



# MAP-21 Rulemaking Update

TPB Technical Committee  
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Item 5

# Recent MAP-21 Rulemaking Notices in the Federal Register

- Final Guidance on *Transit Agency Representation on MPO Boards*
  - Final guidance from FHWA/FTA on the MAP-21 requirement for representation by providers of public transportation on the MPO board.
- Proposed Rulemaking for *Metropolitan and Statewide Planning Regulations*
  - Notice of Proposed Rulemaking (NPRM), with comments due by September 2.
    - Subsequently, FHWA/FTA would develop and publish a final rule – scheduled for Spring 2015.
  - Proposes rules for coordination between States, MPOs, and public transportation providers in performance-based plans, targets, reporting, and the metropolitan TIP.
- Safety Performance NPRM – *Comment period extended to June 30.*

# Policy Guidance on Metropolitan Planning Organization Representation

- MAP–21 requirement, effective October 1, 2014.
  - Proposed guidance was published last October, to which the TPB and many other organizations submitted comments. FHWA/FTA made several changes in light of comments received.
- Requires representation by providers of public transportation in each metropolitan planning organization (MPO) that serves a transportation management area (TMA).
  - “essential element of MAP–21’s performance management framework and will support the successful implementation of a performance-based approach to transportation decision-making.”
- Equal decisionmaking rights and authorities as the other members. Revised MPO board membership requirement is:
  - “(A) local elected officials; (B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and (C) appropriate State officials.”

# Transit Representation on the TPB

TPB has long included WMATA, with other transit agencies represented by their parent agency or jurisdiction.

- To meet final guidance, need to develop formal procedure for representation that considers the needs of all eligible public transportation providers, including selection and roles and responsibilities of transit representative.
  - *“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.”*
  - *“Should not also attempt to represent other entities on the MPO.”*
- For MPO with multiple providers, should cooperate with the eligible providers to determine how the MPO will include representation.
  - Guidance examples include: collective appointment, rotating position, proportional representation.

# Next Steps for Transit Representation on the TPB

- Convene meeting of eligible providers of public transportation and other stakeholders to develop process for representation in accordance with final guidance.
  - Proposed meeting: July 22 (Tuesday AM)?
  - Goal is to have a TPB resolution adopted at September meeting.
- In addition, the formal guidance requires:
  - a) *“MPO should develop bylaws that describe the establishment, role and responsibilities of the designated representative.”*
  - b) *“Metropolitan planning agreements should be amended to include the cooperative process developed to select representatives of providers of public transportation for inclusion on MPO board. Alternatively, MPO may formally adopt the selection process through a board resolution.”*
    - These requirements will be accomplished through subsequent processes.

