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## MPO POLICY COMMITTEE MEETING

www.laredompo.org

**Meeting Date & Time:** October 20th, 2021 at 1:30 p.m.

**Meeting Location:** City of Laredo Council Chambers, 1110 Houston St., Laredo, Texas 78040

**Meeting Link:** <http://laredotx.swagit.com/live>

**Laredo TV:** Spectrum TV channel 1300

### AGENDA:

- I. CHAIRPERSON TO CALL MEETING TO ORDER
- II. CHAIRPERSON TO CALL ROLL
- III. CITIZEN COMMENTS

Speakers are required to fill out witness cards, which must be submitted to MPO Staff no later than 1:15 p.m. the day of the meeting. Speakers shall identify themselves at the microphone. Comments are limited to three (3) minutes per speaker. No more than three (3) persons will be allowed to speak on any side of an issue. Should there be more than three (3) people who wish to speak on a specific issue, they should select not more than three (3) representatives to speak on their behalf. The presiding officer may further limit public on the interest of order or time. Speakers may not transfer their minutes to any other speaker. Comments should be relevant to MPO business and delivered in a professional manner. No derogatory remarks shall be permitted.

#### IV. ITEMS REQUIRING POLICY COMMITTEE ACTION:

- A. Approval of the minutes for the meeting held on September 15th, 2021.
- B. Discussion with possible action on the River Road project.
- C. Discussion with possible action on the Hachar-Reuthinger Road project.
- D. Presentation and update by Texas A&M Transportation Institute (TTI) on the ongoing MPO Process Review, with possible action.

## MPO POLICY COMMITTEE MEETING AGENDA

### V. REPORT(S) AND PRESENTATIONS (No action required).

- A. Update and discussion on the availability of additional federal funds for use on highway infrastructure programs sub-allocated to urbanized areas with a population over 200,000 through the Coronavirus Response and Relief Appropriation Act (CRRSAA).
- B. Status report by the Regional Mobility Authority (RMA).

### VI. DIRECTOR'S COMMENTS

### VII. ADJOURNMENT

#### **NOTICE INFORMATION:**

Notice of this meeting was posted at the municipal government offices, 1110 Houston Street, Laredo, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted 72 hours before the meeting date and time. The agenda and meeting information was also posted online at <http://www.laredompo.org/agendas-minutes/>.

All meetings of the MPO Committee are open to the public. Persons who plan to attend this meeting and who may need auxiliary aid or services such as: interpreters for persons who are deaf or hearing impaired, readers of large print or Braille, or a translator for the Spanish language are requested to contact MPO Staff at 956-794-1613, or via email at [aquijano@ci.laredo.tx.us](mailto:aquijano@ci.laredo.tx.us) prior to the meeting so that appropriate arrangements can be made. Materials in Spanish may also be provided upon request.

Disability Access Statement: This meeting is wheelchair accessible. The accessible ramps are located at 1110 Victoria and 910 Flores. Accessible parking spaces are located at City Hall, 1110 Victoria.

Ayuda o Servicios Auxiliares: Todas las reuniones del Comité del MPO están abiertas al público. Personas que planean asistir a esta reunión y que pueden necesitar ayuda o servicios auxiliares como: interpretes para personas con discapacidad auditiva, lectores de letra grande o en Braille, o un traductor para el idioma español deben comunicarse con el personal del MPO al 956-794-1613 o por correo electrónico [aquijano@ci.laredo.tx.us](mailto:aquijano@ci.laredo.tx.us) antes de la reunión para que se puedan hacer los arreglos apropiados. Material en español está disponible mediante una petición.

Declaración de Acceso a la Discapacidad: Esta reunión permite el acceso a personas en silla de ruedas. Las rampas de acceso están ubicadas en 1110 Victoria y 900 Flores. Los espacios de estacionamiento para discapacitados se encuentran por la calle Victoria.

Información en español: Si usted desea esta información en español o si desea explicación sobre el contenido, por favor llámenos al teléfono (956) 794-1613 o comunicarse con nosotros mediante correo electrónico a [aquijano@ci.laredo.tx.us](mailto:aquijano@ci.laredo.tx.us).

MPO POLICY COMMITTEE MEETING AGENDA

**POLICY COMMITTEE MEMBERSHIP:**

City of Laredo Representatives:

Honorable Pete Saenz, Mayor and LWCAMPO Chairperson  
Honorable Ruben Gutierrez, Jr., City Councilmember, District V  
Honorable Dr. Marte Martinez, City Councilmember, District VI

County of Webb Representatives:

Honorable Tano E. Tijerina, Webb County Judge and LWCAMPO Vice-Chairperson  
Honorable Jesse Gonzalez, Webb County Commissioner, Pct. 1  
Honorable John Galo, Webb County Commissioner, Pct. 3

Laredo Mass Transit Board Representative:

Honorable Vanessa Perez, City Councilmember, District VII

State Representative:

Mr. David M. Salazar, Jr. P.E., TxDOT District Engineer

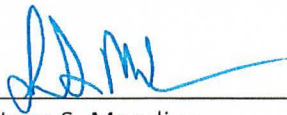
Private Sector Representative (Member at Large):

Mr. Humberto "Tito" Gonzalez, Jr., P.E.

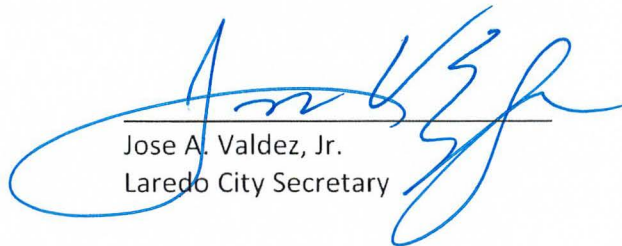
Ex-Officio Representatives:

Honorable Judith Zaffirini, State Senator, District 21  
Honorable Richard Raymond, State Representative, District 42  
Honorable Tracy O. King, State Representative, District 80

**AGENDA REVIEWED:**



Juan S. Mendive,  
LWCAMPO Interim Director



Jose A. Valdez, Jr.  
Laredo City Secretary



# LAREDO & WEBB COUNTY

## AREA METROPOLITAN PLANNING ORGANIZATION

### POLICY COMMITTEE

#### MEETING MINUTES

SEPTEMBER 15TH, 2021

LIVE WEB LINK: <http://laredotx.swagit.com/live>

PUBLIC ACCESS CHANNEL: Spectrum TV channel 1300

#### I. CHAIRPERSON TO CALL MEETING TO ORDER

Judge Tijerina, LWCAMPO Vice-Chairperson called the meeting to order at 1:32 p.m.

#### II. CHAIRPERSON TO CALL ROLL

Graciela Briones, LWCAMPO Staff, called roll and verified a quorum existed.

Cm. John Galo made a motion to excuse members not present.

Second: Cm. Gonzalez  
For: 5  
Against: 0  
Abstain: 0

Motion carried unanimously

#### **Regular members present:**

Honorable Tano E. Tijerina, Webb County Judge  
Honorable John Galo, Webb County Commissioner, Pct. 3  
Honorable Ruben Gutierrez, Jr., City Councilmember, District V  
Honorable Dr. Marte A. Martinez, City Councilmember, District VI  
Honorable Vanessa Perez, City Councilmember, District VII  
Humberto "Tito" Gonzalez, P.E., Private Sector

#### **Regular members not present:**

Honorable Pete Saenz, Mayor and LWCAMPO Chairperson  
Honorable Jesse Gonzalez, Webb County Commissioner, Pct. 1  
David M. Salazar, Jr., P.E., TxDOT District Engineer

**Ex-Officio members not present:**

Honorable Judith Zaffirini, State Senator, District 21

Honorable Richard Raymond, State Representative, District 42

Honorable Tracy O. King, State Representative, District 80

**LWCAMPO Staff present:**

Juan Mendive, Interim Director

Graciela Briones, Planner

Jason Hinojosa, Planner

Julio Niño, Planner

Angie Quijano, Administrative Assistant

**Others:**

Ramon Chavez, City Engineering Department

Danny Magee, Traffic Safety Department

Guillermo Cuellar, Webb County Engineering

Sara Garza, TxDOT

Roberto Rodriguez, TxDOT

Jesus Saavedra, TxDOT

Eduardo Bernal, Transit, El Metro

David Vidal Treviño, Daniel B. Hastings

**III. CITIZEN COMMENTS**

Speakers are required to fill out witness cards, which must be submitted to MPO Staff no later than 15 minutes after the start of the meeting. Speakers shall identify themselves at the microphone. Comments are limited to three (3) minutes per speaker. No more than three (3) persons will be allowed to speak on any side of an issue. Should there be more than three (3) people who wish to speak on a specific issue, they should select not more than three (3) representatives to speak on their behalf. The presiding officer may further limit public on the interest of order or time. Speakers may not transfer their minutes to any other speaker. Comments should be relevant to City business and delivered in a professional manner. No derogatory remarks shall be permitted.

