATORY REQUIREMENTS

There are a number of State and Federal regulatory requirements that apply to this program. Most, if not all, of these requirements (competitive bidding, minority business participation, Davis Bacon Act, prevailing wage rates and Americans with Disabilities Act) can be unfamiliar to project sponsors. In most cases, for compliance with environmental regulations during preliminary engineering, it is expected that project sponsors will secure professional assistance familiar with TxDOT policies and procedures (consulting engineers, landscape architects) to assist them in satisfying these requirements and advancing their project. TxDOT District staff should be contacted to assist with the interpretation and application of these requirements. In addition, sponsors should reference *TxDOT Publication 740: Local Project Delivery Manual*.

A list of some of these requirements, as well as a brief discussion of each, follows.

### **Agreements and Eligible Costs**

The project sponsor must execute a standard legal agreement with TxDOT prior to proceeding with any work on the project. Any project costs incurred prior to the execution of a reimbursement agreement for which federal dollars are requested will not be eligible for reimbursement. TxDOT will provide guidance, if requested. Interest payments made by municipalities or other project sponsors to finance any portion of the project costs are not reimbursable.

### **Proprietary Items**

The project specifications must list “three manufacturers” or “approved equal” or a generic specification. If a proprietary item is required, an approval letter from TxDOT TPP will need to be obtained. A sample request letter can be provided if required by any sponsor. All items must also be Bulletin 15 approved or a waiver will be required.

### **Budget**

The sponsor must demonstrate that there is an acceptable funding strategy for the project. A well-defined scope of work is needed to develop an accurate budget. Budget considerations are very important and an itemized list of anticipated expenses (including labor, supplies, materials and other anticipated costs) should be provided in an application attachment. The budget must be prepared and should be divided into project development phases that include environmental clearance, right-of-way, and construction phases. The budget should identify all sources of funding and how each itemized activity will be funded. Estimated funding for the project that may be from sources other than Category 9 should be identified, such as other federal funds (not the US DOT), state, local, donated services, in-kind services, volunteer, etc. Even though the preliminary engineering and right-of-way are not funded by Category 9 funds, a complete budget is needed to ensure that the applicant can fund the required project phases.

Speaking with TxDOT Engineering District staff and other professionals familiar with TxDOT policies and regulations – such as architects, designers, engineers, contractors or other appropriate individuals that have TxDOT project experience – is highly recommended.

The budget section of the application must be completed and divided into project development phases that include preliminary engineering, final design, right-of-way, utilities and construction phases. The budget should identify all sources of funding and how each itemized activity will be funded.

### **Pre-Construction Costs**

The project sponsor is responsible for funding pre-construction activities; they are not eligible for STBG-SA funds. Funding for pre-construction phases may come from any combination of federal, state, local, or private funds. The sponsor should also list any donated, in-kind, and volunteer services, including those from the Youth Conservation Corps. Even though the preconstruction activities are not funded by program funds, a

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complete budget is needed to ensure that the sponsor can fund the required project phases. Development of the pre-construction phase will be expected to be consistent with the TxDOT Connects process.

### **Project Construction Cost Estimate – Bid Items**

For the construction phase, the project sponsor must develop and attach to the project application a construction cost estimate that includes the following:

- Control-Section-Job (CSJ) Item numbers (optional)
- Bid Item Description/Name
- Quantity
- Unit of Measure
- Unit Price
- Item Total Cost

### **PROJECT CONSTRUCTION COST ESTIMATE – INFLATIONARY AND OTHER COSTS**

#### **Construction Inspection Costs**

*Construction inspection costs must be included in the total construction costs.* For projects under \$1 million in total construction costs, up to 15% of the construction costs is allowed for project inspection. If a project has a construction cost of over \$1 million, up to 12% of the construction costs is allowed for the inspection cost.

#### **Contingency Costs**

Project sponsors may add up to 10% to the cost of the construction phase of the project (not the inspection phase) to account for unforeseen expenses.

