

Performance Management Agreement
between
the Capital District Transportation Committee,
the New York State Department of Transportation, and
the Capital District Transportation Authority

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, Metropolitan Planning Organizations (MPOs), 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),” 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,” and

WHEREAS the Capital District Transportation Committee (CDTC) 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 the Albany-Schenectady and the Saratoga Springs urbanized areas.

WHEREAS the Capital District Transportation Authority (CDTA) is the designated Tier I public transportation provider for the Albany-Schenectady and the Saratoga Springs urbanized areas.

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. The New York State Department of Transportation (NYSDOT) will collect and provide CDTC and CDTA with data used in developing statewide targets at the time the selection of the respective targets is coordinated with CDTC and CDTA.

- b. CDTA will collect and provide CDTC with the data used in developing its targets for all applicable measures.
 - c. If CDTC chooses to set its own target for any measure, it will collect and provide NYSDOT or CDTA with any supplemental data used in association with the MPO target setting process, if applicable.
2. Selection of transportation performance targets
- a. CDTC, NYSDOT, and CDTA 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) CDTC and CDTA, 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 CDTC when NYSDOT sets a target. The submission of the target will begin the 180-day time period within which CDTC must set its performance target.
 - c. As a Tier I public transportation provider, CDTA 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) CDTA will provide written notice to CDTC when CDTA sets a target(s). The submission of the target will begin the 180-day time period within which CDTC must set its performance target.
 - d. CDTC will set performance targets within 180 days of NYSDOT and CDTA setting a target(s) by either supporting NYSDOT or CDTA, or setting a separate target of their choosing for the MPO region.
 - (i) If CDTC chooses to support the state target, it will provide documentation in the form of a Policy Board-approved resolution stating such to NYSDOT and CDTA that CDTC agrees to plan and program projects that will contribute toward achievement of NYSDOT or CDTA target(s).
 - (ii) If CDTC chooses to set its own target, it will develop the target in coordination with NYSDOT or CDTA, respectively. CDTC will provide

NYSDOT or CDTA the opportunity to comment on MPO targets prior to CDTC adoption of the targets. CDTC will provide written notice to NYSDOT and CDTA when CDTC sets a target, providing the targets and the date CDTC set the target.

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 the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as applicable. NYSDOT will provide written notice of these reported targets to CDTC.
- c. CDTC 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. CDTC will include information outlined in 23 CFR 450.324(g)(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 CDTC with the statewide performance data used in developing progress reports.
- b. If CDTC sets a different target than the statewide target, it will provide NYSDOT with MPO-wide performance data used to develop the progress report.
- c. Where applicable, CDTC will provide data to NYSDOT for the Congestion Mitigation and Air Quality (CMAQ) on-road emissions measure.
- d. Where applicable, CDTC will provide NYSDOT and CDTA with a copy of the CMAQ Performance Plan prior to the required reporting date (initially October 1, 2022) per 23 CFR 490, subparts A, E, F, G & H.

5. The collection of data for NYSDOT asset management plans for the National Highway System (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.

This Agreement will be effective from the date of full execution.

Signature page

Capital District Transportation Committee Chair

Date

Capital District Transportation Authority CEO

Date

NYSDOT (Secretary or designee)

Date