



National Capital Region  
**Transportation Planning Board**

May 17, 2018

Jeff Marootian  
Director  
District Department of Transportation (DDOT)  
55 M Street, SE  
Suite 400  
Washington, DC 20003

**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Mr. Marootian:

This Letter of Agreement ("LOA") between the National Capital Region Transportation Planning Board ("TPB") and the District of Columbia Department of Transportation ("AGENCY") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("PBPP") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "Planning Rule"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.

Mr. Marootian, DDOT  
May 17, 2018

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

“shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation”.

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

“shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region”.

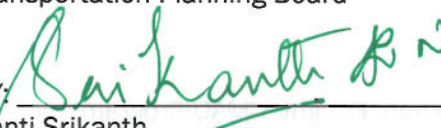
Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in **Article A** — General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and **Articles B through F** (as applicable) — PBPP Areas.


The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

**IN WITNESS WHEREOF**, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY:   
Kanti Srikanth  
Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

District of Columbia Department of Transportation

BY:   
Jeff Marootian  
Director  
District Department of Transportation (DDOT)



## **Article A**

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB, the States and the Providers of Public Transportation recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** ("3C" Agreement/Agreement) signed by the States and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

## **Article 1**

### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

## **Article 2**

### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.

**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

**Article 3**

**Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the "3C" Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region's highway and transit systems for inclusion in the Plan.

**Article 4**

**Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the "3C" Agreement, the TPB will develop a Transportation Improvement Program ("TIP") for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region's highway and transit systems.



## **Article B**

### **Performance Based Planning And Programming Responsibilities for Highway Safety**

The final Highway Safety rule was published in the Federal Register on March 15, 2016, and became effective April 14, 2016.<sup>1</sup> Federal regulations require state departments of transportation (DOTs) to establish and report annual targets related to each of the five highway safety performance measures by August 31 of each year. The TPB is required to either adopt and support the DOTs' statewide targets or set its own targets specific to the metropolitan planning area. Annual targets are expressed as five-year rolling averages and are compared with a five-year rolling average base period comprising of the five (5) calendar years ending two (2) years before targets are due for fatalities (from NHTSA FARS data) and the year prior for serious injury data from the States.

#### **1) Transportation performance data**

- a. By August 31 of each year, each State DOT will provide the TPB with the statewide performance data and methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's planning area.
- b. By February 27 of the following year, the TPB will provide each State DOT with any data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.

#### **2) Selection of performance targets**

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB will be presented with the set of draft annual targets for consideration, and adopt the final targets at a subsequent meeting.

#### **3) Reporting of performance targets**

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal code.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.
  2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs.
  3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes of the TPB.

#### **4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with the statewide performance data used in developing statewide targets, and will also provide the TPB with subsets of the statewide data, based on the TPB planning area boundaries. Updates of this data will include prior performance data.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-03-15/pdf/2016-05202.pdf>

**Article B: Highway Safety, continued**

- b. Each State DOT will provide their annual performance report to the TPB.
- c. As part of the long-range Plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, FHWA and FTA.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  - 1. A list of projects that use Highway Safety Improvement Program (HSIP) funds planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  - 2. The annual obligation listing of HSIP funds expended in the past year that includes funds expended in the TPB metropolitan planning area, by December 30 of each year.
  - 3. Any highway safety information outlined in any statewide transportation plan or any statewide transportation improvement program
  - 4. Any narrative report or analysis that reviews highway safety performance relevant to safety performance in the TPB metropolitan planning area.
- b. The TPB will provide to State DOTs:
  - 1. Technical support for the TIP database to facilitate the integration of highway safety performance into the project programming process.



## Article C

### Performance Based Planning and Programming Responsibilities for Highway Asset Condition – Pavement and Bridge

The final Pavement and Bridge Condition Performance Measures rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017.<sup>2</sup> This and other federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway asset condition on a biennial cycle. The initial set of highway asset targets for pavement and bridge condition are due by May 20, 2018, for the period 2018 to 2021. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the State DOTs' statewide targets or set its own four-year targets specific to the metropolitan planning area. Other owners of National Highway System (NHS) assets shall provide supporting information to their State DOT and to the TPB.

#### 1) Transportation performance data

- a. Each State DOT is responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS, and report this data to the Highway Performance Monitoring System (HPMS) and National Bridge Inventory (NBI). By October 1 of reporting years, each State DOT will provide the TPB the statewide performance data and the methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's metropolitan planning area.
- b. The TPB will provide each State DOT with any additional data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.
- c. Other NHS Asset Owners will provide both the respective State DOT and the TPB with any additional published or publicly available data on bridge and pavement condition for their assets.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs and NHS Asset Owners. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs and NHS Asset Owners shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal regulation.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00550.pdf>

**Article C: Highway Asset Condition, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs and NHS Asset Owners.
3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with information about the statewide performance data used in developing statewide targets, and will also provide the TPB with any available subsets of the statewide data for the TPB planning area. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance reports to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, federal agencies, and NHS Asset Owners.
- d. Other NHS Asset Owners will provide any additional published or publicly available documents or materials relevant to the performance of the pavement and bridge condition of their NHS assets to the TPB.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A list of projects that use National Highway Performance Program (NHPP), Surface Transportation Program (STP), or other funds to address pavement and bridge conditions planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  2. The annual obligation listing of NHPP and STP funds expended in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any highway asset condition information outlined in any statewide transportation plan or any statewide transportation improvement program
  4. Any published or publicly available reports or analysis that reviews highway asset condition performance relevant to highway condition performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs and Other NHS Asset Owners:
  1. Technical support for the TIP database to facilitate the integration of projects that affect highway asset condition performance into the project programming process.



## Article D

### **Performance Based Planning and Programming Responsibilities for System Performance (National Highway System Congestion, Freight, CMAQ Program)**

The final System Performance (National Highway System Congestion, Freight, Congestion Management and Air Quality (CMAQ) Program) rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017<sup>3</sup>, with the exception of the greenhouse gas performance measure, which became effective on September 28, 2017. Federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway system performance on a biennial cycle. The initial set of highway system performance targets for National Highway System (NHS) congestion, Freight, and the CMAQ Program for the period 2018 to 2021 must be set by May 20, 2018, with the exception of the greenhouse gas performance measure target which must be set by September 28, 2018. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the DOTs' statewide targets or set its own targets specific to the metropolitan planning area or for the Washington, DC-MD-VA urbanized area.

#### **1) Transportation performance data**

- a. Each State DOT will be responsible for collecting congestion, freight, and CMAQ Program data. By October 1 of reporting years, each State DOT will provide the TPB with the statewide performance data and methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's planning area.
- b. The TPB will provide each State DOT with any data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area or urbanized area performance data by state.

#### **2) Selection of performance targets**

- a. The TPB will develop draft metropolitan planning area or urbanized area performance targets in coordination with the State DOTs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### **3) Reporting of performance targets**

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the DOT establishes performance targets, or the date specified by federal code.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.
  2. When any quantifiable target is set for the TPB planning area or one of the urbanized areas, the TPB will provide any supplemental data used in determining any such target to the State DOTs.

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<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00681.pdf>

**Article D: System Performance, continued**

3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with the statewide performance data used in developing statewide targets, and will also provide the TPB with subsets of the statewide data, based on the TPB planning area or urbanized area boundaries. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs and federal agencies.
- d. The TPB will prepare a MPO CMAQ Performance Plan on a biennial basis, as required by the regulations. The plan will be prepared every other year, starting in 2018. State DOTs will be given an opportunity to provide comments on the Plan before the Plan is finalized. The final Plan will be transmitted to the State DOTs, for further transmittal to federal agencies.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A comprehensive list of projects affecting highway system performance planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of funds expended on projects affecting highway system performance in the past year that includes funds expended in the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available narrative report or analysis that reviews system performance relevant to system performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs:
  1. Technical support for the TIP database to facilitate the integration of highway system performance into the project programming process.



## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>4</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional available data for the TPB's planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>4</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>

**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.



## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

The final National Public Transportation Safety Plan rule was published on January 18, 2017, finalizing the transit safety performance measures.<sup>5</sup> However, the Public Transportation Agency Safety Plan which would specify the target-setting process and timeline is still pending, anticipated in April 2018. Once the transit safety rules are complete, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with subsets of the data based on the TPB's planning area boundaries.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit safety targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>5</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>

**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide any performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit safety performance relevant to transit safety performance in the TPB metropolitan planning area.
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.





