

County Judge Letterhead

August 27, 2024

Gail Lyssy, Regional Administrator
Federal Transit Administration, Region VI
Via Electronic Mail

RE: Fort Bend County Request for Letter of No Prejudice (LONP) to Continue Construction Activities
for Westpark Park and Ride Facility

Dear Ms. Lyssy:

In accordance with Federal Transit Administration (FTA) guidance, Fort Bend County (County) respectfully requests the FTA to issue a Letter of No Prejudice (LONP) allowing the County to incur costs up to \$2,000,000, in federal dollars and seek federal reimbursement at a later date. Costs and related activities under the LONP would include construction activities associated with building the Westpark Park and Ride facility ("Project") located at 19820 FM 1093 Road in Richmond Texas. The Project will be constructed on 10 acres of property with space for a future maintenance building. The parking facility will include a canopy for shelter, restroom, utility room, electronic display sign, detention pond, and 262 parking spaces with nine (9) designated handicapped.

Construction of the Project is currently underway, and approximately 45% complete. As a result of inflation and labor cost increases, the overall cost of the project escalated. The County recently submitted a request for supplemental funding to the Houston-Galveston Area Council (HGAC) and received Congestion Mitigation Air Quality (CMAQ) funds totaling \$2,000,000 to cover increased construction costs. The County submitted a request to HGAC for the transfer of these funds to FTA. This funding will supplement existing federal funding for the Project in the following grants: TX 04-0041 (\$789,000), TX 95-X021 (\$1,495,810), TX 95-X080 (\$2,504,175), TX-2019-102 (\$892,470), TX-2020-169 (\$1,114,104) and TX-2023-029 (\$1,303,439), Exhibit A.

The County understands the costs incurred after the issuance of this LONP may be reimbursable as eligible expenses or eligible as credit toward the local match for the facility at a later date. The County also understands that Federal Highway Administration (FHWA) flex funds (CMAQ) must first be transferred by FHWA to FTA and a grant must be executed before money spent for the Project can be reimbursed from this funding source. Furthermore, the County fully understands federal funding is not implied or guaranteed by receipt of a Letter of No Prejudice. The County is committed to following all applicable federal requirements should the LONP be approved.

The CMAQ supplemental funding for the Project was amended into the Houston Galveston-Area Council's 2023-2026 Transportation Improvement Program (TIP) and approved by the HGAC Transportation Policy Council on February 23, 2024. The Project is in the Statewide Transportation Improvement Program (STIP) under MPOID 19035, CSJ #0912-34-242. The supplemental funding was approved by FHWA as part of the May 2024 STIP revision.

As required by FTA, the County received an Environmental Concurrence for a Categorical Exclusion Type C-9 from FTA on November 7, 2012, and on May 17, 2018, after an extension of water and sanitary sewer lines were added to the Project. The FTA approval letter is attached, Exhibit B.

In FY19, before the COVID-19 pandemic, Fort Bend County's Public Transit System provided over 407,000 trips. In FY21, during the COVID-19 pandemic, the County provided 160,000 trips, and in FY23 265,210 trips. During this fiscal year, the County is experiencing more riders returning to transit and confidence in the public transportation system as service has returned to pre-COVID levels. Additional information regarding the Project, need, and justification for the LONP is included in Attachment A.

If you have any questions, please contact Perri D'Armond, Transit Director, at 281-633-7433 or via email at Perri.Darmond@Fortbendcountytx.gov. Your attention to this request is much appreciated.

Sincerely,

KP George
Fort Bend County Judge

Attachment A: Westpark Park and Ride Facility Letter of No Prejudice (LONP) Request Detail

cc via email: Don Koski, FTA Region VI Deputy Regional Administrator
David Bartels, FTA Region VI Director, Planning & Program Development
Laura Wallace, FTA Region VI Director, Program Management & Oversight
Ronisha Hodge, FTA Region VI Community Planner
Perri D'Armond, FBCPT Director
James Knight, FBC Facilities Director
Rick Staigle, FBC Engineering
Ed Sturdivant, FBC Auditor
Pamela LeBrane, FBCPT Finance Manager

ATTACHMENT A

Fort Bend County Westpark Park and Ride Facility Letter of No Prejudice

Fort Bend County is requesting the Federal Transit Administration (FTA) issue a Letter of No Prejudice (LONP) to allow Fort Bend County to incur costs up to \$2,000,000 in federal dollars for construction activities occurring before the award of a grant agreement for the Westpark Park and Ride Facility project.

