

Performance-Based Planning and Programming Agreement

by and among

BERKSHIRE METROPOLITAN PLANNING ORGANIZATION,
BOSTON REGION METROPOLITAN PLANNING ORGANIZATION,
CAPE COD METROPOLITAN PLANNING ORGANIZATION,
CENTRAL MASSACHUSETTS METROPOLITAN PLANNING ORGANIZATION,
FRANKLIN TRANSPORTATION PLANNING ORGANIZATION,
MARTHA'S VINEYARD COMMISSION,
MERRIMACK VALLEY METROPOLITAN PLANNING ORGANIZATION,
MONTACHUSETT METROPOLITAN PLANNING ORGANIZATION,
NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION,
NORTHERN MIDDLESEX METROPOLITAN PLANNING ORGANIZATION,
OLD COLONY METROPOLITAN PLANNING ORGANIZATION,
PIONEER VALLEY METROPOLITAN PLANNING ORGANIZATION,
SOUTHEASTERN MASSACHUSETTS METROPOLITAN PLANNING
ORGANIZATION,

Commonwealth of Massachusetts Department of Transportation (MassDOT)
Massachusetts Bay Transportation Authority (MBTA)

Berkshire Regional Transit Authority (BRTA), Brockton Area Transit Authority (BAT), Cape Ann Transit Authority (CATA), Cape Cod Regional Transit -Authority (CCRTA), Franklin Regional Transit Authority (FRTA), Greater Attleboro Taunton Regional Transit Authority (GATRA), Lowell Regional Transit Authority (LRTA), Montachusett Area Regional Transit Authority (MART), Metrowest Regional Transit Authority (MWRTA), Merrimack Valley Regional Transit Authority (MVRTA), Nantucket Regional Transit Authority (NRTA), Pioneer Valley Transit Authority (PVTA), Southeastern Regional Transit Authority (SRTA), Vineyard Transit Authority (VTA), and Worcester Regional Transit Authority (WRTA)

concerning

The development of an agreement regarding mutual responsibilities in carrying out performance-based planning and programming among applicable metropolitan planning organizations, states, and public transportation operators

WHEREAS, the Metropolitan Planning Organizations (MPOs), Transportation Planning Organizations (TPOs), States, and public transportation operators, hereinafter referred to as the “Parties,” conduct a continuing, comprehensive, and cooperative (3C) multimodal transportation planning process as provided for by the provisions under Title 23 U.S. Code of Federal Regulations (CFR) and Title 49 U.S. 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, performance measures required to be reported under the FAST Act are applicable to the parties listed above; and

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, this joint agreement is adopted to meet performance-based planning and programming requirements in accordance with 23 CFR 450 and established federal guidance.

NOW, THEREFORE, the Parties agree as follows:

Article 1. Development and Sharing of Performance Management Data

1. MassDOT will collect and provide MPOs, TPOs, relevant public transportation providers, and relevant State DOTs with data used in developing statewide and urbanized area (UZA) targets for all performance-based planning and programming requirements detailed in the Moving Ahead for Progress in the 21st Century (MAP-21) and Fixing America’s Surface Transportation (FAST) Acts, as established by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