#### **Inflationary Costs**

Project sponsors must design their project cost estimates for the year in which the project is anticipated to be constructed, not the year that the application is submitted. Most projects selected in this application round will go to construction in calendar year 2024 or later, depending on the complexity of the project and the degree to which the sponsor has advanced project design. For the purposes of cost estimating, it is recommended that project sponsors consider inflationary costs. An inflation rate of 3% per year is acceptable. Project sponsors should create project cost estimates that assume construction in 2024 or later.

Please enter the federal funds requested for the project. The following costs may be added to the total construction cost:

- Up to four years of inflation at 4% per year
- Contingency costs may be included, but may not exceed 10%
- Construction Inspection (15% for projects < \$1 million, 12% for project ≥ \$1 million)

Based on the project, and in consultation with the consultant and TxDOT District, the estimate may also need to contain allowances for the items below:

- Administration/Department Costs
- Maintenance and Protection of Traffic
- Erosion and Sedimentation Control
- Inspector's Field Office, Equipment Package, and Microcomputer
- Mobilization
- Stormwater
- Drainage
- Pre-Construction Schedule
- Construction Surveying

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- Internal Facilitation

It is also important to note that TxDOT pre-qualified contractors will be required, and that Davis Bacon wage rates will apply. These factors will increase project costs above that of a typical municipally funded project.

### **Cost Estimating Resources**

In addition to working with the consultant and TxDOT District personnel, please reference *TxDOT Pub 352 - Estimating Manual* which will provide more detailed information.

As sponsors develop their estimated budget, they should talk with TxDOT Engineering District staff and other professionals familiar with TxDOT policies and regulations, such as architects, designers, engineers, contractors or other appropriate individuals that have TxDOT project experience.

**Important:** Project sponsors should design their project cost estimates for the year in which the project is anticipated to be delivered. Note also that 15% of the estimated construction cost is used for project inspection. The 15% must be included in the Total Construction Costs. In addition, project sponsors should factor in “Commonwealth incurred costs” at approximately 2% of the total construction cost.

### **Reimbursement**

The STBG-SA is a federal cost reimbursement program and no money is provided upfront. No reimbursement will be provided for costs incurred before a Minute Order is authorized; ***this does not occur automatically once a project is awarded.***

Form D-4232 (commonly referred to as simply “4232”) is the mechanism by which the Federal Highway Administration (FHWA) authorizes spending of the federal funds and establishes the date of eligibility for funding project activities. TxDOT staff will prepare the necessary financial documents to secure the federal authorization of funding. However, this does not mean that FHWA is obligated to reimburse the sponsor if it is found that the federal laws or regulations were not followed. In this event, the project sponsor will be left to fund the project at 100 percent.

In order to receive reimbursement for approved STBG-SA project expenses, the sponsor will need to become a registered business partner in the Electronic Construction Management System (further explained below) and become a vendor in the SAP system.

### **Project Invoicing and Payments to Contractors**

Once a project is authorized to advance and begins to incur costs, the project sponsor will receive periodic invoices from the contractor. The project sponsor then reviews and – if they concur with the reported expenses – approves the invoices and submits them to TxDOT. TxDOT processes the payment and provides the approved funds to the sponsor. Upon receipt of payment from TxDOT, the sponsor has up to ten days to pay the contractor. By using this process, the project sponsor does not typically have to use their own funds. The sponsor will only be reimbursed for actual approved project expenses, up to the amount approved for the project.

### **Public Involvement**

Early and continued public involvement in program activities will need to be sought to ensure consistency with the requirements for public involvement in the metropolitan and statewide planning regulations and with the National Environmental Policy Act (NEPA) project implementation guidelines. The applicant should contact their local transportation planning agency (MPO or RPO) for more information. Generally, the public involvement activities handled through the application review and approval process by the MPO and RPO fulfills this requirement. However, the project sponsor should discuss their project locally in a public format, for example at local planning commission and/or municipal meetings.