USDOT Implementation of MAP-21 Performance Provisions: Eleven Interrelated Rules		2014				2015			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
<b>Planning</b>									
<b>Metropolitan and Statewide Planning Rule</b>	<ul style="list-style-type: none"> <li>Establish a performance-based planning process at metropolitan and state level.</li> <li>Define coordination in the selection of targets, linking planning and programming to performance targets.</li> </ul>								
<b>Highway Safety</b>									
<b>Safety Performance Measure Rule</b>	<ul style="list-style-type: none"> <li>Propose and define fatalities and serious injuries measures, along with target establishment, progress assessment and reporting requirements.</li> <li>Discuss the implementation of MAP-21 performance requirements.</li> </ul>								
<b>Highway Safety Improvement Program (HSIP) Rule</b>	<ul style="list-style-type: none"> <li>Integration of performance measures, targets, and reporting requirements into the HSIP.</li> <li>Strategic Highway Safety Plan updates.</li> </ul>								
<b>Highway Safety Program Grants Rule *</b> <small>* Interim Final Rule issued by NHTSA in January 2013.</small>	<ul style="list-style-type: none"> <li>State target establishment and reporting requirements.</li> <li>Highway safety plan content, reporting requirements, and approval.</li> </ul>								
<b>Highway Conditions</b>									
<b>Pavement and Bridge Performance Measure Rule</b>	<ul style="list-style-type: none"> <li>Propose and define pavement and bridge condition measures, along with minimum condition standards, target establishment, progress assessment and reporting requirements.</li> </ul>								
<b>Asset Management Plan Rule</b>	<ul style="list-style-type: none"> <li>Contents and development process for asset management plan.</li> <li>Minimum standards for pavement and bridge management systems.</li> </ul>								
<b>Congestion/System Performance</b>									
<b>System Performance Measure Rule</b>	<ul style="list-style-type: none"> <li>Define performance of the interstate system, non-interstate national highway system, and freight movement on the interstate system.</li> <li>Finalize interpretation of scope of CMAQ performance requirements, including congestion and on-road mobile source emissions.</li> <li>Summarize MAP-21 highway performance measure rules</li> </ul>								
<b>Transit Performance</b>									
<b>Transit Asset Management Rule</b>	<ul style="list-style-type: none"> <li>Define state of good repair and establish state of good repair performance measures</li> <li>Require transit providers to set targets and report on progress</li> <li>Transit asset management plans</li> </ul>								
<b>National Transit Safety Program Rule</b>	<ul style="list-style-type: none"> <li>Define transit safety criteria and standards</li> <li>Include definition of state of good repair</li> </ul>								
<b>Transit Agency Safety Plan Rule</b>	<ul style="list-style-type: none"> <li>Transit safety plan content and reporting requirements</li> <li>Target setting requirements for transit agencies and States</li> </ul>								
<b>Transit Safety Management Systems</b> <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"> <li>Safety Policy, Safety Assurance, and Safety Promotion</li> <li>Hazard Analysis &amp; Safety Risk Management</li> </ul>								

Anticipated Coordinated  
Performance Measure  
Effective Date

Indicates the comment period

# Proposed Statewide and Metropolitan Planning Rule

## Purpose of the proposed Planning Rule:

- MAP-21 requires “*a transition to performance driven, outcome-based approaches*” for the federal highway and transit programs.
  - “*With respect to planning, MAP–21 leaves the basic framework of the planning process largely untouched.*”
- The statute “*introduces critical changes to the planning process itself by requiring States, MPOs, and providers of public transportation to link investment priorities (the transportation improvement program of projects) to the achievement of performance targets.*”

**Rule will come into effect 2 years after publication of final rulemaking – mid-2017?**

# Planning for Performance Management

## What's in the proposed Planning Rule?

1. Primarily about the implementation of the overall performance management framework created by MAP–21.
  - 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 and documentation in agreement.
    - 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 (optional).
  - Discussion in Metropolitan Transportation Improvement Program (TIP) documenting how the programs are designed to achieve targets.
  - New performance reporting in the metropolitan transportation plan.



# Other items in the Planning Rule

## 2. Additional items include:

### a. Codification of best practices / suggested options:

- Programmatic Mitigation Plan – framework for development of optional plans to address environmental impacts of transportation projects (i.e., wetlands, parks, habitats, human resources, etc.)
- Scenario Planning – suggested framework for voluntary scenarios as part of metropolitan transportation plan, including consideration of performance impacts against targets.

### b. Changes to the structure of MPOs (e.g., transit agency representation).

### c. Statewide planning: new emphasis on nonmetropolitan transportation planning.

- States required to cooperate with local officials and may designate rural transportation planning organizations (RTPOs).

# Reporting on Performance Measurement

Considerable report information will be required:

- *“MPOs shall develop a system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets.”*
- *“Progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports, including baseline data.”*
  - What will be the required content of this reporting: data collection from States and local government, trend analysis, target setting, description of progress, etc.?
  - Could performance targets for MPOs be qualitative? Safety Rule stated that MPOs *“agreeing to program of projects that support the states’ targets”* qualifies as *“establishing performance targets”*.

# Update on MAP-21 Safety Rules

Two proposed federal safety rules released earlier this year:

- Highway Safety Improvement Program, comments due in May, primarily impacts states rather than MPOs
  - TPB did not comment
- Safety Rule, including target setting
  - Presented at previous Technical Committee meeting
  - Extensive discussion at April 28 Transportation Safety Subcommittee meeting
  - Federal deadline for comments extended from June 9 to June 30
  - Based upon committee discussions and comments shared from states, no current plans to submit TPB comments



# Questions?