National Capital Region  
**Transportation Planning Board**

May 18, 2018

Ms. Heather Murphy  
Director  
Office of Planning and Capital Programming  
Maryland Department of Transportation  
7201 Corporate Center Drive  
Hanover, MD 21076

**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Ms. Murphy:

This Letter of Agreement ("LOA") between the National Capital Region Transportation Planning Board ("TPB") and the Maryland Department of Transportation ("AGENCY") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("PBPP") process. The Maryland Department of Transportation also includes and represents the State Highway Administration, the Maryland Transit Administration, and the Maryland Transportation Authority.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "Planning Rule"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations

Maryland DOT  
May 18, 2018

consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

"shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation".

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

"shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region".

Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in **Article A** – General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and **Articles B through F** (as applicable) – PBPP Areas.

The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

**IN WITNESS WHEREOF**, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY: 

Kanti Srikanth

Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB



Maryland DOT  
May 18, 2018

Maryland Department of Transportation

BY:   
\_\_\_\_\_  
Heather Murphy  
Director  
Office of Planning and Capital Programming  
Maryland Department of Transportation

## **Article A**

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB, the States and the Providers of Public Transportation recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** ("3C" Agreement/Agreement) signed by the States and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

## **Article 1**

### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

## **Article 2**

### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.



**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

**Article 3**  
**Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the "3C" Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region's highway and transit systems for inclusion in the Plan.

**Article 4**  
**Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the "3C" Agreement, the TPB will develop a Transportation Improvement Program ("TIP") for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region's highway and transit systems.

**Article B**  
**Performance Based Planning And Programming Responsibilities for**  
**Highway Safety**

The final Highway Safety rule was published in the Federal Register on March 15, 2016, and became effective April 14, 2016.<sup>1</sup> Federal regulations require state departments of transportation (DOTs) to establish and report annual targets related to each of the five highway safety performance measures by August 31 of each year. The TPB is required to either adopt and support the DOTs' statewide targets or set its own targets specific to the metropolitan planning area. Annual targets are expressed as five-year rolling averages and are compared with a five-year rolling average base period comprising of the five (5) calendar years ending two (2) years before targets are due for fatalities (from NHTSA FARS data) and the year prior for serious injury data from the States.

**1) Transportation performance data**

- a. By August 31 of each year, each State DOT will provide the TPB with the statewide performance data and methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's planning area.
- b. By February 27 of the following year, the TPB will provide each State DOT with any data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.

**2) Selection of performance targets**

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB will be presented with the set of draft annual targets for consideration, and adopt the final targets at a subsequent meeting.

**3) Reporting of performance targets**

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal code.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.
  2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs.
  3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes of the TPB.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with the statewide performance data used in developing statewide targets, and will also provide the TPB with subsets of the statewide data, based on the TPB planning area boundaries. Updates of this data will include prior performance data.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-03-15/pdf/2016-05202.pdf>



**Article B: Highway Safety, continued**

- b. Each State DOT will provide their annual performance report to the TPB.
- c. As part of the long-range Plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, FHWA and FTA.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  - 1. A list of projects that use Highway Safety Improvement Program (HSIP) funds planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  - 2. The annual obligation listing of HSIP funds expended in the past year that includes funds expended in the TPB metropolitan planning area, by December 30 of each year.
  - 3. Any highway safety information outlined in any statewide transportation plan or any statewide transportation improvement program
  - 4. Any narrative report or analysis that reviews highway safety performance relevant to safety performance in the TPB metropolitan planning area.
- b. The TPB will provide to State DOTs:
  - 1. Technical support for the TIP database to facilitate the integration of highway safety performance into the project programming process.

## Article C

### Performance Based Planning and Programming Responsibilities for Highway Asset Condition – Pavement and Bridge

The final Pavement and Bridge Condition Performance Measures rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017.<sup>2</sup> This and other federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway asset condition on a biennial cycle. The initial set of highway asset targets for pavement and bridge condition are due by May 20, 2018, for the period 2018 to 2021. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the State DOTs' statewide targets or set its own four-year targets specific to the metropolitan planning area. Other owners of National Highway System (NHS) assets shall provide supporting information to their State DOT and to the TPB.

#### 1) Transportation performance data

- a. Each State DOT is responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS, and report this data to the Highway Performance Monitoring System (HPMS) and National Bridge Inventory (NBI). By October 1 of reporting years, each State DOT will provide the TPB the statewide performance data and the methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's metropolitan planning area.
- b. The TPB will provide each State DOT with any additional data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.
- c. Other NHS Asset Owners will provide both the respective State DOT and the TPB with any additional published or publicly available data on bridge and pavement condition for their assets.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs and NHS Asset Owners. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs and NHS Asset Owners shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal regulation.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00550.pdf>



**Article C: Highway Asset Condition, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs and NHS Asset Owners.
3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with information about the statewide performance data used in developing statewide targets, and will also provide the TPB with any available subsets of the statewide data for the TPB planning area. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance reports to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, federal agencies, and NHS Asset Owners.
- d. Other NHS Asset Owners will provide any additional published or publicly available documents or materials relevant to the performance of the pavement and bridge condition of their NHS assets to the TPB.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A list of projects that use National Highway Performance Program (NHPP), Surface Transportation Program (STP), or other funds to address pavement and bridge conditions planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  2. The annual obligation listing of NHPP and STP funds expended in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any highway asset condition information outlined in any statewide transportation plan or any statewide transportation improvement program
  4. Any published or publicly available reports or analysis that reviews highway asset condition performance relevant to highway condition performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs and Other NHS Asset Owners:
  1. Technical support for the TIP database to facilitate the integration of projects that affect highway asset condition performance into the project programming process.

## Article D

### Performance Based Planning and Programming Responsibilities for System Performance (National Highway System Congestion, Freight, CMAQ Program)

The final System Performance (National Highway System Congestion, Freight, Congestion Management and Air Quality (CMAQ) Program) rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017<sup>3</sup>, with the exception of the greenhouse gas performance measure, which became effective on September 28, 2017. Federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway system performance on a biennial cycle. The initial set of highway system performance targets for National Highway System (NHS) congestion, Freight, and the CMAQ Program for the period 2018 to 2021 must be set by May 20, 2018, with the exception of the greenhouse gas performance measure target which must be set by September 28, 2018. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the DOTs' statewide targets or set its own targets specific to the metropolitan planning area or for the Washington, DC-MD-VA urbanized area.

#### 1) Transportation performance data

- a. Each State DOT will be responsible for collecting congestion, freight, and CMAQ Program data. By October 1 of reporting years, each State DOT will provide the TPB with the statewide performance data and methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's planning area.
- b. The TPB will provide each State DOT with any data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area or urbanized area performance data by state.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area or urbanized area performance targets in coordination with the State DOTs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the DOT establishes performance targets, or the date specified by federal code.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.
  2. When any quantifiable target is set for the TPB planning area or one of the urbanized areas, the TPB will provide any supplemental data used in determining any such target to the State DOTs.

<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00681.pdf>



**Article D: System Performance, continued**

3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with the statewide performance data used in developing statewide targets, and will also provide the TPB with subsets of the statewide data, based on the TPB planning area or urbanized area boundaries. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs and federal agencies.
- d. The TPB will prepare a MPO CMAQ Performance Plan on a biennial basis, as required by the regulations. The plan will be prepared every other year, starting in 2018. State DOTs will be given an opportunity to provide comments on the Plan before the Plan is finalized. The final Plan will be transmitted to the State DOTs, for further transmittal to federal agencies.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A comprehensive list of projects affecting highway system performance planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of funds expended on projects affecting highway system performance in the past year that includes funds expended in the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available narrative report or analysis that reviews system performance relevant to system performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs:
  1. Technical support for the TIP database to facilitate the integration of highway system performance into the project programming process.

## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>4</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional available data for the TPB's planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1.) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2.) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>4</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>



**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.

## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

The final National Public Transportation Safety Plan rule was published on January 18, 2017, finalizing the transit safety performance measures.<sup>5</sup> However, the Public Transportation Agency Safety Plan which would specify the target-setting process and timeline is still pending, anticipated in April 2018. Once the transit safety rules are complete, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with subsets of the data based on the TPB's planning area boundaries.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit safety targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>5</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>



**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide any performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit safety performance relevant to transit safety performance in the TPB metropolitan planning area.
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.



