



**Fresno Council
of Governments**

**2023-2024
Carbon Reduction Program (CRP)**

**FINAL PROGRAM
GUIDELINES**

May 2023

2035 Tulare Street, Suite 201
Fresno, CA, 93721
559-233-4148

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CRP PROGRAM OVERVIEW

INTRODUCTION

In November 2021, the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), was passed into law, which included the Carbon Reduction Program (CRP). The CRP provides federal funding to projects that decrease transportation emissions, which are defined as the carbon dioxide (CO₂) emissions that result from on-road, highway sources.

California receives annual apportionments of CRP over five years. The apportionments are split, with 65% as Local CRP and 35% as State CRP. Both Local and State CRP funds must be invested in alignment with the Carbon Reduction Strategy.

IIJA requires Caltrans, in partnership with the MPOs, to develop a Carbon Reduction Strategy and submit to the Federal Highway Administration for approval by November 2023. Caltrans' Carbon Reduction Strategy is currently under development. The draft Carbon Reduction Strategy will be available for public comment in July and August. Updates on the Carbon Reduction Strategy will be added to this website as it is developed.

Although IIJA allows for a variety of projects to be funded through CRP, Caltrans' Carbon Reduction Strategy directs Local and State CRP funds to be invested in projects that support bicycle and pedestrian, rail and transit, zero-emission vehicles and infrastructure, and conversions of existing lanes to priced managed lanes.

FUNDING ELIGIBILITY

Local CRP is apportioned by population throughout California based on 2020 US Census Urbanized Areas (UZA). Local CRP apportioned to UZAs within a Metropolitan Planning Organization (MPO) boundary must be programmed by the MPO and cannot be suballocated within the MPO boundary. The MPO must use a competitive, performance-driven process to select projects for CRP funds. While each MPO may set their own process and performance metrics, their process should select projects that support bicycle and pedestrian, rail and transit, zero-emission vehicles and infrastructure, and conversions of existing lanes to priced managed lanes, in alignment with Caltrans' Carbon Reduction Strategy. MPOs manage CRP funds and select which CRP projects will be funded. Local agencies compete for CRP funds and selection of projects through their MPOs. Caltrans HQ Division of Local Assistance performs eligibility review of projects selected by MPOs.

PROGRAM SCHEDULE

Once projects have been approved by the Fresno COG Policy Board, they must be included in the Federal Transportation Improvement Program (FTIP) prior to reimbursement. The 2023-24 CRP Call-For-Projects will cover a four-year program of projects in the FTIP, covering federal fiscal years 2024/25, 2025/26, 2026-27 and 2027-28. The following tentative schedule lists the major milestones for the development and adoption of the 2023-24 CRP Call-For-Projects and related FTIP and Air Quality Conformity Determination processes:

Programming subcommittee convenes to review scoring criteria and call information	April-May 2023
Guidelines, criteria, and application packet presented to TTC/PAC/Board for approval and initiation of Call-For-Projects	June 2023
Application workshop for member agencies	July 12, 2023
Regional bid project submittals due	Sept. 17, 2023
CMAQ scoring committee convenes	December 6, 2023
COG Policy Board approves recommended projects via resolution	January 2024
Projects programmed into 2023 FTIP	March-April 2024
Submittal of FTIP to Caltrans and anticipated FHWA approval of 2023 FTIP/ Conformity Analysis	Fall 2024

Project Deadlines – Per Project Appropriation Year

Federal Fiscal Year	2022	2023	2024	2025	2026
Obligation (E76) Deadline ¹	09/30/2025	9/30/2026	TBD	TBD	TBD
Expenditure Deadline	9/30/2030	9/30/2031	TBD	TBD	TBD

¹Deadline to obligate (E76) is three Federal Fiscal Years after the FFY the funds were apportioned.
(REF: Carbon Reduction Program Implementation Guidance, FHWA, p. 10, April 2022.)

PROGRAM FUNDING

DISTRIBUTION

Fresno COG will use at least 95% of its CRP apportionment to fund a CRP competitive program. The remaining apportionment may be used for projects on the current contingency list, post-programming adjustment requests, EPSP requests, or retain the funding for future programming cycles. Fresno COG will manage the remaining apportionment based on project delivery of the current federal fiscal year to ensure funds are obligated in a timely manner and will follow Fresno COG's adopted project delivery policy and procedures outlined in the associated document.