There were no citizen comments.

**IV. ITEMS REQUIRING POLICY COMMITTEE ACTION:**

**A. Approval of the minutes for the meeting held on August 18th, 2021.**

Dr. Martinez made a motion to **approve** the minutes for the meeting held on August 18<sup>th</sup>, 2021.

Second: Cm. Gutierrez  
For: 5  
Against: 0  
Abstain: 0

Motion carried unanimously

**B. Receive public testimony and approve Resolution No. MPO 2021-10, adopting the following proposed amendment(s) of the MPO Bylaws:**

1. Article II, Section 2.3(a), entitled Administration, shall be amended as follows:

**Remove** - "The City of Laredo Planning Director shall act as the Transportation Planning Director for the MPO."

**Add** - "The MPO shall be led by a full-time MPO Transportation Planning Director."

Cm. Galo made motion to **close** the public hearing and **approve** Resolution No. MPO 2021-10, adopting the proposed amendment(s) of the MPO Bylaws.

Second: Cm. Dr. Martinez

Cm. Dr. Martinez asked what was going to happen with respect to salaries and how finances would be covered for the MPO?

Juan Mendive, Interim MPO Director responded that the amendment to the Bylaws was done to reflect the current situation of having a separate director for the Planning Department and a separate Interim MPO Director. This was the first step identified during the process review and the next will be to update the planning agreement in place. And, in terms of finances, the monies are available for the MPO to hire a permanent Director. Therefore, the next step will be for City Human Resources to create a Full-Time position (FT).

Cm. Galo asked if the MPO has been separated from the City.

Mr. Mendive, stated that there was not a separation but, the action the Policy committee had previously taken was to undergo an MPO process review. He stated that the separation that has happened is that the MPO and the Planning department now have separate directors. He also stated that the MPO directors supervised all MPO Staff. He stated that if the City of Laredo remain as the fiscal agent the position for the MPO Director would need to be created. Mr. Bill Frawley from the Texas Transportation Institute would be at next month's meeting to give an update on the MPO Process.

Humberto Gonzalez, TxDOT, stated there would also need to be another agreement between the fiscal agent and the new MPO Director and have provided guidance to the City of Laredo on said agreement.

Mr. Mendive stated said Bylaws change would reflect the current situation and it's a step in that direction of being more independent. The next step would be changing the Planning Agreement to say that the Policy committee supervises the MPO Director.

Judge Tijerina stated for the record that he had never been uncomfortable with the City of Laredo being the fiscal agent. He clarified that he was very comfortable with the way things are and the City of Laredo being the fiscal agent. He was in favor of the MPO Director being on its own.

Cm. Perez joined the meeting at 1:38 p.m.

For: 6  
Against: 0  
Abstain: 0

Motion carried unanimously

**C. Discussion with possible action on the Hachar-Reuthinger road project.**

Humberto Gonzalez, TxDOT, stated that TxDOT the planned letting date was August 2023. That is when the Category 7 funds would become available and are funds that have been allocated by the MPO for that project. He stated TxDOT was working on the environmental assessment that was pending and the consultant is already on board and started the design of the project.

Cm. Perez wanted clarification due to an issue with the name that highways have to be named after the number but only city municipalities can change it.

Ramon Chavez, City Engineer, stated documentation was received by Webb County on July 28<sup>th</sup> and at the last City Council meeting of September 7<sup>th</sup>, City Council approved Resolution 2021-R-213 expressing the support to designate a street name for the six-lane divided highway as Hachar-Reuthinger road.

Mr. Gonzalez, TxDOT clarified that the roadway will get a designated number once is in the highway system.

Cm. Perez asked if the environmental study was done sooner, if there was a possibility to let the project in 2022.

Mr. Gonzalez, TxDOT, stated that the project right now is sitting in 2023 because \$6.3 million dollars will be rolling over because that is what the MPO had allocated in

Category 7 funds every year. In 2023 would be when that full balance would be available. He further stated they can explore the options of maybe borrowing the funds from another MPO but was something that needs to be further discussed.

**V. REPORT(S) AND PRESENTATIONS (No action required).**

**A. Status report by the Regional Mobility Authority (RMA).**

Jed Brown, Chairman of the RMA provided an update on their projects. He stated that the RMA has approximately \$9.5M allocated to the RMA that they have not tapped into and those monies could be used to expediate the Hachar-Reuthinger.

Also, the following written report from Antonio Rodriguez, HNTB, Inc., representing the RMA, was submitted via e-mail and was included in the packet:

1. FM 1472 and Killam Industrial Blvd. Turn Lanes – NTP for the contractor was provided by TxDOT at the end June. Currently, Anderson Columbia is working from Big Bend to South of Killam Industrial Blvd. The Killam Turn Lanes portion of the project and the northern portion of the project is scheduled to commence on 10/24/21.
2. Los Presidentes (Cuatro Vientos to Brownwood) – Construction is ongoing. The 3rd construction progress meeting occurred on 8/19/21. Currently, the project is scheduled for completion in May 2022. The schedule by the contractor is being updated to reflect the high amount of inclement weather encountered during the summer months. Regarding the Cuatro Vientos Acceleration/ Deceleration Lane project, all TxDOT Laredo District Comments have been addressed. The project is scheduled for letting in October of this year.
3. Vallecillo Road – Progress of federal funding for this project is being monitored.
4. Other: City of Laredo conducted the Springfield Phase III Bid Opening. The apparent low bidder provided a bid of \$4.2M. The WCCL RMA is contributing \$2M for the implementation of the project.

Cm. Dr. Martinez spoke about the proposed location in the south for the new international bridge. He asked if the connection of Loop 20 all the way to Rio Bravo was in the future plans of TxDOT and/or RMA.

Mr. Brown responded the RMA has always agreed on the need for the expansion of World Trade Bridge and an additional international bridge.

Cm. Galo asked at what point could the environmental process be started on the pending projects that the MPO could give direction to the RMA to task them with the environmental.



Cm. Gonzalez, TxDOT, stated in order to get environmental clearance, the project had to be funded and financially constrained.

Dr. Martinez stated his concerns on the access of Unitec. He stated that if there is not a way to figure out how to get increased access in and out, it would limit the ability to develop in said area. He stated he hoped the RMA would be able to discuss the issue at their next Board meeting.

**B. Update from the City and/or County on any plans they have to improve the internal roadway infrastructure and circulation at Unitec Industrial Park.**

Danny Magee, Traffic Director, gave a brief presentation on the item. He stated he was tasked by City Council to look into some short-term solutions on said area. He stated that there were only one and a half entrances. The other entrance was so much blocked by train that it's really almost useless half the time. He stated his idea was that truck movement needed to cut down on the Carrier's interchange. He also stated his idea was to put in direct connector to go over the rail road tracks and come down to where you come to a traffic signal. He stated the idea would work but some decisions would have to be made in order to commit to project.

David Vidal Treviño, Daniel B. Hastings, stated his concerns regarding the item. He stated that a lot of the owners would most likely not be very happy on not being able to turn left on South Unitec to get to their facilities and have to around the long way. He stated that explanations would have to be given to the property owners on what needed to be done.

**C. Presentation by City of Laredo Engineering Staff on City sponsored projects listed in the Transportation Improvement Program (TIP).**

Ramon Chavez, City Engineering gave a brief presentation on the item which was included in the packet for the Calton Rd. grade separation and the Flecha lane realignment.

