



ALABAMA DEPARTMENT OF TRANSPORTATION

Local Transportation Bureau

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Kay Ivey
Governor

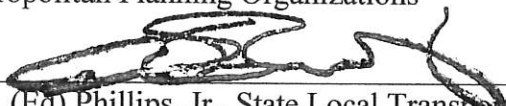
John R. Cooper
Transportation Director

May 25, 2018

MEMORANDUM FY 2018-21

TO: Metropolitan Planning Organizations

FROM:


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

Reference: Revised Performance Measures Agreement and TIP Resolution

Memorandum FY 2018-17 was sent out to the MPO's on April 16, 2018 regarding required signature of a Performance Management Agreement. After the return of this Performance Management Agreement signed only by the MPO Chairman from several MPO's, ALDOT's Legal Bureau has requested the following: indemnification language, a statement regarding the MPO not being an agent of the State, and a description on who exactly the agreement is between. Therefore, attached are two copies of the new revised Performance Management Agreements that should be signed at your next MPO policy meeting. It has been suggested that the Transit Authority within your MPO may want to also sign this agreement. This office would be more than willing to send an electronic signature page to the MPO upon request so that further signatures lines can be added as needed. Once fully executed by all parties, one original agreement will be returned to the MPO.

Also mentioned in Memorandum FY 2018-17 was a requirement related to amendments made to the Transportation Improvement Program (TIP) and Long-Range Transportation Plan (LRTP) after May 27, 2018. A resolution has been developed for the TIP by this office to help fulfill these requirements that when adopted and signed, will add a description of performance measures and targets, a systems performance report, and the Alabama Performance Management Agreement into the TIP. It is attached for your use and can be edited as needed by the MPO for the TIP. There is no need to have this resolution done for the LRTP until an amendment to the LRTP is required.

There may be concerns with regards to amending the TIP without having a fully executed Performance Management Agreement by all parties in place. The resolution mentioned above includes a statement that "proposes that the Alabama Performance Management Agreement, upon execution by the Governor, be added to the FY 2016-2019 Transportation Improvement Program". Since this will fulfill the intention of adding this agreement to the TIP, as soon as it and the resolution are signed by the MPO Chairman, future amendments will be allowed. The adoption and signing of the Performance Management Agreement and the resolution should be the first items listed on the MPO agenda. All future resolutions to the TIP or LRTP should have a statement similar to "WHEREAS, the _____ Area MPO believes that the amendments / administrative modifications listed below will support the performance targets established by the State and supported by the MPO;"

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
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
Mr. Mark Bartlett, FHWA Alabama Division Administrator
Local Transportation Bureau MPO Staff

ALABAMA PERFORMANCE MANAGEMENT AGREEMENT Per 23 CFR 450.314(h)

THIS AGREEMENT is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as STATE; and the Gadsden-Etowah Transportation Planning Organization, hereinafter referred to as MPO;

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

WHEREAS, MPO(s), the 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), the 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 STATE 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. Percent Change in Tailpipe CO2 Emissions on the NHS from the Calendar Year 2017³
4. Percentage of the Interstate System Mileage providing Reliable Truck Travel Times
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 (the STATE 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 the STATE.
 5. Public Transportation agencies and MPOs developing their own TAM plan will provide their targets and the final report to the STATE.
- b. Those MPOs that are currently designated as being in non-attainment or maintenance for air quality⁴ will coordinate with the STATE 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. The STATE will distribute transportation performance data used in developing statewide highway and transit targets to each Alabama MPO.
- i. The STATE will provide performance data each time a statewide target is established or revised, per Section 2 of this agreement.
 - ii. Where possible and practicable, the STATE 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 the STATE. The parties agree that the data shall not be referenced, disclosed, discussed or otherwise made public. The provision of the above data by the STATE 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 the STATE. If the data in any form should be disclosed, released or published in any manner without the consent of the STATE 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. The STATE 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.
 - iv. The MPO shall defend, indemnify and hold harmless the STATE of Alabama, the Alabama Department of Transportation, its officials and employees, both in their official and individual capacities, and their agents and servants from and against all claims, damages, losses or expenses thereof, including but not limited to reasonable attorneys' fees, arising out of or resulting from faults, errors, mistakes, omissions, misconduct or negligent acts or omissions of the MPO, its subconsultants, agents, or employees caused as a result of or related to the service or work provided under this AGREEMENT. The MPO shall ensure that its subconsultants, agents, or employees possess the experience, knowledge and character necessary to qualify them to perform the particular duties assigned by The MPO. This indemnity is not limited by any insurance coverage required by this AGREEMENT.
 - v. By entering into this agreement, the MPO is not an agent of the STATE, its officers, employees, agents or assigns. The MPO is an independent entity from the STATE and nothing in this agreement creates an agency relationship between the parties.
- d. If an MPO chooses to develop its own target for any highway measure, it will collect and provide the STATE 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. The STATE 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 the STATE targets no less than 30-days prior to the STATE'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 the STATE. The MPO will provide the STATE with the opportunity to comment on MPO targets no less than 30-days prior to MPO adoption of targets.
 - b. The STATE will select statewide performance targets to meet the federal performance management requirements for highways.
 - i. The STATE will provide written notice to the MPOs when the STATE selects a target. This notice will provide the target and the date the STATE 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 STATE 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 the STATE 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 the STATE 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. The STATE 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. The STATE 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. The 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. The 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. The 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. The STATE 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