2023-24 AVAILABLE FUNDING

For the 2023-24 cycle, Fresno COG estimates that a total \$3,500,000 will be available in the funding pot. These numbers are subject to change.

As proposed to the Fresno COG Policy Board, the category targets* are as follows:

- Transit Improvements – TBD
- ZEV Technology – TBD
- CO₂ Reducing – TBD

- Active Transportation Projects (Formerly Bike/Ped) – TBD

**Funding across all categories must meet the Fresno COG cost-effectiveness commitment*

FUNDING REQUIREMENTS

Matching Requirements: CRP projects require a local match of 20%.

Authorization to Proceed and Reimbursement: Local agencies must follow Caltrans' guidance and procedures for project authorization to proceed (Chapter 3) and invoicing (Chapter 5). All guidance and procedures can be found in the Local Assistance Procedures Manual located at the following link: <https://dot.ca.gov/programs/local-assistance/guidelines-and-procedures/local-assistance-procedures-manual-lapm>

PROJECT ELIGIBILITY CRITERIA

This guidance for project eligibility is based on FHWA's Carbon Reduction Program (CRP) guidance as described in the Bipartisan Infrastructure Law (BIL) fact sheet at https://www.fhwa.dot.gov/bipartisan-infrastructure-law/crp_fact_sheet.cfm.

All projects and programs eligible for CRP funds must come from a conforming Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) and be consistent with the transportation conformity provisions contained in section 176(C) of the Clean Air Act (CAA) and the Transportation Conformity Rule. Projects need to be included in FTIPs developed by MPOs or states respectively, under the metropolitan or statewide planning regulations. Projects also need to complete the National Environmental Policy Act (NEPA) requirements and meet basic eligibility requirements for funding under titles 23 and 49 of the United States Code. Projects must comply with Americans with Disabilities Act (ADA) requirements, and provisions for Buy America.

Project applicants are either a public agency, i.e. city, county, special district, Caltrans, transit operator, transit authority or a non-profit agency with a public agency sponsorship. Successful project applicants, or their sponsors, must have executed a master agreement with Caltrans or be a Federal Transit Administration (FTA) eligible grant applicant, or have an agreement with such an eligible agency to sponsor the project.

In cases where specific guidance is not provided, the following should guide CRP eligibility decisions.

ELIGIBLE PROJECTS

- CRP funds may be obligated for projects that support the reduction of transportation emissions, including, but not limited to— [except as noted, § 11403; 23 U.S.C. 175(c)(1)]
 - a project described in 23 U.S.C. 149(b)(4) to establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems;
 - a public transportation project eligible under 23 U.S.C. 142;
 - a transportation alternative (as defined under the Moving Ahead for Progress under the 21st Century Act [23 U.S.C. 101(a)(29), as in effect on July 5, 2012]), including, but not

- limited to, the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation;
- a project described in 23 U.S.C. 503(c)(4)(E) for advanced transportation and congestion management technologies;
- deployment of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle-to-infrastructure communications equipment;
- a project to replace street lighting and traffic control devices with energy-efficient alternatives;
- development of a carbon reduction strategy developed by a State per requirements in 23 U.S.C. 175(d);
- a project or strategy designed to support congestion pricing, shifting transportation demand to nonpeak hours or other transportation modes, increasing vehicle occupancy rates, or otherwise reducing demand for roads, including electronic toll collection, and travel demand management strategies and programs;
- efforts to reduce the environmental and community impacts of freight movement;
- a project that supports deployment of alternative fuel vehicles, including–
 - acquisition, installation, or operation of publicly accessible electric vehicle charging infrastructure or hydrogen, natural gas, or propane vehicle fueling infrastructure; and
 - purchase or lease of zero-emission construction equipment and vehicles, including the acquisition, construction, or leasing of required supporting facilities;
- a project described in 23 U.S.C. 149(b)(8) for a diesel engine retrofit;
- certain types of projects to improve traffic flow that are eligible under the CMAQ program, and that do not involve construction of new capacity; [§ 11403; 23 U.S.C. 149(b)(5); and 175(c)(1)(L)]
- a project that reduces transportation emissions at port facilities, including through the advancement of port electrification; and
- any other STBG-eligible project, if the Secretary certifies that the State has demonstrated a reduction in transportation emissions, as estimated on a per capita and per unit of economic output basis. (Note: FHWA will issue guidance on how the Secretary will make such certifications.) [§ 11403; 23 U.S.C. 133(b) and 175(c)(2)]

