

MEMORANDUM

TO: Genesee Transportation Council Members & Alternates
FROM: James Stack, Executive Director /s/
DATE: June 6, 2018
SUBJECT: Proposed Resolution 18-21 (Authorizing the Chairman of the Genesee Transportation Council to enter into a multi-agency Agreement with the New York State Department of Transportation and the Rochester-Genesee Regional Transportation Authority regarding the Performance Management requirements of 23 CFR 450.314(h)(1))

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration published a Final Rule governing Metropolitan Planning pursuant to the requirements of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation (FAST) Act. FHWA and FTA promulgated the transportation planning requirements in Title 23 Part 450 of the Code of Federal Regulations (23 CFR).

23 CFR 450.314(h)(1) requires that "The [Metropolitan Planning Organization] MPO(s), State(s), and providers of public transportation shall jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward achievement of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS),"

On behalf of all MPOs in New York, the New York State Association of Metropolitan Planning Organizations (NYSAMPO) staff consultant collaborated with MPOs, the New York State Department of Transportation (NYSDOT), FHWA and FTA to prepare a template that can be used to satisfy this requirement.

GTC staff have used the template to prepare a draft Agreement specific to the Genesee-Finger Lakes region. This Agreement has been shared with RGRTA's Legal Counsel and with the NYSDOT MPO Bureau in Albany for review and comment.

The Agreement articulates roles and responsibilities of each party regarding the establishment of transportation Performance Measures and associated Targets, sharing information on the Targets, and reporting on progress toward achieving those Targets. Essentially, it documents the process that GTC, NYSDOT, and RGRTA are already conducting and satisfies the requirement for "specific written procedures".

NYSDOT and RGRTA have already made progress on establishing Performance Measures and associated Targets for Safety and Transit Asset Management, respectively. While GTC has the option to establish different Performance Measures and Targets, GTC chose to adopt those established by RGRTA for Transit Asset Management via Resolution 17-30 and those established by NYSDOT for Safety via Resolution 17-94. GTC has agreed to program projects in support of achieving the various Targets. NYSDOT was required to establish Performance Measures and Targets for Pavement and Bridge Condition as well as System Performance by May 20, 2018.

NYSDOT communicated these measures and targets to FHWA on May 18, 2018. GTC now has 180 days to establish its own Performance Measures and Targets or adopt those set by NYSDOT. GTC measures and targets are due by November 16, 2018 and are expected to be considered by the GTC Board at its September 6, 2018 meeting.

The requirement for "specific written procedures" was not widely realized until earlier this year. FHWA and FTA have informed the MPOs that, after May 27, 2018, they will be unable to approve Amendments to the TIP or the Long Range Transportation Plan (LRTP) until this Agreement is in place. Again, this Agreement documents the process that GTC, NYSDOT, and RGRTA are already conducting and satisfies the requirement for "specific written procedures".

The following items are provided for your consideration:

- 1. Proposed Resolution 18-21** (Authorizing the Chairman of the Genesee Transportation Council to enter into a multi-agency Agreement with the New York State Department of Transportation and the Rochester-Genesee Regional Transportation Authority regarding the Performance Management requirements of 23 CFR 450.314(h)(1))
- 2. Exhibit 1** (Proposed Performance Management Agreement between the Genesee Transportation Council, New York State Department of Transportation (NYSDOT), and the Rochester Genesee Regional Transportation Authority)

Proposed Resolution 18-21 was reviewed and recommended for your approval by the Planning Committee at its May 10, 2018 meeting.

Recommended Action:

Approve Proposed Resolution 18-21.