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### **Environmental Clearance**

All projects will require an environmental clearance document as part of the preliminary engineering phase of work. The level of effort varies by the type of project, the anticipated impact and the degree of public controversy. The NEPA documentation may be a Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS). Except in unusual circumstances, most TA projects are usually processed as a CE under the NEPA. Preparation of the document can be a cooperative venture: Normally, at the project scoping, a decision will be made on the type of documentation required and which entity will prepare the document. The project sponsor or their consultant will be required to prepare the environmental clearance document.

There may be costs associated with obtaining environmental clearance. These costs, like all preconstruction expenses, must be borne by the project sponsor.

### **Consultant Selection, Project Design, and Inspection**

Projects must follow standard federal/state procedures for all phases of work. Project sponsors should acquire the services of a qualified consultant to oversee the development and implementation of the project (including project inspection) and ensure compliance with all state and federal requirements. This professional is typically an engineer, although an architect or landscape architect may be appropriate, depending upon the nature and scope of the project. It is important to recognize that the project sponsor, not TxDOT, employs the design and/or construction professionals at their own expense.

It is highly recommended that the selected consultant has experience with TxDOT specifications and has demonstrated experience in the successful delivery of Transportation Enhancement (TE), SRTS, or TA projects. Please consult the *TxDOT Publication 740: Local Project Delivery Manual* for qualifications of a TxDOT experienced consultant. Expedient, accurate design lessens the chance that the project will not meet the two-year deadline for STBG-SA projects to advertise. Projects that are not advertised within two years are subject to cancellation.

### **Treatment of Projects**

Projects funded through the STBG-SA Program must conform to 23 U.S.C. 133(i):

*(c) Treatment of Projects. — Notwithstanding any other provision of law, projects funded under this section (excluding those carried out under subsection (h)(5)) shall be treated as projects on a Federal-aid highway under this chapter.*

The “treatment of projects” requirement (23 U.S.C. 133(i)) means that all projects carried out using STBG-SA funds (except for recreational trails projects carried out under the RTP set-aside) must comply with applicable provisions in Title 23, such as project agreements, authorization to proceed prior to incurring costs, prevailing wage rates (Davis-Bacon), Buy America, competitive bidding, and other contracting requirements, regardless of whether the projects are located within the right-of-way of a Federal-aid highway.

### **Design and Implementation Requirements**

The design requirements for STBG-SA projects are defined in TxDOT Pub 10 (Design Manual 1): Specifically, Chapters 6 and 7 address key design requirements, including NEPA requirements, preliminary and final design processes, and key procedures for obtaining right of way and utility clearances. These steps, requirements and standards must be followed by the sponsor’s project designer for the project to be funded through the STBG-SA.

### **Right-of-Way Clearance**

All right-of-way acquisition must follow federal regulations, including the Uniform Act (Uniform Relocation Assistance and Real Property Acquisition Policies of 1970). In particular, property owners must be advised that

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federal funding is being used to implement the project, and they are entitled to fair market value for their property. The property owner has the right to be informed of this value, as determined by a qualified appraiser. In addition, if the sponsor does not have the authority to acquire property by eminent domain, the property owner must be so advised prior to any offer being made. This requirement does not preclude the voluntary donation of property to the project. Federal funds are not available for land that is already within the public domain, e.g., owned by a municipality; however, such land may be donated to the project as part of the sponsor's investment. Right-of-way certification will be required for all projects prior to advertising for construction bids.

### Notes:

- The requirements of the Uniform Act apply to any acquisitions associated with approved STBG-SA projects, regardless of whether federal funds are used for the purchase or not. Please contact your TxDOT Engineering District Right-of-Way Administrator if you have any questions or need specific guidance.
- Only projects for conversion of abandoned railway corridors and scenic overlooks are eligible to use program funds for right-of-way acquisition. See the Project Funding section of this document for more details on acquisition only projects.
- More information is available in Chapter 5, Right of Way Phase, of the Local Project Delivery Manual.

### **Utility Clearance**

All projects must have a utility clearance form (TxDOT Form D-419) processed prior to the advertisement for bids. This procedure requires that the sponsor certify that all necessary arrangements have been completed for the relocation of any affected utility. TxDOT personnel will provide assistance with this process.