National Capital Region  
**Transportation Planning Board**

November 8, 2018

Shannon Valentine  
Secretary of Transportation  
Virginia Department of Transportation  
Office of the Secretary of Transportation  
Patrick Henry Building, 4th Floor  
1111 East Broad Street  
Richmond, VA 23219

**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Ms. Valentine:

This Letter of Agreement ("LOA") between the National Capital Region Transportation Planning Board ("TPB") and the Secretary of Transportation ("AGENCY") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("PBPP") process. The Virginia Department of Transportation (a State DOT) and the Virginia Department of Rail and Public Transportation, a Provider of Public Transportation, both fall under the purview of and are assigned to the Secretary of Transportation.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("State DOTs"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in the following areas:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450 and 771 and 49 CFR Part 613; "Planning Rule"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for



project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

“shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation”.

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

“shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region”.

Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in **Article A — General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and Articles B through F — PBPP Areas.**

The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

The AGENCY and TPB agree that this LOA shall supplement and shall not supplant the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** for the National Capital Region (“3C” Agreement/Agreement) executed by the Parties. To the extent this LOA conflicts with the 3C Agreement, the terms of the 3C Agreement shall prevail.

**IN WITNESS WHEREOF**, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY: \_\_\_\_\_

Kanti Srikanth  
Director, Department of Transportation Planning

Virginia Secretary of Transportation  
November 8, 2018

Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

BY:   
Shannon Valentine  
Secretary of Transportation



## **Article A**

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB and the AGENCY recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities for the National Capital Region** ("3C" Agreement/Agreement) signed by the AGENCY and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

## **Article 1**

### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels in accordance with 23 CFR 450.306(d)(4) to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

## **Article 2**

### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report. Such information will be shared via a SharePoint Team site as established by the AGENCY. Additional guidance will be made available to exchange information, as applicable.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules. The AGENCY will prepare

**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

data, methodologies, and reports for establishment of performance targets and as required by the federal performance rules. Such methodologies and performance targets may be modified as more information becomes available or new methodologies are developed.

**Article 3  
Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the "3C" Agreement, at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the State DOTs and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region's highway and transit systems for inclusion in the Plan.

**Article 4  
Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the "3C" Agreement, the TPB will develop a Transportation Improvement Program ("TIP") for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the State DOTs for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). A description of how the investments make progress toward achievement of the targets in the Plan shall be included. The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

The AGENCY will participate in a cooperative, comprehensive and continuing process amongst State DOTs, Providers of Public Transportation and other stakeholders to develop project inputs in order to improve the performance of the Region's highway and transit systems.



**Article B**  
**Performance Based Planning And Programming Responsibilities for**  
**Highway Safety**

The final Highway Safety regulations require state departments of transportation (DOTs) to establish and report annual targets related to each of the five highway safety performance measures by August 31 of each year. The TPB is required to either adopt and support the DOTs' statewide targets or set its own targets specific to the metropolitan planning area.

**1) Transportation performance data**

- a. By August 31 of each year, each State DOT will provide the TPB with the statewide performance data for the prior calendar year and methodology used in developing the annual statewide targets, and will also provide the TPB additional available data for the TPB's planning area.
- b. By February 27 of the following year, the TPB will provide each State DOT with any data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.

**2) Selection of performance targets**

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB will be presented with the set of draft annual targets for consideration, and adopt the final targets at a subsequent meeting.

**3) Reporting of performance targets**

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal code.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.
  2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs.
  3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes of the TPB and uploaded to the SharePoint Team site.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with the statewide performance data used in developing statewide targets, and will also provide the TPB with subsets of the statewide data, based on the TPB planning area boundaries. Updates of this data will include prior performance data.

**Article B: Highway Safety, continued**

- b. Each State DOT will provide their annual performance report to the TPB.
- c. As part of the long-range Plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, FHWA and FTA.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  - 1. A list of projects that use Highway Safety Improvement Program (HSIP) funds planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  - 2. The annual obligation listing of HSIP funds expended in the past year that includes funds expended in the TPB metropolitan planning area, by December 30 of each year.
  - 3. Highway safety information outlined in a statewide transportation plan or a statewide transportation improvement program.
  - 4. AGENCY narrative report(s) or analysis(es) that reviews highway safety performance relevant to safety performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOT:
  - 1. Technical support for the TIP database to facilitate the integration of highway safety performance into the project programming process.



## Article C

### Performance Based Planning and Programming Responsibilities for Highway Asset Condition – Pavement and Bridge

The final Pavement and Bridge Condition Performance Measures rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017.<sup>1</sup> This and other federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway asset condition on a biennial cycle. The initial set of highway asset targets for pavement and bridge condition are due by May 20, 2018, for the period 2018 to 2021. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the State DOTs' statewide targets or set its own four-year targets specific to the metropolitan planning area. State DOTs and the TPB shall work collaboratively and cooperatively with other owners of National highway System (NHS) assets to obtain supporting information concerning these assets.

#### 1) Transportation performance data

- a. Each State DOT is responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS, and report this data to the Highway Performance Monitoring System (HPMS) and National Bridge Inventory (NBI). By October 1 of reporting years, each State DOT will provide the TPB the statewide performance data through the end of the prior calendar year and the methodology used in developing the annual statewide targets, and will also provide the TPB additional available data for the TPB's metropolitan planning area.
- b. The TPB will provide each State DOT with any additional data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.
- c. Other NHS Asset Owners are expected to provide both the respective State DOT and the TPB with additional published or publicly available data on bridge and pavement condition for their assets.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs and other NHS Asset Owners. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs and other NHS Asset Owners shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal regulation.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00550.pdf>

**Article C: Highway Asset Condition, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs and NHS Asset Owners.
3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes and uploaded to the SharePoint Team site.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with information about the statewide performance data used in developing statewide targets, and will make available to the TPB subsets of the statewide data for the TPB planning area. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance reports to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, federal agencies, and NHS Asset Owners.
- d. Other NHS Asset Owners are expected to provide any additional published or publicly available documents or materials relevant to the performance of the pavement and bridge condition of their NHS assets to the TPB.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A list of projects that use National Highway Performance Program (NHPP), Surface Transportation Program (STP), or other funds to address pavement and bridge conditions planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  2. The annual obligation listing of NHPP and STP funds expended in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any highway asset condition information outlined in any statewide transportation plan or any statewide transportation improvement program
  4. AGENCY published or publicly available report(s) or analysis(es) that reviews highway asset condition performance relevant to highway condition performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs and Other NHS Asset Owners:
  1. Technical support for the TIP database to facilitate the integration of projects that affect highway asset condition performance into the project programming process.



## Article D

### Performance Based Planning and Programming Responsibilities for System Performance (National Highway System Congestion, Freight, CMAQ Program)

The final System Performance (National Highway System Congestion, Freight, Congestion Management and Air Quality (CMAQ) Program) rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017<sup>2</sup>, with the exception of the greenhouse gas performance measure, which became effective on September 28, 2017, and was subsequently repealed on July 2, 2018. Federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway system performance on a biennial cycle. The initial set of highway system performance targets for National Highway System (NHS) congestion, Freight, and the CMAQ Program for the period 2018 to 2021 must be set by May 20, 2018. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the DOTs' statewide targets or set its own targets specific to the metropolitan planning area or for the Washington, DC-MD-VA urbanized area.

#### 1) Transportation performance data

- a. Each State DOT will be responsible for collecting congestion, freight, and CMAQ Program data. By October 1 of reporting years, each State DOT will provide the TPB with the statewide performance data through the end of the prior calendar year, or in the case of CMAQ emissions, from the prior federal fiscal years, and methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's planning area.
- b. The TPB will provide each State DOT with any data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area or urbanized area performance data by state.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area or urbanized area performance targets in coordination with the State DOTs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting and uploaded to SharePoint Team site.

#### 3) Reporting of performance targets

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the DOT establishes performance targets, or the date specified by federal code.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.
  2. When any quantifiable target is set for the TPB planning area or one of the urbanized areas, the TPB will provide any supplemental data used in determining any such target to the State DOTs.

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<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00681.pdf>

**Article D: System Performance, continued**

3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes and uploaded to the SharePoint Team site.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with the statewide performance data through the end of the prior calendar year, used in developing statewide targets, and will also provide the TPB with subsets of the statewide data, based on the TPB planning area or urbanized area boundaries. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs and federal agencies.
- d. The TPB will prepare a MPO CMAQ Performance Plan on a biennial basis, as required by the regulations. The plan will be prepared every other year, starting in 2018. State DOTs will be given an opportunity to provide comments on the Plan before the Plan is finalized. The final Plan will be transmitted to the State DOTs, for further transmittal to federal agencies.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A comprehensive list of projects affecting highway system performance planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of funds expended on projects affecting highway system performance in the past year that includes funds expended in the TPB metropolitan planning area by December 30 of each year.
  3. AGENCY published or publicly available narrative report(s) or analysis(es) that reviews system performance relevant to system performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs:
  1. Technical support for the TIP database to facilitate the integration of highway system performance into the project programming process.



## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>3</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. It is noted that each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor is expected to provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with additional available data for the TPB’s planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. It is noted that when final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor is expected to transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB’s planning area.

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<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>

**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor is expected to provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor is expected to provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor is expected to provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. AGENCY published or publicly available report(s) or analysis(es) that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.



## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

Under the National Public Transportation Safety Plan rule <sup>4</sup>and the Public Transportation Agency Safety Plan rule<sup>5</sup>, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. It is noted that each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor is expected to provide the TPB with the performance data and methodology used in developing the annual targets, and also to provide the TPB with subsets of the data based on the TPB's planning area boundaries.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit safety targets are adopted, each Provider of Public Transportation or Group Sponsor is expected to transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>4</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>

<sup>5</sup> <https://www.gpo.gov/fdsys/pkg/FR-2018-07-19/pdf/2018-15167.pdf>

**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor is expected to provide the TPB with the performance data used in developing targets, and is also expected to provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data are expected to include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor is expected to provide performance reports to the TPB, as applicable or available.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor is expected to provide to the TPB:
  1. A list of projects that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. AGENCY published or publicly available report(s) or analysis(es) that reviews transit safety performance relevant to transit safety performance in the TPB metropolitan planning area.
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.





National Capital Region  
**Transportation Planning Board**

September 25, 2018

Yon Lambert  
Director  
Department of Transportation & Environmental Services  
City of Alexandria  
City Hall  
301 King Street, Alexandria, VA 22314

**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Mr. Lambert:

This Letter of Agreement ("LOA") between the National Capital Region Transportation Planning Board ("TPB") and the City of Alexandria, Department of Transportation & Environmental Services ("AGENCY") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("PBPP") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "Planning Rule"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.

Mr. Lambert, City of Alexandria  
September 25, 2018

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

"shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation".

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

"shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region".


Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in **Article A – General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning**, and **Articles C, E and F – PBPP Areas**.

The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

**IN WITNESS WHEREOF**, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY:   
Kanti Srikanth  
Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

City of Alexandria

BY:   
Yon Lambert  
Director, Department of Transportation & Environmental Services



## **Article A**

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB, the States and the Providers of Public Transportation recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** ("3C" Agreement/Agreement) signed by the States and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

## **Article 1**

### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

## **Article 2**

### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.

**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

**Article 3**  
**Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the “3C” Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region’s highway and transit systems for inclusion in the Plan.

**Article 4**  
**Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the “3C” Agreement, the TPB will develop a Transportation Improvement Program (“TIP”) for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region’s highway and transit systems.



## Article C

### Performance Based Planning and Programming Responsibilities for Highway Asset Condition – Pavement and Bridge

The final Pavement and Bridge Condition Performance Measures rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017.<sup>1</sup> This and other federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway asset condition on a biennial cycle. The initial set of highway asset targets for pavement and bridge condition are due by May 20, 2018, for the period 2018 to 2021. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the State DOTs' statewide targets or set its own four-year targets specific to the metropolitan planning area. Other owners of National Highway System (NHS) assets shall provide supporting information to their State DOT and to the TPB.

#### 1) Transportation performance data

- a. Each State DOT is responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS, and report this data to the Highway Performance Monitoring System (HPMS) and National Bridge Inventory (NBI). By October 1 of reporting years, each State DOT will provide the TPB the statewide performance data and the methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's metropolitan planning area.
- b. The TPB will provide each State DOT with any additional data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.
- a. Other NHS Asset Owners will provide both the respective State DOT and the TPB with any additional published or publicly available data on bridge and pavement condition for their assets.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs and NHS Asset Owners. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs and NHS Asset Owners shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal regulation.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

  
<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00550.pdf>

**Article C: Highway Asset Condition, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs and NHS Asset Owners.
3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with information about the statewide performance data used in developing statewide targets, and will also provide the TPB with any available subsets of the statewide data for the TPB planning area. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance reports to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, federal agencies, and NHS Asset Owners.
- d. Other NHS Asset Owners will provide any additional published or publicly available documents or materials relevant to the performance of the pavement and bridge condition of their NHS assets to the TPB.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A list of projects that use National Highway Performance Program (NHPP), Surface Transportation Program (STP), or other funds to address pavement and bridge conditions planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  2. The annual obligation listing of NHPP and STP funds expended in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any highway asset condition information outlined in any statewide transportation plan or any statewide transportation improvement program
  4. Any published or publicly available reports or analysis that reviews highway asset condition performance relevant to highway condition performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs and Other NHS Asset Owners:
  1. Technical support for the TIP database to facilitate the integration of projects that affect highway asset condition performance into the project programming process.



## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>2</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

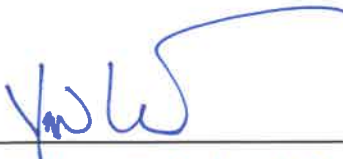
- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional available data for the TPB’s planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB’s planning area.



<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>

**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.



## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

The final National Public Transportation Safety Plan rule was published on January 18, 2017, finalizing the transit safety performance measures.<sup>3</sup> The Public Transportation Agency Safety Plan was published on July 19, 2018.<sup>4</sup> Under the final rules, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with subsets of the data based on the TPB's planning area boundaries.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit safety targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.



<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>

<sup>4</sup> <https://www.gpo.gov/fdsys/pkg/FR-2018-07-19/pdf/2018-15167.pdf>

**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide any performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit safety performance relevant to transit safety performance in the TPB metropolitan planning area.
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.





**National Capital Region  
Transportation Planning Board**

December 6, 2018

Dennis Leach  
Deputy Director of Transportation  
Department of Environmental Services  
Arlington County  
2100 Clarendon Blvd., Suite 900  
Arlington, VA 22201

**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Mr. Leach:

This Letter of Agreement ("LOA") between the National Capital Region Transportation Planning Board ("TPB") and Arlington County, Department of Environmental Services ("AGENCY") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("PBPP") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "Planning Rule"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.



Mr. Leach, Arlington Co.  
September XX, 2018

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

"shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation".

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

"shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region".

Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in Article A — General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and Articles C, E and F — PBPP Areas.

The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

IN WITNESS WHEREOF, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY: 

Kanti Srikanth

Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

Arlington County, Department of Environmental Services

BY: 

Dennis Leach

Deputy Director of Transportation



## Article A

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB, the States and the Providers of Public Transportation recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** ("3C" Agreement/Agreement) signed by the States and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

## Article 1

### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

## Article 2

### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.

**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

**Article 3**  
**Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the “3C” Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region’s highway and transit systems for inclusion in the Plan.

**Article 4**  
**Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the “3C” Agreement, the TPB will develop a Transportation Improvement Program (“TIP”) for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region’s highway and transit systems.



## Article C

### Performance Based Planning and Programming Responsibilities for Highway Asset Condition – Pavement and Bridge

The final Pavement and Bridge Condition Performance Measures rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017.<sup>1</sup> This and other federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway asset condition on a biennial cycle. The initial set of highway asset targets for pavement and bridge condition are due by May 20, 2018, for the period 2018 to 2021. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the State DOTs' statewide targets or set its own four-year targets specific to the metropolitan planning area. Other owners of National Highway System (NHS) assets shall provide supporting information to their State DOT and to the TPB.

#### 1) Transportation performance data

- a. Each State DOT is responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS, and report this data to the Highway Performance Monitoring System (HPMS) and National Bridge Inventory (NBI). By October 1 of reporting years, each State DOT will provide the TPB the statewide performance data and the methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's metropolitan planning area.
- b. The TPB will provide each State DOT with any additional data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.
- a. Other NHS Asset Owners will provide both the respective State DOT and the TPB with any additional published or publicly available data on bridge and pavement condition for their assets.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs and NHS Asset Owners. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs and NHS Asset Owners shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal regulation.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00550.pdf>

**Article C: Highway Asset Condition, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs and NHS Asset Owners.
3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with information about the statewide performance data used in developing statewide targets, and will also provide the TPB with any available subsets of the statewide data for the TPB planning area. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance reports to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, federal agencies, and NHS Asset Owners.
- d. Other NHS Asset Owners will provide any additional published or publicly available documents or materials relevant to the performance of the pavement and bridge condition of their NHS assets to the TPB.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A list of projects that use National Highway Performance Program (NHPP), Surface Transportation Program (STP), or other funds to address pavement and bridge conditions planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  2. The annual obligation listing of NHPP and STP funds expended in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any highway asset condition information outlined in any statewide transportation plan or any statewide transportation improvement program
  4. Any published or publicly available reports or analysis that reviews highway asset condition performance relevant to highway condition performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs and Other NHS Asset Owners:
  1. Technical support for the TIP database to facilitate the integration of projects that affect highway asset condition performance into the project programming process.



## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>2</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional available data for the TPB’s planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB’s planning area.

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<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>

**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.



## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

The final National Public Transportation Safety Plan rule was published on January 18, 2017, finalizing the transit safety performance measures.<sup>3</sup> The Public Transportation Agency Safety Plan was published on July 19, 2018.<sup>4</sup> Under the final rules, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with subsets of the data based on the TPB's planning area boundaries.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit safety targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>

<sup>4</sup> <https://www.gpo.gov/fdsys/pkg/FR-2018-07-19/pdf/2018-15167.pdf>

**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide any performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit safety performance relevant to transit safety performance in the TPB metropolitan planning area.
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.





National Capital Region  
**Transportation Planning Board**

September 17, 2018

David Hodgkins  
Acting City Manager  
City of Fairfax  
Office of the City Manager  
10455 Armstrong Street  
Fairfax, Virginia 22030-3630

**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Mr. Hodgkins:

This Letter of Agreement ("**LOA**") between the National Capital Region Transportation Planning Board ("**TPB**") and the City of Fairfax ("**AGENCY**") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("**PBPP**") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("**States**"), Metropolitan Planning Organizations ("**MPOs**"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("**3C**") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "**Planning Rule**"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.

Mr. Hodgkins, City of Fairfax  
September 17, 2018

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

"shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation".

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

"shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region".


Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in **Article A — General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and Articles C, E and F — PBPP Areas.**

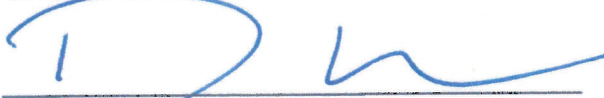
The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.


**IN WITNESS WHEREOF**, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY:   
Kanti Srikanth  
Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

City of Fairfax

BY:   
David Hodgkins  
Acting City Manager

APPROVED AS TO FORM  
  
CITY ATTORNEY

## Article A

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB, the States and the Providers of Public Transportation recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** ("3C" Agreement/Agreement) signed by the States and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

## Article 1

### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

## Article 2

### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.



**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

**Article 3**  
**Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the “3C” Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region’s highway and transit systems for inclusion in the Plan.

**Article 4**  
**Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the “3C” Agreement, the TPB will develop a Transportation Improvement Program (“TIP”) for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region’s highway and transit systems.

## Article C

### Performance Based Planning and Programming Responsibilities for Highway Asset Condition – Pavement and Bridge

The final Pavement and Bridge Condition Performance Measures rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017.<sup>1</sup> This and other federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway asset condition on a biennial cycle. The initial set of highway asset targets for pavement and bridge condition are due by May 20, 2018, for the period 2018 to 2021. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the State DOTs' statewide targets or set its own four-year targets specific to the metropolitan planning area. Other owners of National Highway System (NHS) assets shall provide supporting information to their State DOT and to the TPB.

#### 1) Transportation performance data

- a. Each State DOT is responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS, and report this data to the Highway Performance Monitoring System (HPMS) and National Bridge Inventory (NBI). By October 1 of reporting years, each State DOT will provide the TPB the statewide performance data and the methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's metropolitan planning area.
- b. The TPB will provide each State DOT with any additional data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.
- a. Other NHS Asset Owners will provide both the respective State DOT and the TPB with any additional published or publicly available data on bridge and pavement condition for their assets.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs and NHS Asset Owners. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs and NHS Asset Owners shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal regulation.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00550.pdf>

**Article C: Highway Asset Condition, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs and NHS Asset Owners.
3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with information about the statewide performance data used in developing statewide targets, and will also provide the TPB with any available subsets of the statewide data for the TPB planning area. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance reports to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, federal agencies, and NHS Asset Owners.
- d. Other NHS Asset Owners will provide any additional published or publicly available documents or materials relevant to the performance of the pavement and bridge condition of their NHS assets to the TPB.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A list of projects that use National Highway Performance Program (NHPP), Surface Transportation Program (STP), or other funds to address pavement and bridge conditions planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  2. The annual obligation listing of NHPP and STP funds expended in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any highway asset condition information outlined in any statewide transportation plan or any statewide transportation improvement program
  4. Any published or publicly available reports or analysis that reviews highway asset condition performance relevant to highway condition performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs and Other NHS Asset Owners:
  1. Technical support for the TIP database to facilitate the integration of projects that affect highway asset condition performance into the project programming process.



## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>2</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional available data for the TPB's planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
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#### 3) Reporting of performance targets

- a. When final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>

**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.

## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

The final National Public Transportation Safety Plan rule was published on January 18, 2017, finalizing the transit safety performance measures.<sup>3</sup> The Public Transportation Agency Safety Plan was published on July 19, 2018.<sup>4</sup> Under the final rules, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with subsets of the data based on the TPB's planning area boundaries.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit safety targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>

<sup>4</sup> <https://www.gpo.gov/fdsys/pkg/FR-2018-07-19/pdf/2018-15167.pdf>



**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide any performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit safety performance relevant to transit safety performance in the TPB metropolitan planning area.
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.



National Capital Region  
**Transportation Planning Board**

November 20, 2018

Tom Biesiadny  
Director  
Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033

**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Mr. Biesiadny:

This Letter of Agreement ("LOA") between the National Capital Region Transportation Planning Board ("TPB") and the Board of Supervisors of Fairfax County, acting through the Fairfax County Department of Transportation ("AGENCY") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("PBPP") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area. The TPB is a MPO under the PBPP. The AGENCY is a Provider of Public Transportation under the PBPP through its operation of the Fairfax County Connector bus.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "Planning Rule"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations

consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

“shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation”.

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

“shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region”.

Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The TPB shall perform PBPP tasks as outlined in Article A — General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and Articles E and F — PBPP Areas. The AGENCY shall perform PBPP tasks related to the Fairfax County Connector bus as a Provider of Public Transportation as outlined in Article A — General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and Articles E and F — PBPP Areas.

Articles B, C, and D are intentionally omitted from this LOA.

The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

The AGENCY’s financial obligations under this LOA are subject to appropriations by the Fairfax County Board of Supervisors.

Nothing herein shall be considered as a waiver of the sovereign immunity of the County of Fairfax.

Nothing herein shall be considered to create any rights in any third parties.

Nothing herein shall be considered to create any personal liability on behalf of any official, employee, agent, or representative of the County of Fairfax.

This Letter Agreement shall be construed in all respects in accordance with the laws of the Commonwealth of Virginia.



Mr. Biesiadny, Fairfax Co.  
November 20, 2018

IN WITNESS WHEREOF, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY: 

Kanti Srikanth

Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

The Board of Supervisors of Fairfax County

BY: 

Tom Biesiadny

Director of the Fairfax County Department of Transportation

## **Article A**

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB, the States and the Providers of Public Transportation recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** ("3C" Agreement/Agreement) signed by the States and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

## **Article 1**

### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

## **Article 2**

### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.

**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

**Article 3  
Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the “3C” Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region’s highway and transit systems for inclusion in the Plan.

**Article 4  
Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the “3C” Agreement, the TPB will develop a Transportation Improvement Program (“TIP”) for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region’s highway and transit systems.



## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>1</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional available data for the TPB's planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>

**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.



## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

The final National Public Transportation Safety Plan rule was published on January 18, 2017, finalizing the transit safety performance measures.<sup>2</sup> The Public Transportation Agency Safety Plan was published on July 19, 2018.<sup>3</sup> Under the final rules, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with subsets of the data based on the TPB's planning area boundaries.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit safety targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>

<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/FR-2018-07-19/pdf/2018-15167.pdf>



**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide any performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit safety performance relevant to transit safety performance in the TPB metropolitan planning area.
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.



National Capital Region  
**Transportation Planning Board**

October 24, 2018

Al R. Roshdieh  
Director  
Montgomery County Department of Transportation  
101 Monroe Street, 10th Floor  
Rockville, MD 20878

**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Mr. Roshdieh:

This Letter of Agreement ("**LOA**") between the National Capital Region Transportation Planning Board ("**TPB**") and the Montgomery County Department of Transportation ("**AGENCY**") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("**PBPP**") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "**Planning Rule**"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.

