



MPO POLICY COMMITTEE MEETING

www.laredompo.org

Meeting Date & Time: November 17th, 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:

REC'D CITY SEC OFF
NOV 12 '21 PM1:02

- 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 October 20th, 2021.
- B. Discussion with possible action to provide a letter of support for the Federal Transit Administration (FTA) FY 2021 Bus and Bus Facilities Discretionary Grant application being submitted by the City of Laredo and El Metro for the construction and completion of Phase I of the Transit Administration, Operations, and Fleet Maintenance Facility.
- C. Discussion with possible action on the Hachar-Reuthinger Road project.

MPO POLICY COMMITTEE MEETING AGENDA

- D. Discussion with possible action on the proposal to use the sub-allocation of approximately \$2.3 million of Highway Infrastructure Programs – Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (HIP-CRRSAA) funds for the Hachar-Reuthinger road project.

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

- A. Status report by the Regional Mobility Authority (RMA).
- B. Update by MPO staff of an administrative modification to the FY 2021-2024 Transportation Improvement Program (TIP) to reflect letting date changes from FY 2021 to FY 2022 on four projects:
 - 1. CSJ 0922-33-181 - ADA Bus Stops and Bicycle Plazas
 - 2. CSJ 0922-33-076 – FM1472/Flecha Lane
 - 3. CSJ 0922-33-093 – Calton and Santa Maria Interchange
 - 4. CSJ 0922-33-177 – River Vega Trail

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 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-

MPO POLICY COMMITTEE MEETING AGENDA

1613 o por correo electrónico 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.

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

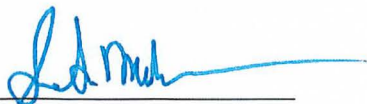
Private Sector Representative (Member at Large):

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

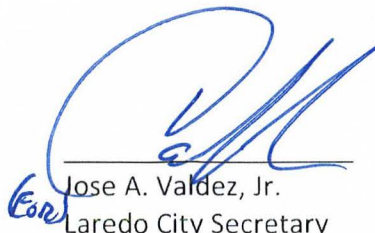
Ex-Officio Representatives:

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

OCTOBER 20TH, 2021

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

PUBLIC ACCESS CHANNEL: Spectrum TV channel 1300

- **CHAIRPERSON TO CALL MEETING TO ORDER**

Mayor Pete Saenz, called the meeting to order at 1:34 p.m.

- **CHAIRPERSON TO CALL ROLL**

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

Regular members present:

Honorable Pete Saenz, Mayor and LWCAMPO Chairperson

Honorable Tano E. Tijerina, Webb County Judge

Honorable Jesse Gonzalez, Webb County Commissioner, Pct. 1

Honorable John Galo, Webb County Commissioner, Pct. 3

Honorable Vanessa Perez, City Councilmember, District VII

Humberto "Tito" Gonzalez, Jr., P.E., Private Sector

Honorable Dr. Marte A. Martinez, City Councilmember, District VI (joined the meeting at 1:36 p.m.)

David M. Salazar, Jr., P.E., TxDOT District Engineer (joined the meeting at 1:42 p.m.)

Regular members not present:

Honorable Ruben Gutierrez, Jr., City Councilmember, District V

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

Second: Judge Tijerina

For: 6

Against: 0

Abstained: 0

Motion carried unanimously

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, LWCAMPO Interim Director
Graciela Briones, LWCAMPO Planner
Jason Hinojosa, LWCAMPO Planner
Julio Niño, LWCAMPO Planner
Angie Quijano, LWCAMPO Administrative Assistant

Others:

Grazia Barrera, City Manager's Office
Danny Magee, Traffic Safety Department
Tecló Garcia, Economic Development
Favio Rodriguez, City Engineering Department
Guillermo Cuellar, Webb County Engineering
Victoria Villarreal, Webb County Planning
Sara Garza, TxDOT
Roberto Rodriguez, TxDOT
Bill Frawley, Texas A & M Transportation Institute (TTI)
Jed Brown, RMA
Melisa Montemayor, HNTB, Inc.
Eddie Bernal, Transit, El Metro
Jose Almazan, UISD

- **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.

- **ITEMS REQUIRING POLICY COMMITTEE ACTION:**

A. Approval of the minutes for the meeting held on September 15th, 2021.

Cm. Galo made a motion to approve the minutes of September 15th, 2021.