### **Permits**

It will be the responsibility of the project sponsor to secure all necessary permits to design and implement the project. These may involve permits from the U.S. Army Corps of Engineers, as well as County and Municipal permits. The assigned TxDOT District Project Manager and/or hired consultant will be familiar with the permits required for each project and can provide guidance, as necessary.

### **Utility Involvement**

Certain projects may require the involvement of utility companies. It will be the responsibility of the project sponsor to contact the Public Utility to secure the necessary actions by that agency.

### **Railroad Coordination**

If your project involves a bridge over a railroad, a bridge that carries a railroad, a railroad grade crossing or would require acquisition or an easement on railroad property, you will need to involve the owner of the rail line early. This initial contact, which may be facilitated by your TxDOT District Project Manager in consultation with your District's Grade Crossing Engineer/Administrator, should define the proposed project scope and timeframe.

Projects involving railroads are likely to involve additional expenses (including direct costs to the railroad for design and plan reviews). Additionally, railroad coordination often leads to delays or project cancellation. As such, if possible, it is recommended that reasonable options to avoid impacting the railroad be explored.

### **Projects Involving Lighting**

For any project that includes lighting, a lighting plan will be required, which may add time and cost to your project. For more information, reference Chapter 4.9, Section H of the TxDOT Design Manual Part 1C.

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For guidance specific to STBG-SA projects, please reference “TxDOT Highway Lighting Requirements and Design Approval for TA Set-Aside Projects” document. Your TxDOT District STBG-SA Program Coordinator will also be familiar with these requirements.

### **Bidding**

For projects that require a contractor to perform physical construction or rehabilitation, the sponsor’s professional will assemble the contract proposal package. TxDOT’s Engineering District Office will review the Plans, Specifications, and Estimate (PS&E) package. The project sponsor or TxDOT will manage the bidding as agreed upon at the project kickoff meeting.

### **Bid Savings and Bid Overages**

Each selected project has been approved for a specific scope of work and funding level, based on the information submitted by the project sponsor and approved by the Corpus Christi MPO Transportation Technical Committee. While each project is awarded a set amount, it is important to understand that TxDOT’s focus is to deliver awarded projects; the funding provided is not an absolute award to the project sponsor. It should not be assumed that additional work can be performed if bids come in lower than the awarded amount.

Once bid, if the lowest bid falls below the project award amount, TxDOT captures the bid savings and returns them to the Corpus Christi MPOSTBG-SA / Line Item. Again, delivery of the awarded project, not the dollar amount is key.

When bids exceed the design estimate, the sponsor will be asked to contribute toward the bid overage.

### **Construction**

Project sponsor’s contractor may proceed with the construction phase of the project ***only upon receipt of the project sponsor’s written authorization (notice to proceed)***, which ensures that all necessary approvals have been secured. TxDOT Pub 740 requires a mandatory 12 weeks built into the pre-bid construction schedule between the let date and the issuance of the notice to proceed.

An approved contractor must perform construction. All material used in conjunction with the project must meet project specifications and special provisions included in the PS&E package.

Note: 15% of the estimated construction cost is used for project inspection. The 15% must be included in the Total Construction Costs.

### **Cost Increases / Changes in Scope of Work**

Each programmed project has been approved for a specific scope of work and funding level based on the information submitted by the project sponsor. When preparing a project scope and cost estimate, all project materials and labor costs should reflect the anticipated year of construction. It should not be assumed that cost increases can be covered with state or federal funds. There may be cases where the sponsor must bear any unforeseen project cost increases. It should be noted that the project in which funding is awarded is the project that must be constructed. If the project that is awarded funding cannot proceed, the funding will return to the Corpus Christi MPO TA line item in the TIP and will be reallocated to another regional project that has been competitively selected.