EMISSIONS REDUCTION REQUIREMENT

Air quality improvement is defined by several distinct terms in 23 U.S.C. §149. These terms include contribution to attainment, pollution reduction, air quality benefits, and others. For purposes of this guidance, emission reductions represent this group of terms. CRP-invested projects or programs must reduce CO₂ emissions from transportation. These reductions must contribute to the area's overall clean air strategy and can be demonstrated by the assessment that is required under this guidance. States and MPOs also may consider the ancillary benefits of eligible projects, including congestion relief, safety, or other elements, when programming CRP funds, though such benefits do not alone establish eligibility.

More information is available in the Bipartisan Infrastructure Law (BIL) fact sheet at https://www.fhwa.dot.gov/bipartisan-infrastructure-law/crp_fact_sheet.cfm.

A copy of the guidance is available in Appendix A

BUY AMERICA

Buy America provisions ensure that transportation infrastructure projects are built with American-made products. That means that the Department of Transportation investments are able to support an entire supply chain of American companies and their employees. Sponsors whose projects are selected for CRP funding that require compliance with Buy America, will need to work with Caltrans Local Assistance to ensure all provisions of Buy America are met.

PROJECT SELECTION PROCESS

In administering a competitive selection process, Fresno COG will use a scoring committee to assist in evaluating project applications. The scoring committee will prioritize and rank all eligible, submitted applications based on the approved scoring criteria and category targets. The scoring committee's project recommendations will be presented to Fresno COG's TTC, PAC, and Policy Board for approval.

GENERAL PROGRAM INTENT

The CRP program provides funding for transportation projects or programs that will reduce transportation-related emissions and assist Fresno COG in meeting its local, state, and federal performance goals. The Fresno COG CRP program provides for a balanced program of transportation projects that will improve our air quality. Projects that reduce single occupancy vehicle trips, provide zero- or low-polluting transit vehicles and equipment, and promote improvements geared toward providing a more efficient and safer transportation system are emphasized. In choosing to fund CRP projects, Fresno COG can help reduce GHG. The overall CRP program is aimed to meet the performance of our long-term planning goals.

CRP SCORING COMMITTEE REPRESENTATION

1. Westside Cities
2. Eastside Cities
3. Fresno Council of Governments
4. Fresno-Clovis Metropolitan Area (rotates between Fresno and Clovis representatives)
5. Fresno County
6. Caltrans
7. San Joaquin Valley Air Pollution Control District
8. Fresno County Transit Providers (rotates between Fresno Area Express, Clovis Transit, and Fresno County Rural Transit Agency)

Note: City of Clovis and Clovis Transit will represent the two rotating positions in 2023.

GENERAL SCORING PROCESS

During the meeting of the Scoring Committee, scorers will discuss, score, and rank all projects within a category and against only projects from that category. Projects would then be funded to the target within the category. This process will repeat for all categories. The Scoring Committee reserves the

right for flexibility around the targets, to account for circumstances including, but not limited to, project costs or submitted project variability or quality.

The scoring committee has discretion to recommend partial funding, scaled options, pre-construction funding, or over subscribing the program if apportionment funds are available.

ADDITIONAL RESTRICTIONS

Per approved Fresno COG policy, non-member agencies are limited to no more than a combined 15% of the competitive amount.

PROJECT APPLICATION

The CRP project application will be available at: <https://www.fresnocoq.org/carbon-reduction-program-crp/>. Agencies may submit a maximum of two projects for consideration in the CRP competitive process.