**VI. DIRECTOR'S COMMENTS**

Juan Mendive, Interim MPO Director, stated that the Director's Report was included in the meeting packet and provided a brief overview.

1. As part of the MPO Process Review, Bill Frawley of Texas A&M Transportation Institute (TTI) visited with MPO staff on September 7<sup>th</sup> and September 8<sup>th</sup>. Topics of discussion included potential changes to the existing Planning Agreement between the MPO, TxDOT, and the City of Laredo (Fiscal Agent), necessary next steps to make any changes to the agreement, training needs, and staff composition. Mr. Frawley also met with Technical Committee members and provided an update of the Process Review during the Technical Committee meeting.

Next Steps:

- MPO staff will continue maintaining frequent communication with Bill Frawley and provide any requested information or documents.
  - Mr. Frawley will attend the October 20, 2021 Policy Committee Meeting and provide an update. During this visit, he will make additional time to meet with staff.
2. On August 24, 2021, we were informed that the audit of the Laredo Webb County Area MPO by TxDOT is programmed for FY22 and should begin in November 2021. Additional updates will be provided as they become available.
  3. The Technical Committee meeting was held in-person (with a virtual option) on September 7, 2021 at the El Metro Conference Room. The MPO would like to thank El Metro for graciously hosting us and their continued partnership.
  4. As part of the Comprehensive Operational Analysis (COA) being conducted by consultants for El Metro, two network planning workshops were held with MPO and El Metro staff on August 19<sup>th</sup> and August 26<sup>th</sup>. MPO and El Metro continue meeting with the consultants virtually on a regular basis. The COA is intended to evaluate both the current fixed route and paratransit bus services, and provide recommendations to improve the system's overall service, efficiency, effectiveness, and connectivity.

**VII. ADJOURNMENT**

Judge Tijerina made a motion to adjourn the meeting at 2:55 p.m.

Second: Cm. Gonzalez  
For: 6  
Against: 0  
Abstained: 0

Motion carried unanimously

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Juan S. Mendive  
Interim MPO Director

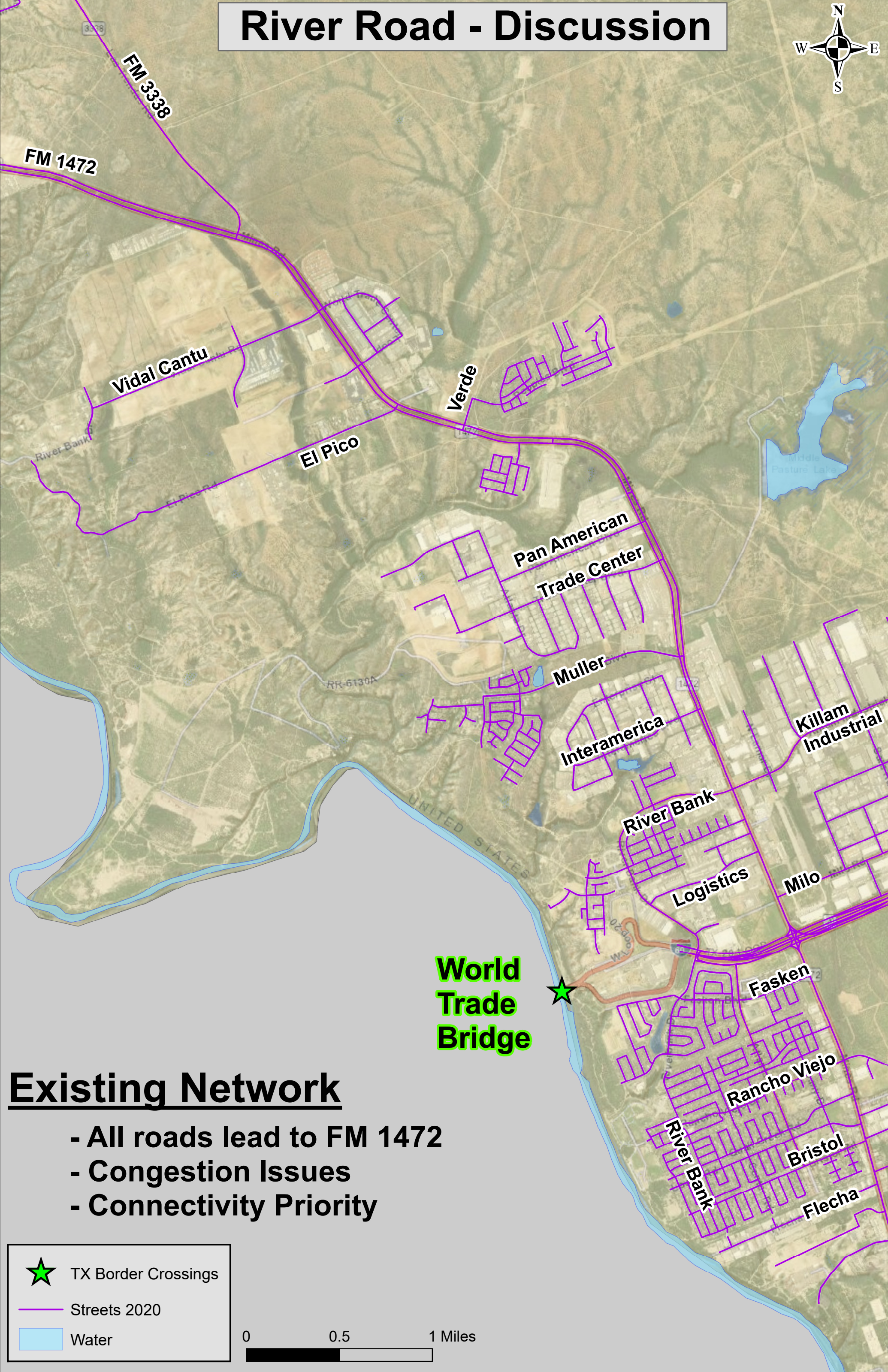
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Pete Saenz, Mayor and LWCAMPO  
Chairperson

**LAREDO WEBB COUNTY AREA MPO  
ACTION ITEM**


<p><b>DATE:</b>  10-20-21</p>	<p><b>SUBJECT: MOTION</b>  Discussion with possible action on the River Road project.</p>
<p><b>INITIATED BY:</b> Honorable Vanessa Perez, Laredo Mass Transit Board Representative</p>	<p><b>STAFF SOURCE:</b> Juan S. Mendive, Interim MPO Director</p>
<p><b>BACKGROUND</b></p> <p>The River Road project is a proposed roadway that would run parallel to Mines Rd. (FM 1472) with the goal of providing a relief route to reduce congestion on FM 1472. The River Road project is listed on the MPO’s 2020-2045 Metropolitan Transportation Plan (MTP) “Project Needs List”. The project description in the MTP describes it as a new two-lane roadway with the addition of sidewalks and on-street bicycle facilities to be considered, and with the project limits identified as from River Bank Rd to Vidal Cantu Blvd.</p> <p>The River Road project has been previously discussed and studied over the years. Most recently, in 2020, the Webb County-City of Laredo Regional Mobility Authority (RMA) recommended the project as part of the North Laredo-Webb County Transportation Planning Study. The project is identified as Aquero Blvd. in the RMA study. The Aquero Blvd. project in the North Laredo-Webb County Transportation Planning Study is described as, “5.5 miles of new roadway that includes a continuous 100’ wide right-of-way. The project is proposed as a five-lane roadway that will serve as a parallel route to FM 1472 that could be restricted to non-commercial vehicle use.”</p> <p>The Technical Committee discussed this item at the meeting of October 12, 2021.</p>	
<p><b>COMMITTEE RECOMMENDATION:</b> The LWCAMPO Technical Committee recommends supporting and exploring the possibility of developing the River Road project and/or other relief routes for FM1472; the committee also recommends working with the RMA on the project, if possible.</p>	<p><b>STAFF RECOMMENDATION:</b> Staff recommends exploring all available options to provide a non-commercial relief route for FM1472 to reduce congestion and improve mobility in the area.</p>


