



## 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:** September 30, 2016

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This memorandum provides an update for the TPB Technical Committee on federal 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).

### **MPO COORDINATION AND PLANNING AREA REFORM PROPOSED RULE**

A Notice of Proposed Rulemaking (NPRM) for Metropolitan Planning Organization Coordination and Planning Area Reform<sup>1</sup> was published on June 27, 2016. The proposed rule would revise transportation planning regulations, including the extent of the planning area and requirements for the CLRP, TIP, and performance targets, in a way that could significantly affect the TPB. Comments on the NPRM were due by August 26 and the TPB submitted a comment letter; the rule and comment letter were subsequently discussed at the September 9 Technical Committee meeting and the September 21 board meeting.

On September 23, the FHWA and FTA issued a 30-day extension to the period for comments, through October 24. In the extension notice<sup>2</sup>, the federal agencies announced they were seeking additional comments on several issues, including

- Specific and detailed comments that contribute to the understanding of the impact of the proposed requirements for unified planning products where multiple MPOs serve the same urbanized area, potential exceptions that should be included in the final rule, and criteria for applying such exceptions.
- Specific and detailed comments on the expected costs of implementing the proposed rule.

TPB staff are reviewing the extension notice and will make a determination on any additional comments to submit.

### **PBPP RULEMAKING SCHEDULE**

The following is the anticipated schedule for rulemaking in support of the performance-based planning and programming (PBPP) requirements.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-06-27/pdf/2016-14854.pdf>

<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-09-23/pdf/2016-22907.pdf>

#### Recent Rulemakings:

- The Transit Asset Management final rule was published in the Federal Register on July 26 and becomes effective October 1, 2016.
  - The requirements and applicability of this rule were presented at the September 9 Technical Committee meeting.
- The Public Transportation Safety Program final rule was published in the Federal Register on August 11.
  - This ruling provides additional authority to FTA to monitor, oversee and enforce transit safety, utilizing the principles of Safety Management Systems (SMS).

#### Upcoming Rulemakings:

- The Transit Safety Agency final rule is anticipated to be issued in October or November 2016.
- The Pavement and Bridge Condition final rules are anticipated in late November 2016 or early December 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.

To implement PBPP, there is a requirement for each MPO, highway agency, and providers of public transportation in the region to jointly agree upon and document in writing the coordinated processes for:

- Collection of performance data
- Selection of performance targets for the metropolitan area
- Reporting of metropolitan area targets
- Reporting of actual system performance (related to those targets).

TPB staff are working to send a formal communication to each stakeholder to begin discussion on the above requirement, including a request for participation and a proposed process.

#### **B. Highway Safety**

State DOTs submitted their new Highway Safety Plans in August. TPB staff have collected the latest data from each and are working to refine it for the metropolitan planning area. Coordination with the State DOTs continues through participation in webinars and workshops. The State DOTs will set targets by August 2017 and targets-setting by the TPB should occur within six months thereafter.

### **C. Highway Conditions**

Publication of the final rule for highway pavement condition and bridge condition rulemaking is anticipated in November/December 2016. The State DOTs are also working on their asset management plans which will inform the planning of highway and bridge preservation projects. A final rule on the asset management plan is also anticipated in November 2016.

TPB staff have completed an analysis of the 2015 National Bridge Inventory data. The data has been organized to show the results by jurisdiction. The 2015 Pavement data will become available for analysis in October. TPB staff will provide an updated analysis of highway and bridge condition data for the metropolitan planning area in the coming months following coordination and discussion with the State DOTs.

State DOTs are required to submit an Initial System Performance Report to FHWA by October 1.

Required information includes:

- i. Condition/performance of the National Highway System (NHS) in the State;
- ii. Effectiveness of the investment strategy document in the State Asset Management plan for the NHS;
- iii. A description of State DOT's progress in achieving performance targets, including coordination with MPOs and other agencies occurred in the selection of targets.
- iv. A description of the ways in which the State DOT is addressing congestion at freight bottlenecks.

TPB is collecting responses from the State DOTs and will synthesize and distribute relevant information.

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

The TPB submitted formal comments on the proposed rulemaking on August 20, 2016. Specific comments addressed:

- 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 continue to evaluate the feasibility of conducting a sensitivity analysis on several proposed measures to determine the impact on regional performance. 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 and/or determining this data.

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

The final transit safety rules are expected in the next several months. Once published, they will be discussed at the TPB Regional Public Transportation Subcommittee and the Technical Committee.

The final transit asset management rule becomes effective October 1, 2016. The rule applies to almost every transit provider in the region. The accountable executive for each provider needs to set performance targets by January 1, 2017, and each provider will then submit the targets through the asset inventory module of the National Transit Database (NTD) by January 30, 2017. TPB staff will collect the performance and targets from each provider and work to synthesize these for subsequent target setting for the metropolitan planning area by the board, likely in the May 2017 timeframe.

**TPB STAFF – PBPP ACTIVITIES CALENDAR**

10/3/2016

**Performance Based Planning and Programming Calendar - October 2016 to May 2017**

	<b>Oct-16</b>	<b>Nov-16</b>	<b>Dec-16</b>	<b>Jan-17</b>	<b>Feb-17</b>	<b>Mar-17</b>	<b>Apr-17</b>	<b>May-17</b>
<b>Planning (Final)</b>	Discuss process for developing MOU on PBPP responsibilities with DOTs	Develop MOU on performance measures. Discuss with DOTs, TAs, MPOs	Brief TPB on Planning rule and MOU requirement	Begin developing new TIP format for PBPP. Discuss with DOTs, TAs, others	Draft MOU on PBPP Responsibilities to TPB	Final MOU on PBPP Responsibilities to TPB		
<b>Congestion / System performance (Proposed)</b>		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.			Await publication of final rule.
<b>Highway Safety (Final)</b>	Get 2015 data for all measures. Prepare updated performance for MPA	Brief Tech on 2015 data	Discuss methodology for target-setting with DOTs					
<b>Highway Conditions (Proposed)</b>	2015 Pavement data available for analysis. Review MD section data for use in previous years analysis		Final rule anticipated.	Conduct any data revision required for final rule.	Brief TPB on regional data, by jurisdiction		2016 Bridge data available for analysis	
<b>Transit Safety (Proposed) and Assets (Final)</b>	Brief TPB on TAM Rule	Transit Safety final rules anticipated.	Work with WMATA, PRTC, and other transit agencies on TAM Rule as required.	Transit Agencies approve asset targets.	Compile Transit Agency asset submittals. Prepare MPO transit asset report	Compile and analyze Transit Agency safety data.	Brief TPB on draft Transit Asset report.	TPB approve FY2018 Transit Asset targets.