

**CORPUS CHRISTI METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY COMMITTEE (TPC) REGULAR MEETING MINUTES**

May 12, 2022

1. Call to Order, Roll Call, and Quorum Determination

TPC Chair Judge Krebs called the meeting to order at 2:08 p.m.

TPC Members Present:

Judge David Krebs, San Patricio County
Mr. Charles Zahn, Jr. Port of Corpus Christi Authority
Mayor Cathy Skurow, City of Portland
Mayor Paulette M. Guajardo, City of Corpus Christi
Mr. Dan Leyendecker, Corpus Christi Regional Transportation Authority

Mr. Holt Feemster, Nueces County Assistant Attorney

MPO Staff Present: Rob MacDonald, P.E.; Craig Casper, AICP; Victor Mendieta; and Yoshiko Boulan

2. Public Comments for items not on the Agenda

None were received or offered.

3. Approval of the April 12, 2022 TPC Regular Meeting Minutes

Mr. Zahn made a motion to approve the April 12, 2022, TPC Meeting Minutes. Mayor Skurow seconded; the motion passed unanimously.

4. Special Presentation: Harbor Bridge Project Update

Ms. Lynn Allison, Public Information Manager of Flatiron/Dragados, LLC., provided an update on the Harbor Bridge Replacement Project. The project has been successfully moving forward and the expected completion date is in the late summer of 2024. The most current project information is available on harborbridgeproject.com.

5. DISCUSSION AND POSSIBLE ACTION

A. FY 2021 – 2024 Transportation Improvement Program (TIP) Amendment 5

As discussed at previous TPC meetings, the Corpus Christi MPO is anticipating an additional \$3.2 million Surface Transportation Block Grant (STBG) funding that is 100% federal funding and does not require the usual 20% local match. The Corpus Christi MPO staff has requested \$2.0 million from this STBG funds to acquire the necessary tools and data analysis for short and long-range transportation planning. The thirteen identified needs and deliverables were presented in the April TPC meeting, and is listed in the Item 5A memo. These deliverables are used for the regional transportation planning and the Corpus Christi MPO will share the acquired data and tools with partner agencies. The Corpus Christi MPO includes a project, 'implement enhanced tools and data analysis for use in short-range programming and long-range planning (MPO-067)' for this \$2.0 million. The DRAFT FY 2021-2024 TIP with Amendment 5 has been released for the required one month public comment period.

The TAC reviewed and discussed the identified needs and the additional project and recommended the TPC approve the DRAFT FY 2021-2024 TIP with Amendment 5. There was no public comment received as of May 12, 2022.

Mr. Zahn made a motion to approve the DRAFT FY 2021-2024 TIP with Amendment 5. Mr. Leyendecker seconded; the motion passed unanimously.

B. FY 2021 – FY 2022 Unified Planning Work Program (UPWP) Amendment 1

As discussed previously, the Corpus Christi MPO needs to amend the current FY 2021 – FY 2022 Unified Planning Work Program (UPWP) reflecting the additional \$2.0 million for obtaining identified needs discussed under Item 5A, the 2045 MTP After Action Report findings, new requirements under the

TPC APPROVED MINUTES

Infrastructure Investment and Jobs Act/Bipartisan Infrastructure Law (IIJA/BIL), and Planning Emphasis Areas provided by Federal Highway Administration (FHWA) and TxDOT. The primary changes are (1) realign staff time to subtasks based on the new priorities, (2) the additional \$2.0 million Surface Transportation Block Grant (STBG) as discussed in Agenda Item 5A. The DRAFT FY 2021 – FY 2022 UPWP Amendment 1 has been released for the required one month public comment period.

The TAC reviewed and discussed the identified needs, additional subtasks, and budget reallocation and recommended the TPC approve the DRAFT FY 2021 – FY 2022 UPWP Amendment 1. There was no public comment received as of May 12, 2022.

Mr. Leyendecker made a motion to approve the DRAFT FY 2021 – FY 2022 UPWP Amendment 1. Mayor Guajardo seconded; the motion passed unanimously.