Second: Judge Tijerina

For: 6

Against: 0

Abstained: 0

Motion carried unanimously.

B. Discussion with possible action on the River Road project.

Mr. Juan Mendive, Interim LWCAMPO Director, provided some information regarding this project after he had done some research on previous meetings from years back. The project had some Right-Of-Way (ROW) issues and showed different alignments. Mr. Mendive further introduced Mr. Jason Hinojosa from LWCAMPO staff who had prepared some maps for the presentation on this item.

Mr. Hinojosa made a brief presentation with several maps that showed some proposed routes.

Cm. John Galo mentioned that the Medina Family had presented a proposed route behind the La Bota development closer to the Rio Grande River.

Mr. Mendive mentioned that the MPO Technical Committee had made a recommendation to explore options for relief route of FM1472 and possibly work with the RMA.

Cm. Perez, stated Mr. Joe Medina had initiated talks with all the landowners to get the donations needed for the R.O.W. She stated she believed some ownership might have changed over the past two years.

Mayor Saenz asked if this was the road called Medina-River Rd.

(Mr. David Salazar join the meeting at 1:43 P.M.)

Cm. Galo asked if this was the latest proposal and if it shown on their master plan.

Mr. Hinojosa answered this was what the MPO had produced and yes, it is part of the developer's master plan.

Dr. Martinez asked if the road will be built to same standards as other roads in the area. He further stated he wanted to make sure that what is being asked for developments to give was going to be in line with the future thoroughfare that is expected to transit said area.

Mr. Hinojosa stated there was a recent plat that had been submitted for Aquero Middle School which will be along Aquero Boulevard to provide a 90-ft ROW back to back but only building half the section.

Dr. Martinez stated we need to make sure that it was very clear to the Planning Department of what was anticipated for the potential route for said road. He further asked what would be the process or studies that need to be done to establish the actual route of choice for the road.

Mr. Hinojosa responded that there are a lot of requirements for on-system roads but if this is handled as off-system or local street, environmental clearances and dedication of ROW will be needed.

Mr. Mendive stated that initially the idea and the way the RMA identifies this road is as non-commercial route. He further stated it was proposed as a relief route and that was the reason the item was presented to see if that was still how the Committee would like to proceed. He also stated that was staff's recommendation, the Technical Committee's recommendation and how the RMA study shows it.

Dr. Martinez asked that in terms of funding, if we were to work this through TxDOT, if there were additional requirements. And if it was more feasible to obtain funds from TxDOT to build this road.

David Salazar, TxDOT, stated there were some future Category 7 MPO dollars that could be allocated for this project if those were the wishes of the Committee. He further stated TxDOT currently does not have a mechanism to bring in on-system roadways. He also stated TxDOT was already stretching it with bringing Hachar-Reuthinger. He stated it was a viable route but there were certain priorities within the city that needed to be considered and category 7 monies were committed up to FY23.

Judge Tijerina expressed his concerns with the connection and asked if Aquero Boulevard was large enough to handle the amount of people that were going to be on that road.

Mr. Hinojosa stated it was a 90 ft. road and the goal with this phase was to connect it immediately after World Trade Bridge.

Dr. Martinez asked the RMA to provide their input as they had previously stated they were interested and willing to assist with funding for new projects.

Jed Brown, RMA, stated that when the RMA did the study back in 2019, there was considerable input from stakeholders, and the different master plans were also taken into consideration. He further stated the RMA would love to participate in looking at the

project being discussed, with the MPO. He also mentioned that the RMA could possibly help in getting things along to start the process for the construction of this project. He stated he would put this item on next RMA board meeting agenda.

Cm. Perez suggested to include Mr. Joe Medina and Border Patrol in future discussions for said project.

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

David Salazar, TxDOT asked Roberto Rodriguez, TxDOT staff to give a brief summary on this item.

Mr. Rodriguez stated TxDOT had received the schematic and environmental draft document from the County. He stated TxDOT was working on the Plans, Specifications and Estimates (PS&E) and already had a consultant on board starting the development of the PS&E. He also stated TxDOT had agreed with the City to develop the R.O.W. map for the roadway. Once such map is ready, it would be sent to the City so the R.O.W. acquisition process can start. He stated that the environmental study was expected to be cleared in about 6 months and few more months for the City to have completed the ROW. The cost estimate for a 4-lane divided highway based on the existing schematic is \$52.4M and based on the current Advanced Funding Agreements (AFAs) there are only \$50M and therefore, there is still some additional funding needed.

