



ALABAMA DEPARTMENT OF TRANSPORTATION

Local Transportation Bureau

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Kay Ivey
Governor

John R. Cooper
Transportation Director

April 16, 2018

MEMORANDUM FY 2018-17

TO: Metropolitan Planning Organizations

FROM:


D.E. (Ed) Phillips, Jr., State Local Transportation Engineer

Reference: Performance Measures Agreement and Document Revision

The 23 CFR 450 requires all MPOs to “cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process.” That responsibility has recently been expanded to include the management and sharing of transportation performance data. The paragraphs below describe two new requirements of the MPO as a result of 23 CFR 450.314(h)(1).

The first requirement is to develop an agreement documenting the process. ALDOT has worked with the Alabama Division of the Federal Highway Administration (FHWA) to develop the attached agreement. This agreement should be signed by your MPO Chairperson at a regular MPO meeting by **May 27th** or at the next MPO meeting as soon as possible. Following its adoption, two signed original agreements should be returned to ALDOT for signature. Once fully executed, one original agreement will be returned to the MPO.

The second requirement relates to the MPO’s Transportation Improvement Program (TIP) and their Long-Range Transportation Plan (LRTP). If either of these documents are amended after May 27, 2018, the document **must** include the following:

- Description of performance measures and targets
- Systems Performance Report (evaluation of the targets)
- Performance Measures Agreement (described above)

If you should have any questions or comments, please contact Mr. Michael Hora, Assistant Local Transportation Bureau Chief, Planning at (334) 242-6517.

DEP:MBH/bf

Attachments

- C: Mr. John R. Cooper, Transportation Director
 Mr. Don Arkle, Chief Engineer
 Mr. Ed Austin, Assistant Chief Engineer, Policy & Planning
 Mr. Brad Lindsey, Deputy State Local Transportation Engineer
 Ms. Sonya Baker, Assistant Bureau Chief, Planning Studies
 Local Transportation Bureau MPO Staff

ALABAMA PERFORMANCE MANAGEMENT AGREEMENT

Per 23 CFR 450.314(h)

WHEREAS, the United States Department of Transportation promulgated transportation planning regulations in 23 CFR 450.314, and;

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

WHEREAS, the 23 CFR 450.314(h) requires that 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 attainment 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).

NOW, THEREFORE, BE IT RESOLVED, that the parties do hereby agree to adhere to the following coordination mechanisms to meet performance-based planning and programming requirements for highways in accordance with 23 CFR 450.314(h) and established federal guidance.

1. Development of transportation performance data
 - a. The Alabama Department of Transportation (ALDOT) will collect data used in developing statewide targets to meet the federal performance management requirements for highways¹ to include the following:
 - i. Targets for assessing the **Highway Safety Improvement Program (PM1)** for the following measures²:
 1. Number of fatalities
 2. Rate of fatalities per 100 million Vehicle Miles Traveled (VMT)
 3. Number of serious injuries
 4. Rate of serious injuries per 100 million VMT
 5. Number of combined non-motorized fatalities and non-motorized serious injuries
 - ii. Targets for assessing **Pavement and Bridge Condition for the National Highway Performance Program (PM2)** for the following measures:
 1. Percentage of pavements on the Interstate System in Good condition
 2. Percentage of pavements on the Interstate System in Poor condition
 3. Percentage of pavements on the NHS (excluding the Interstate System) in Good condition
 4. Percentage of pavements on the NHS (excluding the Interstate System) in Poor condition
 5. Percentage of NHS bridge deck area classified in Good condition
 6. Percentage of NHS bridge deck area classified in Poor condition

¹ 23 CFR Part 490

² PM1/Safety performance measures and targets are applicable to all public roads regardless of ownership or functional classification; 23 CFR Part 924

- iii. Targets for assessing performance of the **National Highway System, Freight Movement on the Interstate System and Congestion Mitigation and Air Quality Improvement Program (PM3)** for the following performance measures:
 - 1. Percent of Person-Miles traveled on the Interstate System that are Reliable
 - 2. Percent of Person-Miles traveled in the Non-Interstate System that are Reliable
 - 3. Percentage of the Interstate System Mileage providing Reliable Truck Travel Times
 - 4. Percent Change in Tailpipe CO2 Emissions on the NHS from the Calendar Year 2017³
 - 5. Annual hours of Peak-Hour Excessive Delay Per Capita
 - 6. Percent of Non-Single-Occupant-Vehicle (SOV) Travel
 - 7. Total Emissions Reduction

