



METROPOLITAN TRANSPORTATION BOARD

Friday, March 19, 2021

10:00 a.m.-11:00 a.m.

809 Copper Avenue N.W., Albuquerque, NM 87102

Instructions for joining the meeting via Zoom are at the bottom of this page.

Jack Torres, *Chair*

Cynthia Borrego, *Vice Chair*

AGENDA

Call to Order

A roll-call of those in attendance will be done. The presence of a quorum will be noted.

Approval of Agenda for March 19, 2021

Tab 1 **Approval of Action Summary of December 18, 2020**

PUBLIC COMMENTS AND REPORTS

Public Comments.

Anyone wishing to address the MTB must join via Zoom.

Reports

ACTION ITEMS

Tab 2 **Amending the FFY 2020-2025 TIP (Transportation Improvement Plan)**
R-21-01 MTB

Tab 3 **Committing Programmed Funds in the FFY 2020-2025 Transportation Improvement Program (TIP) for the Albuquerque Metropolitan Planning Area (AMPA) to Provide Repayment of the Financial Obligation Created for the Design and Construction of: A301501 98th Street & Gibson Blvd. Intersection Improvements**
R-21-02 MTB

DISCUSSION AND INFORMATION ITEMS

Tab 4 **Highway Infrastructure Programs-Coronavirus Response and Relief Supplemental Appropriations Act, 2021**

Tab 5 **Review of Revisions to the Community Engagement Committee Charter**

Adjournment (A motion to adjourn is not necessary.)

**Next Meeting: Friday, April 16, 2021, 10:00 a.m. - 11:00 a.m.
MRCOG Board Room or Via Teleconference**

Anyone requiring special accommodations is requested to notify the MRCOG at (505) 247-1750 or email bthomas@mrcog-nm.gov seven days prior to the meeting.

Zoom link below....

Mrcog Zoom8 is inviting you to a scheduled Zoom meeting.

Topic: March 19th MTB Meeting

Time: Mar 19, 2021 10:00 AM Mountain Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/91587990526?pwd=REpwRlRaSmpWZmpUVklnWHk4Vm5tQT09>

Meeting ID: 915 8799 0526

Passcode: 226765

One tap mobile

+16699006833,,91587990526#,,,,*226765# US (San Jose)

+12532158782,,91587990526#,,,,*226765# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 915 8799 0526

Passcode: 226765

Find your local number: <https://zoom.us/u/abEFj7wUx>

Join by Skype for Business

<https://zoom.us/skype/91587990526>



Mid-Region Council of Governments
Metropolitan Transportation Board
Action Summary
Friday, December 18, 2020

Jack Torres, Chair

Cynthia Borrego, Vice Chair

ORGANIZATION		MEMBER		ALTERNATE
Village of Los Ranchos de Albuq	X	Donald Lopez , Mayor		Ann Simon
Bernalillo County	X	Charlene Pyskoty , Commissioner		Brian Lopez Joe Noriega
Bernalillo County	X	James Collie , Commissioner		Rodrigo Eichwald
Bernalillo County	X	Steven M Quezada , Commissioner		Richard Meadows
City of Albuquerque	X	Isaac Benton , Councilor		Tom Menicucci
		Diane Gibson , Councilor	X	Jeff Hertz
		Brook Bassan , Councilor	X	Tom Menicucci
	X	Cynthia Borrego , Councilor		Susan Vigil
		Don Harris , Councilor	X	Laura Rummler
	X	Lan Sena , Councilor		Tom Menicucci
		Lawrence Rael , COO	X	Patrick Montoya
AMAFCA		Ron Brown , Board Member		
Albuquerque Public Schools	X	Candy Patterson		Dave Peercy
Town of Bernalillo		Jack Torres , Mayor		Troy Martinez
Village of Bosque Farms		Vacant		Vacant
Village of Corrales	X	Kevin Lucero		JoAnne Roake
Village of Los Lunas		Michael Jaramillo		Erin Callahan
MRGCD		Barbara Baca		Karen Dunning
New Mexico DOT	X	David Quintana		Jill Mosher
New Mexico DOT		Justin Gibson	X	Jill Mosher
City of Belen		Jerah Cordova		Steven Tomita
City of Rio Rancho		Robert Tyler , Councilor		Peter Wells
		Greggory Hull , Mayor	X	Peter Wells
City of Rio Communities	X	Jim Winters		
Rio Rancho Public Schools		Mike Padilla		Sal Maniaci
Cochii Pueblo		Vacant		Other councilmen
Isleta Pueblo		Kathy Trujillo		
Laguna Pueblo		Gaylord Siow		Sharon Hausam
Sandia Pueblo		Jon Paul Romero		
Sandoval County		David Heil , Commissioner		Mark Hatzenbuhler
Valencia County	X	Nancy Gonzales		Lina Benavidez, Danny Monette
SSCAFCA		Jim Fahey		Dave Gatterman
RMRTD		Terry Doyle , Director	X	Tony Sylvester
Village of Tijeras	X	Jake Bruton		Vacant

NON-VOTING ADVISORY MEMBERS

MEMBER		ORGANIZATION		ALTERNATE
Albuq/Bern Cty Air Qual Control Board		Vacant		Vacant
City of Albuquerque Aviation				Jim Hinde
Federal Highway Administration		J. Don Martinez Rodolfo Monge Oviedo		
Federal Transit Administration		Robert Patrick		
Kirtland Air Force Base		Vacant		Susan Leitner
NM State Transportation Commission		Vacant		Vacant
NM Public Schools Facility Authority		Vacant		
NM Construction Industry Division		Vacant		
		NON-VOTING ASSOCIATE MEMBERS		
Santa Ana Pueblo		Nathan Tsosie		
Bernalillo Public Schools		Vacant		Vacant
Santo Domingo Pueblo		Kathy Ashley		

AGENDA

Call to Order

The virtual meeting of the MTB was called to order at 10:04 a.m. by Vice Chair Cynthia Borrego, City of Albuquerque. Roll call was taken and the persons noted above were present. (Note that Commissioner was not present for the roll call but came in a few minutes late)

The presence of a quorum was noted.

Approval of Agenda for December 18, 2020

Action Taken:

Candelaria Patterson, Albuquerque Public Schools, made a motion to:

APPROVE THE AGENDA FOR DECEMBER 18, 2020

The motion was seconded by Donald Lopez, Village of Los Ranchos de Albuquerque, and passed unanimously on a roll call vote of 20 in favor and none opposed. See attendance above.

