



## MEMORANDUM

**TO:** TPB Technical Committee  
**FROM:** Eric Randall, TPB Transportation Engineer  
**SUBJECT:** Update on Federal Rulemaking and the Performance-Based Planning and Programming Requirements  
**DATE:** June 30, 2016

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This memorandum provides an update for the TPB Technical Committee on planning rulemaking and the performance-based planning and programming (PBPP) requirements under the federal surface transportation act Moving Ahead for Progress in the 21st Century (MAP-21) and continued in the Fixing America's Surface Transportation Act (FAST Act).

### PLANNING RULEMAKING SCHEDULE

Attached is the latest schedule for the planning rulemaking, from the June 2016 Report on DOT Significant Rulemakings.

#### Recent Rulemakings:

- Proposed System Performance Measures Rule (Congestion, Air Quality, and Freight) was published on April 22.
- The Statewide and Metropolitan Planning final rule was published on May 27, 2016.
- Proposed MPO Coordination and Planning Area Reform rule was published on June 27.

#### Upcoming Rulemakings:

- Pavement and Bridge final rules are anticipated in November 2016.
- Transit Asset Management final rule is anticipated in July 2016.
- Transit Safety final rules are anticipated to be issued from August through October 2016.

### PBPP ACTIVITIES

TPB staff is continuing collaboration with DDOT, MDOT, and VDOT, as well as with WMATA and other providers of public transportation, for each performance area. The status of each of the five areas is as follows.

#### A. Planning

The final Statewide and Metropolitan Planning Rule provides more direction and guidance on requirements for the performance-based planning and programming provisions, including forecasting performance, target-setting, documentation in the CLRP and TIP, and an annual System Performance Report. TPB staff are working to review the final rule and identify how to implement the new requirements.

A related proposed rulemaking on MPO Coordination and Planning Area Reform was published on June 27. The rulemaking would require MPOs that share an urbanized area to submit only one TIP,

one long range plan, and one set of performance measures and targets for the contiguous area expected to be urbanized within 20 years. It is possible this rulemaking could affect the TPB relationship with C-SMMPO, FAMPO, and BRTB with respect to the proposed emphasis on urbanized area boundaries as opposed to municipal boundaries for Metropolitan Planning Areas (MPAs). Comments are due by August 26, and TPB staff may prepare and submit formal comments.

## **B. Highway Safety**

TPB staff held a call with State DOTs on June 9 to discuss the Highway Safety area, including the collection of data for the “fifth” non-motorized safety measure.

## **C. Highway Conditions**

Publication of the final rules for highway pavement condition and bridge condition rulemaking is anticipated in November 2016.

TPB staff are analyzing the 2015 National Bridge Inventory data and will have results by jurisdiction in coming months. The 2015 Pavement data will be available in October. TPB staff will provide an updated analysis of highway condition data for the TPB planning area in the coming months and coordinate another conference call with State DOTs.

## **D. Congestion / System Performance**

TPB staff held a call with State DOTs on June 24 to discuss this lengthy and complex draft rulemaking, with both highway congestion data and CMAQ project data discussed.

TPB staff are developing formal comments on the proposed rulemaking for submission to FHWA, due by August 20. Specific comments will likely address:

- Setting of targets for urbanized areas versus metropolitan planning areas.
- Method of calculation of average truck speed
- Threshold for uncongested freight movement on Interstates
- Threshold for excessive delay on Interstate and other NHS roads

TPB staff are also evaluating the analysis of performance for these proposed performance measures. Several of the measures need data that are currently unavailable (e.g., speed limit for every road segment) or action by the State DOTs (e.g., establishing desired travel time for each road segment). TPB staff are coordinating with State DOTs on collecting or determining this data. The next step will be to conduct sensitivity analysis on several proposed metrics to determine the impact on regional performance.

## **E. Transit Assets and Safety**

The final transit safety rules are not expected until August to October, when it is anticipated they will be published over several months.

The final transit asset management rule is anticipated in July 2016. A special requirement of this rule is for transit agencies to set targets within 90 days of the final rule, which implies by October 2016. While data reporting will not be required until one year after publication, the requirement to set targets indicates transit agencies should have some initial calculations of their performance for the four groups of performance measures, age of transit vehicles and equipment and the condition of facilities and runningway infrastructure.

# Rulemaking Schedule

	Planning Rules <i>USDOT Significant Rulemaking Report, as of June 2016</i>	Proposed Rulemaking	Final Rulemaking
Planning	<ul style="list-style-type: none"> <li>• Statewide and Metropolitan and Non-metropolitan Planning</li> </ul>	June 2014	May 27, 2016
Highway Safety	<ul style="list-style-type: none"> <li>• Safety Performance Measure Rule</li> <li>• Highway Safety Improvement Program (HSIP)</li> </ul>	March 2014	March 2016
Highway Conditions	<ul style="list-style-type: none"> <li>• Pavement and Bridges Performance Measurement</li> <li>• Asset Management Plan</li> </ul>	January/February 2015	<i>December 1, 2016</i>
Congestion / System performance	<ul style="list-style-type: none"> <li>• System Performance Measures Rule (NHS, Freight and CMAQ)</li> </ul>	April 2016	<i>January 2017</i>
Transit	<ul style="list-style-type: none"> <li>• Transit Asset Management</li> <li>• National Public Transportation Safety Plan</li> <li>• Public Transportation Agency Safety Plan</li> </ul>	September 2015 (Transit Asset) February 2016 (Transit Safety)	<i>July 15, 2016 (Transit Asset) October 2016 (Transit Safety)</i>



**TPB STAFF – PBPP ACTIVITIES CALENDAR**

6/30/2016

**Performance Based Planning and Programming Calendar - July 2016-January 2017**

	<b>Jul-16</b>	<b>Aug-16</b>	<b>Sep-16</b>	<b>Oct-16</b>	<b>Nov-16</b>	<b>Dec-16</b>	<b>Jan-17</b>
<b>Planning</b>	Discuss MOU and coordination rule with DOTs	Review obligation report. Comments due Coordination NPRM by 8/26.	Brief TPB on Planning rule	Develop MOU on performance measures. Discuss with DOTs, TAs, MPOs	Begin developing new TIP format for PBPP. Discuss with DOTs, TAs, others		
<b>Congestion / System performance</b>	Discuss comments w State DOTs. Identify info needed from DOTs.	Comments due by 8/20. Review DOT CMAQ inputs.	Work w DOTs to develop needed data (speed limits, desired peak hour travel time)	Conduct sensitivity tests with proposed metrics for the planning/urbanized area.			Final rule might be published.
<b>Highway Safety</b>	Work w DOTs to get non-motorized data.	Get 2015 data for all measures. Prepare updated performance for MPA					
<b>Highway Conditions</b>	Complete 2015 Bridge analysis.	Conduct Bridge condition analysis by Jurisdiction		2015 Pavement data available for analysis. Review MD section data for use in previous years analysis	Final rule anticipated.		
<b>Transit Safety and Assets</b>	Transit Asset Management final rule anticipated.	Work with WMATA, PRTC, and other transit agencies as required.	Transit Safety final rules anticipated.	Transit Agencies approve asset targets.	Compile Transit Agency asset submittals. Prepare MPO transit asset report	Compile and analyze Transit Agency safety data.	