Mr. Roshdieh, MCDOT  
August XX, 2018

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

"shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation".

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

"shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region".

Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in Article A – General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and Articles C, E and F – PBPP Areas.

The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

**IN WITNESS WHEREOF**, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY: 

Kanti Srikanth  
Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

Montgomery County Department of Transportation

BY: 

Al R. Roshdieh  
Director



## **Article A**

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB, the States and the Providers of Public Transportation recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** ("3C" Agreement/Agreement) signed by the States and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

## **Article 1**

### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

## **Article 2**

### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.

**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

**Article 3  
Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the "3C" Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region's highway and transit systems for inclusion in the Plan.

**Article 4  
Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the "3C" Agreement, the TPB will develop a Transportation Improvement Program ("TIP") for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region's highway and transit systems.

## Article C

### Performance Based Planning and Programming Responsibilities for Highway Asset Condition – Pavement and Bridge

The final Pavement and Bridge Condition Performance Measures rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017.<sup>1</sup> This and other federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway asset condition on a biennial cycle. The initial set of highway asset targets for pavement and bridge condition are due by May 20, 2018, for the period 2018 to 2021. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the State DOTs' statewide targets or set its own four-year targets specific to the metropolitan planning area. Other owners of National Highway System (NHS) assets shall provide supporting information to their State DOT and to the TPB.

#### 1) Transportation performance data

- a. Each State DOT is responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS, and report this data to the Highway Performance Monitoring System (HPMS) and National Bridge Inventory (NBI). By October 1 of reporting years, each State DOT will provide the TPB the statewide performance data and the methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's metropolitan planning area.
- b. The TPB will provide each State DOT with any additional data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.
- a. Other NHS Asset Owners will provide both the respective State DOT and the TPB with any additional published or publicly available data on bridge and pavement condition for their assets.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs and NHS Asset Owners. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs and NHS Asset Owners shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal regulation.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00550.pdf>



**Article C: Highway Asset Condition, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs and NHS Asset Owners.
3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with information about the statewide performance data used in developing statewide targets, and will also provide the TPB with any available subsets of the statewide data for the TPB planning area. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance reports to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, federal agencies, and NHS Asset Owners.
- d. Other NHS Asset Owners will provide any additional published or publicly available documents or materials relevant to the performance of the pavement and bridge condition of their NHS assets to the TPB.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A list of projects that use National Highway Performance Program (NHPP), Surface Transportation Program (STP), or other funds to address pavement and bridge conditions planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  2. The annual obligation listing of NHPP and STP funds expended in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any highway asset condition information outlined in any statewide transportation plan or any statewide transportation improvement program
  4. Any published or publicly available reports or analysis that reviews highway asset condition performance relevant to highway condition performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs and Other NHS Asset Owners:
  1. Technical support for the TIP database to facilitate the integration of projects that affect highway asset condition performance into the project programming process.

## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>2</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional available data for the TPB's planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>

**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.



## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

The final National Public Transportation Safety Plan rule was published on January 18, 2017, finalizing the transit safety performance measures.<sup>3</sup> The Public Transportation Agency Safety Plan was published on July 19, 2018.<sup>4</sup> Under the final rules, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with subsets of the data based on the TPB's planning area boundaries.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit safety targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>

<sup>4</sup> <https://www.gpo.gov/fdsys/pkg/FR-2018-07-19/pdf/2018-15167.pdf>

**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide any performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit safety performance relevant to transit safety performance in the TPB metropolitan planning area.
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.



National Capital Region  
**Transportation Planning Board**

Ms. Gwendolyn T. Clerkley  
Acting Director  
Prince George's County Department of Public Works and Transportation  
9400 Peppercorn Place  
Largo, MD 20774



**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Ms. Clerkley:

This Letter of Agreement ("LOA") between the National Capital Region Transportation Planning Board ("TPB") and the Prince George's County Department of Public Works and Transportation ("AGENCY") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("PBPP") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "Planning Rule"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.



Ms. Clerkley, Prince George's  
September 26, 2018

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

“shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation”.

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

“shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region”.

Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in **Article A** – General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and **Articles C, E and F** – PBPP Areas.

The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

**IN WITNESS WHEREOF**, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY: 

Kanti Srikanth

Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

Prince George's County Department of Public Works and Transportation

BY: 

Ms. Gwendolyn T. Clerkley  
Acting Director

## Article A

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB, the States and the Providers of Public Transportation recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** ("3C" Agreement/Agreement) signed by the States and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

## Article 1

### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

## Article 2

### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.

**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

**Article 3**  
**Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the “3C” Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region’s highway and transit systems for inclusion in the Plan.

**Article 4**  
**Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the “3C” Agreement, the TPB will develop a Transportation Improvement Program (“TIP”) for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region’s highway and transit systems.



## Article C

### Performance Based Planning and Programming Responsibilities for Highway Asset Condition – Pavement and Bridge

The final Pavement and Bridge Condition Performance Measures rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017.<sup>1</sup> This and other federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway asset condition on a biennial cycle. The initial set of highway asset targets for pavement and bridge condition are due by May 20, 2018, for the period 2018 to 2021. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). The TPB is required to either adopt and support the State DOTs' statewide targets or set its own four-year targets specific to the metropolitan planning area. Other owners of National Highway System (NHS) assets shall provide supporting information to their State DOT and to the TPB.

#### 1) Transportation performance data

- a. Each State DOT is responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS, and report this data to the Highway Performance Monitoring System (HPMS) and National Bridge Inventory (NBI). By October 1 of reporting years, each State DOT will provide the TPB the statewide performance data and the methodology used in developing the annual statewide targets, and will also provide the TPB any additional available data for the TPB's metropolitan planning area.
- b. The TPB will provide each State DOT with any additional data developed or supplemental data utilized in the performance process by the TPB, and will provide subsets of metropolitan planning area performance data by state.
- a. Other NHS Asset Owners will provide both the respective State DOT and the TPB with any additional published or publicly available data on bridge and pavement condition for their assets.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the State DOTs and NHS Asset Owners. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. State DOTs and NHS Asset Owners shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final statewide targets are adopted, State DOTs will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each State DOT. For each target, the TPB will provide the following information to each State DOT no later than 180 days after the date the State DOT establishes performance targets, or the date specified by federal regulation.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00550.pdf>

**Article C: Highway Asset Condition, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to the State DOTs and NHS Asset Owners.
3. Documentation of the TPB's target or support of the statewide target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each State DOT will provide the TPB with information about the statewide performance data used in developing statewide targets, and will also provide the TPB with any available subsets of the statewide data for the TPB planning area. Updates of this data will include prior performance data.
- b. Each State DOT will provide its biennial performance reports to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. State DOTs will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the State DOTs, federal agencies, and NHS Asset Owners.
- d. Other NHS Asset Owners will provide any additional published or publicly available documents or materials relevant to the performance of the pavement and bridge condition of their NHS assets to the TPB.

**5) Programming and projects**

- a. State DOTs will provide to the TPB:
  1. A list of projects that use National Highway Performance Program (NHPP), Surface Transportation Program (STP), or other funds to address pavement and bridge conditions planned for the TPB metropolitan planning area as part of their input to the metropolitan Transportation Improvement Program (TIP).
  2. The annual obligation listing of NHPP and STP funds expended in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any highway asset condition information outlined in any statewide transportation plan or any statewide transportation improvement program
  4. Any published or publicly available reports or analysis that reviews highway asset condition performance relevant to highway condition performance in the TPB metropolitan planning area.
- b. The TPB will provide to the State DOTs and Other NHS Asset Owners:
  1. Technical support for the TIP database to facilitate the integration of projects that affect highway asset condition performance into the project programming process.

## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>2</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional available data for the TPB's planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>



**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.

## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

The final National Public Transportation Safety Plan rule was published on January 18, 2017, finalizing the transit safety performance measures.<sup>3</sup> The Public Transportation Agency Safety Plan was published on July 19, 2018.<sup>4</sup> Under the final rules, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with subsets of the data based on the TPB's planning area boundaries.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit safety targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>

<sup>4</sup> <https://www.gpo.gov/fdsys/pkg/FR-2018-07-19/pdf/2018-15167.pdf>

**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide any performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit safety performance relevant to transit safety performance in the TPB metropolitan planning area.
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.