Cm. Galo asked if this was a 4-lane divided with frontage.

Mr. Rodriguez explained this project is the actual frontage road. Its two lanes in each direction. One way on each side and in the future, it will be the construction of the middle. And, expected to have this project ready to let in May 2023 to go on actual letting August 2023.

Cm. Perez asked if it was possible to move some monies around to possibly shave off one year of the project.

Mr. Rodriguez stated some of the items were critical. One of those items was the R.O.W. acquisition and the environmental clearance.

Mr. Salazar mentioned that the additional funds were welcome and if they would become available, it didn't necessarily mean they would speed up the project by a year as there were still processes that TxDOT needed to go through including the environmental clearance. He further stated TxDOT had received the draft environmental clearance on May 21st and it still has to be completed. Once the environmental process is completed, the R.O.W. cannot be started until the environmental R.O.W. is cleared.

Cm. Galo asked if the environmental was supposed to be done in December.

Mr. Rodriguez said that based on the scheduled it should be done in March.

Cm. Galo recommended to maybe break up the project into phases.

Mr. Salazar stated he didn't recommend to break up the project in phases because this would probably increase the cost from the contractor.

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

Bill Frawley, Texas A&M Transportation Institute (TTI), gave a brief presentation regarding the ongoing MPO Process Review. He stated he's been having work group sessions with members of MPO agencies and appropriate Staff on the ongoing process review. He stated the review purpose was to look at the relationship between the MPO and fiscal agent, as well as to look at the existing organizational chart and hierarchy. He also mentioned the MPO Bylaws were also reviewed to discuss what the Bylaws allow and prohibit, and what might need to be changed and the process for these changes is to look at other TMAs and MPOs of similar size. There's also another document called TxDOT Planning Agreement Contract that had been analyzed for possible modifications. He stated that an issue that came up in previous meetings was the fiscal agent for the MPO. He stated that based on conversations with the Mayor and County Judge, other City leaders and MPO staff, everyone agreed that is best to leave the City of Laredo as the fiscal agent. If the City stayed as the fiscal agent, there will be the need to develop a Memorandum of Understanding (MOU) stating what the responsibilities and roles of the fiscal agent and the MPO would be. As part of the process review, the necessary staff, not only the number of employees but the talents, skills and abilities of each member, and also office space/location needs are also being studied.

Mr. Frawley further stated that the main goal for this process was to ensure an efficient process that was in compliance with federal and state requirements, resulting in success for the MPO. He stated progress to date included development of a staff level working group consisting of MPO, TxDOT, and FHWA staff, and overall MPO status had been identified, which shows where the MPO is now, with some hiring and some staff being assigned/reassigned and that MPO is functioning how it should with a good path to continue forward.

Mr. Frawley also stated he had worked with the Laredo MPO in the past under different Directors and he has always been provided with more knowledge of not only the history of the MPO but the community and how things are developing. He stated we have provided staff with "MPO 101" training, and there will be more to come. He further reported that this update had been presented to the Technical Committee on what had been accomplished. And, after several conversations with Mayor, County Judge, Laredo Management and Planning leadership, it had been determined that all parties want to

have the best possible MPO, Webb County had no desire to become the fiscal agent, and leadership wanted what is best for MPO Staff.

Mr. Frawley mentioned that a Bylaws amendment was also developed to have separate City of Laredo Planning Director and LWCAMPO Director. It was also identified that there is consensus for MPO Director report to Policy Committee, and for the Committee to hire, terminate, evaluate or discipline Director and, that MPO staff would report directly to MPO Director. He also mentioned that LWCAMPO has a relatively new, but eager and energetic staff that is very promising for the MPOs future.

Mr. Frawley stated that the next steps to present suggested Bylaws and Planning contract amendments to the Technical Committee, and then present the recommendations made by the Technical Committee to the Policy Committee. Additional steps include to review staffing needs, develop appropriate job descriptions, as well as, to review office space needs and other options. And, ultimately to document the entire process and outcomes.

- **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).

Mr. Mendive gave a brief presentation on the item which read as follows:

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.

