



MAP-21 Rulemaking on Statewide and MPO Planning and Representation by Transit Agencies on the MPO Board

TPB Technical Committee
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Item 4

Implementation of MAP-21

The federal surface transportation act, Moving Ahead for Progress in the 21st Century Act (MAP-21), was signed in July 2012.

- Although MAP-21 continued many of the provisions of earlier surface transportation acts, it included some changes and new provisions.
- The thrust of these changes and new provisions was to mandate a performance-based approach to state and metropolitan transportation planning processes.

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are now jointly issuing proposed rules to make the regulations governing the development of metropolitan transportation plans and programs consistent with MAP-21 statutory requirements.

- The FHWA and FTA are asking for comments on the new proposed planning rules by September 2nd.

Interrelated MAP-21 Rule Making

In addition to the proposed planning rules, FHWA and FTA are and will be issuing 11 rules on MAP-21 performance provisions in five major areas. These areas are:

- Statewide and Metropolitan Planning Rule
- Highway Safety
 - Safety Performance
 - HSIP (Improvement Program and Program Grants Rule)
- Highway Conditions
 - Pavement and Bridges
 - Asset Management
- Congestion and System Performance
 - Congestion Mitigation and Air Quality Performance (CMAQ)
- Transit Performance
 - Safety (National Program, Agency Plan, and Management Systems)
 - Asset Management

FHWA/FTA Policy Guidance on MAP-21 MPO Representation

On June 2, FHWA and FTA jointly released final guidance on the new MAP-21 requirement that providers of public transportation be represented on the MPO policy board.

- This guidance stems from the MAP-21 requirement that FTA establish safety and state of good repair performance measures and require each provider of public transportation to establish performance targets in relation to these performance measures.
- The performance targets established by transit providers to address the transit safety and asset management performance measures must be coordinated with MPO performance targets relating to safety and the state of good repair.
- Further, the MPO must describe in its plan the performance measures and targets used to assess the performance of the transportation plan and describe in its Transportation Improvement Plan (TIP) the anticipated effects of programs included in the TIP toward the achievement of highway and transit performance targets.

Public Transportation Representation on the TPB

The TPB has long included WMATA as a voting member and the interests of other public transportation providers are represented by their parent jurisdiction.

- Public transportation provider representatives also sit on the TPB Technical Committee and participate in the TPB's Regional Bus Subcommittee.

MAP-21 requires representation by providers of public transportation on the policy board of each metropolitan planning organization (MPO).

- This requirement is intended to formally include public transportation providers in the implementation of the MAP-21 performance-based approach to transportation decision-making.

Needed Response to Policy Guidance by the TPB

The TPB as an MPO with multiple providers will need to develop a formal procedure for representation that considers the needs of all eligible providers, including selection of the public transportation representative and agreement on their role and responsibilities.

- The TPB will need to cooperate with the eligible providers to determine how it will include representation. Guidance examples include: collective appointment, rotating position, or proportional representation.
- The guidance also recommends that the public transportation representative “should not also attempt to represent other entities on the MPO.”

Defining “Public Transportation Providers”

- *“A representative of a provider of public transportation that operates in a TMA should be eligible to be a designated recipient, a direct recipient, or a sub-recipient of the Urbanized Area Formula funding program.”*
- At first glance, appears to offer representation to most transit agencies in the region, including commuter rail, heavy rail, (future other rail), local bus, paratransit, para-taxi, and vanpool operators.
- Key phrases lack precise definition:
 - ***Provider of public transportation.*** Not defined, though Planning Rule notes that “public transportation operator” replaced by “providers of public transportation” in statute.
 - ***Designated, direct, or sub-recipient of UAZ funds.*** Receives Section 5307 funds, directly from FTA or as disbursed by another agency.
 - ***Eligible.*** Not defined.
 - Reports National Transit Database (NTD) data?
 - Does not have to be receiving funds, but eligible to do so = any provider of public transportation that a) has procedures and processes that meet federal law, and b) that is included in planning process and TIP?
 - Agency designated by Governor or Direct Recipient?