National Capital Region  
**Transportation Planning Board**

October 2, 2018

Robert A. Schneider  
Executive Director  
Potomac and Rappahannock Transportation Commission  
14700 Potomac Mills Road  
Woodbridge, VA 22192

**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Mr. Schneider:

This Letter of Agreement ("**LOA**") between the National Capital Region Transportation Planning Board ("**TPB**") and the Potomac and Rappahannock Transportation Commission ("**AGENCY**") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("**PBPP**") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "**Planning Rule**"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

“shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation”.

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

“shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region”.

Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in **Article A** – General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and **Articles E and F** – PBPP Areas.

The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

**IN WITNESS WHEREOF**, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY: \_\_\_\_\_

Kanti Srikanth

Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

Potomac and Rappahannock Transportation Commission

BY: \_\_\_\_\_

Robert A. Schneider  
Executive Director

## Article A

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB, the States and the Providers of Public Transportation recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** ("3C" Agreement/Agreement) signed by the States and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

#### Article 1

##### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

#### Article 2

##### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.



**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

**Article 3  
Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the “3C” Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region’s highway and transit systems for inclusion in the Plan.

**Article 4  
Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the “3C” Agreement, the TPB will develop a Transportation Improvement Program (“TIP”) for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region’s highway and transit systems.

## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>1</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional available data for the TPB's planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>

**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.



## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

The final National Public Transportation Safety Plan rule was published on January 18, 2017, finalizing the transit safety performance measures.<sup>2</sup> The Public Transportation Agency Safety Plan was published on July 19, 2018.<sup>3</sup> Under the final rules, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with subsets of the data based on the TPB's planning area boundaries.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit safety targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>2</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>

<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/FR-2018-07-19/pdf/2018-15167.pdf>

**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide any performance report to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit safety performance relevant to transit safety performance in the TPB metropolitan planning area.
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.



National Capital Region  
**Transportation Planning Board**

January 7, 2019

Doug Allen  
Chief Executive Officer  
Virginia Railway Express  
1500 King Street, Suite 202  
Alexandria, Virginia 22314

Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming

Dear Mr. Allen:

This Letter of Agreement ("LOA") between the National Capital Region Transportation Planning Board ("TPB") and the Virginia Railway Express ("AGENCY") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("PBPP") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "Planning Rule"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.



Mr. Doug Allen, VRE  
January 7, 2019

Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

“shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation”.

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

“shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region”.

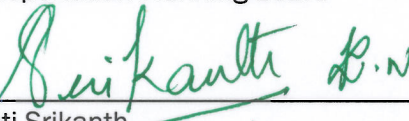
Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in Article A – General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning, and Article E – Performance Based Planning and Programming Responsibilities for Transit Asset Management.

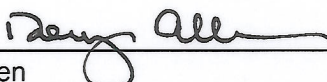
The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

IN WITNESS WHEREOF, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY:   
Kanti Srikanth  
Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

Virginia Railway Express

BY:   
Doug Allen  
Chief Executive Officer

## Article A

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, the TPB, the States and the Providers of Public Transportation recognize and agree that they will conduct a cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities** ("3C" Agreement/Agreement) signed by the States and the TPB.

The following articles for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (B through F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

## Article 1

### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

Signatories to the LOA participate as stakeholders in the metropolitan planning process, which provides a forum for cooperative transportation planning and decision-making. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

## Article 2

### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable. In general, these include collecting data, cooperatively establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report.

The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.

**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

**Article 3**  
**Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the “3C” Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region’s highway and transit systems for inclusion in the Plan.

**Article 4**  
**Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the “3C” Agreement, the TPB will develop a Transportation Improvement Program (“TIP”) for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region’s highway and transit systems.



## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>1</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, providers of public transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional available data for the TPB’s planning area.
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. When final transit asset management targets are adopted, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB’s planning area.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>

**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with subsets of any data based on the TPB planning area boundaries. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.



National Capital Region  
**Transportation Planning Board**

October 23, 2018

Paul J. Wiedefeld  
General Manager and Chief Executive Officer  
Washington Metropolitan Area Transit Authority  
600 Fifth Street, NW  
Washington, DC 20001

**Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming**

Dear Mr. Wiedefeld:

This Letter of Agreement ("**LOA**") between the National Capital Region Transportation Planning Board ("**TPB**") and the Washington Metropolitan Area Transit Authority ("**AGENCY**") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("**PBPP**") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, CMAQ Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "**Planning Rule**"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.



Regulation 23.CFR §450.314(a) requires that the TPB, the State(s) and Providers of Public Transportation

“shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation”.

With regard to the FAST Act provisions of PBPP, the updated regulation for Metropolitan Planning Agreements (23 CFR §450.314(h)), notes that the TPB, State(s) and Providers of Public Transportation

“shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region”.

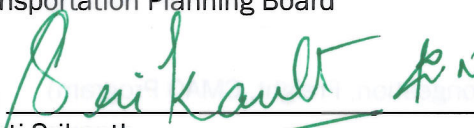
Consistent with the above regulation and in consideration of the mutual promises contained herein, TPB and the AGENCY agree to the following:

The AGENCY and TPB shall perform tasks related to PBPP as outlined in **Article A – General Agreement on Performance Based Planning and Programming and Metropolitan Transportation Planning**, and **Articles E and F – PBPP Areas**.

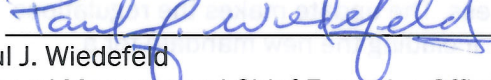
The communication outlined in these provisions between the AGENCY and TPB will generally be through the State Technical Working Group, the TPB Technical Committee, and the TPB board.

**IN WITNESS WHEREOF**, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region  
Transportation Planning Board

BY:   
Kanti Srikanth  
Director, Department of Transportation Planning  
Metropolitan Washington Council of Governments  
Administrative Agent for the TPB

Washington Metropolitan Area Transit Authority

BY:   
Paul J. Wiedefeld  
General Manager and Chief Executive Officer

## **Article A**

### **General Agreement on Performance Based Planning And Programming (PBPP) and Metropolitan Transportation Planning**

Under the LOA and this article, AGENCY agrees that it will participate in the cooperative, comprehensive and continuing transportation planning and programming process for the National Capital Region (Region) in accordance with the **Planning Rule** and as described in the **Planning Agreement on Performance Based Metropolitan Transportation Planning Responsibilities ("3C" Agreement/Agreement)** signed by the States and the TPB. For clarity, the AGENCY and TPB note that WMATA is not a party to the 3C Agreement.

The following Articles 1 through 4 for performance based planning and programming establish the general mutual responsibilities for carrying out this planning process in the Region. The remaining articles (E and F) document specific provisions for each performance area for cooperatively developing and sharing information related to the requirements for transportation performance data, the selection of performance targets, the reporting of performance targets, and the reporting of performance, as well as programming and projects.

#### **Article 1**

##### **Cooperative, Comprehensive, and Continuing Process for Metropolitan Transportation Planning**

The TPB uses the committee structures and meeting schedules for the metropolitan transportation process, as needed and as described in Article 1 of the "3C" Agreement. The TPB coordinates with numerous planning processes at the local and state levels to help determine the content of the long-range metropolitan transportation plan (Plan). The TPB is guided by its own vision and priorities which in turn reflect federal policy guidance.

AGENCY participates as a voting member of the metropolitan planning board, and provides, as a provider of public transportation, information necessary to the process, which provides a forum for cooperative transportation planning and decision-making. Nothing in this LOA is intended to revise AGENCY's role as a member of the TPB. There is also a Public Participation Plan (PPP) to provide citizens, affected public agencies, and all interested parties with reasonable opportunities to be involved in the performance-driven metropolitan transportation planning process and to review and comment at key decision points, as described in Article 6 of the "3C" Agreement.

#### **Article 2**

##### **Performance Based Planning and Programming**

The performance based planning and programming process will be conducted for the National Capital Region, the metropolitan planning area for the TPB, as described in the "3C" Agreement, Articles 1, 5, 9, and 10. The remaining articles of this LOA specify the roles and responsibilities for each signatory for specific PBPP performance areas, as applicable.

AGENCY and TPB recognize that FTA has provided guidance to TPB to exclude WMATA from the defined term "States and Providers of Public Transportation" as that term is used in the "3C" Agreement. The remaining articles of this LOA specify the roles and responsibilities applicable to WMATA for the reporting of specific PBPP performance areas.

**Article A: General Agreement on PBPP and Metropolitan Planning, continued**

In general, WMATA will collect data, cooperate in establishing all federally required performance targets for the metropolitan planning area (or urbanized area), sharing performance data, and supporting preparation of the system performance report. The TPB will prepare and submit the system performance report, CMAQ performance plan, TIP assessment, and other reports as required by the federal performance rules.