RESOLUTION # _____
GADSDEN-ETOWAH MPO

AMENDING THE FY 2016-2019 TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, the Gadsden-Etowah Metropolitan Planning Organization (MPO) is the organization designated by the Governors of Florida and Alabama as being responsible, together with the States of Florida and Alabama, for implementing the applicable provisions of 23 USC 134 and 135 (amended by the FAST Act, Sections 1201 and 1202, December 2015); 42 USC 126 2000d-1, 7401; 23 CFR Parts 450 and 500; 40 CFR Parts 51 and 93; and

WHEREAS, federal regulations under the Moving Ahead for Progress in the 21st Century Act (MAP-21) and Fixing America’s Surface Transportation (FAST) Act include Performance Based Planning and Programming (PBPP),

WHEREAS, the Gadsden-Etowah MPO, at the request of the Alabama Department of Transportation, proposes that the FY 2016-2019 Transportation Improvement Program be amended to add the following language:

Performance Measures

With the passage of the Moving Ahead for Progress in the 21st Century Act (MAP-21), and following with the Fixing America’s Transportation (FAST) Act in December of 2015, the United States Department of Transportation has elected to move towards a performance-based planning process. This process refers to the application of performance management principles to achieve desired outcomes for transportation facilities.

In Alabama, the performance based planning process manifests itself in several forms. 23 CFR Part 490 requires MPOs to develop performance targets related to safety, pavement condition, bridge condition, highway reliability, freight movement, traffic congestion, and emissions reduction. 49 CFR Part 625 requires the same for transit asset management. Separately, the FAST Act recommends that performance-based planning be worked into documents such as the Transportation Asset Management Plan (TAMP), Transit Asset Management Plan (TAM), Strategic Highway Safety Plan (SHSP), Highway Safety Improvement Program (HSIP), Statewide Freight Plan, Congestion Mitigation and Air Quality (CMAQ) Performance Plan, and the Congestion Management Plan.

23 CFR 450.326 mandates that a Metropolitan Planning Organization (MPO) include performance-based planning in its Transportation Improvement Program (TIP). More specifically, the TIP should include a description of each measure and target, a systems performance report, and the performance management agreement signed by each Metropolitan Planning Organization (MPO).

Description of Performance Measures and Targets

Category	Performance Measure	Performance Target
Safety	Number of Fatalities	1,010
	Rate of Fatalities	1.49
	Number of Injuries	8,369
	Rate of Serious Injuries	12.42
	Number of Non-Motorized Fatalities & Injuries	390
Transit	% of Revenue Vehicles that Exceeded ULB*	Reduce by 10%
	% of non-Revenue Vehicles that Exceeded ULB*	Reduce by 10%
	% of Facilities with Condition Rating < 3.0	No more than 20% rated < 3.0
Assets	% Pavement in Good Condition (Interstate)	N/A
	% Pavement in Poor Condition (Interstate)	N/A
	% Pavement in Good Condition (non-Interstate)	N/A
	% Pavement in Poor Condition (non-Interstate)	N/A
	% NHS Bridges in Good Condition	N/A
% NHS Bridges in Poor Condition	N/A	

System Perform.	Reliable Person Miles on the Interstate	N/A
	Reliable Person Miles on the non-Interstate NHS	N/A
	Truck Travel Time Reliability	N/A
	Annual Hours of Peak Hour Excessive Delay	N/A
	Percent of Non-SOV	N/A
	Total Emissions Reduction	N/A

* ULB = Useful Life Benchmark

Systems Performance Report

The Systems Performance Report provides a measure of how the TIP supports the performance-based planning process. This report will evaluate the progress made towards the achievement of performance targets.

The MPO adopted safety performance targets on _____ date _____ and transit performance targets on _____ date _____. In lieu of developing their own targets, the MPO elected to support the state’s safety and transit targets as referenced in the table above. No other targets have been established to date by the MPO. The Alabama Department of Transportation (ALDOT) adopted the Statewide Freight Plan in November of 2017 and ALDOT’s Transportation Asset Management Plan (TAMP) is currently in draft form.

The MPO will support the above-mentioned targets and state plans through the Transportation Improvement Program. The MPO will address new targets as they are adopted by the State or developed by the MPO per the Alabama Performance Management Agreement. Projects not in the TIP are added by resolution, at a meeting of the MPO, and in accordance with agreements and bylaws that the MPO has in place with state and member governments. Such projects will be evaluated to determine alignment with the performance targets.

WHEREAS, the Gadsden-Etowah MPO, at the request of the Alabama Department of Transportation, proposes that the Alabama Performance Management Agreement, upon execution by the Governor, be added to the FY 2016-2019 Transportation Improvement Program.

NOW, THEREFORE, BE IT RESOLVED that the Gadsden-Etowah MPO does hereby revise the FY 2016-2019 Transportation Improvement Program (TIP) to include the above-mentioned changes.

Adopted this _____
Date

Signature, Chairman, Transportation Planning Organization

ATTEST:

Signature, Executive Director (or title)