Approval of Action Summary of September 18, 2020

Action Taken:

Charlene Pyskoty, Bernalillo County, made a motion to:

APPROVE THE ACTION SUMMARY OF SEPTEMBER 18, 2020

The motion was seconded by Lan Sena, City of Albuquerque, and passed on a roll call vote of 20 in favor and none opposed. See attendance above.

PUBLIC COMMENT AND REPORTS

Public Comments

Donald Lopez, Village of Los Ranchos, noted that today is the birthday of the United States Air Force and that he served for many years in the USAF. Chair Torres and others thanked Mayor Lopez for his service.

Reports

◆Staff

Kendra Montanari, MRCOG Socioeconomic Program Manager, reported that the MRCOG website is being overhauled and will include visualizations, maps and the TIP Dashboard. Ms. Montanari also noted that a road safety audit is ongoing for Louisiana Boulevard and the RAC and Community Engagement committees are being brought back.

Dewey Cave, MRCOG Executive Director, told the Board that a MRCOG Annual Report/video will be sent out next week in lieu of the traditional annual event which has

traditionally been a large banquet meeting.

◆TCC

Steven Montiel, MRCOG TIP Administrator/Senior Transportation Analyst reported that the TPTG and TCC met earlier to review the TIP Amendment and both recommended approval.

Mr. Montiel advised anyone needing planning assistance to contact Kendra Montanari or Dewey Cave.

ACTION ITEMS

Tab 2
R-20-08 MTB

Amending the FFY 2020-2025 TIP

Mr. Montiel presented the TIP (Transportation Improvement Program) amendment and reviewed each one. Mr. Montiel explained that the requests for amendments to the current TIP for the AMPA (Albuquerque Metropolitan Planning Area) come from various entities and have been requested as part of the quarterly amendment.

This amendment has been reviewed by both the TPTG and the TCC and are recommended for approval.

Mr. Montiel then stood for questions.

Action Taken:

Patrick Montoya, City of Albuquerque, made a motion to:

APPROVE R-20-08 MTB AMENDING THE FFY 2020-2025 TIP

The motion was seconded by Steven Tomita, City of Belen, and passed unanimously on a vote of 20 in favor and none opposed. See attendance sheet above.

Tab 3
R-20-09 MTB

Adopting Performance Measures Targets for PM#1 – Safety for the Albuquerque Metropolitan Planning Area (AMPA)

Mr. Montiel presented R-20- 09 MTB explaining that the adoption of the targets for safety, pavement and bridge conditions on the National Highway System (NHS) and travel reliability is required by federal law. Metropolitan planning organizations (MPOs) have the option of adopting the targets established by their respective states or they may adopt their own targets. Target adoption requires states and MPOs to be able to collect all the data necessary to report on progress in achieving the targets. NMDOT has worked with the MPOs serving New Mexico and other stakeholders to develop the statewide targets.

The TPTG and the TCC have met and both recommend adoption of the statewide safety targets.

Mr. Montiel stood for questions.

Action Taken:

Ms. Pyskoty made a motion to:

APPROVE R-20-09 MTB ADOPTING PERFORMANCE MEASURES TARGETS FOR PM#1- SAFETY FOR THE ALBUQUERQUE METROPOLITAN PLANNING AREA (AMPA)

The motion was seconded by James Collie+, Bernalillo County, and passed unanimously on a vote of 20 in favor and none opposed. See attendance sheet above.

Tab 4
R-20-10 MTB

Adopting the Public Transportation Agency Safety Plans (PTASPs) Developed by City of Albuquerque Transit Department (ABQ Ride) and Rio Metro Regional Transit District

Mr. Montiel presented R-20-10 MTB and explained that Title 49 Code of Federal Regulations Part 673 established a requirement for transit agencies to develop a Transit Agency Safety Plan. This plan also serves as a "Safety Management System (SMS) user's manual" that guides the successful implementation and operation of its SMS.

The FTA defines SMS as: "The formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards...Furthermore, SMS is a comprehensive, collaborative approach that brings management and labor together to build on the transit industry's existing safety foundation to better control risks, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more carefully."

Mr. Montiel said that both the TPTG and the TCC recommend approval and he then stood for questions.

Action Taken:

Mr. Collie made a motion to:

APPROVE R-20-10 MTB ADOPTING THE PUBLIC TRANSPORTATION AGENCY SAFETY PLANS (PTASPs) DEVELOPED BY CITY OF ALBUQUERQUE TRANSIT DEPARTMENT (ABQRIDE) AND RIO METRO REGIONAL TRANSIT DISTRICT

The motion was seconded by Mr. Montoya and passed on a vote of 20 in favor and none opposed. See attendance sheet above.

Tab 5

Approval of 2021 MPO Meeting Dates

Mr. Montiel presented the MPO 2021 meeting schedule for approval. This schedule includes TPTG, TCC and MTB.

Action Taken:

Ms. Pyskoty made a motion to:

APPROVE THE 2021 MPO MEETING SCHEDULE

The motion was seconded by Lan Sena, City of Albuquerque, and passed unanimously on a vote of 20 in favor and none opposed. See attendance sheet above.

DISCUSSION AND INFORMATION ITEMS

Tab 6

Review of Future Revisions to the Community Engagement Committee Charter (Documentation will be presented at the meeting)

Jake Wolff, MRCOG Transportation Planner, presented information on the Community Engagement Committee Charter.

A lengthy discussion ensued regarding access to documents which are not included in the agenda packet.

Several members noted their concern that all informational tabs should have full attachments enclosed. Ms. Patterson was concerned about equal access, and Councilor Sena also expressed the need for equitable access through multi-lingual outreach. Some points made during the discussion are noted below.

- Commissioner Collie is concerned that revising the chairperson language is “elitist” (similar to how we’ve discussed internally that it could be exclusionary, even if it reduces the work expectation on committee members).
- Councilor Sena would like language access strategies addressed prior to any resolution to amend the charter.
- Ms. Borrego suggested that the MPO staff provide an informational update at the next MTB meeting, and postpone the introduction of a resolution until MTB members have had the opportunity to further discuss this item.

It was agreed that further work will be done on the document as well as making agenda packets more accessible to all.

Tab 7

Review of 2020 Annual Performance and Expenditure Report (APER)

Mr. Montiel presented the 2020 Annual Performance and Expenditure Report (APER). He explained that it is a document required by the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation.