GENESEE TRANSPORTATION COUNCIL

RESOLUTION

Resolution 18-21 Authorizing the Chairman of the Genesee Transportation Council to enter into a multi-agency Agreement with the New York State Department of Transportation and the Rochester-Genesee Regional Transportation Authority regarding the Performance Management requirements of 23 CFR 450.314(h)(1)

WHEREAS,

1. The Governor of New York State designated the Genesee Transportation Council (GTC) as the Metropolitan Planning Organization (MPO) responsible for transportation planning in the Genesee-Finger Lakes Region, which includes Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates counties;
2. The Rochester Genesee Regional Transportation Authority (RGRTA) is the designated Tier I public transportation provider for the Rochester, NY urbanized area;
3. Title 23, Section 450.314(h) of the Code of Federal Regulations (CFR) requires MPO(s), State(s), and providers of public transportation to cooperatively determine their mutual responsibilities in carrying out the performance-based planning and programming requirements established by federal law;
4. 23 CFR 450.314(h)(1) requires that MPO(s), State(s), and providers of public transportation jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward achievement of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS);
5. GTC wishes to enter into a joint Performance Management Agreement between the Genesee Transportation Council, New York State Department of Transportation (NYSDOT), and the Rochester Genesee Regional Transportation Authority ("Agreement") as presented in Exhibit 1 of this Resolution; and
6. Said Agreement shall serve as the specific written procedures required by 23 CFR 450.314(h)(1).

NOW, THEREFORE, BE IT RESOLVED

1. That the Genesee Transportation Council hereby authorizes the Chairman of the Genesee Transportation Council to enter into a multi-agency Agreement with the New York State Department of Transportation and the Rochester-Genesee Regional Transportation Authority regarding the Performance Management requirements of 23 CFR 450.314(h)(1); and
2. That this resolution takes effect immediately.

CERTIFICATION

The undersigned duly qualified Secretary of the Genesee Transportation Council certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Genesee Transportation Council held on June 14, 2018.

Date _____

KEVIN C. BUSH, Secretary
Genesee Transportation Council

Performance Management Agreement
between
the Genesee Transportation Council,
New York State Department of Transportation (NYSDOT), and
the Rochester Genesee Regional Transportation Authority

WHEREAS, the United States Department of Transportation has promulgated transportation planning requirements in Title 23 Part 450 of the *Code of Federal Regulations* (23 CFR), and

WHEREAS, MPO(s), State(s), and providers of public transportation are required by 23 CFR 450.314(h) to cooperatively determine their mutual responsibilities in carrying out the performance-based planning and programming requirements established by federal law, and

WHEREAS, 23 CFR 450.314(h)(1) requires that “The MPO(s), State(s), and providers of public transportation shall jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward achievement of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS),” and

WHEREAS, 23 CFR 450.314(h)(2) allows for these provisions to be “Documented in some other means outside the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation,” and

WHEREAS the Genesee Transportation Council has been designated by the Governor of the State of New York as the Metropolitan Planning Organization responsible for the comprehensive, continuing, and cooperative transportation planning process for the Rochester, NY Urbanized Area, and

WHEREAS the Rochester Genesee Regional Transportation Authority (RGRTA) is the designated Tier I public transportation provider for the Rochester, NY urbanized area.

NOW, THEREFORE, BE IT RESOLVED, that the parties do hereby agree to adhere to the following for coordination to meet performance-based planning and programming requirements in accordance with 23 CFR 450 and established federal guidance.

1. Transportation performance data
 - a. NYSDOT will collect and provide Genesee Transportation Council and the Rochester Genesee Regional Transportation Authority with data used in developing statewide targets at the time the selection of the respective targets is

coordinated with Genesee Transportation Council and the Rochester Genesee Regional Transportation Authority.