C. FY 2023 and FY 2024 Unified Planning Work Program (UPWP)

The Corpus Christi MPO is required to develop the UPWP, a 2-year document laying out the Corpus Christi MPO's budget, scope, and regional transportation planning efforts and activities carried out by the Corpus Christi MPO staff for the fiscal years 2023 and 2024. The DRAFT FY 2023 and FY 2024 UPWP has been provided to the TAC and TPC for their review and comments and the TPC approved releasing the DRAFT FY 2023 and FY 2024 UPWP for one month public comment period.

The TAC reviewed, discussed, and recommended the TPC approve the DRAFT FY 2023 and FY 2024 UPWP. There was no public comment received as of May 12, 2022.

Mr. Zahn made a motion to approve the DRAFT FY 2023 and FY 2024 UPWP. Mayor Skurow seconded; the motion passed unanimously.

D. Surface Transportation Block Grant Set-Aside (STBG-SA) CAT 9 Call-For-Projects Selection

Mr. MacDonald informed the TPC that the TAC recommended to award all seven projects submitted for the STBG-SA/CAT 9 Call-for-Projects, five from the City of Corpus Christi and two from the City of Portland, totaling \$6.4 million during their April meeting. The initial Call-for-Projects was for at least \$4.5 million, however; the Corpus Christi MPO has received additional funding and rollover money to award all projects. Per FHWA and TxDOT guidance, the Sunset Lake Bike and Hike Trail project would be awarded the maximum limit of \$2 million.

After the April TAC meeting, the Corpus Christi MPO had discussions with FHWA and TxDOT regarding the eligibility of the Sunset Lake Bike and Hike Trail project for this Call-for-Projects. FHWA stated that this project is eligible for federal funds, however; ineligible for this Call-for-Projects because the project is more recreational rather than transportation and in their opinion, the Corpus Christi MPO's guidance for this Call-for-Projects states a project should be transportation rather than recreational. FHWA also noted that a trail that makes a loop within a park was mentioned as an example of ineligible project.

Mr. MacDonald handed out the e-mail from TxDOT sent on May 11, 2022 that stated FHWA's determination of ineligibility of the Sunset Lake Park Hike and Bike Trail project and TxDOT's direction to remove this project and proceed with the rest of the projects for the record as a public comment submitted for Agenda Item 5D.

Mr. MacDonald maintained the Corpus Christi MPO staff's judgement for this project's eligibility with the following reasons:

1. This proposed trail is a linear trail that links activity centers in the City of Portland and not a proposed loop trail,
2. This proposed trail is shorter and safer than the existing trail and most likely to become the primary transportation link for non-motorized users.

Mr. MacDonald explained there are two options: (1) award all seven projects as the Corpus Christi MPO staff and the TAC recommend, (2) award six projects, excluding the Sunset Lake Hike and Bike Trail project, but conducting another Call-for-Projects immediately with the revised Guidelines by removing the wording that causes this issue. These awarded projects have to go through the extensive Advanced

Funding Agreement (AFA) process with TxDOT that takes at least a year to complete and the Corpus Christi MPO staff is confident to resolve this eligibility issue by then.

Mr. Zahn expressed his concern that awarding all seven projects despite FHWA's determination may be causing other projects delayed or the Sunset Lake Hike and Bike trail project wouldn't be reimbursed.

Mayor Skurow commented that the City of Portland believes this project is eligible for this STBG-SA/CAT 9 Call-for-Projects and she would like to request a meeting with FHWA for clarification.

Mr. Leyendecker inquired how long it may take if the Option 2 is chosen and issuing another Call-for-Projects. Mr. MacDonald answered that it may take three to four months.

Mr. MacDonald agreed with Mr. Zahn's concern, however; he believes there is enough time to clarify and resolve this issue with FHWA, since the AFA, Environmental Clearance, and other steps the City of Portland is required to make as this project moves forward. These STBG-SA/CAT 9 projects are treated as a state-wide group project and there is no need to identify individual projects. These projects are listed as one group project for the FY 2023-2026 TIP and the Corpus Christi MPO can work with the City of Portland and FHWA to clarify this issue. Either Option 1, Option 2, or the hybrid or both would work.

Mayor Skurow inquired that if there is a new Call-for-Projects, the Sunset Lake Hike and Bike Trail project would be given the priority. For example, there are projects submitted more than the available funding, the Sunset Lake Hike and Bike Trail project will be selected since this project was selected for this Call-for-Projects but now it was determined as ineligible by FHWA and TxDOT. Mayor Skurow called the Deputy City Manager, Mr. Brian DeLatte who worked on the Sunset Lake Hike and Bike Trail project application.

