



MEMORANDUM

TO: Southwest Washington Regional Transportation Council Board of Directors
FROM: Matt Ransom, Executive Director *MR*
DATE: July 26, 2016
SUBJECT: **MAP-21 and FAST Act Related Rule-Making**

AT A GLANCE – INFORMATION

The purpose of this memorandum is to keep the RTC Board updated on rulemaking related to implementation of the federal transportation act MAP-21 (2012) and the subsequent FAST Act (2015). RTC staff will discuss potential implications and interim observations on the system performance and MPO coordination proposed rulemakings.

BACKGROUND

The federal transportation act, MAP-21 (2012), instituted performance driven transportation planning and decision making and these provisions were carried into the current federal transportation act, the FAST Act (2015). Following passage of MAP-21, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) moved forward with rulemaking on how to implement the performance provisions. This Memo describes Transportation Performance Management (TPM), national goals, and rulemaking schedule with focus on the final two areas of proposed rulemaking for System Performance Measures and MPO Coordination.

What is Transportation Performance Management?

FHWA defines Transportation Performance Management as a strategic approach that uses system information to make investment and policy decisions to achieve national performance goals. Transportation Performance Management is systematically applied as part of a regular ongoing process. It provides key information to help decision makers understand the consequences of investment decisions across multiple markets and is aimed to improve communications between decision makers, stakeholders and the traveling public. Performance measures and targets are to be based on data and objective information and developed in cooperative partnerships.

National Goals and System Performance

Transportation system national performance goals as established in MAP-21 and carried into the FAST Act include: safety; infrastructure condition; congestion reduction; system reliability; freight movement; economic vitality; environmental sustainability; and a reduction in project delivery delays. The goals look to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, maintain transportation infrastructure in a state of good repair, achieve a significant reduction in congestion on the National Highway System, and improve the

national freight network to provide access to national and international trade markets and support regional economic development.

The transition to a performance and outcome-based transportation program is designed to work toward achieving these national goals by having states and MPOs monitor and report on transportation system performance to inform the decision making process and invest resources in projects to achieve individual targets that collectively will make progress toward national goals.

Transportation Performance Management Rulemaking Schedule and Status

Following enactment of MAP-21, Notices of Proposed Rule Making (NPRM) on various transportation performance areas such as highway safety, pavement and bridge performance, and highway asset management, were slowly issued by the federal government (see Attachment 1, FHWA TPM Rulemaking Schedule). MPOs, State DOTs and the public are provided an opportunity to comment on the proposed rules before they are finalized. For some performance areas, the comment period is now closed and the final rules have either been published or are anticipated before year's end. Throughout this rulemaking process, RTC staff has worked collaboratively with Washington State Department of Transportation (WSDOT) and has concurred with WSDOT's comments.

There are currently two NPRMs out for comment on Systems Performance Measures and MPO Coordination. Both have potential consequences for how RTC conducts the regional planning process. Information on these NPRMs is provided below.

System Performance Measures NPRM

On April 22, 2016 the FHWA posted an NPRM in the Federal Register to propose national performance management measure regulations to assess the performance of the National Highway System, freight movement on the interstate system, and the Congestion Mitigation and Air Quality (CMAQ) improvement program. Comments on these system performance measures are due by August 20. WSDOT and MPOs in Washington State have worked cooperatively to draft comments on technical issues relating to implementing performance measures and monitoring. There are concerns that the performance measures focus narrowly on congestion and vehicle speed rather than on multimodal transportation solutions and transportation access opportunities to services and destinations.

A summary listing of performance measures and reporting requirements is provided on Attachment 2, MAP-21 Federal Performance Reporting Requirements (WSDOT). WSDOT and MPOs work collaboratively to monitor performance, set performance targets and report on system performance. Under the proposed federal planning rule, there is a requirement for bi-state planning partners, RTC and Metro, to jointly establish performance targets as well.

Metropolitan Planning Organization Coordination and Planning Reform NPRM

On June 27, 2016, USDOT posted an NPRM on Metropolitan Planning Organization Coordination and Planning Reform. USDOT's intended purpose is to improve the transportation

planning process by strengthening coordination of MPOs and states, promoting the use of regional approaches to planning and decision-making, emphasizing the importance of a regional perspective, ensuring that transportation investments reflect the needs and priorities of the entire region, recognizing the critical role of MPOs in providing for a region's economic well-being and strengthening the voice of MPOs in transportation planning process.

Proposed changes would impact RTC and Metro, two Metropolitan Planning Organizations (MPO's) working within one bi-state Portland-Vancouver census designated urbanized area. The proposed rulemaking would require unified transportation planning procedures for the entire region, would require that planning activities consider the entire region consistently, would require jointly established performance targets, and would require joint development of unified planning products for the entire region, including: a joint Regional Transportation Plan; and, Transportation Improvement Program. The NPRM requires consideration of merging of the two MPOs though the Governor and MPOs retain the decision-making authority to determine whether a planning area warrants multiple MPOs. Updated planning agreements would have to include provisions for coordination of information and analyses and a dispute resolution process. The NPRM is anticipated to impact 142 MPOs nationwide out of a total of 409 MPOs.