- b. The Rochester Genesee Regional Transportation Authority will collect and provide Genesee Transportation Council with the data used in developing its targets for all applicable measures.
 - c. If Genesee Transportation Council chooses to set its own target for any measure, it will collect and provide NYSDOT or the public transportation provider(s) with any supplemental data used in association with the MPO target setting process, if applicable.
2. Selection of transportation performance targets
- a. The Genesee Transportation Council, NYSDOT, and the Rochester Genesee Regional Transportation Authority will coordinate to the maximum extent practicable when setting performance targets.
 - (i) Coordination will include as many of the following opportunities as deemed appropriate for the measure: in-person meetings, webinars, conference calls, and email/written communication.
 - (ii) The Genesee Transportation Council and the Rochester Genesee Regional Transportation Authority, as applicable, shall be given an opportunity to provide comments on NYSDOT statewide targets prior to NYSDOT setting statewide targets.
 - b. NYSDOT will set statewide performance targets to meet the federal performance management requirements.
 - (i) NYSDOT will provide written notice to the Genesee Transportation Council when NYSDOT sets a target. The submission of the target will begin the 180-day time period within which the Genesee Transportation Council must set its performance target.
 - c. As a Tier 1 public transportation provider(s), the Rochester Genesee Regional Transportation Authority will set performance targets to meet the federal performance management requirements for transit asset management and transit safety (pending finalization of the transit safety rule).
 - (i) The Rochester Genesee Regional Transportation Authority will provide written notice to the Genesee Transportation Council when the Rochester Genesee Regional Transportation Authority sets a target(s). The submission of the target will begin the 180-day time period within which the Genesee Transportation Council must set its performance target.

- d. The Genesee Transportation Council will set performance targets within 180 days of NYSDOT and the Rochester Genesee Regional Transportation Authority setting a target(s) by either supporting NYSDOT or the Rochester Genesee Regional Transportation Authority, or setting a separate target of their choosing for the MPO region.
 - (i) If the Genesee Transportation Council chooses to support the state target, the MPO will provide documentation in the form of a Policy Committee-approved resolution stating such to NYSDOT and the Rochester Genesee Regional Transportation Authority that the Genesee Transportation Council agrees to plan and program projects that will contribute toward achievement of the NYSDOT or the Rochester Genesee Regional Transportation Authority target(s).
 - (ii) If the Genesee Transportation Council chooses to set its own target, the MPO will develop the target in coordination with NYSDOT or the Rochester Genesee Regional Transportation Authority, respectively. The MPO will provide NYSDOT or the Rochester Genesee Regional Transportation Authority the opportunity to comment on MPO targets prior to the Genesee Transportation Council adoption of the targets. The Genesee Transportation Council will provide written notice to NYSDOT and the Rochester Genesee Regional Transportation Authority when the Genesee Transportation Council sets a target, providing the targets and the date the Genesee Transportation Council set the target.

3. Reporting of performance targets

- a. Reporting of targets and performance will be done as specified in 23 CFR 490, 49 CFR 625, and 49 CFR 673.
- b. NYSDOT will report all targets to FHWA and FTA as applicable. NYSDOT will provide written notice of these reported targets to the Genesee Transportation Council.
- c. Genesee Transportation Council will report any MPO targets to NYSDOT.
- d. NYSDOT will include information outlined in 23 CFR 450.216(f) in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.218(q) in any statewide transportation improvement program amended or adopted after May 27, 2018.
- e. The Genesee Transportation Council will include information outlined in 23 CFR 450.324(g)(3-4) in any metropolitan transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.326(d) in any transportation improvement program amended or adopted after May 27, 2018.

4. Reporting of performance to be used in tracking progress toward attainment of critical outcomes
 - a. Where available and practicable, NYSDOT will provide the Genesee Transportation Council with the statewide performance data used in developing progress reports.
 - b. If the Genesee Transportation Council sets a different target than the statewide target the MPO will provide NYSDOT with MPO-wide performance data used to develop the progress report.
 - c. Where applicable, the Genesee Transportation Council will provide data to NYSDOT for the CMAQ on-road emissions measure.
 - d. Where applicable, the Genesee Transportation Council will provide NYSDOT and the public transportation provider with a copy of the CMAQ Performance Plan prior to the required reporting date (initially October 1, 2022) per 23 CFR 490, subparts A, E, F, G & H.

5. The collection of data for the NYSDOT asset management plans for the NHS
 - a. NYSDOT will be responsible for collecting bridge and pavement condition data for the State asset management plan for the entire NHS in New York State.

Signature page

MPO Policy Committee Chair

Date

Public Transportation Provider(s), Chair or GM

Date

NYSDOT (Secretary or designee)

Date