Contents include a supplemental task overview, FFY 2020 Summary of federal funding expenditures, FFY 2020 cumulative consultant and vendor services summary, FFY 2020 timesheet staff hours summary, annual Title VI report for the federal fiscal year and responses to findings of the 2018 Federal Certification Review of the Mid-Region Council of Governments. The entire MRMPO 4th Quarter Report which is a cumulative quarterly report of all four federal fiscal year quarters which provides the progress and status of the all of the MPO’s work elements, quarterly financial statements, and quarterly employee timesheet summaries is appended as well.

Adjournment

The December 18, 2020 meeting of the Metropolitan Transportation Board was adjourned at 11:05 a.m.

Jack Torres, Chair
Metropolitan Transportation Board

ATTEST:

Dewey V. Cave, Executive Director



Metropolitan Transportation Board

Action Item Summary Sheet

Friday, March 19, 2021

R-21-01 MTB

Amending the

FFY 2020-2025 Transportation Improvement Program (TIP)

Background

The requests for amendments to the current Transportation Improvement Program (TIP), for the AMPA come from various entities. These amendments to the TIP have been requested as part of the quarterly amendment cycle.

MPO Staff Recommendation

All proposals meet the qualifications for a TIP Amendment and are consistent with Connections 2040 Metropolitan Transportation Plan (2040 MTP).

Public Comment

The amendment has been posted for the MPO's 15-day public review period. Any comments received will be presented at the meeting.

TPTG Recommendation

This amendment was reviewed at the last meeting of the TPTG and there was no recommendation for approval. It was determined that TCC and MTB would review the concerns regarding project A300849 and determine if that proposal should move forward with the amendment.

TCC Recommendation

This amendment was reviewed at the last meeting of the Transportation Coordinating Committee (TCC) and the amendment was modified to remove the City of Albuquerque-DMD request for FFY 2023 Surface Transportation Program-Large Urban funds for project A300849 (Albuquerque Complete Streets West). The motion to remove the line item passed 10 to 6 with 4 abstentions and is being presented to the MTB as the revised and recommended TIP amendment for the March 19th MTB meeting.

Attachment(s)

R-21-01 MTB Resolution

Attachment A - Proposed TIP Amendment

Attachment B – TIP amendment Summary

1 RESOLUTION

2 of the

3 METROPOLITAN TRANSPORTATION BOARD

4 of the

5 MID-REGION METROPOLITAN PLANNING ORGANIZATION

6 Division of the

7 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

8 (R-21-01 MTB)

9 **AMENDING THE FFY 2020-2025 TIP**
10 **TO ACCOMMODATE VARIOUS CHANGES**
11

12 **WHEREAS**, the FFY 2020-2025 Transportation Improvement Program (TIP) is
13 the TIP for the Albuquerque Metropolitan Planning Area (AMPA) and has been
14 reviewed for conformity in conjunction with the *Futures 2040, Metropolitan*
15 *Transportation Plan* and became effective October 1, 2019; and

16 **WHEREAS**, the TIP must contain all federally-funded transportation projects in
17 the metropolitan transportation planning area prior to the distribution of funds to those
18 projects; and

19 **WHEREAS**, the TIP must contain all regionally significant projects in the
20 metropolitan transportation planning area regardless of the source of funding; and

21 **WHEREAS**, the TIP may be revised in accordance with 23 CFR part 450.328.

22 **NOW THEREFORE BE IT RESOLVED** by the Metropolitan Transportation Board
23 of the Mid-Region Metropolitan Planning Organization, a division of the Mid-Region
24 Council of Governments of New Mexico, that the FFY 2020-2025 TIP for the
25 Albuquerque Metropolitan Planning Area is revised to reflect the changes as set out in

26 ATTACHMENT A.

27 **AND BE IT FURTHER RESOLVED**, the Metropolitan Transportation Board, in
28 accordance with 23 CFR 450.336, certifies that the transportation planning process is
29 being conducted in accordance with all applicable requirements of:

- 30 a) fiscal constraint required in 23 CFR 450;
- 31 b) 23 U.S.C. 134 and 135, 49 U.S.C. Section 5303 through 5306 and 5323(1)
32 and 23 U.S.C. 450.220;
- 33 c) Sections 174 and 176(c) and (d) of the Clean Air Act as amended (42 U.S.C.
34 7504, 7506(c) and (d) and 40 CFR part 93;
- 35 d) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and
36 49 CFR part 21 and the Title VI assurance executed by each State under 23
37 U.S.C. 324 and 29 U.S.C. 794;
- 38 e) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed,
39 national origin, sex, or age in employment or business opportunity;
- 40 f) Section 1101(b) of the Transportation Equity Act for the 21st Century (Pub. L.
41 105-178) regarding the involvement of Disadvantaged Business Enterprises
42 in FHWA and FTA funded planning projects (Sec. 105(f), Pub. L. 97-424, 96
43 Stat. 2100; 49 CFR, Subtitle A, Part 26);
- 44 g) 23 CFR part 230, regarding the implementation of an equal employment
45 opportunity program on Federal and Federal-aid highway construction
46 contracts;
- 47 h) The provisions of the Americans with Disabilities Act of 1990 (Pub. L. 101-
48 336, 104 Stat. 327, as amended) and U. S. DOT implementing regulation;
- 49 i) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting

- 50 discrimination on the basis of age in programs or activities receiving Federal
51 financial assistance;
- 52 j) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based
53 on gender; and
- 54 k) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR
55 part 27 regarding discrimination against individuals with disabilities;
- 56 l) The provision of 49 U.S.C. Part 20 regarding restrictions on influencing
57 certain activities;
- 58 m) 23 CFR 490, Final Rule on the Highway Safety Improvement Program;
- 59 n) 23 CFR 490 Subpart C, National Performance Management Measures for
60 Assessing Pavement Condition;
- 61 o) 23 CFR 490 Subpart D, National Performance Management Measures for
62 Assessing Bridge Condition;
- 63 p) 23 CFR 490, Final Rule on System Performance, Freight, and Congestion
64 Mitigation Air Quality (CMAQ);
- 65 q) 49 CFR 625, Transit Asset Management; and
- 66 r) 23 CFR 450.326(d), Linking the TIP to the MTP and Performance Targets.

67 **PASSED, APPROVED, AND ADOPTED** this 19th day of March 2021 by the
68 Metropolitan Transportation Board of the Mid-Region Metropolitan Planning
69 Organization, a division of the Mid-Region Council of Governments of New Mexico.