# River Road - Discussion




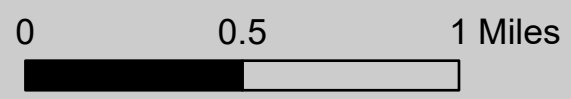
## Existing Network

- All roads lead to FM 1472
- Congestion Issues
- Connectivity Priority

 TX Border Crossings

 Streets 2020

 Water



## Aquero Boulevard

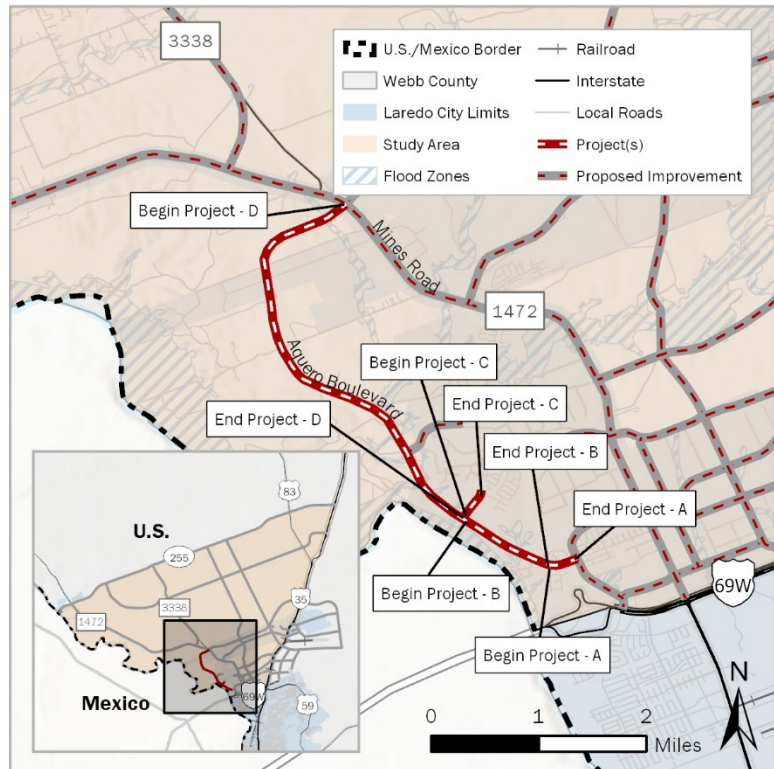
### Project Location:

New location roadway extending Aquero Boulevard northwest to FM 1472 at Hachar Parkway.

### Project Description:

This project is just under 5.5 miles of new roadway that includes a continuous 100' wide right-of-way. This will be a five-lane roadway that will serve as a parallel route to FM 1472 that could be restricted to non-commercial vehicle use.

The project includes a raised center median as well as sidewalks and buffered bike lanes on both sides. The project is recommended to tie in to Hachar Parkway at FM 1472.



### Recommended Timeframe:

Mid-Term 2025-2029

### Opinion of Probable Cost (FY19):

\$59,134,000

### Possible Project Schedule:

Initiation	2020
Planning	2022
Development	2024
Construction	2026

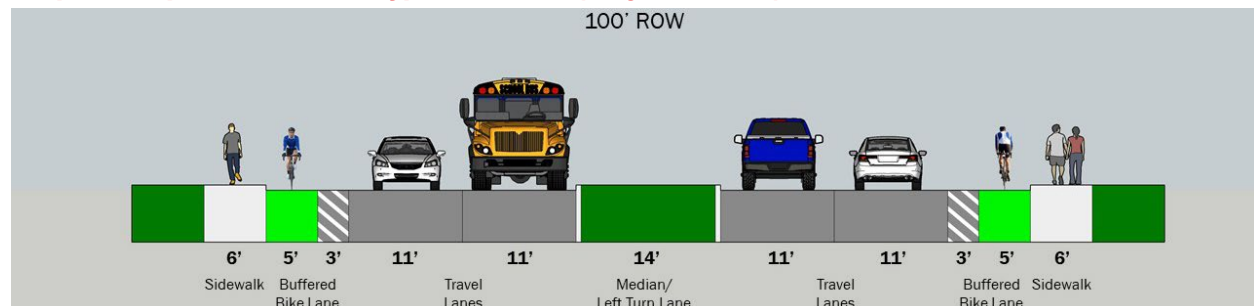
### Potential Project Benefits:

This project will be a key connection for residents living in the study area, offering an alternate route to FM 1472 for personal vehicles. This road presents an opportunity to be provide a route that does not allow trucks to use and will open property up for new residential development.

### Individual Project Component Costs:

A) Aquero Bike Lanes	\$746,000
B) La Bota Extension	\$9,866,000
C) Muller Memorial Boulevard Extension	\$2,179,000
D) North Extension	\$46,343,000

### Proposed Aquero Boulevard Typical Section (Projects B & D)



IV. C. Discussion with possible action on Hachar-Reuthinger Road project.

IV. D. Presentation and update by Texas A & M Transportation Institute (TTI) on the ongoing MPO Process Review, with possible action.



# LAREDO & WEBB COUNTY

## AREA METROPOLITAN PLANNING ORGANIZATION

### Highway Infrastructure Programs – CRRSAA Suballocation to Urbanized Areas

#### Summary:

The Coronavirus Response and Relief Appropriation Act (CRRSAA) provided additional federal funds for use on highway infrastructure programs. Texas received \$967.7 million, of which approximately \$164.1 million is designated for use in urbanized areas with a population greater than 200,000. The Laredo urbanized area has been allocated \$2,341,935. Metropolitan Planning Organizations (MPOs) play a role in coordinating with TxDOT to select and program projects with these funds.

#### Notes:

- Project must meet the eligibility requirements for urban areas with population > 200,000 (same as Cat 7)
- Available for obligation now through 09/30/2024
- Once obligated, funds must be spent by 09/30/2029.
  - After this date, any unexpended balance of obligated CRRSAA funds will be cancelled





# Memorandum

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Subject: **INFORMATION:** Highway Infrastructure Programs - Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (HIP-CRRSAA) Implementation Guidance Date: February 24, 2021

From: Hari Kalla  
Associate Administrator  
Office of Infrastructure  
Reply to Attn. of:  
HISM-10

Brian R. Bezio  
Chief Financial Officer

To: Division Administrators  
Directors of Field Services

The attached implementation guidance provides information to Federal-aid Division Offices, State transportation agencies, local governments, and grantee recipients, on Highway Infrastructure Program funding appropriated by title IV of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, division M, Public Law 116-260, as it relates to funding, Federal share, eligibility, and other requirements.

If there are questions, please contact David Bartz at (512) 417-5191 or by e-mail at [David.Bartz@dot.gov](mailto:David.Bartz@dot.gov), or contact Christopher Newman at (202) 366-4652 or [Christopher.Newman@dot.gov](mailto:Christopher.Newman@dot.gov), of the Office of Stewardship, Oversight and Management (HISM-10).

If there are questions concerning financial management and Fiscal Management Information System project agreements, please contact Tony DeSimone at (317) 226-5307 or by e-mail at [Anthony.DeSimone@dot.gov](mailto:Anthony.DeSimone@dot.gov), of the Office of Financial and Management Programs (HCFB-31).

Attachment

## Highway Infrastructure Programs - Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (HIP-CRRSAA)

### **Implementation Guidance (February 24, 2021)**

Title IV of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA), division M, Public Law (Pub. L. No. 116-260), enacted on December 27, 2020, appropriated an additional \$10,000,000,000 for Highway Infrastructure Programs (HIP). Of such amount, \$9,840,057,332 shall be set aside and apportioned for activities eligible under section 133(b) of title 23, United States Code (U.S.C.) (Section III.A.). Such funds may also be used for Special Authority purposes (referred to in this document as “Special Authority”) (Section III.B.) or may be transferred to public tolling agencies or a ferry system that provides a public transportation benefit (Section III.C.), as described in this guidance. This guidance addresses only the funding provided to the States and refers to these funds as HIP-CRRSAA funds. The purpose of this guidance is to provide information on the HIP-CRRSAA as it relates to funding, Federal share, eligibility, and other requirements.

