



## **MEMORANDUM**

**TO:** TPB Technical Committee  
**FROM:** Eric Randall, TPB Transportation Engineer  
**SUBJECT:** Update on the Development of MAP-21 Performance Measures  
**DATE:** April 29, 2016

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This memorandum provides an update for the TPB Technical Committee on performance provisions rulemaking 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).

### **PERFORMANCE RULEMAKING SCHEDULE**

Attached is the latest schedule for the performance provisions rulemaking, from the April 2016 Report on DOT Significant Rulemakings.

#### Recent Rulemakings:

- Transit Safety proposed rule was published on February 5.
- Highway Safety Improvement Program and Performance Measures final rules were published on March 15.
- System Performance Measures Rule (Congestion, Air Quality, and Freight) was published on April 22.

#### Upcoming Rulemakings:

- Statewide and Metropolitan Planning final rule is anticipated in May 2016.
- Transit Asset Management final rule is anticipated in July 2016.

### **STATUS OF PERFORMANCE PROVISIONS**

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 is anticipated in May. It is anticipated the rule will provide more direction and guidance on requirements for the performance provisions, including forecasting performance, target-setting, documentation in the CLRP and TIP, and an annual System Performance Report.

Minor changes in planning requirements (e.g., consideration of intercity buses) have been made as part of the FAST Act, which otherwise did not include any changes in the performance provisions. TPB staff are working to review these changes and identify how to implement the new requirements, ahead of their formal publication in the final planning rule.

## **B. Highway Safety**

The Highway Safety Improvement Program and Performance Measures final rules published in March have some changes from the draft rules, including:

- Establishment of a 5th performance measure for non-motorized fatalities and serious injuries.
- A simpler forecasting and target-setting requirement and process for evaluating progress.
- A new roadway data system (Model Inventory of Roadway Elements: MIRE) to be developed and collected by the DOTs in future years
- For MPOs:
  - Removal of the requirement for MPOs to incorporate the target-setting procedure within the Metropolitan Planning Agreement. Instead this procedure will simply need to be documented in a manner that is mutually agreed upon by the MPO and DOT.
  - Allows MPOs to use their own VMT estimates.

TPB staff are compiling data for the TPB planning area for the new fifth measure. The next step is to collaborate with the State DOTs on data consistency and target-setting.

## **C. Highway Conditions**

The proposed highway performance and bridge condition rulemaking was published in January 2015 and the accompanying proposed asset management plan rulemaking in February 2015. Publication of the final rules for this pair of rulemakings is anticipated in October 2016.

TPB staff are refining compiled data for the TPB planning area for the proposed four pavement condition and two bridge performance measures. TPB staff will provide an update analysis of highway condition data for the TPB planning area in the coming months.

Once the final rule is published, TPB staff will collaborate with the State DOTs on each State's performance data and target-setting process.

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

The proposed rulemaking for this performance area was published on April 22.

TPB staff are reviewing the draft rulemaking and participating in webinars and other professional events to evaluate this lengthy and complex rulemaking.

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

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.

TPB staff will work with the transit agencies as they develop their plans for responding to this rulemaking.

# Rulemaking Schedule

	<b>Planning Rules</b> <i>USDOT Significant Rulemaking Report, as of April 15, 2016</i>	<b>Proposed Rulemaking</b>	<b>Final Rulemaking</b>
Planning	<ul style="list-style-type: none"> <li>• Statewide and Metropolitan Planning Rule</li> </ul>	June 2014	<i>May 2016</i>
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 15, 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>October 2016</i>
Congestion / System performance	<ul style="list-style-type: none"> <li>• System Performance Measures Rule (Congestion, Air Quality, and Freight)</li> </ul>	April 22, 2016	?
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 5, 2016 (Transit Safety)	<i>July 2016</i> (Transit Asset)