70
71
72 ATTEST: _____
Jack Torres, Chairperson
Metropolitan Transportation Board

73
74
75 _____
76 Dewey V. Cave
77 Executive Director, Mid-Region Council of Governments
Executive Director, Mid-Region Metropolitan Planning Organization

Control Number	Existing Project Title	Existing Terminus From	Existing Terminus To	Proposed Project Title	Proposed Terminus From	Proposed Terminus To	Existing Project Description	Proposed Project Description	Lead Agency	Project Type	FFY	Funding Category	Existing Fed Amt	Proposed Fed Amt	Existing State Amt	Proposed State Amt	Existing Local Amt	Proposed Local Amt	Existing Total Amt for Fund Source	Proposed Total Changes for Fund Source	Resulting Total Amt for Fund Source	WorkType							
A300849	Albuquerque Complete Streets: West	98th Street	Sarracino Place				Implementation of CABQ Complete Streets Ordinance, including ADA compliant sidewalks, pedestrian and cyclists amenities, landscaping, storm drainage improvements, pedestrian lighting or transit/bus stop improvements. UNDERWAY		City of Albuquerque-DMD	Misc																			
											2022	Local Other	\$0	\$0	\$0	\$0	\$0	\$1,000,000	\$0	\$1,000,000	\$1,000,000	04							
											2022	STP-U	\$3,000,000	\$0	\$0	\$0	\$511,236	\$0	\$3,511,236	\$0	\$3,511,236	\$0	04						
A300849											2023	STP-U	\$0	\$3,000,000	\$0	\$0	\$0	\$511,236	\$0	\$3,511,236	\$3,511,236	04							
A302331	West Central Complete Streets from Unser to 106th	106th St	Unser Blvd				Plan, design, construct improvements per the City's Complete Streets Ordinance		City of Albuquerque-DMD	Misc			\$0	\$0	\$0	\$0	\$1,000,000	(\$1,000,000)	\$1,000,000	(\$1,000,000)	\$0	04							
A301032	Alameda Drain/2nd Street Bike/Ped Trail Ph 3	4th Street at Matthew Ave	Montano Rd at 2nd St				Design and construct a paved multi-use trail along the Alameda Drain. Project includes construction management for paving, striping, signage, landscaping, crossing treatments and other appurtenances as needed. UNDERWAY		City of Albuquerque-P&R	Bike/Ped																			
											2021	STP-U	\$379,354	\$0	\$0	\$0	\$64,646	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	28
											2021	State Capital	\$0	\$0	\$0	\$200,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$200,000	\$200,000
A301032											2021	Local-Non Match	\$0	\$0	\$0	\$0	\$0	\$2,516,000	\$0	\$2,516,000	\$2,516,000	28							
A301042	Southern Blvd Reconstruction Phase II	Unser Blvd	Golf Course Rd				Final design, right of way mapping, right of way acquisition and environmental clearance of Southern Blvd.		City of Rio Rancho	Capacity Proj																			
											2020	STP-U	\$1,796,748	\$0	\$0	\$0	\$306,187	\$0	\$2,102,935	\$0	\$2,102,935	\$0	\$2,102,935	15					
A301042											2022	STP-U	\$3,587,787	(\$1,099,935)	\$0	\$0	\$611,402	(\$187,442)	\$4,199,189	(\$1,287,377)	\$2,911,812	16							
A302240	Loma Colorado Blvd extension	Northern Blvd	NM 347 Paseo del Volcan				Corridor study and alignment study.	Corridor design and Preliminary engineering.	City of Rio Rancho	Misc																			
											2022	STP-U	\$0	\$1,099,935	\$0	\$0	\$187,442	(\$187,442)	\$1,287,377	(\$1,287,377)	\$0	\$1,287,377	15						
A302240											2025	STP-U	\$1,099,935	(\$1,099,935)	\$0	\$0	\$187,442	(\$187,442)	\$1,287,377	(\$1,287,377)	\$0	18							
A300425	NM 6 Pavement Preservation West of I-25	NM 6 (MP 23.6)	West of I-25 (MP 32.6)				Pavement preservation to correct surface defects, extend pavement life and improve safety along NM 6. DESIGN		NMDOT D-3	Hwy & Brg Pres																			
											2020	NHPP	\$568,569	\$0	\$96,891	\$0	\$0	\$665,460	\$0	\$665,460	\$0	\$665,460	16						
											2021	NHPP	\$14,705,654	\$0	\$2,506,019	\$0	\$0	\$17,211,673	\$0	\$17,211,673	\$0	\$17,211,673	06						
											2021	Private	\$0	\$0	\$0	\$0	\$0	\$542,466	\$0	\$542,466	\$0	\$542,466	06						
A300425											2021	STP-Flex	\$1,472,820	(\$356,526)	\$0	\$0	\$250,986	(\$60,756)	\$1,723,806	(\$417,282)	\$1,306,524	06							
A301235	US 550 bridge rehab	bridge 8537	bridge 8540				rehabilitation of bridges 8537 and 8540 over the Rio Grande		NMDOT D-3	Hwy & Brg Pres			\$745,143.00																
A301441	NM 14 Slope Erosion Mitigation	MP 3.5 (Canoncito Rd)	MP 4.2 (north of Snowline Rd)				Slope erosion mitigation and other appurtenances as needed. UNDERWAY		NMDOT D-3	Misc																			
											2021	STP-Flex	\$0	\$120,470	\$0	\$20,530	\$0	\$0	\$0	\$0	\$141,000	\$141,000	21						
											2022	STP-Flex	\$2,068,222	\$1,831,630	\$352,450	\$312,132	\$0	\$2,420,672	\$2,143,762	\$4,564,433	04								
A301441											2022	STP-Rural	\$643,208	(\$125,773)	\$109,610	(\$21,433)	\$0	\$752,818	(\$147,206)	\$605,612	04								
A301442	NM14/NM 536/Frost Rd intersection Improvements	NM 14 / NM 536 / Frost Rd Intersection					Intersection improvements with possible reconfiguration to increase safety and decrease confusion at intersection.		NMDOT D-3	Safety																			
											2021	STP-Flex (Non-Chargeable)	\$427,200	\$0	\$72,800	\$0	\$0	\$500,000	\$0	\$500,000	15								
											2023	STP-Flex	\$2,005,432	\$389,493	\$341,750	\$66,374	\$0	\$2,347,182	\$455,867	\$2,803,049	21								
A301442											2023	STP-Rural	\$643,208	\$0	\$109,610	\$0	\$0	\$752,818	\$0	\$752,818	21								
A302201	AMPA Wide Motorist Assistance Courtesy Patrols (FFY 2021-2023)	New Project AMPA Wide					Operate courtesy patrols (H.E.L.P) AMPA Wide		NMDOT D-3	ITS-TSM																			
											2021	STP-U	\$170,880	(\$170,880)	\$29,120	(\$29,120)	\$0	\$0	\$200,000	(\$200,000)	\$0	24							
											2022	NHPP	\$427,200	\$0	\$72,800	\$0	\$0	\$500,000	\$0	\$500,000	\$0	\$500,000	24						
A302201											2023	NHPP	\$213,600	\$0	\$36,400	\$0	\$0	\$250,000	\$0	\$250,000	24								
A302100	District 3 Pavement Preservation - I-40 West of Coors	MP 149.0	MP 154.7				Pavement preservation including pavement markings, signage and other appurtenances as needed.		NMDOT D-3	Hwy & Brg Pres																			
											2021	NHPP	\$0	\$778,538	\$0	\$132,672	\$0	\$911,210	\$911,210	06									
											2021	STP-Flex	\$0	\$593,138	\$0	\$101,078	\$0	\$694,216	\$694,216	06									
											2021	STP-U	\$0	\$170,880	\$0	\$29,120	\$0	\$200,000	\$200,000	06									
											2022	NHPP	\$0	\$12,209,528	\$0	\$2,080,649	\$0	\$14,290,177	\$14,290,177	06									
											2022	NHPP	\$3,942,504	\$8,986,669	\$671,850	\$1,531,436	\$0	\$4,614,354	\$10,518,105	\$15,132,459	05								
											2022	STP-Flex	\$1,831,630	(\$1,831,630)	\$312,132	(\$312,132)	\$0	\$2,143,762	(\$2,143,762)	\$0	06								
A302120	I-40 Canyon Pavement Rehabilitation	Near Coyote Springs	Woodland Hills				Pavement rehabilitation and miscellaneous construction as needed. DESIGN UNDERWAY		NMDOT D-3	Hwy & Brg Pres																			
											2020	NHPP	\$1,036,871	\$0	\$176,695	\$0	\$0	\$1,213,566	\$0	\$1,213,566	15								
											2023	NHPP	\$0	\$6,382,361	\$0	\$1,087,631	\$0	\$7,469,992	\$7,469,992	05									
A301620	NM 337 Bridge Replacement in Chilli	Bridge # 5548					Replacement of bridge on NM 337 (Bridge Number 5548) DESIGN UNDERWAY		NMDOT CRDC	Hwy & Brg Pres																			
											2022	STP-Rural	\$0	\$125,773	\$0	\$21,433	\$0	\$0	\$0	\$147,206	\$147,206	11							
											2023	STP-Flex	\$4,272	\$0	\$728	\$0	\$0	\$5,000	\$0	\$5,000	\$0	43							
											2023	STP-Flex	\$14,149	\$0	\$2,411	\$0	\$0	\$16,560	\$0	\$16,560	\$0	16							
A301620											2023	STP-Flex	\$2,210,232	\$0	\$376,650	\$0	\$0	\$2,586,882	\$0	\$2,586,882	11								

