



## **MEMORANDUM**

**TO:** TPB Technical Committee  
**FROM:** Eric Randall, TPB Transportation Engineer  
**SUBJECT:** Update on the Development of MAP-21 Performance Measures  
**DATE:** May 27, 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 May 2016 Report on DOT Significant Rulemakings.

#### Recent Rulemakings:

- Highway Safety Improvement Program and Performance Measures final rules were published on March 15.
- 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.

#### 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.

### **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 was just released. The rule provides 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. TPB staff are working to review the final rule and identify how to implement the new requirements.

A related proposed rulemaking on MPO Coordination is anticipated in June, which will "strengthen and unify the role of MPOs, increase efficiencies and reduce project delivery times, and improve the extent to which transportation investments reflect the needs and priorities of a metropolitan region."

## **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.

Data will be needed from State DOTs to collect data for the new fifth measure. TPB staff are coordinating a conference call with State DOTs to discuss the fifth measure and means by which to obtain the data for the TPB planning area, as well as coordinate on other actions by all parties.

## **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 November 2016.

TPB staff are refining compiled data for the TPB planning area for the proposed four pavement condition and two bridge performance measures. The 2015 National Bridge Inventory data is now available and being analyzed. In addition, historical road data was received from Maryland which should enable better analysis of performance (i.e., previously unknown road surface type data). TPB staff will provide an update 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**

The proposed rulemaking for this performance area was published on April 22. TPB staff have been reviewing the draft rulemaking and participating in webinars and other professional events to evaluate this lengthy and complex rulemaking.

It is likely that formal comments will be prepared for submission to FHWA, with a federal deadline of August 20. TPB staff plan to coordinate a discussion with the State DOTs on any proposed comments. Particular aspects of this proposed rule have generated significant discussion among involved staff, and may necessitate especially active coordination between TPB and the states regarding formal comments.

TPB staff are also evaluating the potential for initial analysis of performance for these proposed performance measures. However, several of the measures need data that is 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 plan to reach out to the State DOTs on these needs.

## 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.

Transit asset management rule applicability: “applies to all recipients or subrecipients of Federal financial assistance under 49 U.S.C. Chapter 53 that own, operate, or manage capital assets used in the provision of public transportation.”

List of regional FTA recipients (does not include subrecipients)

- District Dept. Of Transportation
- Washington Metropolitan Area Transit Authority (WMATA)
- Maryland Transit Administration (MTA)
- Virginia Department Of Rail And Public Transportation
- Metropolitan Washington Council Of Governments
- Northern Virginia Transportation Commission
- Potomac And Rappahannock Transportation Commission
- County Of Fairfax
- Prince Georges Co. Govt. Dept Of Public Works And Transp.
- Montgomery County Govt. Dept Of Transportation
- Georgetown Business Improvement District
- Metropolitan Washington Airports Authority
- Arlington County

FTA Asset Inventory Module for reporting now in development as part of National Transit Database (NTD).

# Rulemaking Schedule

	Planning Rules <i>USDOT Significant Rulemaking Report, as of May 2016</i>	Proposed Rulemaking	Final Rulemaking
Planning	<ul style="list-style-type: none"> <li>• Statewide and Metropolitan and Non-metropolitan Planning Rule</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 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>November 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)