- iv. Targets for assessing performance of **the Transit Asset Management (TAM) Plan** for the following performance measures:
 - 1. Asset Category: Rolling Stock (All revenue vehicles)
 - a. Age- % of revenue vehicles within an asset class that have met or exceed their Useful Life Benchmark
 - 2. Asset Category: Equipment (Non-revenue vehicles)
 - a. Age- % of revenue vehicles within an asset class that have met or exceed their Useful Life Benchmark
 - 3. Asset Category: Facilities (ALDOT will only rate FTA funded facilities)
 - a. Condition- % of facilities with a condition rating below 3.0 on a FTA Transit Economic Requirement Modal (TERM) Scale
 - 4. Public Transportation agencies that are a part of the TAM will provide transit data by asset class (both revenue and non-revenue) and facilities conditions on an annual basis to ALDOT.
 - 5. Public Transportation agencies and MPOs developing their own TAM plan will provide their targets and the final report to ALDOT.

- b. Those MPOs that are currently designated as being in non-attainment or maintenance for air quality⁴ will coordinate with ALDOT on the collection and provision of data used in developing targets for the Congestion Mitigation and Air Quality (CMAQ) traffic congestion measures (Annual Hours of Peak-Hour Excessive Delay per capita and Percent Non-SOV Travel) and the Total Emission Reduction Measures.

- c. ALDOT will distribute transportation performance data used in developing statewide highway and transit targets to each Alabama MPO.
 - i. ALDOT will provide performance data each time a statewide target is established or revised, per Section 2 of this agreement.
 - ii. Where possible and practicable, ALDOT will provide performance data for each MPO planning area for purposes of tracking progress towards attainment of critical outcomes for each region's required System Performance Reports, per Section 4 of this agreement.

³ This measure and associated target will only be required if it is not repealed. Reference: Federal Register/Vol. 82, No. 215/Wednesday, November 8, 2017/ Proposed Rules; FHWA Docket No. FHWA-2017-0025.

⁴ As determined through annual *Applicability Determination: CMAQ Traffic Congestion and CMAQ On-Road Mobile Source Emissions Measures*, 23 CFR Part 490.

iii. Notwithstanding any provision of this Agreement to the contrary, the parties agree that any safety data or information protected by 23 U.S.C. §§ 148 (h)(4) and 409 and State law shall be confidential. The parties agree that all crash and traffic data used by the parties for or in transportation improvement plans, highway safety improvement programs and strategic highway safety plans will not be disclosed to third parties without the express written permission of ALDOT. The parties agree that the data shall not be referenced, disclosed, discussed or otherwise made public. The provision of the above data by ALDOT shall not be considered a waiver of 23 U.S.C. §§ 148 (h)(4) and 409 or State precedent. Upon execution of this Agreement, the parties and their agents, servants, officers, officials and employees in both their official and individual capacities, agree that the data provided pursuant to the above referenced request shall not be discussed, disclosed, used, published or released without prior written consent of ALDOT. If the data in any form should be disclosed, released or published in any manner without the consent of ALDOT or should an attempt be made to use the data in an action for damages against the parties, their officials or employees, then access to the data shall terminate immediately. ALDOT expressly reserves its right under 23 U.S.C. §§ 148 (h)(4) and 409 and State precedent to object to the use of the data and any opinions drawn from the data and to recover damages caused by the improper and unauthorized release of the data.

d. If an MPO chooses to develop its own target for any highway measure, it will collect and provide ALDOT with the performance target(s) and any supplemental data used in association with the MPO target setting process.

2. Selection of transportation performance targets

a. ALDOT and the MPOs will establish or revise performance targets in coordination with each other.

i. Coordination may include the following opportunities, as deemed appropriate, for each performance measure and target: in-person, meeting, webinars, conference calls, and email/written communication.

ii. MPOs will be given an opportunity to provide comment on ALDOT targets no less than 30-days prior to ALDOT's establishment or revision of highway targets.

iii. If an MPO chooses to set its own target, the MPO will develop the target in coordination with ALDOT. The MPO will provide ALDOT the opportunity to comment on MPO targets no less than 30-days prior to MPO adoption of targets.

b. ALDOT will select statewide performance targets to meet the federal performance management requirements for highways.

i. ALDOT will provide written notice to the MPOs when ALDOT selects a target. This notice will provide the target and the date ALDOT set the target, which will begin the 180-day time-period in which the MPO must set a corresponding performance target.

ii. If an MPO chooses to support the statewide target, the MPO will provide written documentation to ALDOT that the MPO agrees to plan and program projects that will contribute toward the achievement of the statewide highway performance target.