Control Number	Existing Project Title	Existing Terminus From	Existing Terminus To	Proposed Project Title	Proposed Terminus From	Proposed Terminus To	Existing Project Description	Proposed Project Description	Lead Agency	Project Type	FED	STATE	LOCAL	Total Est. Proj Cost	FFY	Funding Category	Existing Fed Amt	Proposed Fed Amt	Existing State Amt	Proposed State Amt	Existing Local Amt	Proposed Local Amt	Existing Total Amt for Fund Source	Proposed Total Changes for Fund Source	Resulting Total Amt for Fund Source	WorkType	
																											2020
A301901	I-25 / Montgomery Blvd. Interchange Reconstructions	(Bridge# 6261)					Reconstruct interchange with bridge rehab or replacement. Design Underway		NMDOT CRDC	Hwy & Big Pres	Y	Y	Y	\$71,863,019.00	2021	NHPP	\$4,832,690	\$0	\$823,548	\$0	\$0	\$0	\$5,656,238	\$0	\$5,656,238	15	
A301901															2021	STP-U	\$1,148,110	\$0	\$195,652	\$0	\$0	\$0	\$1,343,762	\$0	\$1,343,762	15	
A301901															2022	NHPP	\$11,362,996	(\$7,274,016)	\$1,936,390	(\$1,239,579)	\$0	\$0	\$13,299,386	(\$8,513,595)	\$4,785,791	03	
A301901															2022	State Funds	\$0	\$0	\$28,278,943	\$0	\$0	\$28,278,943	\$0	\$28,278,943	\$0	\$28,278,943	03
A301901															2022	STP-Flex	\$681,006	\$0	\$116,052	\$0	\$0	\$797,058	\$0	\$797,058	\$0	\$797,058	03
A301901															2023	NHPP	\$0	\$17,663,922	\$0	\$0	\$3,010,143	\$20,674,065	\$0	\$20,674,065	\$0	\$20,674,065	03
A301901															2023	State Capital	\$0	\$0	\$22,487,632	\$0	\$0	\$22,487,632	\$0	\$22,487,632	\$0	\$22,487,632	03
A301122	I-25 & NM 6 Interchange Beautification Enhancements Phase III	I-25 Exit 203 vicinity					Erosion control, vegetation management, drainage improvements and landscaping as appropriate. MILEPOST: BEGIN 203.2 END 203.5		Village of Los Lunas	Misc	Y	Y	Y	\$1,090,776.00	2020	STP-Rural	\$35,440	\$0	\$0	\$6,039	\$0	\$41,479	\$0	\$41,479	\$0	\$41,479	15
A301122															2020	STP-Sm Urb	\$35,440	\$0	\$0	\$6,039	\$0	\$41,479	\$0	\$41,479	\$0	\$41,479	15
A301122															2021	STP-Flex	\$585,972	\$0	\$0	\$99,857	\$0	\$685,829	\$0	\$685,829	\$0	\$685,829	31
A301122															2021	STP-Rural	\$85,440	\$0	\$0	\$14,560	\$0	\$100,000	\$0	\$100,000	\$0	\$100,000	17
A301122															2021	STP-Rural	\$557,768	(\$427,200)	\$0	\$95,050	(\$72,800)	\$652,818	(\$500,000)	\$152,818	\$0	\$152,818	31
A301122															2021	STP-Sm Urb	\$59,100	\$0	\$0	\$10,071	\$0	\$69,171	\$0	\$69,171	\$0	\$69,171	31
A301350															Southeast Los Lentes Road Improvements	Morris Rd	Aspen Dr				Reconstruct roadway including new detached multi-use trail, drainage, lighting and related improvements.		Village of Los Lunas	Capacity Proj	Y	Y	Y
A301350	2021	STP-Rural	\$0	\$427,200	\$0	\$0	\$72,800	\$0	\$500,000	\$500,000	\$500,000	01															
A301350	2021	STP-Sm Urb	\$55,536	\$0	\$0	\$9,464	\$0	\$65,000	\$0	\$65,000	\$0	\$65,000	17														
A301350	2021	STP-Sm Urb	\$351,432	\$0	\$0	\$59,888	\$0	\$411,320	\$0	\$411,320	\$0	\$411,320	04														

