



PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION # 487

ADDENDUM TO THE JOINT PERFORMANCE MANAGEMENT AGREEMENT TO SUPPORT URBANIZED AREA 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, Title 23, Section 134 of the United States Code requires that each MPO undertake a transportation planning process that shall provide for the establishment and use of a performance-based approach to transportation decision-making to support national goals; and that each MPO shall establish performance targets that address the performance measures to use in tracking progress toward attainment of critical project and other outcomes for the region; and

WHEREAS, the performance management rule (23 CFR 490.703) specifies that CMAQ Traffic Congestion performance measures are applicable to all urbanized areas (UZAs) that include National Highway System (NHS) mileage and with a population over 1 million for the first performance period and in UZAs with a population over 200,000 for the second and all other performance periods, that are, in all or part, designated as nonattainment or maintenance areas for ozone, carbon monoxide, or particulate matter National Ambient Air Quality Standards (NAAQS); and

WHEREAS, NYMTC is part of the New York-Newark, NY-NJ-CT Urbanized Area (UZA 63217) and has a population that exceeds 1 million; NHS roadways within the planning areas of each of the MPOs described in the Addendum; and areas that are in nonattainment or maintenance for ozone, carbon monoxide, and/or particulate matter.

WHEREAS, on May 24, 2018, PFAC adopted a Performance Management Agreement, via Resolution #464, by which NYMTC, the New York State Department of Transportation (NYSDOT), and providers of public transportation would cooperatively determine their mutual responsibilities in carrying out the performance-based planning and programming requirements required by 23 CFR 450.314(h); and

WHEREAS, the MPOs subject to the federal CMAQ Traffic Congestion performance measurement requirement for the New York-Newark, NY-NJ-CT UZA, along with the NYSDOT and the New Jersey Department of Transportation will collaboratively determine the overall schedule for data collection, analysis, target setting, and reporting for the CMAQ Traffic Congestion performance measures; and

WHEREAS, Attachment 1 of this resolution describes this collaborative process between all parties in the New York-Newark NY-NJ-CT UZA as required.

NOW, THEREFORE, BE IT RESOLVED THAT PFAC adopts this addendum to the Performance Management Agreement to meet performance-based planning and programming requirements in accordance with 23 CFR 450 and established federal guidance.

This resolution shall take effect on the sixteenth day of May two thousand and nineteen.

"I hereby certify that the above is a true copy of Resolution #487, Addendum to the Joint Performance Management Agreement to Support Urbanized Area Performance-Based Planning and Programming, and was motioned by Ms. Ann McGlane, representing the New York City Transportation Coordinating Committee and seconded by Mr. Robert Brickman, representing the Nassau/Suffolk Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."

Ron Epstein, PFAC Chair

Attachment 1 Resolution 487 Of May 16, 2019

**CMAQ Traffic Congestion Performance Management Addendum
for the New York-Newark, NY-NJ-CT Urbanized Area (UZA 63217)**

to be added to the System Performance Management Agreements/Written Procedures of

**The New York Metropolitan Transportation Council (NYMTC),
The North Jersey Transportation Planning Authority (NJTPA), and
The Delaware Valley Regional Planning Commission (DVRPC).**

1. Overall schedule

- a. The metropolitan planning organizations (MPOs) subject to the federal CMAQ Traffic Congestion performance measurement requirement for the New York-Newark, NY-NJ-CT Urbanized Area along with the Departments of Transportation for New York and New Jersey (State DOTs) will collaboratively determine the overall schedule for data collection, analysis, target setting, and reporting for the CMAQ Traffic Congestion performance measures.

2. Transportation performance data collection and analysis

- a. The MPOs and State DOTs subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will collaborate on the collection and analysis of data to measure and forecast CMAQ Traffic Congestion performance in keeping with the data requirements specified in 23 CFR 490.709.
- b. All data collected pursuant to the analysis of the CMAQ Traffic Congestion performance measures in the New York-Newark, NY-NJ-CT Urbanized Area will be shared among the MPOs and State DOTs subject to this requirement, to the extent allowed by data restrictions that may be outside the control of the parties.

3. Selection of transportation performance targets

- a. The MPOs and State DOTs subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will set draft and final CMAQ Traffic Congestion performance targets, by collaborating to the maximum extent practicable.
 - (i) Collaboration 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) The member agencies of the MPOs and the State DOTs subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area, which

include public transportation operators providing service in this urbanized area, shall be given an opportunity to provide comments on CMAQ Traffic Congestion performance targets for the urbanized area.

4. Reporting of CMAQ Traffic Congestion performance targets for the New York-Newark, NY-NJ-CT Urbanized Area
 - a. Per 23 CFR 490.107(c), each MPO subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will report CMAQ Traffic Congestion performance targets to their respective state department of transportation through their submittal of a CMAQ Performance Plan as specified in 23 CFR 490.107(c)(3). Such submittals shall be subject to schedules that will be mutually agreed to by each MPO and appropriate State DOT.
 - b. Per 23 CFR 490.107(b), each state department of transportation subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will include the relevant MPO CMAQ Performance Plan, including the aforementioned performance targets, as an attachment to their periodic performance reports to the Federal Highway Administration.
5. Reporting of performance to be used in tracking progress toward attainment of CMAQ Traffic Congestion performance targets for the New York-Newark, NY-NJ-CT Urbanized Area
 - a. Per 23 CFR 490.107(c)(3)(i), each MPO subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will report their performance to the relevant state department of transportation through their submittal of a CMAQ Performance Plan biennially on a coordinated schedule with the State Biennial Performance Reports.
 - b. Per 23 CFR 490.107(c)(3)(ii)(C), the CMAQ Performance Plans that accompany the mid- and full-performance period Progress Reports will include baseline condition/performance for each MPO, reported CMAQ Traffic Congestion targets, as well as an assessment of the progress of the projects identified in the CMAQ Performance Plan toward achieving CMAQ Traffic Congestion performance targets for the urbanized area.
 - c. Per 23 CFR 490.107, each state department of transportation subject to this requirement for the urbanized area will include the relevant MPO CMAQ Performance Plan as an attachment to their State Biennial Performance Reports to the Federal Highway Administration.

6. Documentation in supporting plans and programs

- a. Per 23 CFR 450.324(f)(3), 450.324(f)(4), 450.326(c), 450.326(d), and 450.340, each MPO subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will include the required information relating to the CMAQ Traffic Congestion performance measures in any metropolitan transportation plan or transportation improvement program amended or adopted after May 20, 2019¹.

Per 23 CFR 450.216(f), 450.218(q), and 450.226 each state department of transportation subject to this requirement for the New York-Newark, NY-NJ-CT Urbanized Area will include the required information relating to the CMAQ Traffic Congestion performance measures, in any statewide transportation plan or statewide transportation improvement program amended or adopted after May 20, 2019.

¹ May 20, 2019 in this document reflects the date revised by FHWA from the original date of May 27, 2018 published in the Statewide and Nonmetropolitan Transportation; Metropolitan Transportation Planning rule (23 CFR Parts 450 and 771).