CONTACT AND SUBMITTAL APPLICATION

Regional bid applications must be submitted by noon, Friday, Sept. 15, 2023. Applications for competitive CRP funds should include 10 hard copies and one electronic copy of each application. All correspondence should be mailed to:

Fresno Council of Governments
Attention: Robert Phipps, Deputy Director
2035 Tulare Street, Suite 201
Fresno, CA 93721

For further information on eligible projects, submittals of applications, or other questions related to the CRP program, please contact Fresno COG at 559-233-4148

PROJECT DELIVERY AND OBLIGATION REQUIREMENTS

PROJECT DELIVERY

All CRP projects must follow Fresno COG's project delivery policy and procedure document. <https://fresnocoq.wpenginepowered.com/wp-content/uploads/2023/03/Final-Draft-FCOG-Project-Delivery-Policy-and-Procedures.pdf>

Competitive projects must be delivered in the programmed year specified and within the programming years of the FTIP (covering federal fiscal years 2024/25, 2025/26, 2026/27, and 2027/28). Approval of AB 1012 requires that both State and Federal funds be used in a "timely" manner. To avoid losing any Federal or State funds to the Fresno County region, the "use it or lose it" requirements of AB 1012 place local governmental agencies in a position that they must be able to deliver their projects on time. That is, they must be able to meet their project delivery schedules as proposed and as programmed within the Federal Transportation Improvement Program (FTIP).

Because the issue of “project delivery is so important, the CRP Scoring Committee may take into consideration as a part of a project’s “subjective” evaluation score (10 points), the local agency’s ability to deliver projects in a timely manner (i.e., past performance/current ability to deliver projects rapidly).

Each agency must be able to assure that their project(s) can be delivered timely. Therefore, each application must be accompanied by a formal Council/Board/District Resolution stating that each project will meet project delivery schedules and that staff be directed to ensure that projects are timely delivered. Also included with each project application should be a financial plan and project submittal checklist. A sample resolution is attached as a guide for helping prepare the required resolution(s) and the financial plan and project submittal checklist are included in the CRP application packet.

For awarded projects that received points in the Construction-Ready Projects and/or Expedited Project Delivery categories, the following project delivery rules will apply:

- Project must be obligated within the first two years of the programming cycle and must follow Fresno COG’s adopted project delivery policy and procedures guidelines.
- No extension requests will be awarded.
- If construction for this project cannot be obligated by the awarded programming year, competitive funding will be deobligated and replaced with local funds. Deobligated funding will be added to the regional apportionment balance.

CONTINGENCY PROJECT LIST

Fresno COG will adopt a list of projects for programming the regional bid program that is financially constrained with the amount of CRP funding available. In addition, Fresno COG will include a list of contingency projects, ranked in priority order based on the project’s evaluation score. Fresno COG intends to fund projects on the contingency list should there be cost savings or if a project is deleted from the program. Projects on the contingency list may also be funded using available apportionment to ensure project delivery and regional needs of the current FFY are met. This contingency list will be in effect only until the adoption of the next programming cycle.

OBLIGATION REQUIREMENTS

Federal requirements (IIJA) – CRP, STP, CMAQ, and Federal Transit Administration (FTA) funds (among other programs) must be obligated within four years of apportionment. Funds not obligated are lost to the state.

State requirements (AB-1012) - CMAQ and STBG (formerly RSTP) funds must be obligated within three years of apportionment. Funds not obligated are lost to the region.

Regional Requirements – Fresno COG requires regional deadline requirements, including obligation, award, and invoicing deadlines, to expedite project delivery and ensure funds are not lost to the region.

FTIP AMENDMENTS

Federal regulations require adherence to the projects and schedules contained within the adopted FTIP. Amendments are used to make necessary changes to projects within the FTIP. Amendment procedures are available in Fresno COG’s FTIP document at <https://www.fresnocog.org/project/federal-transportation-improvement-program-ftip/>

SCOPE CHANGES

All projects selected under the regional bid process are selected based on the scope at time of submittal and the project sponsor will be held to fulfill the project with that scope. Fresno COG has limited options for accommodating minor scope changes, and larger scope changes of regional bid projects may face project cancellation and CRP fund revocation. Fresno COG staff strongly encourages all agencies to submit projects with the utmost confidence that the identified scope can be delivered.

PROJECT COST SAVINGS

Project savings will be returned to the overall program and will be made available in the unprogrammed apportionment balance.