Mr. DeLatte thanked the TPC members for their discussion on the Sunset Lake Hike and Bike Trail project. The City of Portland has been working on the concept of this project for years and there were considerable staff time and money spent for this Call-for-Project application submission process. The City of Portland believes this project is eligible; the memo distributed by the Corpus Christi MPO in December TAC meeting clearly stated that the recreational trail is eligible for the STBG-SA/CAT 9 funding. Also there are more scoring criteria on recreational features than transportation in the project selection process. Thus, this ineligibility issue was a surprise to the City of Portland.

Mr. Zahn commented that his experience with the Federal agency and funding, he has concerns that contesting FHWA's determination may be problematic to the City of Portland.

Mr. DeLatte thanked Mr. Zahn and stated that the City of Portland needs to get involved in the discussion with FHWA and clarify the project eligibility based on what the City of Portland's understanding of the Guidance. Mayor Skurow also stated that the City of Portland is not going against the FHWA, but wanted to discuss and solve this issue amicably.

Mayor Guajardo stated that this would be a simple clarification of wording and all seven projects can be started at the same time if this is clarified and resolved; she made a motion to award all seven projects if the City of Portland and Corpus Christi MPO staff discuss and clarify the eligibility with FHWA. Mayor Skurow seconded; the motion passed unanimously. All seven projects are awarded in accord with the table in the agenda item memo.

E. FY 2023 – 2026 Transportation Improvement Program (TIP)

The Corpus Christi MPO is required to develop the 4-year Transportation Improvement Program (TIP) every 2 years. The deadline to submit this Program to TxDOT is June 10, 2022 for making the final TxDOT approval expected in August. This program must list the regional transportation projects that address the performance measures and the Corpus Christi MPO's objectives. Any project which is included in the FY 2023-2026 TIP must also be listed in the 2045 Metropolitan Transportation Plan, and fiscally constrained to the funding estimates for each funding category. The Corpus Christi MPO recommended ten projects: eight projects are identified as regional priorities by the partner agencies and two projects the Corpus Christi MPO proposed (data acquisition necessary for the transportation

planning discussed under Item 5A and 5B, and a regional safety and operations project) as listed in the Corpus Christi MPO DRAFT FY 2023-2026 TIP Fiscally Constrained Project List, attachment 4.

Mr. MacDonald mentioned Mr. Leyendecker's concern on the inflation rate expressed in the April TPC meeting, and he assured that the total project cost will be updated as these projects go through the process and the accurate inflation rate will be reflected.

The TAC had a special meeting on May 3, 2022 for the final review and discussion for DRAFT FY 2023-2026 TIP and recommended the TPC release for the one month public comment period. This DRAFT FY 2023-2026 TIP is expected to be discussed and approved by the TPC on June 2, 2022 TPC meeting.

Mr. Leyendecker made a motion to approve the release of DRAFT FY 2023-2026 TIP for the one month public comment period. Mayor Skurow seconded; the motion passed unanimously.

F. Transportation Planning Director Employment Agreement Amendment No. 3

The Corpus Christi MPO TPC had an executive session during their April 12 meeting, and the Corpus Christi MPO Transportation Planning Director, Mr. MacDonald's employment agreement has been amended based on the decision made in the Executive Session. The Employment Agreement Amendment No. 3 is attached for ratification.

The Corpus Christi MPO did not receive any public comment as of May 12, 2022, and there was no public comment during the May 12, 2022 TPC meeting.

Mr. Zahn made a motion to ratify the Employment Agreement Amendment No. 3 as the TPC members discussed and agreed in the April 12, 2022 Executive Session. Mayor Guajardo seconded; the motion passed unanimously.

6. Member Agency Statements for Items of Community Interest

Mr. Zahn thanked Mayor Skurow and the Portland City Manager Mr. Wright for providing the City Hall Chambers for the TPC meeting.

7. Upcoming Meetings:

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| A. Technical Advisory Committee Regular Meeting: | May 19, 2022 |
| B. Transportation Policy Committee Regular Meeting: | June 2, 2022 |
| C. Regional Traffic Safety Task Force Meeting #3 | June 2, 2022 |

8. Adjourn: The meeting adjourned at 3:12 p.m.