



José M. Rivera, P.E.
Executive Director

PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #464

**JOINT PERFORMANCE MANAGEMENT AGREEMENT TO SUPPORT PERFORMANCE-BASED
PLANNING AND PROGRAMMING**

WHEREAS, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization (MPO) for New York City, Long Island and the lower Hudson Valley; and

WHEREAS, the United States Department of Transportation has promulgated transportation planning requirements in Title 23 Part 450 of the Code of Federal Regulations (23 CFR); and

WHEREAS, MPO(s), State(s), and providers of public transportation are required by 23 CFR 450.314(h) to cooperatively determine their mutual responsibilities in carrying out the performance-based planning and programming requirements established by federal law; and

WHEREAS, 23 CFR 450.314(h)(1) requires that “The MPO(s), State(s), and providers of public transportation shall jointly agree upon and develop specific written procedures 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 achievement of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS)”;

WHEREAS, 23 CFR 450.314(h)(2) allows for these provisions to be “Documented in some other means outside the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation”;

WHEREAS, Attachment 1 of this resolution documents the required joint agreement between NYMTC, New York State Department of Transportation (NYSDOT), and the providers of public transportation in the NYMTC planning area, to support performance-based planning and programming; and

WHEREAS, this joint agreement will be applicable to all applicable performance measures and targets as described in 23 CFR 490.105 (c).

NOW, THEREFORE, BE IT RESOLVED THAT NYMTC adopts this joint agreement to meet performance-based planning and programming requirements in accordance with 23 CFR 450 and established federal guidance.

AND BE IT FURTHER RESOLVED THAT PFAC authorizes Executive Director Jose M. Rivera, P.E., to sign this agreement on behalf of NYMTC.

This resolution shall take effect on the twenty-fourth day of May two thousand and eighteen.

ADOPTED: MAY 24, 2018

"I certify that the above is a true copy of Resolution #464, Joint Performance Management Agreement to Support Performance-Based Planning and Programming, and was motioned by Mr. Patrick Gerdin, representing the Mid-Hudson South Transportation Coordinating Committee and seconded by Mr. Jack Schmidt, representing the New York City Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."

A handwritten signature in black ink, appearing to be 'Ron Epstein', written over a horizontal line.

Ron Epstein, PFAC Chair

Performance Management Agreement

between

the New York Metropolitan Transportation Council (NYMTC),

New York State Department of Transportation (NYSDOT), and

**Metropolitan Transportation Authority (MTA) and its Operating Subsidiaries
Staten Island Ferry as operated by the New York City Department of Transportation
Nassau Inter-County Express (NICE) Bus – Nassau County
Suffolk County Transit (SCT) – Suffolk County
Putnam Area Rapid Transit (PART) – Putnam County
Transport of Rockland (TOR) - Rockland County
Bee-Line System - Westchester County
City of Long Beach Transit - City of Long Beach, New York
Huntington Area Rapid Transit (HART) - Town of Huntington, New York**

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WHEREAS, 23 CFR 450.314(h)(2) allows for these provisions to be “Documented in some other means outside the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation”; and

WHEREAS the NYMTC has been designated by the Governor of the State of New York as the Metropolitan Planning Organization responsible for the comprehensive, continuing, and cooperative transportation planning process for New York City, Long Island and the lower Hudson Valley.

NOW, THEREFORE, BE IT RESOLVED, that the parties do hereby agree to adhere to the following for coordination to meet performance-based planning and programming requirements in accordance with 23 CFR 450 and established federal guidance.

1. Transportation performance data

- a. NYSDOT will collect and provide NYMTC and the public transportation providers as applicable with data used in developing statewide targets at the time the selection of the respective targets is coordinated with NYMTC and the public transportation providers.
- b. Tier I public transportation providers (Metropolitan Transportation Authority [MTA] and its operating subsidiaries; Nassau Inter-County Express [NICE] Bus; Suffolk County Transit [SCT]; and Bee-Line System) will collect and provide NYMTC with the data used in developing its targets for all applicable measures.
- c. Tier II public transportation providers (Staten Island Ferry as operated by the New York City Department of Transportation; Putnam Area Rapid Transit [PART]; Transport of Rockland [TOR]; City of Long Beach Transit; and the Huntington Area Rapid Transit [HART]) will collect and provide NYMTC with the data used in developing its targets for all applicable measures not subject to other federal regulatory agency such as US Coast Guard oversight or will coordinate on target setting with NYSDOT as the Sponsor of the Group Transit Asset Management (TAM) Plan.
- d. If NYMTC chooses to set its own target for any measure, it will collect and provide NYSDOT and the named public transportation providers with any supplemental data used in association with the MPO target setting process, if applicable.

2. Selection of transportation performance targets

- a. NYMTC, NYSDOT, and the named public transportation providers will coordinate to the maximum extent practicable when setting performance targets.
 - (i) Coordination will include as many of the following opportunities as deemed appropriate for the measure: in-person meetings, webinars, conference calls, and email/written communication.
 - (ii) NYMTC and public transportation providers as applicable, shall be given an opportunity to provide comments on NYSDOT statewide targets prior to NYSDOT setting statewide targets.
- b. NYSDOT will set statewide performance targets to meet the federal performance management requirements.
 - (i) NYSDOT will provide written notice to NYMTC when NYSDOT sets a target. The submission of the target will begin the 180-day time period within which NYMTC must set its performance target.