### **Maintenance**

The project sponsor will be responsible for all costs associated with the maintenance and operation of the project after construction. No STBG-SA funding will be provided for ongoing maintenance and operations

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costs. Failure by the sponsor to fulfill its maintenance responsibilities may result in the loss of future state and federal funds for private sponsors and the withholding of liquid fuels funds for municipal sponsors. The sponsor may transfer project maintenance and operation to another party with concurrence from the Department. For more information, please see the Maintenance section excerpt from the STBG-SA Program Reimbursement Agreement.

The sponsor may charge a fee to access a facility constructed with STBG-SA funds only if the proceeds from the fee are not excessive to the general public and, by agreement, are instituted for the maintenance and operation of the STBG-SA funded resource. Generally, this fee applies only to historic transportation facilities and, in some unique circumstances, trails.

The sponsor must establish a formalized inspection and maintenance program, to be performed by its own or contract personnel, to ensure an acceptable level of physical integrity and operation consistent with the original design standards. This maintenance program, established in accordance with standards determined to be acceptable to TxDOT, must include, but is not limited to:

- Periodic inspections
- Appropriate preventive maintenance (i.e., cleaning, lubricating, refurbishing electrical equipment, etc.)
- A systematic record-keeping system
- The means to handle notification and implementation of emergency repairs

Failure by the project sponsor to fulfill its maintenance responsibilities may result in the loss of future state and federal funds.

### **Project Reporting and Cancellation**

A project sponsor may, at any time in the project development process, decide to cancel the project and drop out of the program. The project sponsor will be responsible for the reimbursement of all federal funds received as of that date, as well as for TxDOT staff costs incurred as a part of the project. The sponsor will also be responsible for payment of all outstanding invoices to all project contractors.

At a project kickoff meeting, a joint staff of Corpus Christi MPO and TxDOT Engineering District choose the timeframe and the specific milestones to be evaluated. Examples include reimbursement agreements, plans approved, etc. Project sponsors will be required to submit quarterly progress reports to Corpus Christi MPO, detailing steps underway or completed to reach the specific milestones.

One year after the kickoff meeting, a project review will be undertaken by joint staff to determine if significant progress has been reached toward the established milestones.

During the review, if it is determined that insufficient progress has been made; the applicant will be warned in writing that more time (joint staff decision) will be allowed. If no progress occurs, the project may be removed from the program. When a decision to warn the applicant is reached Corpus Christi MPO will notify the applicant (via written letter) within 30 days of such a decision. The applicant must respond in writing within 30 days. Milestone dates for estimated project completion will be included in the application. If the project has to be cancelled due to lack of progress or other unforeseen circumstances, the project sponsor will be notified by Corpus Christi MPO (via written letter) that the project funding is no longer available and the project has been cancelled.

## APPENDIX B: MULTI-CRITERIA SCORING PROCESS

### What is Multi-Criteria Analysis (MCA)?

Multi-Criteria Analysis (MCA) is a scoring tool to assist with decision-making. It was developed for complex problems that include both qualitative and quantitative information in a performance-based evaluation process. MCA is useful for obtaining input from both experts and stakeholders. These inputs are synthesized to arrive at a collective choice for the selection and use of a weighted set of criteria, based upon known objectives and indicators.

In many situations, the ability to communicate and document how the decisions were reached is as important as the decisions themselves. MCA's ability to separate the decision elements and depict the decision-making process makes it ideally suited to transparently communicate the basis of each decision. Specific strengths of MCA in transportation project assessment are:

- Facilitate understanding by each individual/participant of the importance of each objective and indicator to their interests.
- Assess the relative importance of individual objectives and indicators in order to select a set deemed most significant to the group.
- Aggregate all the objective and indicator evaluations to arrive at a group decision.

The following definitions are useful in understanding the elements of MCA:

- Goals (Principles): The stated end toward which effort is directed; an embodiment of a value. Goals provide the primary framework for justification of objectives and indicators.
- Criterion: A specific target that can achieve a goal. These are standards that an improvement is judged by without itself being a direct measure of performance.
- Indicator: An indicator is any variable or component used to measure the status of a particular objective.