- iii. If the MPO chooses to set its own target, the MPO will provide ALDOT written documentation that includes the target and the date the MPO plans to adopt. Documentation will be provided no less than 30-days prior to MPO adoption of target (consistent with Section 2a).
 - c. Those MPOs currently in non-attainment or maintenance for air quality⁴ and ALDOT will coordinate to select single, unified targets for the CMAQ traffic congestion measures (Annual Hours of Peak-Hour Excessive Delay Per Capita and Percent of Non-SOV Travel) and to select mobile source emission reduction targets for their respective non-attainment areas of ozone.
3. Reporting of performance targets
- a. ALDOT will report all performance targets to the Federal Highway Administration (FHWA) as applicable and in accordance with 23 CFR Part 490 and Federal Transit Administration (FTA) as applicable and in accordance with 49 CFR Part 625.
 - i. Through the Highway Safety Improvement Program Annual Report for PM1 measures.
 - ii. Through the required Baseline, Mid and Full Performance Reports and the Transportation Asset Management Plan (TAMP) for PM2 measures.
 - iii. Through the required Baseline, Mid and Full Performance Period Reports for PM3 measures, to include CMAQ Performance Plans where applicable.
 - b. ALDOT will include a description of performance measures and performance targets, along with a System Performance Report, in accordance with 23 CFR 450.216(f) in any statewide transportation plan amended or adopted after May 27, 2018, and in accordance with 23 CFR 450.218(q) in any State Transportation Improvement Program adopted or amended after May 27, 2018.
4. Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO
- a. Each Alabama MPO will include a description of performance measures and performance targets, along with a System Performance Report, in accordance with 23 CFR 450.324(f) (3-4) in any Metropolitan Transportation Plan amended or adopted after May 27, 2018, and in accordance with 23 CFR 450.326(d) in any Transportation Improvement Program amended or adopted after May 27, 2018, for PM1 measures.
 - b. Each Alabama MPO will include a description of performance measures and performance targets, along with a System Performance Report, in accordance with 23 CFR 450.324(f)(3-4) in any Metropolitan Transportation Plan amended or adopted after May 20, 2019, and in accordance with 23 CFR 450.326(d) in any Transportation Improvement Program amended or adopted after May 20, 2019, for PM2 and PM3 measures.
 - c. Each Alabama MPO will include a description of performance measures and performance targets, along with a System Performance Report, in accordance with 23 CFR 450.324(f) (3-4) in any Metropolitan Transportation Plan amended or adopted after October 1, 2019, and in accordance with 23 CFR 450.326(d) in any Transportation Improvement Program amended or adopted after October 1, 2019, for the GHG measure.
5. A collection of data for the State asset management plans for the NHS

- a. ALDOT will be responsible for collecting pavement condition data for the NHS. This includes NHS roads that are not on the State Highway System, but instead are under the ownership of local jurisdictions, if such roads exist.

All parties agree that email communications shall be considered written notice for all portions of this agreement.

[signature page to follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by those officers and officials duly authorized to execute same, and to be effective on the date hereinafter stated as the date of its approval by the Governor of Alabama.

ATTEST: _____ MPO: _____

By: _____ BY: _____

Title: _____ Title: _____

This agreement has been legally reviewed and approved as to form and content.

By: _____
William F. Patty
Chief Counsel, Legal Bureau

RECOMMENDED FOR APPROVAL:

D.E. Phillips, Jr. P.E.
State Local Transportation Engineer

Don T. Arkle, P.E.
Chief Engineer

STATE OF ALABAMA, ACTING BY
AND THROUGH THE ALABAMA
DEPARTMENT OF TRANSPORTATION

The foregoing Agreement is hereby
executed in the name of the
State of Alabama and signed
By the Governor on the ___ day
of _____, 20__.

John R. Cooper
Transportation Director

Kay Ivey
Governor, State of Alabama