B. Status report by the Regional Mobility Authority (RMA).

Jed Brown, RMA, gave a brief presentation on the item which read as follows:

- FM 1472 and Killam Industrial Blvd. Turn Lanes – NTP for the contractor was provided by TxDOT at the end June. Currently, Anderson Columbia was 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.
- Los Presidentes (Cuatro Vientos to Brownwood) – Construction is ongoing. Our 4th 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.
- Vallecillo Road – We are monitoring the progress of federal funding for this project.
- 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.
- **DIRECTOR'S COMMENTS**

Mr. Mendive gave the following report:

- 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.
- 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.
- 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.

- 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.
- Upcoming regularly scheduled meetings:
 - Active Transportation Committee - October 27, 2021 (virtual)
 - Technical Committee – November 9, 2021
 - Policy Committee – November 17, 2021
- 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.
- ADJOURNMENT

Cm. Dr. Martinez made a motion to **adjourn** the meeting at 2:46 p.m.

Second:	Cm. Galo
For:	5
Against:	0
Abstained:	0

Motion carried unanimously

Juan S. Mendive
Interim LWCAMPO Director

Pete Saenz, Mayor and LWCAMPO
Chairperson



LAREDO & WEBB COUNTY

AREA METROPOLITAN PLANNING ORGANIZATION

November 5, 2021

The Honorable Pete Buttigieg
Secretary of Transportation
US. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Honorable Pete Buttigieg:

The City of Laredo's Transit Management Incorporated (El Metro) is the public transportation system that serves the number one inland port and third most populous city along the United States-Mexico border. El Metro provides an excellent service to the community through 24 bus fixed-routes with approximately 3 million rides per year, with a fleet of 44 buses and 21 vans for paratransit, all from a single bus facility.

To continue meeting the needs of Laredo residents, the City of Laredo is pursuing implementation of critical capital improvements that are necessary to enhance operational efficiencies and eliminate capacity constraints. These improvements include replacing outdated and deteriorating facilities with the construction of **El Metro Transit Administration, Operations and Fleet Maintenance Facility**. Funding for this initiative will support an expanding transportation fleet and will vastly improve the transit system for a growing community like ours.

On behalf of the Laredo Webb County Area Metropolitan Organization (LWCAMPO), please accept this letter in support of the grant application for funding through the Department of Transportation Bus and Bus Facilities Grant Program being submitted by the City of Laredo's Transit Management Incorporated (El Metro). The grant would help fund the construction and completion of Phase I of the new facility.

The Laredo MPO appreciates your attention to this project that will greatly benefit the residents of Laredo, especially those that rely on transit to meet their transportation needs.

Should you need additional information, please do not hesitate to contact me.

Sincerely,

Juan S. Mendive
Interim LWCAMPO Director

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

**LAREDO WEBB COUNTY AREA MPO
ACTION ITEM**

DATE: 11-17-21	SUBJECT: MOTION Discussion with possible action on the proposal to use the sub-allocation of approximately \$2.3 million of Highway Infrastructure Programs – Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (HIP-CRRSAA) funds for the Hachar-Reuthinger road project.
INITIATED BY: Staff	STAFF SOURCE: Juan S. Mendive, Interim MPO Director
BACKGROUND 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. TxDOT and MPO staff propose that HIP-CRRSAA funds be used for the Hachar-Reuthinger road project (CSJ 0922-33-165 and CSJ 0922-33-166) to cover any potential funding gaps based on the new estimate once the plans, specifications and estimate (PS&E) is complete. Notes: <ul style="list-style-type: none">• 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.	
COMMITTEE RECOMMENDATION: The LWCAMPO Technical Committee recommends using the sub-allocated HIP-CRRSAA funds for the Hachar-Reuthinger road project.	STAFF RECOMMENDATION: Staff recommends using the sub-allocated HIP-CRRSAA funds for the Hachar-Reuthinger road project.



Memorandum

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

Brian R. Bezio
Chief Financial Officer

To: Division Administrators
Directors of Field Services

Reply to Attn. of:
HISM-10

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, or contact Christopher Newman at (202) 366-4652 or 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, 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.