### Why is MCA needed as a decision-making tool?

In transportation planning and programming, multiple criteria are used to evaluate the performance of projects and prioritize investing of resources. Confusion and suspicion can arise if a logical and well-structured decision-making process is not followed. Given the complexity of the transportation decision-making process, an impartial decision cannot be met by using ad hoc procedures. Some of the dangers associated with less rigorous procedures are:

- Heightened risk or probability of generating an inappropriate decision.
- Exacerbating undesirable decisions because there is no record to explain the rationale or logic behind them.
- A lack of transparency of the decision-making process, which could hinder the adoption of the program or result in failure to gain public acceptance of the plan.
- Difficulty in reaching a general consensus in a multi-interest group.

Multiple Criteria Analysis is an appropriate tool for addressing the challenges involved in transportation project assessment because:

1. It clarifies the relative importance of each stated objective and reflects this importance in the final decision-making process.
2. It has the capability to accommodate multiple types of criteria in a single process.
3. It can work with mixed levels of detailed data or the absence of hard data allowing for the incorporation of both qualitative and quantitative information.
4. It allows the direct involvement of multiple experts, interest groups, and stakeholders.
5. Analysis is transparent to participants.

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6. It includes mechanisms for feedback concerning the consistency of the judgments made.
7. The participants don't have to agree on the relative importance of the objectives or the rankings of the alternatives. Each member enters his or her own judgements and makes a distinct, identifiable contribution to a jointly reached conclusion.

### The steps in Multi-Criteria Analysis

1. Establish goals and criterion.
2. Examine and modify if necessary.
3. Participants do a pair-wise comparison for each goal.
4. Participants give individual ratings and rankings for each criterion for every goal if more than one criterion is used.
5. Based on the results obtained from steps 3 and 4, the facilitator prioritizes the goals and objectives according to their relative weights.
6. Develop and rate the indicators under each objective.
7. Calculate the relative weights of each indicator within each objective. Prioritize the indicators according to their relative weights.
8. Show the final list to the team. If the team is satisfied, the final list of goals, objectives, and indicators is codified. If the team is not satisfied, then the process can be repeated from Step 2.
9. Each participant then scores each indicator based on its performance and multiplies that by its relative weight.
10. A project's final score for each objective is calculated by summing the weighted scores given to all its indicators by the participants. These weighted scores are calculated by multiplying the relative weights of each indicator with the scores assigned to each indicator. By completing these two steps, a score is reached that reflects the relative importance of each indicator in relation to the objective it helps measure.
11. Repeat this process for objectives scoring into goals for multiple groups.

## RATING AND RANKING ANALYSIS

### Ranking

Ranking assigns each goal area a 'rank' depending on its perceived importance by each participant. Each decision element is assigned a rank that reflects its perceived degree of importance within the decision process. The decision elements are ordered according to how each person ranked them, based on the pairwise comparison. The process to completing this task is as follows:

### Pairwise Comparison Sheet

For each item: in each box, circle the goal area that you deem the most important between the two items. Once you have circled one item in each box, count how many times each goal area was circled. Please write this number at the bottom of the worksheet for each goal. The total should be \_\_\_ and the largest number should be \_\_\_. If you have any ties, then find that (or those) pairwise comparison in the boxes above to see which you thought was more important. i.e., both safety and congestion had 10 circles, but in the box where safety was compared against congestion you had circled congestion. Please put a plus next to congestion so it is now 10+.