A local agency may transfer any cost savings between phases within the same project but cannot exceed the awarded amount of the total project. Cost increases must follow the post-programming adjustment guidelines and requirements. Any savings at project completion must be returned to the program proportionally. An agency is still responsible to meet federal local match requirements for all phases of the project.

POST PROGRAMMING ADJUSTMENTS

Project sponsors are responsible for all cost increases and must maintain the project delivery schedule. Some cost increases may be considered through a post programming adjustment request. Post-programming adjustments may be requested for up to 15% of the programmed federal cost per phase but may not exceed \$250,000. Cost increases will be considered based on the region's apportionment availability and project delivery each FFY. Only projects that were funded through a competitive process will be eligible for a post-programming adjustment.

CRP SCORING CRITERIA RUBRIC

35-point range	GHG Emissions Reduction Project incorporates transportation control measures, reduces CO2.	
	Range Factors	Projects will be evaluated on a relative basis; (i.e., how they compare to each other) based on the submitted air pollutant reductions of carbon dioxide.
35-point range	Trip Reduction Project reduces vehicle trips and/or vehicle miles traveled (VMT).	
	Range Factors	<p>HIGH Impact: Significantly reduces vehicle trips and VMT. MEDIUM Impact: Moderately reduces vehicle trips and VMT. No Impact: Does not reduce vehicle trips or VMT.</p> <p>Projects will be evaluated on a relative basis, (i.e. how they compare to each other). The Scoring Committee may take factors such as city population, project size/scale, project cost, and/or local impact into consideration when evaluating project impact.</p> <p><i>Note: projects that increases vehicle trips and/or VMT will receive zero points.</i></p>
15-point range	Subjective Evaluation The subjective evaluation category allows the scorer the flexibility to decide that some aspect of the project that was not already considered in prior criteria should, in fact, be given consideration. The items listed under the subjective category are examples only and the list is not meant to be all-inclusive of what might be considered under subjective evaluation	
	Range Factors	<p>The scorer may consider other important factors including, but not limited to:</p> <ul style="list-style-type: none"> ▪ The prioritization importance placed on the project by the project's sponsor, support for multimodal access, and enhancing connectivity of transportation systems. ▪ Projects that minimize the loss of prime farmland, unique farmland, farmland of statewide importance, and farmland of local importance. ▪ Projects that increase safety, promote energy conservation, improves quality of life, leverages other funds, promotes system management such as supporting other modes of transportation; reduces greenhouse gas emissions, and supports Sustainable Communities Strategies. ▪ Projects designed to improve/achieve social equity and historical under-investment in disadvantaged communities. ▪ Since the issue of "timely project delivery" is so important, the CRP Scoring Committee may take into consideration, as a part of a project's "subjective" evaluation score, the local agency's ability to deliver projects on timely basis (i.e. past performance/current ability to deliver projects on schedule).
10-point range	Construction-Ready Projects Project is requesting construction funding only and is committed to the delivery requirements as described in the guidelines. Projects requesting points in this category will go through a Caltrans screening process.	
	<p><i>Note: Projects requiring waivers or other independent agency approval are excluded from this category unless applicant can demonstrate absolute certainty in delivering project on an expedited schedule.</i></p>	
	10 Points	Project is requesting funds for construction only in the first year (2024/25) of the FTIP. PE and ROW documentation should be included in the application packet.
	5 Points	Project is requesting funds for construction only in the second year (2025/26) of the FTIP. PE and ROW documentation should be included in the application packet.

5 points	<p style="text-align: center;"><i>Expedited Project Delivery</i></p> <p>Project applicant is committed to the expedited project delivery requirements as described in the guidelines.</p> <p><i>Note: Projects requiring waivers or other independent agency approval are excluded from this category unless applicant can demonstrate absolute certainty in delivering project on an expedited schedule.</i></p>
	<p>5 Points Project is committed to the expedited project delivery schedule, programmed within the first two years of the FTIP, and its subsequent delivery requirements. No documentation is required. PE and ROW phases of project may be programmed.</p>
<i>100 Total Points Available</i>	

RESOLUTION SUPPORTING DELIVERY SCHEDULE

Approval of AB 1012 requires that both State and Federal funds be used in a “timely” manner. In order to avoid losing any Federal or State funds to our Region, the “use it or lose it” requirements of AB 1012 place local governmental agencies in a position that they must be able to deliver their projects on time as proposed and as programmed within the Federal Transportation Improvement Program (FTIP).