2. The Transportation Performance Management (TPM) requirements established by FHWA for which MassDOT will collect and provide statewide data to relevant parties encompass the following three measure areas: Safety (PM 1), Bridge and Pavement Condition (PM 2), and System Performance Measures (PM 3). Region-specific data will be provided to the extent feasible. If MPOs have data that is of use to MassDOT when setting targets, MassDOT and the relevant MPO(s) shall coordinate on the sharing of this data.
 - a. PM1 targets are required to be reported each calendar year; MassDOT will provide safety data to relevant parties for the appropriate calendar year on an annual basis.
 - b. PM2 targets are required to be reported biennially; MassDOT will provide bridge and pavement condition data on the National Highway System (NHS) to relevant parties for the appropriate reporting period on a biennial basis. PM2 targets shall be set in coordination with all relevant parties and shall be in accordance with MassDOT's Transportation Asset Management Plan (TAMP).
 - c. PM3 targets are required to be reported biennially; MassDOT will provide system performance data to relevant parties for the appropriate reporting period on a biennial basis. PM3 targets shall be set in coordination with all relevant parties.
 - i. For the traffic congestion measures under PM3 covering urbanized areas (UZAs) with National Highway System (NHS) segments outside of Massachusetts (Percent Non-SOV Travel and Annual Hours of Peak Hour Excessive Delay), relevant State DOTs and MPOs shall coordinate to determine a common data collection method, per the 2018 Boston UZA Memorandum of Understanding.
 - ii. For the on-road mobile source emissions measure under PM3, MassDOT shall coordinate with applicable MPOs to gain the emissions reductions data necessary to set targets. MassDOT and the applicable MPOs will then coordinate on the setting of on-road mobile source emissions targets.
3. Should an MPO choose to set its own targets for any TPM measures, it shall provide MassDOT with any supplemental data used in association with the MPO target setting process, as applicable. If inconsistencies arise, the relevant parties shall coordinate to resolve these inconsistencies.
4. MassDOT shall update, as necessary, its Tier II Group Transit Asset Management (TAM) Plan for MassDOT grantees of FTA Section 5310 and 5311 programs who operate public transportation services. All MassDOT sub-recipients that meet these criteria shall participate in MassDOT's Group TAM Plan or "opt out" of the plan and prepare their own individual TAM plan. Public transportation operators that are part of the MassDOT Tier II Group TAM Plan shall provide transit data by asset class for the FAST Act transit performance

measures annually to MassDOT. MassDOT will share the group plan with all relevant MPOs. Should MPOs wish to obtain supporting TAM data, the relevant parties shall coordinate to discuss data sharing opportunities.

5. Tier II public transportation operators that have opted out of the MassDOT Tier II Group TAM Plan, as well as Tier I public transportation operators, shall update their TAM Plans at least once every four years. Transit data by asset class shall be provided in the TAM Plans, and TAM Plans shall be shared with the relevant MPOs in the public transportation operator's service area. These public transportation providers will share supporting TAM data with relevant MPOs to the maximum extent practicable.
6. Public transportation operators that operate greater than 100 vehicles in peak revenue service and operators of passenger rail service ("Large Providers") must develop Public Transportation Agency Safety Plans (PTASP) in compliance with 49 CFR Part 673, which shall be updated and certified by the transportation operator on an annual basis. The PTASP shall be shared with the relevant MPOs in the Large Provider's service area. Supporting safety data shall be shared with the relevant MPOs in the Large Provider's service area to the extent practicable.
 - a. Large Providers that have existing safety plans in compliance with 49 CFR Part 673 will not have to adopt a new PTASP, but shall incorporate performance data for the FAST Act transit performance measures within their existing PTASP.
7. MassDOT shall develop PTASPs for all public transportation operators not deemed Large Providers, with the exception of public transportation operators that receive funding solely under Sections 5310 and/or 5311, which are exempt, and share PTASP(s) with relevant MPOs as appropriate. Public transportation operators not deemed Large Providers may opt out of the state-developed PTASP and develop their own plan, after notifying MassDOT. Large Providers shall provide National Public Safety performance data for the FAST Act transit performance measures to MassDOT, as stated in 49 CFR 673.11(d).

Article 2. Selection of Performance Targets

1. MassDOT shall set statewide performance targets in coordination with MPOs and public transportation operators, as required by 23 CFR Part 450. Coordination may include discussion at the established Performance Measures Subcommittee, as well as other in-person meetings, conference calls, web meetings, and/or email communication. When statewide targets are in final draft, MassDOT will provide applicable targets to each MPO board for consultation before final statewide targets are adopted.
2. Public transportation operators, as applicable, shall set performance targets to meet the federal performance management requirements for transit asset

management and transit safety for incorporation into certification document updates.