The remainder of the funding is set aside for other activities that are not the subject of this guidance. This includes \$114,568,862 set aside for activities eligible under the Tribal Transportation Program as described in 23 U.S.C. 202; \$35,845,307 set aside for activities eligible under the Puerto Rico Highway Program as described in 23 U.S.C. 165(b)(2)(C)(iii); and \$9,528,499 set aside for activities eligible under the Territorial Highway Program as described in 23 U.S.C. 165(c)(6).

#### **I. General**

- A. Program Purpose:** The purpose of the HIP-CRRSAA is to provide funding to address coronavirus disease 2019 (COVID-19) impacts related to Highway Infrastructure Programs. The non-traditional cost categories eligible under the HIP-CRRSAA appropriation and discussed below (Sections III.B. and III.C.) are statutorily eligible cost objectives authorized by Congress (see 2 CFR 200.1, defining cost objective).
- B. Appropriation of Funds:** The HIP heading in the CRRSAA appropriates \$10,000,000,000 from the General Fund of the Treasury for fiscal year (FY) 2021. Of this funding, \$9,840,057,332 is available for activities eligible under 23 U.S.C. 133(b), and other eligible uses described in that heading and discussed in detail below. As allowed under the HIP-CRRSAA, FHWA proportionally applied an administrative takedown to fund the oversight of activities carried out with these funds. After the \$9,840,057 administrative takedown, a total of \$9,830,217,275 was apportioned to the States on January 15, 2021 by Federal Highway Administration (FHWA) Notice N4510.851. These HIP-CRRSAA funds are in addition to any other funds, including contract authority, provided in FY 2021.
- C. Obligation Authority:** As a general fund appropriation, HIP-CRRSAA funding is not subject to any obligation limitation that applies to Federal-aid contract authority.

Specifically, the amounts made available shall not be subject to any limitations on obligations for Federal-aid highways or highway safety construction programs set forth in any Act.

- D. Period of Availability for Obligation and Expenditure:** HIP-CRRSAA funds remain available for obligation through September 30, 2024. Any such amounts not obligated on or before September 30, 2024, shall lapse. Once the period for obligation has expired, these funds will only remain available for adjusting and liquidating obligations as authorized in accordance with 31 U.S.C. 1553. Obligated HIP-CRRSAA balances are available for expenses properly charged to the account and incurred until September 30, 2029. After that date, any unexpended balances of obligated HIP-CRRSAA funds shall be cancelled in accordance with 31 U.S.C. 1552 and shall no longer be available for obligation or expenditure.
- E. Federal Share:** The Federal share payable with HIP-CRRSAA funds shall be, at the option of the State, up to 100%. HIP-CRRSAA funds may not be used as the non-Federal match for other Federal programs unless there is specific statutory authority (2 CFR 200.306(b)(5)). HIP-CRRSAA does not provide authority for use of HIP-CRRSAA funds as a non-Federal match for other Federal programs, including Federal-aid programs under title 23, United States Code. In general, financing proposals that result in only minimal amounts of HIP-CRRSAA funds in projects should be avoided unless they are based on sound project management decisions (23 CFR 630.106(g)).
- F. Applicability of Title 23 and Other Statutory Requirements:** Except as otherwise provided, the applicable statutory provisions contained in title 23, U.S.C. are applicable to projects and activities carried out with HIP-CRRSAA funds. Specific requirements that apply to all HIP-CRRSAA apportioned funds include Buy America (23 U.S.C. 313) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.).
- G. Fund Administration:** Except as otherwise provided, HIP-CRRSAA funds shall be administered as if apportioned under chapter 1 of title 23, U.S.C. The State, through its Department of Transportation (DOT) in accordance with 23 U.S.C. 302, is the direct recipient of HIP-CRRSAA funds apportioned pursuant to the HIP heading in the CRRSAA and is responsible for administration of these funds. If the State DOT acts as a pass-through entity of Federal assistance, the State DOT maintains the pass-through responsibilities specified in 2 CFR 200.332.
- H. Project Agreement:** Specific Improvement Type Codes are provided for use in the Fiscal Management Information System (FMIS) for the obligation of HIP-CRRSAA funds for Special Authority purposes. See Section III.B. of this guidance.
- I. Disadvantaged Business Enterprises:** Section 1101(b) of Public Law 114-94 (FAST Act), Disadvantaged Business Enterprises, applies to all HIP-CRRSAA apportioned funds.

- J. Deobligations of Other Title 23 Obligated Funds:** Project Agreements should not be modified to replace one Federal fund category with another unless specifically authorized by statute. (23 CFR 630.110(a)).
- K. Advance Construction:** HIP-CRRSAA funds are available for Advance Construction (AC) “conversion” (obligation and outlay) (23 U.S.C. 115(b)). For expenses to be recognized and eligible for AC “conversion,” the activity / project must have been authorized prior to incurrence of costs, as per 23 CFR 1.9(a) and general grant administration requirements. AC projects must be included in the Statewide Transportation Improvement Program (STIP) (23 U.S.C. 115(c)), except as otherwise provided.
- L. Real Property Rights:** If HIP-CRRSAA funds are used on a facility, the sale, lease, or other disposition of real property rights in the facility must be in accordance with 23 CFR Part 710. If HIP-CRRSAA funds are used to acquire real property, proceeds from the disposition of any interest in the property shall be used for purposes eligible under title 23, U.S.C.

## II. Funding Distribution and Transfers

- A. Apportionment to States:** HIP-CRRSAA funds have been apportioned to the States in the same ratio as the distribution of obligation authority under section 120(a)(5) of the Department of Transportation Appropriations Act, 2021, tit. I, div. L., Pub. L. 116-260.
- B. Suballocation to Urbanized Areas with Population Over 200,000:** HIP-CRRSAA funds are suballocated to urbanized areas with a population over 200,000 as described in 23 U.S.C. 133(d)(1)(A)(i) in the ratio that the funds suballocated to such area in FY 2021 bears to the combined amount of funds apportioned to the State under 23 U.S.C. 104(b)(2) for FY 2020 and FY 2021.
- C. Set-Asides:** The CRRSAA makes no further set-aside or suballocations of these HIP-CRRSAA funds.
- D. Transfers:** For those projects more suitably administered by another Federal agency (including flex funding transfers to the Federal Transit Administration), transfers may be made in accordance with FHWA Order 4551.1, dated August 12, 2013, Fund Transfers to Other Agencies and Among Title 23 Programs (<https://www.fhwa.dot.gov/legsregs/directives/orders/45511.cfm>).
- E. HIP-CRRSAA Program Codes:** The FMIS Program Codes for these HIP-CRRSAA funds are:

Program Code	Program Description	CFDA Number
Z970 (Parent)	Highway Infrastructure - COVID Supplemental - 23 U.S.C. 133(b) activities in any area of the State	20.205
Z971 (Child)	Highway Infrastructure - COVID Special Authority - special eligibilities in any area of the State	20.205
Z972 (Parent)	Highway Infrastructure - COVID Supplemental - 23 U.S.C. 133(b) activities in urbanized areas with a population over 200,000	20.205
Z973 (Child)	Highway Infrastructure - COVID Special Authority - special eligibilities in urbanized areas with a population over 200,000	20.205

**III. Eligible Activities and Requirements:** HIP-CRRSAA funds may be obligated for activities eligible under 23 U.S.C. 133(b). At the discretion of the State, such funds may also be used for HIP-CRRSAA Special Authority purposes (Section III.B.) or may be transferred to public tolling agencies or a ferry system that provides a public transportation benefit (Section III.C.) as provided in HIP-CRRSAA.

Due to the differing application of certain title 23 provisions and planning requirements, it is not anticipated States will pursue obligation of funds under the HIP-CRRSAA Special Authority purposes on projects that could otherwise be funded under the HIP-CRRSAA 23 U.S.C. 133(b) authority or with Federal-aid apportioned funds. If a State is contemplating such an obligation, this should be discussed with the FHWA Division Office, HISM-10, and HCFB-31, so funds management and sound internal controls can be determined.

**A. Activities Eligible Under 23 U.S.C. 133(b):** This section applies to HIP-CRRSAA funds obligated under the authority for activities eligible under 23 U.S.C. 133(b).