From: Antonio Rodriguez <anrodriguez@HNTB.com>

Sent: Friday, November 12, 2021 1:50 PM

To: Angelica Quijano <aquijano@ci.laredo.tx.us>; Juan Mendive <jmendive@ci.laredo.tx.us>

Cc: Melisa Montemayor <mmontemayor@HNTB.com>; Jed Brown <brown.wccl.rma@gmail.com>; Doug Howland <dhowland1950@gmail.com>; .62804 WCCL Project Documents Control <62804WCCLProjectDocumentsControl@HNTB.com>

Subject: MPO Policy Committee Packet November 17th, 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 the week of the 7th of December.
2. Los Presidentes (Cuatro Vientos to Brownwood) – Construction is ongoing. Our 5th construction progress meeting is scheduled for 11/23/21. 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 of 2021. Regarding the Cuatro Vientos Acceleration/ Deceleration Lane project, the project was awarded to Anderson Columbia in October 2021. We anticipate construction to commence in early 2022.
3. Vallecillo Road – We are continuing to communicate with officials from the Texas Transportation Commission and higher regarding the importance of the project to the Laredo Greater Area and the State.
4. Other Items:
 - The WCCL RMA conducted their November Board Meeting on 11/16/21.
 - The WCCL RMA is anticipating a Board meeting for the month of December.



LAREDO & WEBB COUNTY

AREA METROPOLITAN PLANNING ORGANIZATION

Administrative Modification to FY 2021-2024 Transportation Improvement Program

Summary:

The FY 2021-2024 Transportation Improvement Program is being administratively modified to reflect updated letting dates for four projects:

- CSJ 0922-33-181 - ADA Bus Stops and Bicycle Plazas
- CSJ 0922-33-076 – FM1472/Flecha Lane
- CSJ 0922-33-093 – Calton and Santa Maria Interchange
- CSJ 0922-33-177 – River Vega Trail

The estimated letting dates for the listed projects have been revised from FY 2021 to FY 2022. No other changes were made to these projects.

This administrative modification is being presented for informational purposes. Changing a letting date within the TIP years does not require a formal revision. The Laredo Webb County Area MPO (LWCAMPO) Public Participation Plan does not require Policy Committee action for non-substantive revisions to the MPO long-range plans and programs such as the Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP).

The four revisions for this administrative modification are listed in the attached table.

**FY 2021-2024 Transportation Improvement Program
November 2021 Revision - Administrative Modifications**

CSJ	PROJECT NAME	PROJECT DESCRIPTION	FROM	TO	Revision
0922-33-181	ADA Bus Stops and Bicycle Plazas	Improve connections, accessibility and security for up to 17 bus stops	various locations		Update letting year from FY 2021 to 2022
0922-33-076	FM1472/Flecha Lane	Realign Flecha and Las Cruces Blvd.	Intersection of FM 1472 and Flecha	0.174 miles east of FM 1472	Update letting year from FY 2021 to 2022
0922-33-093	Calton and Santa Maria Interchange	Construction of a grade separation interchange	0.25 m east of Calton/Santa Maria intersection	0.25 m west of Calton/Santa Maria intersection	Update letting year from FY 2021 to 2022
0922-33-177	River Vega Trail	Construct hike & bike trail	Anna Park	Laredo College Campus	Update letting year from FY 2021 to 2022



LAREDO & WEBB COUNTY

AREA METROPOLITAN PLANNING ORGANIZATION

Director's Report November 17, 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. On October 28th, MPO staff met with the consultant team helping the City of Laredo with the World Trade Bridge expansion project. The purpose of the meeting was to discuss the necessary requirements to add the project to the Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP). The MPO continues to monitor new developments related to the World Trade Bridge expansion and the proposed International Bridge 4/5.
3. Upcoming regularly scheduled meetings:
 - Active Transportation Committee – December 1, 2021 (proposed)
 - Technical Committee – December 7, 2021
 - Policy Committee – December 15, 2021
4. MPO and El Metro staff continue meeting with the consultants conducting the Comprehensive Operational Analysis (COA). This project is in the final stages, with presentations to the MPO committees tentatively scheduled for January. 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.
5. TxDOT Transportation Planning and Programming Division – Traffic Analysis staff provided the MPO with the 2013-2045 Laredo travel demand model (TDM) to support long-range planning activities for the Laredo Webb County metropolitan planning area. MPO staff met with TxDOT's Transportation Planning and Programming staff from the Austin office to discuss the model and next steps to incorporate scenario planning for proposed projects. They also discussed a timeline in preparation for the transportation demand modeling activities as part of the 2025-2050 Metropolitan Transportation Plan (MTP) update.