Since the issue of “timely project delivery” is so important, the CRP Scoring Committee may take into consideration, as a part of a project’s “subjective” evaluation score (10 points), the local agency’s ability to deliver projects timely (i.e., past performance/current ability to deliver projects rapidly).

Each agency must be able to assure that their project(s) can be delivered timely. Therefore, **each application must be accompanied by a formal Council/Board/District Resolution stating that each project will meet project delivery schedules and that staff be directed to ensure that projects are delivered timely.** The attached “Sample” Resolution has been prepared as a guide for helping prepare the required resolution(s).

*Please Note: Each Council/Board/District Resolution needs to contain a list of the projects being submitted for potential CRP funding.

SAMPLE COUNCIL/BOARD RESOLUTION

BEFORE THE
(NAME OF CITY/COUNTY/DISTRICT COUNCIL/BOARD)
RESOLUTION NO. XXXX-____

In the Matter of:

Project Delivery Schedules
For Federal Transportation Project Selection
Federal Transportation Act: IIJA/BIL

RESOLUTION SUPPORTING
AND IMPLEMENTING TIMELY
USE OF FUNDING

WHERAS, AB 1012 has been enacted into State Law in part to provide for the "timely use" of State and Federal funding; and

WHEREAS, the (City/County/District) is able to apply for and receive Federal and State funding under the Federal Transportation Act; and

WHEREAS, the (City/County/District) desires to ensure that its projects (as listed or attached) are delivered in a timely manner to preclude the Fresno Region from losing those funds for non-delivery; and

WHEREAS, it is understood by the (City/County/District) that failure for not meeting project delivery dates for any phase of a project may jeopardize federal or state funding to the Region; and

WHEREAS, the (City/County/District) must demonstrate dedicated and available local matching funds; and

NOW THEREFORE BE IT RESOLVED, that the (Council/Board) hereby agrees to ensure that all project delivery deadlines for all project phases will be met or exceeded.

BE IT FURTHER RESOLVED, that failure to meet project delivery deadlines may be deemed as sufficient cause for the Fresno Council of Governments Policy Board to terminate an agency's project and reprogram Federal/State funds as deemed necessary.

BE IT FURTHER RESOLVED, that the (City/County/District) (Council/Board) does direct its management and engineering staffs to ensure all projects are carried out in a timely manner as per the requirements of AB 1012 and the directive of the (City/County/District) (Council/Board).

THE FOREGOING RESOLTION was passed and adopted by the (Council/Board) on Month, Day, and Year.

AYES:

Signed: _____

NOES:

Mayor, City of (-----)

ABSTAIN:

Chair, Board of (-----)

ABSENT:

Chair, (-----) Board

ATTEST:

I hereby certify that the foregoing is a true copy of a resolution of the (Council/Board) duly adopted at a regular meeting thereof held on the _____ day of _____ (Month), _____ (Year).

CONTACT INFORMATION

For further information on eligible projects, submittal of applications or other questions related to the CRP program, please contact Fresno COG at 559-233-4148 x 217

Please submit ten hard copies and an electronic copy for the competitive program. Please print on two sides. One copy should be loose bound- no staples. Do not use ring binders. Covers are accepted.

**Fresno Council of Governments
2035 Tulare Street, Suite 201
Fresno, CA 93721
Attention: [staff]**

Please submit all CRP Regional Bid applications by noon Friday, Sept. 15, 2023.

APPENDIX A: PROGRAM GUIDANCE UNDER IIJA

FHWA Program Guidance: The Carbon Reduction Program (CRP) under the Infrastructure Investment and Jobs Act (IIJA), otherwise known as the Bipartisan Infrastructure Law *“Implementation Guidance”* April 21, 2022.

Document can be accessed at the following link:

<https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/crp/2022/crp-guidance.pdf>

FHWA BIL CRP Program Fact Sheet:

https://www.fhwa.dot.gov/bipartisan-infrastructure-law/crp_fact_sheet.cfm