Public Transportation Service in the NCR: 2012

NTD Data: rail, bus, paratransit, vanpool

Washington Metropolitan Area Transit Authority	87.308%
Ride-On Montgomery County Transit	5.655%
Fairfax Connector Bus System	2.243%
Virginia Railway Express	0.968%
City of Alexandria	0.898%
Prince George's County Transit	0.874%
Potomac and Rappahannock Transportation Commission	0.709%
Arlington Transit - Arlington County	0.541%
Loudoun County Commuter Bus Service - Office of Transportation Services	0.271%
Transit Services of Frederick County	0.187%
City of Fairfax CUE Bus	0.187%
County Commissioners of Charles County, MD	0.159%
National Capital Region Transportation Planning Board	0.000063%
	100.000%


Recommended Next Steps for Public Transportation Representation on the TPB

Recommended next steps to develop a process for representation of providers of public transportation:

- Convene meeting of eligible providers of public transportation and other stakeholders to discuss and develop a process for representation in accordance with final FHWA/FTA guidance.
- Adopt a board resolution at the TPB's September meeting describing the process and how it will be implemented to meet the guidance.
- Additional actions in the guidance will be addressed subsequently:
 - Adopt bylaws that describe the establishment, role and responsibilities of the designated representative.
 - Amend the January 16, 2008 Memorandum of Understanding (MOU) on Transportation Planning Responsibilities for the National Capital Region.

July 11 *Webinar* – Initial discussion on public transportation representation

- Webinar: Friday, July 11, 10:30 to noon
- Purpose: Review the federal requirement and guidance, additional guidance from federal and AMPO outreach, and next steps for the TPB.
- Invitation: Initial announcement sent out June 26. Requests further dissemination to appropriate contacts.



Proposed Rulemaking for *Metropolitan and Statewide Planning Regulations*

Proposed Statewide and Metropolitan Planning Rule

MAP-21 requires “*a transition to performance driven, outcome-based approaches*” for the federal highway and transit programs.

The proposed Planning Rule provides for the implementation of performance management within the planning process.

- The basic framework of the planning process is largely untouched.
- However, it changes the planning process by requiring States, MPOs, and providers of public transportation to link investment priorities to the achievement of performance targets.
 - Over the next year, FHWA/FTA will be publishing rulemakings on the required performance measures and the process for States and MPOs to set targets and report performance.
 - Once the performance targets are selected, the transportation plan will need to (1) describe the targets, (2) evaluate the condition of the transportation system in relation to the targets and (3) report on the achievement of the performance targets. The TIP will also need to describe the anticipated effects of investment priorities in achieving the targets.
- The Planning Rule will come into effect 2 years after the publication of final rulemaking – anticipated effective date in mid-2017.

Planning for Performance Management

The proposed performance management framework created by MAP–21 requires the following:

- Coordination between States, MPOs, and public transportation providers in selecting performance targets.
- Integration of elements of other performance-based plans into the metropolitan planning process, including the:
 - Congestion Mitigation and Air Quality Improvement (CMAQ) Program Performance Plan,
 - Strategic Highway Safety Plan,
 - Public Transportation Agency Safety Plan,
 - Highway and Transit Asset Management Plans,
 - State Freight Plan.

Reporting on Performance Provisions

The Planning Rule proposes added requirements for:

- Discussion in the metropolitan Transportation Improvement Program (TIP) documenting how the programs are designed to achieve targets.
- New system performance reporting in the metropolitan transportation plan.

The extent of these performance reporting requirements is still under development as part of other rulemakings.

- The first of the proposed rules released for comment, the Safety Performance and the Highway Safety Improvement Performance rules, propose specific performance measures and lay out a process for data collection, trend analysis, and target setting.
- Future performance rules, particularly for Highway Asset Management and Transit Asset Management, are likely to be complex and require considerable technical effort.