- 1. FMIS Program Codes:** HIP-CRRSAA funds obligated for activities eligible under 23 U.S.C. 133(b) should be obligated with Program Code Z970 (activities in any area of the State) or Z972 (activities in urbanized areas with a population over 200,000).
- 2. Eligible Activities - 23 U.S.C. 133(b):** Additional information on 23 U.S.C. 133(b) eligible activities is located in Section D.1.b. of the Surface Transportation Block Grant Program (STBG) Implementation Guidance (Revised by the FAST Act) issued March 7, 2016 (<https://www.fhwa.dot.gov/specialfunding/stp/160307.cfm>).

- 3. Location of Projects:** HIP-CRRSAA funds obligated under the authority for activities eligible under 23 U.S.C. 133(b) are subject to 23 U.S.C. 133(c), which specifies that projects may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except: (1) for a bridge or tunnel project (other than the construction of a new bridge or tunnel at a new location); (2) for a project described in paragraphs (4) through (11) of 23 U.S.C. 133(b); (3) for a project described in 23 U.S.C. 101(a)(29), as in effect on the day before the date of enactment of the FAST Act (December 4, 2015); and (4) as approved by the Secretary. Further, 23 U.S.C. 133(g)(1), allowing a portion of Surface Transportation Block Grant funds to be obligated on roads functionally classified as minor collectors, does not apply to HIP-CRRSAA funds obligated under the authority for activities eligible under 23 U.S.C. 133(b).
- 4. Applicability of Planning Requirements:** HIP-CRRSAA funds obligated under the authority for activities eligible under 23 U.S.C. 133(b) are subject to 23 U.S.C. 133(d)(5), which requires programming and expenditure of funds for projects to be consistent with sections 134 and 135 of title 23, U.S.C. Such HIP-CRRSAA-funded projects must be identified in the Statewide Transportation Improvement Program/Transportation Improvement Program (STIP/TIP) and be consistent with the Long-Range Statewide Transportation Plan and the Metropolitan Transportation Plan(s), as applicable.
- 5. Treatment of Projects:** As required under HIP-CRRSAA, projects for activities eligible under 23 U.S.C. 133(b) shall be subject to the requirements of 23 U.S.C. 133(i) (shall be treated as projects on a Federal-aid highway under chapter 1 of title 23, U.S.C.). Additional information on Treatment of Projects is provided in section J of the STBG Implementation Guidance (Revised by the FAST Act) issued March 7, 2016 (<https://www.fhwa.dot.gov/specialfunding/stp/160307.cfm>).
- 6. Increased Costs on Existing Federal-aid Projects:** For an existing project that has increased costs and exceeds the estimate in the current project authorization using other apportioned Federal-aid funding, where a State seeks authorization for a modification to obligate HIP-CRRSAA funds under the authority for activities eligible under 23 U.S.C. 133(b) for changes to the authorized project, HIP-CRRSAA funds may be obligated under such authority provided the modification results in additional costs that are above the already committed State/Federal funds for the project (23 CFR 630.110(a)). The added activity must otherwise meet the HIP-CRRSAA requirements, and Federal funds shall not be paid on account of any cost incurred prior to authorization (23 CFR 1.9(a)).
- 7. Cost Incurred Prior to Obligation:** HIP-CRRSAA funds obligated under the authority for activities eligible under 23 U.S.C. 133(b) shall not participate in costs incurred prior to the date of project agreement, except as provided by 23 CFR 1.9(b). (23 CFR 630.106(b)).
- 8. Documentation:** An obligation is a definite commitment of the Federal government that creates a legal liability for payment based upon a documented

and binding agreement between a Federal agency and an authorized grant recipient or other legal entity (including another Federal agency). This documentation must support that the obligation is for purposes authorized by law. Section 1501 of title 31, U.S.C., defines the documentary evidence requirements for Federal government obligations. Additional discussion, including record retention, is provided in the Project Funds Management Guide for State Grants Update memo issued May 23, 2018 (<https://www.fhwa.dot.gov/cfo/projfundsmgt.cfm>).

- B. Activities Eligible Under Special Authority:** This section applies to HIP-CRRSAA funds obligated under the Special Authority eligibility for costs related to preventive maintenance, routine maintenance, operations, personnel, including salaries of employees (including those employees who have been placed on administrative leave) or contractors, debt service payments, availability payments and coverage for other revenue losses.
- 1. FMIS Program Codes:** HIP-CRRSAA funds obligated under the HIP-CRRSAA Special Authority eligibility should be obligated with Program Code Z971 (special eligibilities in any area of the State) or Z973 (special eligibilities in urbanized areas with a population over 200,000).
  - 2. Eligible Costs - Special Authority:** The non-traditional cost categories noted above under the HIP-CRRSAA appropriation are statutorily eligible cost objectives authorized by Congress (see 2 CFR 200.1, defining cost objective). Except for States, Tribal governments, Puerto Rico, or territorial governments seeking to use HIP-CRRSAA funds for “coverage for other revenue losses,” or public tolling agencies or a ferry system that provides a public transportation benefit seeking reimbursement for “coverage for other revenue losses of a tolled facility or ferry system” (see Section III.C.), Congress did not require that a State or other non-Federal entity demonstrate (document) a revenue loss to seek reimbursement for the non-traditional cost objectives Congress made eligible under the appropriation. Consistent with 2 CFR 200.405, Special Authority costs statutorily eligible for reimbursement under the HIP-CRRSAA, other than “coverage for other revenue losses,” are eligible for reimbursement whether or not the State or other non-Federal entity experienced a revenue loss. Provided the State or other non-Federal eligible entity incurred a cost for these other identified “Special Authority” cost objective(s) and the State or other non-Federal entity demonstrates that a cost was incurred and is allocable to the identified HIP-CRRSAA cost objective(s), the cost is an allowable cost under the HIP-CRRSAA appropriation and 2 CFR 200.403 of the Cost Principles (pertaining to factors affecting allowability of costs under a Federal award). These factors include that costs must be necessary, reasonable, and allocable to the performance of the Federal award, except where otherwise authorized by statute (2 CFR 200.403(a)).
  - 3. Location of Projects:** The location requirements specified in 23 U.S.C. 133(c), do not apply to HIP-CRRSAA Special Authority projects.

- 4. Applicability of Planning Requirements:** HIP-CRRSAA Special Authority projects are not required to be included in a metropolitan transportation plan, a long-range statewide transportation plan, a transportation improvement program or a statewide transportation improvement program under sections 134 or 135 of title 23, U.S.C., or chapter 53 of title 49, U.S.C., as applicable. Consistent with this provision, programming and expenditure of HIP-CRRSAA funds for Special Authority purposes are not subject to planning requirements in 23 U.S.C. 134-135 or 23 CFR Part 450 that relate to the development of STIPs and TIPs. When a metropolitan planning organization (MPO) for a transportation management area (TMA) is responsible for selecting projects for HIP-CRRSAA funding in the TMA, the selection is done in consultation with the State and any affected public transportation operator (23 U.S.C. 134(k)(4)(A)). When the State selects National Highway System (NHS) projects for HIP-CRRSAA funding in a TMA, the selection is done in cooperation with the MPO for the TMA (23 U.S.C. 134(k)(4)(B)). When the State selects projects for HIP-CRRSAA funding in any other area of the State, the selection is done in cooperation with the MPO, nonmetropolitan local officials with responsibility for transportation, or Regional Transportation Planning Organization, as applicable (23 U.S.C. 134(j)(5) and 135(g)(6)).
- 5. Treatment of Projects:** The treatment of projects requirements, under 23 U.S.C. 133(i), do not apply to HIP-CRRSAA funds if the funds are used for an activity not eligible under 23 U.S.C. 133(b).
- 6. Construction:** Construction, as defined in 23 U.S.C. 101(a)(4), completed with HIP-CRRSAA funds is subject to: (1) the maintenance requirements in 23 U.S.C. 116(b); (2) the letting of contracts requirements in 23 U.S.C. 112; and (3) the prevailing rate of wage requirements in 23 U.S.C. 113. Preventive maintenance projects funded with HIP-CRRSAA funds are construction projects because: (a) preventive maintenance is made eligible for Federal assistance under 23 U.S.C. 116(e); (b) preventive maintenance is defined to include pavement preservation programs and activities in 23 U.S.C. 116(a); and (c) the title 23 definition of construction includes preservation (23 U.S.C. 101(a)(4)(B)). Additionally, operations projects funded with HIP-CRRSAA funds are construction projects if they meet the definition of construction in 23 U.S.C. 101(a)(4).
- 7. Non-Construction:** Non-construction activities carried out with HIP-CRRSAA funds are not subject to: (1) the maintenance requirements in 23 U.S.C. 116(b), (2) the letting of contracts requirements in 23 U.S.C. 112; or (3) the prevailing rate of wage requirements in 23 U.S.C. 113. Non-construction activities include “non-construction” operations (Section III.B.8.c.), routine maintenance, personnel, including salaries of employees (including those employees who have been placed on administrative leave) or contractors, debt service payments, availability payments and coverage for other revenue losses.
- 8. Eligible Activities:** Examples of the scopes of projects that may be funded under the HIP-CRRSAA Special Authority include, but are not limited to: preventive maintenance on non-Federal-aid highways, routine maintenance on any public