Notes
<p>Adding Local funds in FFY 2022 and adding STP U funds in FFY 2023. There was a recommendation/ approved revision to this project by the TCC. The revision was to remove the FFY 2023 STP-U request from this TIP amendment to allow for more discussion and later programming. The motion passed 10 to 6 with 4 abstentions.</p>
<p>Removing all funding from the project</p>
<p>Adding FFY 2021 State capital outlay and Local funds.</p>
<p>Partially removing FFY 2022 STP U funds</p>
<p>Advancing the FFY 2025 STP U funds into FFY 2022</p>
<p>Partially removing FFY 2021 STP flex funds and adds Private funding.</p>
<p>Adding NHPP NC funds in FFY 2021</p>
<p>Adding FFY 2021 & 2022 STP Flex funds while partially removing FFY 2022 STP Rural</p>
<p>Adding FFY 2023 STP Flex Funds</p>
<p>Removing FFY 2021 STP-U funds</p>
<p>Adding FFY 2021 & 2022 NHPP funds. Adding 2021 Flex and STP-U funds. Adding 2022 NHFP funds and removing 2022 Flex and 2023 NHPP.</p>
<p>Adding FFY 2023 NHPP.</p>
<p>Adding FFY 2022 STP Rural funds</p>

Notes
Partially removing FFY 2022 NHPP funds and adding FFY 2023 NHPP funds
Partially removing FFY 2021 STP Rural funds. The Mile post locations have changed on both sides
Adding FFY 2021 STP rural funds



Metropolitan Transportation Board

Friday, March 19, 2021

TIP Amendment Proposal Summary FFY2020-2025 March 19, 2021

City of Albuquerque-Department of Municipal Development - 2 TIP amendment proposals

1. **Project A300849 Albuquerque Complete Streets West** - Add \$1,000,000 in local funds in Federal Fiscal (FFY) Year 2022 and \$3,000,000 of unprogrammed Surface Transportation Program funds in FFY 2023.
- There was a recommendation to modify project A300849 at the Friday, March 5, 2021 Technical Transportation Committee meeting. The motion was to remove the request for unprogrammed Surface Transportation Program Large Urban funds in FFY 2023 from R-21-01. This motion to modify the amendment passed 10 to 6 with 4 abstentions and is being presented as the recommended TIP amendment to MTB.
2. **Project A302331 West Central Complete Streets** moves FFY 2021 local funds to A300849.

City of Albuquerque-Parks and Recreation - 1 TIP amendment proposal

1. **Project A301032 Alameda Drain and Second Street Bike and Pedestrian Trail** - adding \$200,000 of state funds and \$2,516,000 of local funds to existing project.

City of Rio Rancho- 2 TIP amendment proposals

1. **Project A301042 Southern Boulevard Reconstruction Phase 2** is partially removing FFY 2022 Surface Transportation Program funds and moving them to project A302240 Loma Colorado Boulevard Extension.
2. **Project A302240 Loma Colorado Boulevard Extension** is adding FFY 2022 Surface Transportation Program funds and removing the equivalent amount in FFY 2025. This proposal advances the project in the TIP.



Metropolitan Transportation Board

Friday, March 19, 2021

NMDOT District 3 - 7 TIP amendment proposals

1. **Project A300425 NM 6 Pavement Preservation West of I-25** - Partially removing FFY 2021 Surface Transportation Flex funds and adding Private funds in FFY 2021.
2. **Project A301235 US 550 Bridge Rehab** - Adding additional Non-Chargeable National Highway Program funds to FFY 2021.
3. **Project A301441 NM 14 Slope Erosion Mitigation** – Adds FFY 2021 and 2022 Surface Transportation Flex funds and partially removes FFY 2022 Surface Transportation Rural Funds.
4. **Project A301442 NM 14, NM 536 and Frost Road Intersection Improvements** – Adds FFY 2023 Surface Transportation Flex Funds to existing project.
5. **Project A302201 Albuquerque Metro Planning Area Wide Motorist Assistance Courtesy Patrols** – Removes \$170,880 of Surface Transportation Program funds and moves them to project A302100.
6. **Project A302100 District 3 Pavement Preservation: Interstate 40 West of Coors Boulevard** – Adds FFY 2021 and 2022 National Highway Performance Program funds. Adds FFY 2021 Surface Transportation Program-Flex funds. Adds Surface Transportation Program-Large Urban funds from project A302201. Adds the new National Highway Freight Program funds in FFY 2022. Removes FFY 2022 Surface Transportation Program-Flex funds in FFY 2022 and removes FFY 2023 National Highway Performance Program funds in FFY 2023.
7. **Project A302120 Interstate 40 Canyon Pavement Rehabilitation** – Adds \$6,382,361 of FFY 2023 National Highway Performance Program funds to existing project.

NMDOT Central Regional Design – 2 TIP amendment proposals

1. **Project A301620 NM 337 Bridge Replacement in Chilili, New Mexico** – Adds \$125,773 of FFY 2022 Surface Transportation Program-Rural funds to existing project.
2. **Project A301901 Interstate 25 and Montgomery Boulevard Interchange Reconstruction** – Partially removes FFY 2022 National Highway Performance Program funds and adds FFY 2023 National Highway Performance Program funds from project A302100.

Village of Los Lunas – 2 TIP amendment proposals

1. **Project A301122 Interstate 25 and NM 6 Interchange Beautification Enhancements** – Partially removes FFY 2021 Surface Transportation Program- Rural funds and moves those funds to project A301350.
2. **Project A301350 Southeast Los Lentes Road Improvements** – Adds FFY 2021 Surface Transportation Program- Rural funds from project A301122.



Metropolitan Transportation Board

Action Item Summary Sheet

Friday, March 19, 2021

R-21-02 MTB

**COMMITTING PROGRAMMED FUNDS IN THE
FFY 2020-2025 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)
FOR THE ALBUQUERQUE METROPOLITAN PLANNING AREA TO PROVIDE
REPAYMENT OF THE FINANCIAL OBLIGATION CREATED FOR THE DESIGN AND
CONSTRUCTION OF
A301501 98th Street & Gibson Blvd. Intersection Improvements**

MPO Staff Recommendation

Staff recommends approval of this resolution.