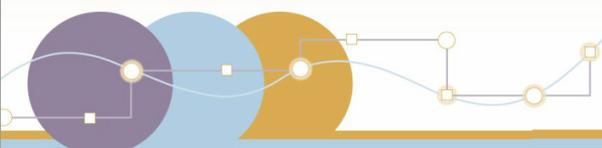
RTC staff's comments to the NPRM docket will likely focus on coordination efforts between Metro and RTC that are already in place and have been for many years. These coordination efforts include reciprocal voting membership on decision making bodies; Metro's Joint Policy Advisory Committee on Transportation (JPACT) and the RTC Board of Directors. The region also has an established Bi-State Coordination Committee to advise on bi-state transportation and land use issues. Within this region, the proposed new MPO Coordination rules could impede rather than enhance the regional planning process. Other comments may focus on the structural challenges presented in trying to deliver joint bi-state transportation plans given two different state-mandated planning processes coming out of Washington State's Growth Management Act and Oregon's Transportation Planning Rule as well as the challenges of delivering a joint TIP where the two states have different state-wide procedures for administering transportation funds. Additional impressions and observations from RTC Board members are welcome at the Board meeting.

NEXT STEPS

RTC staff will continue to work with WSDOT and Metro on comments to proposed rulemaking and will report back to the RTC Board on future actions relating to the federal rules and their implementation.

Attachments:

- 1) TPM Rulemaking Schedule
- 2) Federal Performance Reporting Requirements



FHWA TPM Rulemaking Schedule

Performance Areas	NPRM	Comments Due	Anticipated Final Rule
Safety Performance Measures	March 11, 2014	<u>Closed</u> June 30, 2014	Published March 16 2016
Highway Safety Improvement Program	March 28, 2014	<u>Closed</u> June 30, 2014	Published March 16 2016
Statewide and Metro Planning; Non-Metro Planning	June 2, 2014	<u>Closed</u> October 2, 2014	Published May 27, 2016
Pavement and Bridge Performance Measures	January 5, 2015	<u>Closed</u> May 8, 2015	Anticipated November, 2016
Highway Asset Management Plan	February 20, 2015	<u>Closed</u> May 29 2015	Anticipated November, 2016
System Performance Measures	April 22, 2016	<u>Open</u> until August 20 2016	TBD
MPO Coordination	June 27, 2016	<u>Open</u> Until August 26, 2016	TBD

MAP-21 federal performance reporting requirements

MAP-21 goals by program area	Federal threshold ¹	Penalty ²					
Highway Safety Improvement Program							
Rate of traffic fatalities per 100 million vehicle miles traveled (VMT) on all public roads	No	Yes		Draft rule released 3/11/14	Comment due 5/27/14	Final rule released 3/15/16	Final Rule effective 4/14/16
Rate of serious traffic injuries per 100 million vehicle miles traveled (VMT) on all public roads	No	Yes					
Number of traffic fatalities on all public roads	No	Yes					
Number of serious traffic injuries on all public roads	No	Yes					
Rate of per capita traffic fatalities for drivers and pedestrians 65 years of age or older	No	No					
Rate of fatalities on high-risk rural roads	No	Yes					
Highway-railway crossing fatalities	No	No					
Number of non-motorized traffic fatalities and serious injuries	No	Yes					
National Highway Performance Program							
National Highway System and Interstate pavement in good and poor conditions	% of Interstate pavement in poor condition not to exceed 5%	Yes		Draft rule released 1/5/15	Comment due 5/8/15	Final rule released TBD⁴	Final Rule effective TBD
National Highway System bridges classified in good and poor conditions	<10% of deck area on SD ³ bridges	Yes					
National Freight Movement Program							
Percent of the Interstate System mileage providing for reliable truck travel time	No	No		Draft rule released 4/22/16	Comment due 8/20/16	Final rule released TBD	Final Rule effective TBD
Percent of the Interstate System mileage uncongested	No	No					
Congestion Mitigation and Air Quality Program (CMAQ)							
Annual hours of congested delay per capita	No	No		Draft rule released 4/22/16	Comment due 8/20/16	Final rule released TBD	Final Rule effective TBD
Two- and four-year total emission reductions for each criteria pollutant and precursor	No	No					
System Performance (Congestion)							
Percent of the Interstate System providing for reliable travel	No	No		Draft rule released 4/22/16	Comment due 8/20/16	Final rule released TBD	Final Rule effective TBD
Percent of the non-Interstate NHS providing for reliable travel	No	No					
Percent of the Interstate System where peak hour travel times meet expectations	No	No					
Percent of the non-Interstate NHS where peak hour travel times meet expectations	No	No					

Data source: WSDOT Office of Strategic Assessment and Performance Analysis.

Notes: 1 Minimum threshold or benchmark to be established by the U.S. Department of Transportation, Secretary of Transportation.

2 Penalties apply for some measures if WSDOT or the MPO does not attain the target within a given time frame. Penalties include minimum allocations of federal funding toward programs to progress toward the desired target. 3 SD = structurally deficient. 4 TBD = To be determined.