road, State DOT operations costs (not otherwise Federal-aid reimbursed, such as indirect costs), State DOT personnel costs (not otherwise Federal-aid reimbursed, such as indirect costs), debt service payments for highway surface transportation facilities (not otherwise Federal-aid reimbursed), and transit operating costs for local public agencies. Specific eligible activities are listed below.

- a. Preventive Maintenance:** Preventive Maintenance is discussed in 23 U.S.C. 116(e). Consistent with 23 U.S.C. 116(e), preventive maintenance activities may also be eligible under the HIP-CRRSAA eligibility for activities eligible under 23 U.S.C. 133(b) (discussed in Section III.A.), if the activities meet the requirements discussed in Section III.A. If obligating under the 133(b) authority, as discussed in Section III.A., then obligations should be made using the applicable 23 U.S.C. 133(b) eligibility program codes (Section III.A.1.). HIP-CRRSAA funds obligated for preventive maintenance shall not participate in costs incurred prior to the date of project agreement, except as provided by 23 CFR 1.9(b). (23 CFR 630.106(b)). *Improvement Type Codes: 60-Highway Infrastructure Preventive Maintenance, 47-Bridge Preservation, or 53-Tunnel Preventive Maintenance (as applicable).*
- b. Routine Maintenance:** Routine Maintenance is described in the February 25, 2016 memo, Guidance on Highway Preservation and Maintenance (<https://www.fhwa.dot.gov/preservation/memos/160225.cfm>). Routine maintenance is the responsibility of the State under 23 U.S.C. 116(b), is not included in the 23 U.S.C. 101(a)(4) definition of construction, and is, therefore, not subject to title 23 construction requirements. Routine maintenance is an eligible use of funds under the HIP-CRRSAA Special Authority. However, if the routine maintenance activity is performed by contract, States and subrecipients are required to follow 2 CFR 200.317 and 1201.317, respectively. Routine maintenance may also be performed by State or local forces through normal operations. HIP-CRRSAA Special Authority provides for Federal participation in routine maintenance costs incurred prior to the date of project agreement. *Improvement Type Code: 61-Routine Maintenance.*
- c. Operations:** The HIP-CRRSAA Special Authority provides for direct funding of operations costs. Operations costs may include, but are not limited to, labor costs, administrative costs, costs of utilities, and rent, for the highway surface transportation operations of State DOTs or local governments. Except where otherwise authorized by statute, costs must: 1) be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the non-Federal entity, and 2) be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost (2 CFR 200.403). Therefore, it is essential that each item of cost incurred for the same purpose be treated consistently in like circumstances, either as a direct or an indirect cost, in order to avoid possible double-charging of Federal awards (2 CFR 200.412).

HIP-CRRSAA Special Authority provides for Federal participation in non-construction operations costs incurred prior to the date of project agreement. HIP-CRRSAA funds obligated for operation projects that meet the definition of construction in 23 U.S.C. 101(a)(4), shall not participate in costs incurred prior to the date of project agreement, except as provided by 23 CFR 1.9(b). (23 CFR 630.106(b)). *Improvement Type Code: 62-Operations. To facilitate proper tracking, personnel costs should be coded under the Personnel Improvement Type Code (Section III.B.8.d.).*

- d. **Personnel:** This item includes salaries of employees (including those employees who have been placed on administrative leave) or contractors. Also consult the direct / indirect discussion under Operations (Section III.B.8.c). HIP-CRRSAA Special Authority provides for Federal participation in personnel costs incurred prior to the date of project agreement. *Improvement Type Code: 27-Administration.*
- e. **Debt Service Payments:** Section 122 of title 23, U.S.C., makes bond-related costs eligible for Federal reimbursement on any Federal-aid project eligible under title 23, U.S.C. The definition of “construction” in 23 U.S.C. 101 also includes a reference to bond-related costs. The HIP-CRRSAA provides that debt service may be reimbursed notwithstanding any other provision of law. Thus, whether or not the projects financed complied with title 23 or are being reimbursed under 23 U.S.C. 122, such debt service is eligible for reimbursement for highway surface transportation projects. Use of HIP-CRRSAA funds for debt service payments for projects other than highway surface transportation projects would be inconsistent with the purpose of the appropriation, which provides funds for “Highway Infrastructure Programs.” See 31 U.S.C. 1301(a). Where a State bond issuance funds both highway surface transportation and non-highway surface transportation projects, HIP-CRRSAA funds may only participate in the debt service costs allocable to the highway surface transportation projects associated with the bond issuance. HIP-CRRSAA Special Authority provides for Federal participation in debt service payment costs incurred prior to the date of project agreement. *Improvement Type Code: 45-Debt Service.*
- f. **Availability Payments:** HIP-CRRSAA funds are available for availability payments under the HIP-CRRSAA Special Authority. For example, to the extent a State is in default on, or needs funds for availability payments related to highway surface transportation, such availability payments are eligible for reimbursement with HIP-CRRSAA funds. HIP-CRRSAA Special Authority provides for Federal participation in availability payment costs incurred prior to the date of project agreement. *Improvement Type Code: 44-Other.*
- g. **Coverage for Other Revenue Losses:** This eligibility is for costs/expenses related to highway surface transportation, beyond those specifically listed above, that cannot be met due to revenue losses. In order to use HIP-CRRSAA funds for “coverage for other revenue losses,” States, Tribal governments, Puerto Rico, or territorial governments need to demonstrate

(document) a revenue loss to seek reimbursement for the “coverage for other revenue losses” non-traditional cost objective (see similar discussion in Section III.C.2). HIP-CRRSAA Special Authority provides for Federal participation in coverage for other revenue loss costs incurred prior to the date of project agreement. Revenue losses do not include reduced collection of Federal taxes and fees, such as Federal motor fuel taxes, not directly available to the non-Federal entity as revenue. *Improvement Type Code: 44-Other.*

**9. Routine Police Service and Other General Costs of Government:** The cost of routine police service is not eligible for HIP-CRRSAA funding. Selected items of cost are discussed in 2 CFR 200.420 of the Cost Principles, and general costs of government are discussed in 2 CFR 200.444. Unallowable costs include costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation (2 CFR 200.444(a)(5)). Therefore, routine police services are not eligible activities with HIP-CRRSAA funds.

**10. Documentation:** An obligation is a definite commitment of the Federal government that creates a legal liability for payment based upon a documented and binding agreement between a Federal agency and an authorized grant recipient or other legal entity (including another Federal agency). This documentation must support that the obligation is for purposes authorized by law. Section 1501 of title 31, U.S.C., defines the documentary evidence requirements for Federal government obligations. As discussed in Section III.B.2., above, provided the State incurred a cost for the identified “Special Authority” cost objective(s) and the State demonstrates that a cost was incurred and is allocable to the identified HIP-CRRSAA cost objective(s), the cost is an allowable cost under the HIP-CRRSAA appropriation and 2 CFR 200.403. Documentation must be adequate to demonstrate that the costs incurred are eligible under the Special Authority eligibility. Additional discussion, including record retention, is provided in the Project Funds Management Guide for State Grants Update memo issued May 23, 2018 (<https://www.fhwa.dot.gov/cfo/projfundsmgt.cfm>).