Background

This request comes from the City of Albuquerque to "advance construct" project A301501.

See below for an explanation of the process.

Advance Construction Process (from TIP Policies & Procedures)

Advance Construction (AC) allows a lead agency to proceed with construction (or large-scale design) of a project with non-federal funds sooner than the FFY in which funds are programmed in the TIP/STIP. Advanced construction allows a lead agency to utilize non-federal funds, up-front, for a project and preserve eligibility for future federal funding for that project. At a later point, in the FFY in which the federal funds are programmed, the federal funds can be obligated for reimbursement of the federal share to the lead agency. This technique allows projects to be implemented that are eligible for federal aid when the need arises, rather than when availability of the federal funds have been programmed.

The following applies:

- The lead agency pays for the construction with the understanding that reimbursement will not occur until the federal funds become available in succeeding federal fiscal years.
- The lead agency assumes financial liability if federal funding is eliminated (by Congress) or the project ceases to be eligible to receive federal-aid.
- All federal design criteria, environmental documentation, certifications, procurement procedures, and other project level requirements remain in effect.
- AC requires a lead agency to secure a commitment that federal funds programmed in the TIP/STIP remain programmed for the project. However, the category of federal funding may be subject to change by the MPO and/or NMDOT.



Metropolitan Transportation Board

Action Item Summary Sheet

Friday, March 19, 2021

- A funding commitment from the policy board of the metropolitan planning organization (see sample resolution) for projects located within a metropolitan planning area.
- The governing body of the jurisdiction shall provide a resolution or letter committing non-federal funds to pay for the advance construction of the project with reimbursement in subsequent federal fiscal years, and with an acknowledgement the jurisdiction assumes financial liability in the event federal funding is eliminated and/or the project ceases to be eligible for federal-aid.
- The programming of federal funds may be rescheduled upon concurrence of both the MPO and the jurisdiction. (Ex. moving funds to manage the TIP and/or match the project's development timeframe.)
- The Local Government Agreement (LGA) must reflect the advance construction of the project.

TPTG Recommendation

This is a procedural item and was reviewed by TPTG.

TCC Recommendation

This is a procedural item and was reviewed by TCC.

Attachment(s)

R-21-02 MTB

1 RESOLUTION

2 of the

3 METROPOLITAN TRANSPORTATION BOARD

4 of the

5 MID-REGION METROPOLITAN PLANNING ORGANIZATION

6 Division of the

7 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

8 (R-21-02 MTB)

9 **COMMITTING PROGRAMMED FUNDS IN THE**
10 **FY 20120-2025 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**
11 **FOR THE ALBUQUERQUE METROPOLITAN PLANNING AREA**
12 **TO PROVIDE REPAYMENT OF THE FINANCIAL OBLIGATION CREATED FOR THE**
13 **DESIGN AND CONSTRUCTION OF**
14 **A301501, 98th Street & Gibson Blvd. Intersection Improvements**
15

16 **WHEREAS**, the FY 2020-2025 Transportation Improvement Program (TIP) is the
17 TIP for the Albuquerque Metropolitan Planning Area (MPA) and has been reviewed for
18 conformity in conjunction with the 2040 Metropolitan Transportation Plan and became
19 effective October 1, 2019; and

20 **WHEREAS**, the TIP must contain all federally-funded transportation projects in
21 the metropolitan transportation planning area prior to the distribution of funds to those
22 projects; and

23 **WHEREAS**, the TIP must contain all regionally significant projects in the
24 metropolitan transportation planning area regardless of the source of funding; and

25 **WHEREAS**, the adopted TIP includes federal highway funds programmed for the
26 City of Albuquerque to design and construct 98th Street and Gibson Blvd. Intersection
27 Improvements at 98th Street and Gibson Blvd (CN A301501, MPO Record # 474.3); and

28 **WHEREAS**, the City of Albuquerque has an opportunity to obtain financing to
29 advance the construction and/or design of this intersection; and

30 **WHEREAS**, obtaining such financing is contingent upon a commitment from the
31 Metropolitan Transportation Board to use federal highway funds programmed for this
32 project in Federal Fiscal Year 2023 to reimburse the City of Albuquerque; and

33 **WHEREAS**, the funds programmed for this project in the TIP are:

34 FFY 2023

35 STP-U funds of \$2,000,000 with required match of \$340,824 = \$2,340,824 total
36 for safety improvements

37 This results in a total of \$2,000,000 of federal highway funds with a total required match
38 of \$340,824 and a combined total of \$2,340,824.

39 **NOW THEREFORE BE IT RESOLVED** by the Metropolitan Transportation Board
40 of the Mid-Region Metropolitan Planning Organization of the Mid-Region Council of
41 Governments that the funds programmed for A301501 98th Street and Gibson Blvd.
42 Intersection Improvements as noted above are committed to remain programmed in the
43 TIP to provide for the repayment of the financial obligations incurred for the project by
44 the City of Albuquerque.

45 **AND BE IT FURTHER RESOLVED**, the rescheduling of such funds among the
46 Federal Fiscal Years of the TIP and changes to the category of federal funding
47 programmed may be undertaken by the Mid-Region Metropolitan Planning Organization
48 with the concurrence of the City of Albuquerque Department of Municipal Development,
49 in order to fiscally manage the TIP and/or to coordinate the funding to match the
50 project's development schedule.

51 **AND BE IT FURTHER RESOLVED**, the City of Albuquerque is hereby notified

52 and acknowledges the commitment of funds established in this resolution is dependent
53 upon the continued availability of federal funds provided by the U.S. Congress and the
54 continued eligibility of this project to receive federal funds, therefore, the City of
55 Albuquerque assumes all financial liability if federal funding is eliminated and/or the
56 project ceases to be eligible to receive federal funds.

57 **PASSED, APPROVED, AND ADOPTED** this 19th day of March 2021 by the
58 Metropolitan Transportation Board of the Mid-Region Metropolitan Planning
59 Organization of the Mid-Region Council of Governments.

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Jack Torres, Chairperson
Metropolitan Transportation Board

ATTEST:

Dewey V. Cave
Executive Director, Mid-Region Metropolitan Planning Organization
Executive Director, Mid-Region Council of Governments



Memorandum

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

Date: February 24, 2021

From: /s/ original signed by

Reply to Attn. of:
HISM-10

Hari Kalla
Associate Administrator
Office of Infrastructure

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, 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/legisregs/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.