Other items in the Planning Rule

The Planning Rule also offers optional frameworks for planning purposes.

- States and MPOs may develop programmatic mitigation plans to address the environmental impacts of transportation projects in an integrated plan (i.e., wetlands, parks, habitats, human resources, mitigation strategies, etc.) and speed the delivery of projects.
- MPOs may use voluntary scenarios during development of long-range plans. The suggested framework includes consideration of scenario performance impacts against targets.

Other items include changes to the structure of MPOs (e.g., public transportation representation) and for Statewide planning a new emphasis on nonmetropolitan transportation planning.

Over the next months, staff will review the Planning Rule and participate in outreach events by the federal agencies and interest groups as AMPO and AASHTO.

Questions?



MAP-21

Putting Performance into Action

Transportation Performance Management Process



Moving Ahead for Progress in the 21st Century Act (MAP-21) creates a performance-based and multimodal program to strengthen the U.S. transportation system. By focusing on national goals, increasing accountability, and improving transparency, these changes will improve decision-making through better informed planning and programming.

The U.S. Department of Transportation (USDOT) is implementing the new MAP-21 performance requirements through a number of rulemakings released in several phases.

Resources:

www.dot.gov/map21
www.fhwa.dot.gov/tpm/

Contact Us:

Performancemeasuresrulemaking@dot.gov



USDOT Implementation of MAP-21 Performance Provisions: Eleven Interrelated Rules

2014

2015

Planning		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Metropolitan and Statewide Planning Rule	<ul style="list-style-type: none"> Establish a performance-based planning process at metropolitan and state level. Define coordination in the selection of targets, linking planning and programming to performance targets. 								
Highway Safety									
Safety Performance Measure Rule	<ul style="list-style-type: none"> Propose and define fatalities and serious injuries measures, along with target establishment, progress assessment and reporting requirements. Discuss the implementation of MAP-21 performance requirements. 								
Highway Safety Improvement Program (HSIP) Rule	<ul style="list-style-type: none"> Integration of performance measures, targets, and reporting requirements into the HSIP. Strategic Highway Safety Plan updates. 								
Highway Safety Program Grants Rule * <small>* Interim Final Rule issued by NHTSA in January 2013.</small>	<ul style="list-style-type: none"> State target establishment and reporting requirements. Highway safety plan content, reporting requirements, and approval. 								
Highway Conditions									
Pavement and Bridge Performance Measure Rule	<ul style="list-style-type: none"> Propose and define pavement and bridge condition measures, along with minimum condition standards, target establishment, progress assessment and reporting requirements. 								
Asset Management Plan Rule	<ul style="list-style-type: none"> Contents and development process for asset management plan. Minimum standards for pavement and bridge management systems. 								Anticipated Coordinated Performance Measure Effective Date
Congestion/System Performance									
System Performance Measure Rule	<ul style="list-style-type: none"> Define performance of the interstate system, non-interstate national highway system, and freight movement on the interstate system. Finalize interpretation of scope of CMAQ performance requirements, including congestion and on-road mobile source emissions. Summarize MAP-21 highway performance measure rules 								
Transit Performance									
Transit Asset Management Rule	<ul style="list-style-type: none"> Define state of good repair and establish state of good repair performance measures Require transit providers to set targets and report on progress Transit asset management plans 								
National Transit Safety Program Rule	<ul style="list-style-type: none"> Define transit safety criteria and standards Include definition of state of good repair 								
Transit Agency Safety Plan Rule	<ul style="list-style-type: none"> Transit safety plan content and reporting requirements Target setting requirements for transit agencies and States 								
Transit Safety Management Systems <small>The Federal Transit Administration has issued an Advance Notice of Proposed Rulemaking (ANPRM), which closes January 2, 2014.</small>	<ul style="list-style-type: none"> Safety Policy, Safety Assurance, and Safety Promotion Hazard Analysis & Safety Risk Management 								

Indicates the comment period