

PWP/EMP Frequently Asked Questions

Q.: *What initiated PWPs and EMPs?*

A.: PWPs and EMPs were initiated by amendments to the Texas Administrative Code (TAC). The amendments were made to TAC Rules §15.52 and §15.55.

Q.: *What should the level of authority be for a proposed PWP?*

A.: It must be either Construct or Develop authorized under Category 6 of the Unified Transportation Program (UTP).

Q.: *What type of structures can be addressed under the EMPs?*

A.: Bridge-classified structures and other structures that serve to pass drainage across and underneath the main-lane roadways, including low water crossings, can be EMPs. A low water crossing may or may not include conduits.

Q.: *What constitutes structural improvement work that is to be performed in EMPs?*

A.: Structural improvement work that is to be performed in EMPs is that work necessary to improve or correct a deficient structure. This work may include, but is not limited to, providing improved structural load capacity, improved hydraulic capacity, increased bridge width, adequate bridge rail, and adequate approach rail.

Q.: *Can EMP work be performed on bridges that are already programmed for address under Category 6?*

A.: Yes. However, on completion of the EMP, the Category 6 project should be cancelled.

Q.: *Can the participation-waived amounts from one or more PWPs be accumulated and applied to one or more EMPs?*

A.: Yes. However, the PWP agreement or agreement amendment needs to clearly reflect such a case.

Q.: *What project estimate of cost should be used in calculating the local participation amount for an agreement amendment?*

A.: A project estimate that is determined by the district as being reasonably accurate usually is equal to or approximately the final engineer's estimate.

Q.: *What project estimate of cost should be used for a new agreement?*

A.: The district's best estimate should be used.

Q.: *Can an executed PWP contract be subsequently amended to waive all or part of the Local Government's balance for a subsequent EMP?*

A.: Yes, as long as:

- the PWP project(s) has not been let to contract,
- the work on the EMP project(s) has not begun before the waiver is approved by the district engineer, and
- the EMP structure(s) is individually identified in the PWP agreement.

Q.: *Can the balance of EMP projects that are in excess of the Local Government's required participation amount be credited for future PWP projects?*

A.: No, excess EMP balances cannot be "banked" for use on subsequent PWP projects. EMPs must be specifically identified at the time the PWP is approved by the district engineer. Also, work on the EMPs cannot have begun prior to waiver approval.

Q.: *Can individual or multiple EMP projects be used to satisfy the Local Government's participation amount on individual or multiple PWP projects?*

A.: Yes, as long as:

- the work on the EMP project(s) has not begun,
- the amount of EMP work credited to a specific PWP project is clearly identified in each PWP agreement, and
- the associated PWP projects that share specific EMP projects are cross-referenced in each PWP agreement.

Q.: *Can multiple off-system bridge projects be combined in one Advanced Funding Agreement for Bridge Replacement or Rehabilitation Off the State System?*

A.: Only one off-system bridge should be addressed in each Advanced Funding Agreement for Bridge Replacement or Rehabilitation Off the State System, unless the bridges are in the same flood plain and are programmed under a single Control-Section-Job (CSJ) number.

Q.: *If a local government hires a consultant to do the engineering on an EMP, can the local government count the consultant fees as part of the EMP?*

A.: Yes, the consultant fees can count as funds the local government has put forth toward completing the EMP.