- a. Transit operators shall provide notice to the MassDOT Rail and Transit Division, the MassDOT Office of Transportation Planning, and the relevant MPO(s) within their service area when targets are set.
 - b. The MPO must adopt regional targets for its metropolitan planning area that should, at a minimum, reflect any transit agencies whose funds are programmed in its TIP. The MPO may choose to include more agencies that operate within its region as it develops its targets, and any necessary data sharing that is required to achieve that should be coordinated and documented locally.
3. For the TPM measures established by FHWA, each MPO shall set performance targets within 180 days of MassDOT setting targets by either supporting MassDOT targets, or setting separate targets of their choosing for the MPO region. With respect to transit targets, to the maximum extent practicable, each MPO shall reassess performance targets for the relevant transit providers each time their Transportation Improvement Program (TIP) or Metropolitan Transportation Plan (MTP) is developed, through consultation with the MPO boards. As part of this process, RTAs shall provide the relevant MPO(s) with the current set of performance targets and any necessary supporting data. With respect to the timing of formal transit target setting, per Article 1.5, RTAs developing their own TAM Plan shall reassess performance targets at least once every four years.
 - a. MPOs shall include in their Transportation Improvement Program (TIP) a narrative that outlines the performance measure setting process and highlight investments that will contribute toward achievement of the applicable targets.
 - b. MassDOT shall include in its State Transportation Improvement Program (STIP) a narrative that outlines the performance measure setting process and highlight investments that will contribute toward achievement of the applicable targets.
 - c. Per Article 1.3 of this agreement, if MPOs choose to set their own targets, the MPO will develop the targets in coordination with MassDOT. The MPO will provide MassDOT the opportunity to comment on MPO targets prior to target adoption. The MPO will provide written notice to MassDOT when the MPO sets a target, providing the targets and the date the MPO voted to endorse them.
4. Per the Boston UZA Memorandum of Understanding, for the Congestion Mitigation and Air Quality (CMAQ) traffic congestion performance measures, MPOs will coordinate with relevant State DOTs and MPOs concerning the selection of performance targets. Specific performance management concerns for the UZA include, but are not limited to the following:

- a. Coordinating with relevant State DOTs and MPOs serving portions of the NHS network within the UZA, as indicated by FHWA's Congestion Mitigation Air Quality (CMAQ) Traffic Congestion Measure Applicability Table, to ensure consistent use of reporting segments and travel time data sets to calculate travel time-based measures.
- b. Coordinating with relevant State DOTs and MPOs to establish single UZA targets that represent performance of the NHS network for each of the following measures: 1) Annual Hours of Peak Hour Excessive Delay (PHED); and 2) Percent Non-SOV Travel.
- c. Sharing baseline, progress, and full performance period reports pertaining to Traffic Congestion and Air Quality performance measures and targets.

Article 3. Reporting of Performance Targets

1. Reporting of targets will be done as specified in 23 CFR 490 (FHWA National Performance Management Measures), 49 CFR 625 (Transit Asset Management), and 49 CFR 673 (Public Transportation Agency Safety Plans).
2. MassDOT will report all targets to FHWA and FTA as applicable, with TPM targets being submitted to the FHWA Performance Management Form (PMF) Information System and with TAM and PTASP targets being submitted to the National Transit Database (NTD). MassDOT will notify MPOs and public transportation agencies when final statewide targets are established with transit targets communicated through the MassDOT TAM Plan.
3. Public transportation agencies creating their own TAM Plan and/or PTASP will report their data to the NTD and notify MPOs and MassDOT when transit targets are established. Subsequent updates to the TAM Plan, which shall occur at least once every four years, will be communicated to MassDOT and the MPOs to the maximum extent practicable. The MPOs shall assess transit targets for the relevant RTA(s) each time their TIPs or MTPs are updated. Per article 2.2, although TAM Plan updates are required every four years, public transportation agencies shall set new TAM targets on an annual basis.
4. Where applicable, MPOs containing air quality maintenance or nonattainment areas will provide MassDOT with a copy of the CMAQ Performance Plan at least two weeks prior to when MassDOT's performance period reports are due per 23 CFR 490.107. As applicable, MassDOT will include the MPOs' CMAQ Performance Plan as an attachment to the performance period report.

Article 4. Reporting of Progress Toward Achieving Targets

1. MassDOT will document progress towards achieving statewide performance targets and report that information to MPOs and/or public transportation agencies in the Statewide Transportation Improvement Program (STIP), MassDOT TAM Plan, MassDOT PTASP, the Transportation Asset Management Plan (TAMP), and the annual National Transit Database report.
2. MPOs shall develop a narrative pertaining to the targets they set that addresses how their planning and programming decisions are guided by performance targets for use in their respective certification documents, with MassDOT providing assistance as needed.
 - a. Each MPO must include in their Metropolitan Transportation Plan (MTP) a system performance report evaluating progress in meeting performance targets, in accordance with 23 CFR 450.306(d).
 - b. MassDOT must include in its Statewide Transportation Plan a system performance report evaluating progress in meeting performance targets, in accordance with 23 CFR 450.306(d).
3. MassDOT will provide MPOs and any relevant public transportation operators with statewide performance data used in developing progress reports for FHWA and FTA. Should an MPO set targets that are different from any of the statewide targets, that MPO shall provide MassDOT with MPO-wide performance data used to develop the progress report.