Pairwise Comparison Sheet

Air Quality or System Maintenance	Cost Effectiveness or System Maintenance
Stormwater or System Maintenance	Crash Reduction or System Maintenance
Stormwater or Congestion Reduction	Wildlife Habitat or Congestion Reduction
Cost Effectiveness or Stormwater	Environmental Justice or Wildlife Habitat
System Connectivity or Stormwater	Crash Reduction or Cost Effectiveness
Crash Reduction or Stormwater	Crash Reduction or Infill/Redevelopment
Stormwater or Environmental Justice	Environmental Justice or Crash Reduction
Stormwater or Reduce Adverse Impacts	System Connectivity or Cost Effectiveness
Economic Vitality or Stormwater	Wildlife Habitat or Economic Vitality
Stormwater or Wildlife Habitat	Economic Vitality or System Connectivity
Air Quality or System Maintenance	Environmental Justice or Crash Reduction
Stormwater or Wildlife Habitat	System Connectivity or Crash Reduction
Air Quality or Stormwater	Crash Reduction or Congestion Reduction

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With the ranked order of importance established, the next step in the process is weighting the relative importance of the criteria to determine how much more or less important each is compared against the goal above and below it.

### Weighting

Weighting is each participant giving every goal a percentage score, between 0 and 100. The scores for all the goals must add up to 100. Thus, to score one element high means that a different element must be scored lower. **IMPORTANT: The total of the weighting column must be exactly 100.** Participants are asked to allocate a total of 100 points among the 8 Goal areas. As an example of weighting, a goal that is weighted 20 points is twice as important as one weighted 10 points and is 5 times more important than one weighted 4 points.

This weighting process works best when starting with the lowest ranked goal (Improving Freight performance) and working your way up to the most important Goal (Maintain Infrastructure in good condition). Improving Freight performance must be weighted between 1 and 9 points and Maintaining Infrastructure must be weighted between 16 and 72 points. Please use only whole numbers. There must be at least 1 point difference between each area, equal weighting for Goals criteria is not allowed because an order of importance is established.

The TPC approved the following weighting based on input from the public, the technical advisory committee, the MPO staff, and their own survey results. The goals are in order of most important to least important.

Scoring Criteria - Goals	Assigned Weight
3. Manage transportation assets into a state of good repair.	20
5. Efficiently operate, and invest in, the surface transportation system.	15
2. Significantly reduce traffic fatalities and serious injuries on all public roads	15
4. Reduce Congestion on the regional significant corridors.	13
9. Provide an equitable transportation system regardless of age, ability, race, ethnicity, or income	13
8. Protect and enhance communities, the natural environment, and historic and cultural resources.	13
7. Use transportation investments to improve the regional economy.	10
6. Improve regional freight transportation facility performance.	1

Total Points Allocated	<b>100</b>
Total Points Remaining	<b>0</b>

Scoring Criteria - Non-Goal	Assigned Weight
1. Consistency with the current Corpus Christi MPO Metropolitan Transportation Plan	20
10. Connectivity Enhancement	20
11. Project Readiness and Deliverability	15

*Note: Assigned weights are based on TPC action on 1/6/22*

If you feel all Goals are roughly equal in weighting then Improving Freight Performance should be given 9 points with the remaining goals filled in using 1 point increments, ending with Maintaining Infrastructure at 16 points. This also gives Maintaining Infrastructure its lowest possible relative weight. The highest possible relative weight for Maintaining Infrastructure is achieved by weighting Goal 8 as 1 point, proceeding to Goal 2 at 7 points, leaving 72 points as the weight for Maintaining Infrastructure.

After the weight of each Goal criteria is determined please provide a weight for the three non-goal criteria:

- Consistency with the 2045 Corpus Christi MPO Metropolitan Transportation Plan
- Connectivity Enhancement
- Project Readiness and Deliverability

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The weight of the non-goal scoring criteria are created using the previously developed weights of the Goal criteria as a reference. For example, if you believe that the Project Readiness criteria is equal in importance to the highest priority Goal criteria, please give it the same weighting as you gave for Maintain Infrastructure in good condition item. Or, if you believe that Project Readiness is half as important as the Freight category, please assign half the value that was assigned to Improve freight facility performance.

### **Scoring**

After the weight of each indicator is determined, that indicator is then scored on a 5-point scale. If a qualitative system is used, then scorers should agree to the same basic scoring structure for each qualitative category. If the scores by the participants are more than 3 points apart, then a discussion by the group of scorers about scores for this individual indicator will take place. The scores do not need to be changed, but the reasoning for a score should be explored to determine the variance.