



ALABAMA DEPARTMENT OF TRANSPORTATION

Local Transportation Bureau

1409 Coliseum Blvd., Montgomery, Alabama 36110-2060

Phone: (334) 242-6206 FAX: (334) 353-6530

Internet: <http://www.dot.state.al.us>



Kay Ivey
Governor

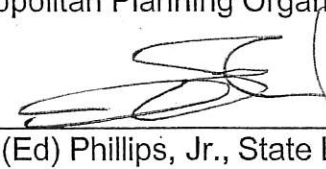
John R. Cooper
Transportation Director

December 6, 2018

MEMORANDUM 2019-3

TO: Metropolitan Planning Organizations

FROM:


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

Reference: MPO Performance Measures Schedule

Under MAP-21 and the FAST Act, Congress established national goals for the Federal-aid highway program. Those goals resulted in rulemakings that would support transportation decision making through a focus on performance on the National Highway System (NHS). This memorandum serves to coordinate the notification, adoption, and reporting of performance measures.

Earlier this year, all Metropolitan Planning Organizations (MPOs) signed and executed a Performance Management Agreement. This document is attached and outlines the roles of the State and MPO in the development of performance targets. MPOs should expect notification each time a performance target is set and will then have 180 days to adopt the State's performance targets or develop their own. Below is a chart that should help assure federal requirements are met. Adoption of targets should be by resolution. Reporting may be by administrative modification and should be in the FY 2020-2023 Transportation Improvement Program (TIP) and the FY 2045 Long-Range Transportation Plan (LRTP).

PM1		PM2 & PM3	
MPO Notification of Targets	By Aug. 31 st	MPO Notification of Targets	By May 20 th
MPO Adoption of Targets	Before Feb. 27 th	MPO Adoption of Targets	Before Nov. 16 th
MPO Adoption Cycle	Annually	MPO Adoption Cycle	Even Years
MPO Reporting	If amended after	MPO Reporting	If amended after
FY 2016 TIP; FY 2040 LRTP	5/27/2018	FY 2016 TIP; FY 2040 LRTP	5/20/2019
MPO Reporting	Original document;	MPO Reporting	Original document;
FY 2020 TIP; FY 2045 LRTP	Annually, if amended	FY 2020 TIP; FY 2045 LRTP*	Biennially, if amended
Transit		Transit Safety	
MPO Notification of Targets	By Jan. 1 st	MPO Notification of Targets	By July 19, 2020
MPO Adoption of Targets	Before July 1 st	MPO Adoption of Targets	Before Jan 20, 2021
MPO Adoption Cycle	Annually	MPO Adoption Cycle	To Be Announced
MPO Reporting	If amended after	MPO Reporting	Not Applicable
FY 2016 TIP; FY 2040 LRTP	10/01/2018	FY 2016 TIP; FY 2040 LRTP	
MPO Reporting	Original document;	MPO Reporting	If amended after
FY 2020 TIP; FY 2045 LRTP	Annually, if amended	FY 2020 TIP; FY 2045 LRTP	7/20/2020

*Additional CMAQ reporting required in FY-2020

MPOs should continue to reference the following documents in their adoption of performance measures:

- Performance Management Agreement – See attached.
- Narrative for the TIP and LRTP – Page 91 of <https://www.dot.state.al.us/ltweb/administration/pdf/2018Memorandums.pdf> provides a template for TIP and LRTP narratives, which should include a description of targets, a Systems Performance Report, and the Performance Management Agreement.
- Highway Safety Improvement Program – PM1 targets for the prior year are located here: https://safety.fhwa.dot.gov/hsip/spm/state_safety_targets/. Data used to develop PM1 targets is located here: <https://safetyportal.aladata.com/>.
- Transportation Asset Management Plan – This is available by request and provides the basis for PM2 targets.
- Performance Management Roadmap – This document contains information about the development of the PM3 targets. This information was e-mailed to MPO planners and Directors on October 24, 2018 by Ms. Toni Arrington.
- Transit Asset Management Plan – This document was e-mailed to MPO planners on October 15, 2018, by Mrs. Sonya Baker, and provides the basis for Transit performance targets.
- Transit Safety Performance Targets – Information about this upcoming performance measure is located here <https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/timeframes-performance-based-planning>. Additional information will be forthcoming.

Contact Michael Hora at 334-242-6517 or horam@dot.state.al.us with further questions.

DEP:mh
Attachments

C: Mr. Clint Andrews, Planning and Programs Team Leader, FHWA-Alabama
Ms. Linda Guin, Safety and Technology Engineer, FHWA-Alabama
Ms. Nicole Spivey, Community Planner, FTA
Mr. Michael Hora, Assistant State Local Transportation Engineer
Ms. Sonya Baker, Assistant Bureau Chief, Planning Studies
Mr. Randy Stroup, Assistant State Local Transportation Engineer
Mr. John-Michael Walker, State Safety Operations Engineer
Mr. Ben Yates, Assistant State Maintenance Engineer

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 the STATE, and the Birmingham Metropolitan Planning Organization, hereinafter referred to as the MPO.

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

WHEREAS, the MPOs, States, 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 MPOs, States, 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

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

5. Percentage of NHS bridge deck area classified in Good condition
 6. Percentage of NHS bridge deck area classified in Poor condition
- 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)
 - Age- % of revenue vehicles within an asset class that have met or exceeded their Useful Life Benchmark
 2. Asset Category: Equipment (Non-revenue vehicles)
 - Age- % of revenue vehicles within an asset class that have met or exceeded their Useful Life Benchmark
 3. Asset Category: Facilities (the STATE will only rate FTA funded facilities)
 - Condition-% of facilities with a condition rating below 3.0 on an 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 toward 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, loses 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 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 the 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 quality 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 (TAM) Plan 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.
 6. By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.

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 Alabama Performance Management 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:

REGIONAL PLANNING COMMISSION
OF GREATER BIRMINGHAM

By: William Park
Title: MPO Chairman

Charles Ball
Charles Ball
Executive Director

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

ALABAMA DEPARTMENT OF TRANSPORTATION

William F. Patty
William F. Patty
Chief Counsel, Legal Bureau

RECOMMENDED FOR APPROVAL:

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

Don T. Arkle
Don T. Arkle, P.E.
Chief Engineer

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

John R. Cooper
John R. Cooper
Transportation Director

The foregoing Agreement is hereby executed in the name of the State of Alabama and signed by the Governor on the 29 day of August 2018.

Kay Ivey
Kay Ivey
Governor, State of Alabama