Fort Bend County understands the cost incurred after the issuance of a Letter of No Prejudice may be reimbursable as eligible expenses for the facility at a later date. We also understand that FHWA flex funds (CMAQ) must first be transferred by FHWA to FTA and a grant must be executed before expenses can be reimbursed. Fort Bend County fully understands federal funding is not implied or guaranteed by receipt of a Letter of No Prejudice. Fort Bend County is committed to following all applicable federal requirements should the LONP be approved.

The local portion of this additional funding is matched with Transportation Development Credits (TDCs). The CMAQ funding for this project was amended into the Houston Galveston-Area Council's 2023-2026 TIP under MPOID 19035 (FY2024) on February 23, 2024. The Project is in the Statewide Transportation Improvement Program (STIP) under MPOID 19035, CSJ #0912-34-242.

As required by FTA, the County received an Environmental Concurrence for a Categorical Exclusion Type C-9 from FTA on November 7, 2012, and May 17, 2018, after an extension of water and sanitary sewer lines were added to the Project. The FTA's approval letter is attached, Exhibit A.

Project Description

The Project will utilize 10 acres of land, owned by Fort Bend County, located at 19820 FM 1093 Road, Richmond Texas 77047, to construct the Westpark Park and Ride Facility. Project activities include the construction of the parking lot, 262 parking spaces, canopy shelter, materials testing, construction management activities, fencing/gates, security lighting/cameras, landscaping, detention pond, and any additional design engineering activities. The Project Construction Budget is attached, Exhibit C.

Justification for Advancing the Project

The Westpark Park and Ride facility is designed to serve as a public transportation hub for residents and visitors accessing Fort Bend County's commuter bus services. With the rapid growth experienced in the northern section of the county, the park and ride will offer increased opportunities for public transportation use. Commuter bus services from this location will serve nearby communities, including, but not limited to, Cinco Ranch, Cross Creek Ranch, Seven Meadows, Grand Lakes, and Firethorne.

This facility will not only enhance local transportation options but also establish vital connections with regional transportation agencies and authorities. By integrating with existing transportation infrastructure such as toll roads, HOV lanes, and other eco-friendly alternatives, the Westpark Park and Ride will play a crucial role in the regional transportation network.

The need for this project is underscored by the significant population growth in Fort Bend County. The population has surged from 585,375 residents in 2010 to 811,688 in 2020, representing nearly 40% growth. Providing efficient public transportation options is vital to address congestion and reduce carbon emissions as the County's workforce grows.

Due to unforeseen circumstances like the COVID-19 pandemic, inflation, and supply shortages, the project costs have escalated beyond the initial budget of \$2.2 million. The current cost increase of over 200% necessitates the swift advancement of the project to mitigate further cost escalations and ensure timely completion.

The Fort Bend County Westpark Park and Ride facility is a critical infrastructure project that aligns with the county's commitment to sustainable transportation solutions. Your support will enable us to progress with the development of this essential facility and meet the growing demands of the Fort Bend County community.

Project Costs

Federal funds already committed to the project include Section 5307, 5309, 5339, and CMAQ funds, Exhibit C. The supplemental funds of \$2,000,000 are CMAQ funds for constructing the park and ride facility (activity 11.33.04) listed as Project MPOID 19035 in the TIP. HGAC submitted a request to the Texas Department of Transportation to transfer these funds for oversight by FTA in June 2024. Project costs to be incurred under the LONP include construction activities outlined in the Project Construction Budget, Exhibit C. Fort Bend County will use funds from the Fund Balance reserve which is a mix of ad valorem taxes and other revenues to cover project costs incurred before the availability of federal funds.

Project Schedule

The Project Schedule, Exhibit D, details the project timeline.

Site Layout

The Site Layout, Exhibit E, is a detailed layout of the park and ride facility.