Charter of the Community Engagement Committee (CEC) Copy of DRAFT Revisions ONLY for MTB Review

An advisory subcommittee to the Transportation Coordinating Committee (TCC) and the Metropolitan Transportation Board (MTB)

The draft revisions shown on this document are color coded by added text in blue and removed words struck-through in red. This may be difficult to decode with a screen reader. The MPO is working to improve accessibility of this working document.

I. Statement of Purpose, Roles and Responsibilities of this Subcommittee

- A. The purpose of the Community Engagement Committee (CEC) is to serve as a moderated public forum to review the public outreach process and activities of the Mid-Region Metropolitan Planning Organization (MRMPO) in order to provide advice and guidance recommendations to the TCC on matters, including the following:
- B. The purpose of the CEC is to share ideas with advise the Metropolitan Transportation Board (MTB) and the Transportation Coordinating Committee (TCC) on public involvement processes, methods, procedures, and public outreach concerns regarding the transportation planning process, plans, and programs for the Albuquerque Metropolitan Planning Area (AMPA). Including the following:
- Evaluation of the Public Participation Procedures (PPP) and provide recommendations as necessary;
 - Evaluation of the Public Outreach Plan for development of the MRMPO's long-range Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP), and other plans and studies and provide recommendations as necessary;
 - Evaluation of general outreach activities and proved recommendations as necessary;
 - Suggest various outreach methods to encourage public engagement including minority and non-English speaking residents, and low-income residents.
 - Post plan-adoption review of public outreach methods used during the plan's development with evaluation of the methodology and recommendations for improvement.
- C. This group will consider other matters referred to them by the TCC, MTB or the MRCOG Board of Directors or Executive Director.

II. Organization and Membership of this Subcommittee

- A. The M.P.O. Administrator or Executive Director shall appoint an MPO staff member to serve as the staff coordinator(s) for the committee. The staff coordinator shall work with the MRCOG Communications Officer to develop agendas, reports, present information and data, and other tasks relevant to the work of this committee.
- B. Membership of this subcommittee shall be composed of volunteer representatives holding renewable, two-year terms from various groups and positions such as:
- ~~1. The MRCOG Public Information Officer/Communications Manager;~~
 - 1.-2. Public information/public relations/public outreach staff from various member governments and agencies choosing to be represented;
 - ~~3. Staff from any news media outlet serving the region;~~
 - 2.-4. Representatives from community-based organizations located within the AMPA;
 3. 5.-Transportation related organizations;
 4. 6. Representatives from institutions of higher education; and
 5. 7. Representation from other groups the subcommittee believes would provide meaningful input.

C. The subcommittee may elect officers or choose to have the staff coordinator moderate ~~chair~~ the subcommittee meetings. Any election of officers shall be by consensus of those present to select a Chairperson and Vice Chairperson from among the representatives.

1. If a vacancy occurs in the office of Chairperson, the Vice Chairperson shall assume the duties of the Chairperson. If a vacancy occurs in the office of Vice Chairperson, the group shall select, by consensus, a new Vice Chairperson.
2. If both officers are unable to attend a meeting of this subcommittee, the lead staff coordinator shall preside over the meeting.

D. The Chairperson, Vice Chairperson or staff coordinator shall report on the activities of this subcommittee to the TCC and MTB (and other boards if requested).

III. Meeting Procedures and Consensus Process

A. This subcommittee is a moderated forum for open discussion of matters before it and development of recommendations, therefore, formal votes shall not be taken.

B. All matters brought before this committee are for the purpose of providing community insights ~~analyses and recommendations~~ to the TCC and MTB and shall not be construed to have any decision-making authority.

C. Matters brought before this committee shall strive for open and moderated discussion, and all perspectives and ideas will be recorded and reviewed during planning processes. ~~to have any recommendations on the matter agreed upon by consensus of its membership. If consensus cannot be achieved or is not practical.~~ This committee shall present to the TCC/MTB for their consideration and deliberation, a summarization of the matter, reasons and rationale supporting all viewpoints and alternatives studied.

- ~~1. "Consensus" shall be defined as all members in attendance being in favor of, abstaining, or not opposing, a recommendation or motion.~~

D. Meetings of this committee shall generally be conducted with informal discussions, presentations, and debate. At the discretion of the presiding officer or staff coordinator, the *MRCOG Rules of Procedure* may be implemented.

E. This committee shall meet at a time, location and schedule adopted by them.

1. Special meetings of this committee may be called by the Chairperson or staff coordinator, or at the direction of the TCC Chairperson, MTB Chairperson, MRCOG Board of Directors Chairperson, or the Executive Director of MRMPO.

IV. Revisions to this Charter

A. This committee may recommend revisions to this charter.

B. Any revisions to this charter shall be approved by the MTB upon recommendation of the TCC.

Approved by the Metropolitan Transportation Board
R-19-10 MTB September 20, 2019

Community Engagement Committee (C E C)

Background:

- The CEC was approved by the MTB on September 10, 2019 to gather feedback on public engagement policies and practices by MRMPO.
- In December 2020, MRMPO presented an informational item about our intention to propose charter revisions before convening this committee.
- At the December 2020 MTB Meeting, we discussed:
 - Maintaining the charter clause for committee members to run for chair and vice-chair positions.
 - Developing language and document accessibility protocols for hosting committee meetings.
 - Ensuring committee membership reflects the diversity of constituents in our region.

Community Engagement Committee (C E C)

Status Update:

- This draft of the Charter maintains the election of officers in Section II, Subsection C as discussed by the MTB in December 2020.
- MRCOG is currently developing protocols for more accessible documents and MRMPO is taking steps to expand our capacity for language accessibility resources.
- Following this meeting, MRMPO will present draft charter revisions for a 45-day period of public review.
- Feedback will be compiled and presented as an information item to the Board before we draft a resolution for consideration as an action item.

Community Engagement Committee (C E C)

Next Steps:

- In April 2021, the draft charter revisions will open for 45-day public review.
- MRMPO will propose a resolution for the MTB to consider amending the CEC Charter following review of feedback in late Spring or early Summer 2021.
- Over the summer of 2021 the staff will recruit community members to serve on the committee, implementing our accessibility protocols in this process.
- By the end of Summer 2021 the committee will host their first meeting to elect officers and review the inaugural agenda.
- The first meeting agenda will include a review of community engagement processes for the adopted *Connections 2040 MTP* and also MRCOG accessibility protocols and practices.

Community Engagement Committee (C E C)

Discussion and Questions

Contact information for the Community Engagement Committee Working Group within the Metropolitan Planning Organization:

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