- c. The Tier I and Tier II public transportation providers as applicable, will set performance targets to meet the federal performance management requirements for transit asset management and transit safety (pending finalization of the transit safety rule).
 - (i) They will provide written notice to NYMTC when targets are set. The submission of the targets will begin the 180-day time period within which the NYMTC must set its performance target.
- d. NYMTC will set performance targets within 180 days of NYSDOT and public transportation providers setting targets by either supporting NYSDOT or the public transportation providers' targets, or setting separate targets of their choosing for the MPO region.
 - (i) If NYMTC chooses to support the state target, the MPO will provide documentation in the form of a Program Finance and Administration Committee (PFAC)-approved resolution stating such to NYSDOT and the public transportation providers that the NYMTC agrees to plan and program projects that will contribute toward achievement of the NYSDOT or public transportation providers' targets.
 - (ii) If NYMTC chooses to set its own target, the MPO will develop the target in coordination with NYSDOT or the public transportation providers, respectively. The MPO will provide NYSDOT or public transportation providers the opportunity to comment on MPO targets prior to NYMTC adoption of the targets. NYMTC will provide written notice to NYSDOT and public transportation providers when the NYMTC sets a target, providing the targets and the date the MPO set the targets.

3. Reporting of performance targets

- a. Reporting of targets and performance will be done as specified in 23 CFR 490, 49 CFR 625, and 49 CFR 673.
- b. NYSDOT will report all targets to FHWA and FTA as applicable. NYSDOT will provide written notice of these reported targets to NYMTC.
- c. NYMTC will report any MPO targets to NYSDOT.
- d. NYSDOT will include information outlined in 23 CFR 450.216(f) in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in 23 CFR 450.218(q) in any statewide transportation improvement program amended or adopted after May 27, 2018.
- e. NYMTC will include information outlined in 23 CFR 450.324(f)(3-4) in any metropolitan transportation plan amended or adopted after May 27, 2018, and

information outlined in 23 CFR 450.326(d) in any transportation improvement program amended or adopted after May 27, 2018.

4. Reporting of performance to be used in tracking progress toward attainment of critical outcomes
 - a. Where available and practicable, NYSDOT will provide the NYMTC with the statewide performance data used in developing progress reports.
 - b. If NYMTC sets a different target than the statewide target the MPO will provide NYSDOT with MPO-wide performance data used to develop the progress report.
 - c. Where applicable, NYMTC will provide data to NYSDOT for the CMAQ on-road emissions measure.
 - d. Where applicable, NYMTC will provide NYSDOT and the public transportation providers with a copy of the CMAQ Performance Plan prior to when NYSDOT's performance period reports are due per 23 CFR 490.107. As applicable, NYSDOT will include the MPO's CMAQ Performance Plan as an attachment to NYSDOT's performance period report.
5. The collection of data for the NYSDOT asset management plans for the NHS
 - a. NYSDOT will be responsible for collecting bridge and pavement condition data for the State asset management plan for the entire NHS in New York State.

Individual Agency Signature Page

for the

Performance Management Agreement

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 Huntington Area Rapid Transit (HART) - Town of Huntington, New York

New York State Department of Transportation

Resolution # / Date (if applicable): _____

Signature: _____

NYSDOT/PFAC Chair

Date: 5-21-18Designated Recipient Name: NYMTCResolution # / Date (if applicable): 464

Signature: _____

Title: EXECUTIVE DIRECTORDate: MAY 25, 2018

Designated Recipient Name: _____

Resolution # / Date (if applicable): _____

Signature: _____

Title: MTA CHAIRMANDate: 5/23/18Designated Recipient Name: Nassau CountyResolution # / Date (if applicable): N/A

Signature: _____

Title: Deputy CommissionerDate: 5/15/18

Designated Recipient Name: Suffolk County

Resolution # / Date (if applicable): _____

Signature: _____

Title: Chief Deputy County ExecutiveDate: 5/14/18Designated Recipient Name: PUTNAM COUNTY

Resolution # / Date (if applicable): _____

Signature: Margellen OrlinTitle: COUNTY EXECUTIVEDate: 5-20-18Designated Recipient Name: TOR - Rockland County

Resolution # / Date (if applicable): _____

Signature: R/L ATitle: Acting CommissionerDate: 5/21/18Designated Recipient Name: Bee-Line System - Westchester CountyResolution # / Date (if applicable): 63098 / May 31, 2018Signature: MRD [Signature]Title: Commissioner of Public Works and TransportationDate: May 31, 2018Designated Recipient Name: Town of HuntingtonResolution # / Date (if applicable): June 5, 2018, Resolution # TBDSignature: Patricia DeCoeTitle: Supervisor, DeputyDate: 5/22/18Designated Recipient Name: City of Long Beach

Resolution # / Date (if applicable): _____

Signature: [Signature]Title: Director of TransportationDate: 5/22/18Designated Recipient Name: New York City Department of TransportationResolution # / Date (if applicable): 464

Signature: _____

Jai P. Therattil

Title: Associate Deputy Commissioner, Grants and Fiscal ManagementDate: May 24, 2018