**C. Public Tolling Agencies and Ferry Systems that Provide a Public Transportation Benefit:** A State may transfer HIP-CRRSAA funds to:

- State, multi-State, international, or local public tolling agencies that own or operate a tolled facility that is a public road, bridge, or tunnel; or
- a ferry system that provides a public transportation benefit.

Such public tolling agency or ferry system must have been in operation within their State in FY 2020.

Funds transferred in this manner may be used to cover costs related to operations, personnel, including salaries of employees (including those employees who have been placed on administrative leave) or contractors, debt service payments, availability payments, and coverage for other revenue losses of a tolled facility or ferry system.

1. **FMIS Program Codes:** HIP-CRRSAA funds transferred to public tolling agencies or a ferry system that provides a public transportation benefit should be obligated with Program Code Z971 (special eligibilities in any area of the State) or Z973 (special eligibilities in urbanized areas with a population over 200,000).
  
2. **Eligible Costs - Tolling Agencies and Ferry Systems:** The non-traditional cost categories noted above under the HIP-CRRSAA appropriation are statutorily eligible cost objectives authorized by Congress (see 2 CFR 200.1, defining cost objective). In order to use HIP-CRRSSAA funds for “coverage for other revenue losses of a tolled facility or ferry system,” a public tolling agency or a ferry system providing a public transportation benefit needs to demonstrate (document) a revenue loss to seek reimbursement for such non-traditional cost objective that Congress made eligible under the appropriation. However, Congress did not require that a public tolling agency or a ferry system providing a public transportation benefit demonstrate (document) a revenue loss to seek reimbursement for the other non-traditional cost objectives Congress made eligible under the appropriation. Consistent with 2 CFR 200.405, those other costs statutorily eligible for reimbursement under the HIP-CRRSAA are eligible for reimbursement whether or not the tolling agency or ferry system experienced a revenue loss. Therefore, provided the tolling agency or ferry system incurred a cost for the identified “Special Authority” cost objective(s), other than revenue losses for a tolled facility or ferry system, and the tolling agency or ferry system demonstrates that a cost was incurred and is allocable to the identified HIP-CRRSAA cost objective(s), the cost is an allowable cost under the HIP-CRRSAA appropriation and 2 CFR 200.403. Consistent with the HIP-CRRSAA provision, transfers of HIP-CRRSAA funding are limited to: (1) public tolling agencies, or (2) a ferry system that provides a public transportation benefit, for the eligible cost objectives as described in Section III.B.8., items: c. Operations, d. Personnel, e. Debt Service Payments, f. Availability Payments, and g. Coverage for Other Revenue Losses. The specified Improvement Type Codes provided in Section III.B.8. should be used in FMIS for the obligation of HIP-CRRSAA funds to be transferred to a tolling agency or ferry system.
  
3. **Applicability of Certain Title 23 Requirements:** The applicability of certain title 23 requirements, is provided in Section III.B. items: 3. Location of Projects, 4. Applicability of Planning Requirements, 5. Treatment of Projects, 6. Construction, 7. Non-Construction, 9. Routine Police Service and Other General Costs of Government, and 10. Documentation. Tolling agencies and ferry systems not currently subject to title 23, U.S.C., requirements should discuss the impacts of accepting HIP-CRRSAA funds with their State and FHWA Division Office, HISM-10, HCFB-31, and HOTM-1.
  
4. **Limitation on the Use of Revenues:** The limitations on the use of revenues in subsections (a)(3) and (c)(4) of 23 U.S.C. 129 shall not apply with respect to HIP-CRRSAA funds transferred for a tolled facility or ferry system, even if such tolled facility or ferry system is already subject to such provisions due to the use of prior Federal-aid highway funds. However, because the exception in the HIP-

CRRSAA heading is “for funds made available under this heading in this Act,” use of HIP-CRRSAA funds on a tolled facility or ferry system does not remove current limitations on the use of revenues under 23 U.S.C. 129(a)(3) and (c)(4) associated with prior use of Federal-aid highway funds.

- 5. Recommended Method to Carry Out Projects:** The recommended method to carry out projects with the public tolling agency or ferry system is through a subrecipient / subaward type grant agreement between the entity and the State.

Except for the statutes and regulations cited herein, the contents of this guidance do not have the force and effect of law and are not meant to bind the States or the public in any way. This guidance is intended only to provide information and clarity regarding existing requirements under the law or Federal agency policies.

## Angelica Quijano

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**From:** Antonio Rodriguez <anrodriguez@HNTB.com>  
**Sent:** Wednesday, October 13, 2021 3:57 PM  
**To:** Angelica Quijano; Juan Mendive  
**Cc:** Melisa Montemayor; Jed Brown; Doug Howland; .62804 WCCL Project Documents Control  
**Subject:** MPO Policy Committee Packet October 20th, 2021

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Team, please see the update below. Please include in the Policy Committee packet.

1. FM 1472 and Killam Industrial Blvd. Turn Lanes – NTP for the contractor was provided by TxDOT at the end June. Currently, Anderson Columbia is working from Big Bend to South of Killam Industrial Blvd. The Killam Turn Lanes portion of the project and the northern portion of the project is scheduled to commence on 11/24/21.
2. Los Presidentes (Cuatro Vientos to Brownwood) – Construction is ongoing. Our 4<sup>th</sup> construction progress meeting occurred on 10/5/21. Currently, the project is scheduled for completion in June 2022. The schedule by the contractor is being updated to reflect the high amount of inclement weather encountered during the summer months. Regarding the Cuatro Vientos Acceleration/ Deceleration Lane project, all TxDOT Laredo District Comments have been addressed. The project is currently being advertised for construction.
3. Vallecillo Road – We are monitoring the progress of federal funding for this project.
4. Other Items:
  - The WCCL RMA conducted their October Board Meeting on 10/5/21.
  - The WCCL RMA is anticipating a Board meeting for the month of November and December.

If you have any other questions, please let us know. I hope you have a great day.

### Antonio Rodriguez, PE

WCCL RMA GEC Deputy Program Manager  
Cell (512) 800-0382

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# LAREDO & WEBB COUNTY

## AREA METROPOLITAN PLANNING ORGANIZATION

### Director's Report October 20, 2021

1. On August 24, 2021, we were informed that the audit of the Laredo Webb County Area MPO by TxDOT is programmed for FY22 and should begin in November 2021. Additional updates will be provided as they become available.
2. The MPO continues to monitor new developments related to the World Trade Bridge expansion and the proposed International Bridge 4/5. Amendments to the current Transportation Improvement Program (TIP) and the 2020-2045 Metropolitan Transportation Plan (MTP) may be necessary as these projects advance.
3. The MPO continues to seek opportunities to collaborate with stakeholders in the Laredo-Webb County metropolitan area in our efforts to plan for an effective and sustainable regional transportation system. MPO staff recently initiated conversations with the City of Laredo Planning Department and United Independent School District about data sharing opportunities. Data on land use, development patterns, and transportation patterns supports the MPO in our planning and forecasting activities to address the current and future transportation needs of the region. The MPO will continue reaching out to other stakeholders (i.e. Laredo Independent School District) to identify data sharing or other collaborative opportunities.
4. MPO staff is nearing completion of an updated draft of our Public Participation Plan. Once a draft is completed, a required 45-day public comment and review period will need to be initiated prior to final adoption. A presentation will be provided to the Technical and Policy Committee prior to initiating the public comment period.
5. Upcoming regularly scheduled meetings:
  - Active Transportation Committee - October 27, 2021 (virtual)
  - Technical Committee – November 9, 2021
  - Policy Committee – November 17, 2021
6. MPO and El Metro continue meeting with the consultants conducting the Comprehensive Operational Analysis (COA). As part of this effort, MPO staff is helping El Metro identify potential sites for a transit hub in South Laredo. The COA is intended to evaluate both the current fixed route and paratransit bus services, and provide recommendations to improve the system's overall service, efficiency, effectiveness, and connectivity.