**Article 3  
Performance Inputs to the Metropolitan Transportation Plan**

As described in Article 9 of the “3C” Agreement, as amended or at least every four (4) years, the TPB shall develop an integrated multimodal performance-based long-range metropolitan transportation plan (Plan) that includes both long-range and short-range strategies and actions to facilitate the safe and efficient movement of people and goods in addressing current and future transportation trends and demands as specified in 23 CFR 450.324. This Plan shall be approved by the TPB and submitted for information purposes to the States and Providers of Public Transportation, and copies of updated and/or revised Plans shall be made available to the FHWA and FTA.

When updating the Plan, the TPB will coordinate with State DOTs, Providers of Public Transportation, and other stakeholders to conduct a cooperative, comprehensive, and continuing process to develop inputs on performance of the region’s highway and transit systems for inclusion in the Plan.

**Article 4  
Performance Inputs to the Transportation Improvement Program**

As described in Article 10 of the “3C” Agreement, the TPB will develop a Transportation Improvement Program (“TIP”) for the Region that reflects the investment priorities established in the current Plan and shall cover a period of no less than four (4) years. The TIP will be approved by the TPB and transmitted to the States for their approval and inclusion in their State Transportation Improvement Programs (STIP).

The TIP will provide a notice to the public that the public participation process used for its development meets the public participation requirements for the program of projects prepared by Providers of Public Transportation under 49 U.S.C. 5307.

The TIP will be designed such that, once implemented, it makes progress toward achieving the performance-driven, outcome-based targets established under 23 CFR §450.306 (c) and (d). The TIP will include, at minimum, the elements listed under 23 CFR 450.326 (e) through (h).

State DOTs and Providers of Public Transportation, and other stakeholders will conduct a cooperative, comprehensive and continuing process to develop project inputs in order to improve the performance of the Region’s highway and transit systems.



## Article E

### Performance Based Planning and Programming Responsibilities for Transit Asset Management

The final Transit Asset Management rule was published in the Federal Register on July 26, 2016, and became effective October 1, 2016.<sup>1</sup> Transit asset management (TAM) is “a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through the life cycle of such assets.” Under the final TAM rule, Providers of Public Transportation must collect and report data for four (4) performance measures, covering rolling stock, equipment, infrastructure, and facility condition. For these measures, States and Providers of Public Transportation have to annually set targets for the fiscal year, develop a four-year TAM plan for managing capital assets, and use a decision support tool and analytical process to develop a prioritized list of investments. Small providers can be reported for by a Group Sponsor. Subsequently, the TPB must adopt transit asset targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP. For purposes of this Article E, AGENCY is considered a Provider of Public Transportation

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit asset data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit asset targets and data to the NTD (annually by October 31 for providers with fiscal year of July 1 to June 30), each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional data this is prepared for the TPB's planning area.<sup>2</sup>
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. Upon adoption of transit asset management targets, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-07-26/pdf/2016-16883.pdf>

<sup>2</sup> Additional decision-making data could include: Capital Needs Inventory report updates, GIS data for stations and infrastructure, etc.

**Article E: Transit Asset, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets and a copy of the inventory and condition data submitting to the National Transit Database, and will also provide the TPB with subsets of any additional data that is prepared for the TPB planning area.<sup>3</sup> Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide its adopted performance reports, including the NTD annual narrative report, and Transit Asset Management Plans to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- a. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects as shown in the Transit Asset Management Plan that affect transit asset performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit asset projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit asset performance relevant to transit asset performance in the TPB metropolitan planning area.<sup>4</sup>
- b. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit asset performance into the project programming process.

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<sup>3</sup> Additional data could include: Capital Needs Inventory report updates, GIS data for stations and infrastructure, etc.

<sup>4</sup> Additional report or analysis could include the WMATA Budget, a Capital Needs Inventory, a Bus or Rail Fleet Management Plan, a Transit Asset Inventory and Condition Assessment report, or other that discusses the condition of current assets or plans to invest in renewing or replacing transit assets.

## Article F

### Performance Based Planning and Programming Responsibilities for Transit Safety

The final National Public Transportation Safety Plan rule was published on January 18, 2017, finalizing the transit safety performance measures.<sup>5</sup> The Public Transportation Agency Safety Plan was published on July 19, 2018<sup>6</sup>. Under the final rules, Providers of Public Transportation must collect and report data for four (4) performance measures, covering fatalities injuries, safety events (derailments, collisions, fires, and evacuations) and system reliability (mean distance between major and other mechanical system failures). For these measures, providers of public transportation will have to annually set targets for the fiscal year. A Group Sponsor can report for small providers. Subsequently, the TPB must adopt transit safety targets for the metropolitan planning area to comply with requirements, when the TPB updates its long-range plan or TIP. For purposes of this Article F, AGENCY is considered a Provider of Public Transportation.

#### 1) Transportation performance data

- a. Each Provider of Public Transportation is responsible for collecting its own transit safety data and reporting it in the National Transit Database (NTD), or of providing it to a Group Sponsor that reports the data on its behalf. When required to submit transit safety targets and data to the NTD, each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data and methodology used in developing the annual targets, and will also provide the TPB with any additional data this is prepared for the TPB's planning area.<sup>7</sup>
- b. The TPB will provide each Provider of Public Transportation with any data developed or supplemental data utilized in the performance process by the TPB.

#### 2) Selection of performance targets

- a. The TPB will develop draft metropolitan planning area performance targets in coordination with the Providers of Public Transportation or Group Sponsors. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication. Providers of Public Transportation or Group Sponsors shall be given an opportunity to provide comments on the TPB targets before final targets are adopted.
- b. The TPB board will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

#### 3) Reporting of performance targets

- a. Upon adoption of transit safety targets, each Provider of Public Transportation or Group Sponsor will transmit a copy to the TPB.
- b. The targets approved by the TPB will be reported to each Provider of Public Transportation or Group Sponsor. For each target, when the TPB approves a long range plan or TIP, the TPB will provide the following information to each Provider of Public Transportation or Group Sponsor.
  1. A determination of whether the TPB is 1) agreeing to plan and program projects that contribute toward the accomplishment of the provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the TPB's planning area.

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<sup>5</sup> <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00678.pdf>

<sup>6</sup> <https://www.gpo.gov/fdsys/pkg/FR-2018-07-19/pdf/2018-15167.pdf>

<sup>7</sup> Additional decision-making data could include: Capital Needs Inventory report updates, GIS data for stations and infrastructure, etc.



**Article F: Transit Safety, continued**

2. When any quantifiable target is set for the TPB planning area, the TPB will provide any supplemental data used in determining any such target to each Provider of Public Transportation or Group Sponsor.
3. Documentation of the TPB's target or support of the public transportation provider target will be provided in the form of a resolution or meeting minutes.

**4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the TPB region**

- a. Each Provider of Public Transportation or Group Sponsor will provide the TPB with the performance data used in developing targets, and will also provide the TPB with any additional data that is prepared for the TPB planning area. Updates of this data will include prior performance data.
- b. Each Provider of Public Transportation or Group Sponsor will provide any performance report submitted to the National Transit Database to the TPB.
- c. As part of the long-range plan, the TPB will prepare a System Performance Report on the Region's transportation performance. Providers of Public Transportation or Group Sponsors will be given an opportunity to provide comments on the report before the report is finalized. The final report will be transmitted to the Providers of Public Transportation and Group Sponsors.

**5) Programming and projects**

- c. Each Provider of Public Transportation or Group Sponsor will provide to the TPB:
  1. A list of projects as shown in the Agency Safety Plan that affect transit safety performance and use federal transit or other funds planned for the TPB metropolitan planning area as part of their input to the metropolitan TIP.
  2. The annual obligation listing of federal transit funds expended on transit safety projects and programs in the past year that includes funds expended for the TPB metropolitan planning area by December 30 of each year.
  3. Any published or publicly available report or analysis that reviews transit safety performance or is relevant to transit safety performance in the TPB metropolitan planning area.<sup>8</sup>
- d. The TPB will provide to each Provider of Public Transportation or Group Sponsor:
  1. Technical support for the TIP database to facilitate the integration of transit safety performance into the project programming process.

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<sup>8</sup> Additional report or analysis could include the WMATA Budget, results of a material safety review, the result of an education and enforcement campaign, or other published, publicly available material that is used for decision-making for projects, programs, or policies to improve transit safety or meet safety targets.