

**Draft Resolution 2018-08**

**Approve Entering into a Multi-Agency Agreement with the New York State Department of Transportation and the Metropolitan Transportation Authority Relating to Performance Based Transportation Management, Planning, and Programming in Orange County, New York**

WHEREAS, the Orange County Transportation Council (OCTC) has been designated by the Governor of the State of New York as the Metropolitan Planning Organization responsible, together with the State, for the comprehensive, continuing, and cooperative transportation planning process for Orange County; and

WHEREAS, the County of Orange is the designated Tier II public transportation provider and the Metropolitan Transportation Authority (MTA) is the Tier I designated recipient for the Orange County, NY area;

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

WHEREAS, 23 CFR 450.314(h)(1) requires that MPO(s), State(s), and providers of public transportation 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, the Orange County Transportation Council wishes to enter into a joint Performance Management Agreement between the Orange County Transportation Council, New York State Department of Transportation (NYSDOT), and the Metropolitan Transportation Authority as presented in Attachment 1 of this Resolution; and

WHEREAS, Said Agreement shall serve as the specific written procedures required by 23 CFR 450.314(h)(1); and

NOW, THEREFORE, BE IT RESOLVED, that OCTC hereby approves the attached Performance Management Agreement between OCTC, NYSDOT, and the MTA for signature by Chairman Steven Neuhaus.

CERTIFICATE: The undersigned duly qualified Secretary of the Orange County Transportation Council certifies that the foregoing is a true and correct copy of a resolution adopted by the voting members of the Council on June 19, 2018.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Lance C. MacMillan, P.E., Secretary  
Orange County Transportation Council

## Performance Management Agreement

Relating to Performance Based Transportation Management, Planning, and Programming  
in Orange County, New York

Between

Orange County Transportation Council  
New York State Department of Transportation  
Metropolitan Transportation Authority  
County of Orange, New York

**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);” 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 OCTC 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 Orange County portion of the Poughkeepsie-Newburgh NY-NJ Urbanized Area; and

**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 the OCTC, MTA, and Orange County with data used in developing statewide targets at the time the selection of the respective targets are coordinated with the OCTC, MTA, and Orange County.
  - b. As a Tier 1 public transportation provider, the MTA will collect and provide the OCTC with the data used in developing its targets for all applicable measures.

- c. As a Tier II public transportation provider, Orange County will collect and provide the OCTC with the data used in developing its targets for all applicable measures at the time the selection of the respective targets are coordinated with the OCTC and NYSDOT, or as allowed under Item 1.d below.
- d. NYSDOT, as the Sponsor of the Group Plan that includes Tier II public transportation providers, will collect and provide the OCTC and Orange County with the data used in developing its targets for all applicable measures at the time the selection of the respective targets are coordinated with the OCTC and Orange County.
- e. If the OCTC chooses to set its own target for any measure, it will collect and provide NYSDOT or the public transportation provider(s) with any supplemental data used in association with the MPO target setting process, if applicable.

## 2. Selection of transportation performance targets

- a. The OCTC, NYSDOT, MTA, and Orange County 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) The OCTC, MTA, and Orange County, 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 the OCTC when NYSDOT sets a target. The submission of the target will begin the 180-day time period within which the OCTC must set its performance target.
- c. As a Tier I public transportation provider, the MTA 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) The MTA will provide written notice to the OCTC when the MTA sets a target(s). The submission of the target(s) will begin the 180-day time period within which the OCTC must set its performance target.
- d. As a Tier II public transportation provider, Orange County 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), or as allowed under Item 2.e below.
- e. NYSDOT, as the Sponsor of the Group Plan that includes Tier II public transportation providers, 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) Orange County or NYSDOT will provide written notice to the OCTC when Orange County or NYSDOT sets a target(s). The submission of the target will begin the 180-day time period within which the OCTC must set its performance target.
  - f. The OCTC will set performance targets within 180 days of NYSDOT, MTA, and Orange County setting a target(s) by either supporting NYSDOT, MTA, or Orange County targets or setting a separate target of their choosing for the MPO region.
    - (i) If the OCTC chooses to support the state target, the MPO will provide documentation in the form of a Planning Committee/Policy Committee-approved resolution stating such to NYSDOT, the MTA, and County of Orange, and that the OCTC agrees to plan and program projects that will contribute toward achievement of the NYSDOT, MTA, or Orange County target(s).
    - (ii) If the OCTC chooses to set its own target(s), the MPO will develop the target(s) in coordination with NYSDOT, MTA, or Orange County, respectively. The MPO will provide NYSDOT, MTA, or Orange County the opportunity to comment on MPO targets prior to adoption by the OCTC. The OCTC will provide written notice to NYSDOT, MTA, or Orange County when the OCTC sets a target(s), providing the target(s) and the date the OCTC set the target(s).
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 OCTC.
  - c. The OCTC 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. The OCTC 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 OCTC with the statewide performance data used in developing progress reports.
- b. If the OCTC 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, the OCTC will provide data to NYSDOT for the CMAQ on-road emissions measure.
- d. Where applicable, the OCTC will provide NYSDOT, MTA, or Orange County 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 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.

IN WITNESS WHEREOF, the parties have agreed to the terms hereof and their authorized officials have affixed their signatures below and will be effective from the date of full execution.

\_\_\_\_\_  
Mr. Steven M. Neuhaus, County Executive/Chairperson  
County of Orange, New York/OCTC

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mr. Joseph J. Lhota, Chairman  
Metropolitan Transportation Authority

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mr. Lance MacMillan, P.E., Acting Regional Director  
New York State Department of Transportation

\_\_\_\_\_  
Date