Article 5. Process for Dispute Resolution

Each Party will ensure appropriate cooperation and consultation on plans, programs, and projects affecting two or more parties. If inconsistencies or conflicts arise, the Parties shall meet and employ their best efforts to develop a satisfactory resolution at the lowest staff level possible and in a timely manner. Disputes not resolved at the staff level will be addressed at the executive level. After exhausting all efforts to address an unresolved matter, the Parties in dispute agree to apprise the respective FHWA and FTA authorities.

Article 6. Amendment, Termination, and Supersession of Agreement

MassDOT, on behalf of the Parties hereto, is the designated custodian of this agreement. As such, MassDOT shall be responsible for coordinating reviews and executing all amendments, including discussion and consultation forums related to its content.

This agreement will be reviewed during each statewide RTP process, or when necessary or deemed appropriate by the Parties to this agreement.

This agreement may be amended, whenever deemed appropriate, by endorsement of all Parties. Any party to this MOU may propose an amendment at any time. The Parties agree to consult to determine the extent and appropriateness of such proposed amendments.

This agreement does not replace or supersede any existing planning agreement, or portion thereof, unless otherwise stated herein.

CERTIFICATION OF THE PERFORMANCE MANAGEMENT AGREEMENT
among METROPOLITAN PLANNING ORGANIZATIONS, THE
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, and PUBLIC
TRANSPORTATION OPERATORS

This document certifies that the below signatories hereby endorse the 2019 Performance Management Agreement concerning Mutual Responsibilities in Carrying out Performance-Based Planning and Programming Among Applicable Metropolitan Planning Organizations, States, and Public Transportation Operators.

Stephanie Pollack, Secretary and CEO
Massachusetts Department of Transportation (MassDOT);
Chair, Boston Region Metropolitan Planning Organization (BRMPO);
Berkshire Metropolitan Planning Organization (BMPO);
Cape Cod Metropolitan Planning Organization (CCMPO);
Central Massachusetts Metropolitan Planning Organization (CMMPO);
Franklin Transportation Planning Organization (FCTPO);
Martha's Vineyard Commission (MVC);
Merrimack Valley Metropolitan Planning Organization (MVMPO);
Montachusett Metropolitan Planning Organization (MMPO);
Nantucket Planning and Economic Development Commission (NPEDC);
Northern Middlesex Metropolitan Planning Organization (NMMPO);
Old Colony Metropolitan Planning Organization (OCMPO);
Pioneer Valley Metropolitan Planning Organization (PVMPO); and
Southeastern Massachusetts Metropolitan Planning Organization
(SMMPO)

Date

Robert Malnati, Administrator
Berkshire Regional Transit Authority (BRTA)

Date

Michael Lambert, Administrator
Brockton Area Transit Authority (BAT)

Date

Paul Talbot, Administrator
Cape Ann Transit Authority (CATA)

Date

Thomas Cahir, Administrator
Cape Cod Regional Transit Authority (CCRTA)

Date

Tina Cote, Administrator
Franklin Regional Transit Authority (FRTA)

Date

Frank Gay, Administrator
Greater Attleboro Taunton Regional Transit
Authority (GATRA)

Date

Jim Scanlan, Administrator
Lowell Regional Transit Authority (LRTA)

Date

Ed Carr, Administrator
Metrowest Regional Transit Authority (MWRTA)

Date

Joe Costanzo, Administrator
Merrimack Valley Regional Transit Authority (MVRTA)

Date

Mohammed Khan, Administrator
Montachusett Area Regional Transit Authority (MART)

Date

Paula Leary, Administrator
Nantucket Regional Transit Authority (NRTA)

Date

Sandra Sheehan, Administrator
Pioneer Valley Transit Authority (PVTA)

Date

Erik Rousseau, Administrator
Southeastern Regional Transit Authority (SRTA)

Date

Angela Grant, Administrator
Vineyard Transit Authority (VTA)

Date

Dennis Lipka, Administrator (Acting)
Worcester Regional Transit Authority (WRTA)

Date