



May 13, 2020

The Honorable Matthew J. Kelly
Chairman, Policy Committee
Fredericksburg Area Metropolitan Planning Organization
406 Princess Anne Street
Fredericksburg, VA 22401

Subject: Documentation of Responsibilities for Federal Transportation Performance-Based Planning and Programming

Dear Chairman Kelly:

This Letter of Agreement ("**LOA**") between the National Capital Region Transportation Planning Board ("**TPB**") and the Fredericksburg Area Metropolitan Planning Organization ("**FAMPO**") sets forth the agreement between the parties to implement the metropolitan transportation planning provisions of the federal Performance-Based Planning and Programming ("**PBPP**") process.

First legislated in 2012 in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and, subsequently expanded in the Fixing America's Surface Transportation (FAST) Act of December 2015, the PBPP process calls for the State departments of transportation ("States"), Metropolitan Planning Organizations ("MPOs"); and Providers of Public Transportation to transition to a performance-driven, outcome-based program that provides for a greater level of transparency and accountability, improved project decision-making, and more efficient investment of federal transportation funds, as part of the cooperative, comprehensive and continuing ("3C") performance-based multimodal transportation planning and programming process for the metropolitan planning area.

MPOs and States and Providers of Public Transportation must link investment priorities to the achievement of performance targets in:

1. Highway Safety
2. Highway Assets: Pavement and Bridge Condition
3. System Performance (National Highway System Congestion, Freight, Congestion Management and Air Quality (CMAQ) Program) Program)
4. Transit Asset Management
5. Transit Safety

On May 27, 2016, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) jointly published the final Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning regulations (23 CFR Parts 450, 771 and 49 CFR Part 613; "**Planning Rule**"). This final rule updated the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, long-range statewide transportation plans and programs, and the congestion management process, as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The update makes the regulations consistent with current statutory planning requirements, including the new mandate for a Performance-Based Planning and Programming process.

Regulation 23.CFR §450.314(a) requires that MPO(s), the State(s) and Providers of Public Transportation

“shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO(s), the State(s), and the providers of public transportation”.

Pursuant to the above federal metropolitan planning regulations the TPB and FAMPO are each required to have a separate federal planning agreement with the Commonwealth of Virginia related to conducting metropolitan planning activities. TPB and FAMPO currently complies and will continue to comply with this requirement.

Additionally, pursuant to 23 U.S.C. § 150, federal regulations including 23 CFR § 490 pertaining to performance based planning and programming, and specifically 23.CFR.Subpart G §703, notes that performance targets for the traffic congestion component of the National Performance Management Measure for Assessing the Congestion Mitigation and Air Quality Improvement Program shall be established for an urbanized area. The Washington D.C.-VA-MD urbanized area is served by two MPOs; the TPB which serves the majority portion of this urbanized area and FAMPO serving the remaining portion in northern Stafford County.

Federal regulations (23 CFR §450.314(h)), notes that when more than one MPO serves an urbanized area, and MPO(s), TPB and FAMPO in this case, State(s) and Providers of Public Transportation,

“shall jointly agree upon and develop specific written provisions 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 attainment of critical outcomes for the region”.

As such and pursuant with the above TPB and FAMPO agree to perform tasks related to traffic congestion component of the National Performance Management Measure for Assessing the Congestion Mitigation and Air Quality Improvement Program for the Washington DC-MD-VA urbanized area, as outlined in **Article 1**. All other PBPP tasks shall be accomplished, consistent with all applicable federal regulations, individually by each MPO for its respective metropolitan planning area.

The communication outlined in these provisions between the TPB and FAMPO will generally be through monthly communication, or as needed, between the head officer of each MPO, or their designee.

IN WITNESS WHEREOF, the parties hereto have caused this LOA to be executed by their proper and duly authorized officers, on the day and year first written above.

National Capital Region Transportation Planning Board

BY: _____
Kanti Srikanth
Director, National Capital Region Transportation Planning Board
Deputy Executive Director Metropolitan Washington Council of Governments
Administrative Agent for the TPB

Fredericksburg Area Metropolitan Planning Organization

BY: _____
Matthew Kelly, Chairman
Fredericksburg Area Metropolitan Planning Organization
Policy Committee

Article 1

Performance Based Planning and Programming Responsibilities for System Performance (National Highway System Congestion, Freight, CMAQ Program)

The final System Performance (National Highway System Congestion, Freight, Congestion Management and Air Quality (CMAQ) Program) rule was published in the Federal Register on January 18, 2017, and became effective May 20, 2017¹, with the exception of the greenhouse gas performance measure, which became effective on September 28, 2017, and was subsequently repealed on July 2, 2018. Federal regulations require State DOTs to establish and report on two-year and four-year targets related to highway system performance on a biennial cycle. The initial set of highway system performance targets for National Highway System (NHS) congestion, Freight, and the CMAQ Program for the period 2018 to 2021 must be set by May 20, 2018. Thereafter, the State DOTs will report on their targets and performance by October 1 of even-numbered years (i.e., 2020, 2022, 2024, etc.). MPOs are required to either adopt and support the DOTs' statewide targets or set its own targets specific to the metropolitan planning area or for the Washington, DC-MD-VA urbanized area.

1) Transportation performance data

- a. TPB will provide FAMPO with any data developed or supplemental data utilized in the urbanized area measures performance process by the TPB, and will provide subsets of metropolitan planning area or urbanized area performance data as available.
- c. FAMPO will provide TPB with any data developed or supplemental data utilized in the urbanized area measures performance process by FAMPO, and will provide subsets of metropolitan planning area or urbanized area performance data as available.

2) Selection of performance targets

- a. The TPB and FAMPO will cooperatively develop draft urbanized area performance targets in coordination with the State DOTs. Coordination may include in-person meetings, web meetings, conference calls, and/or email communication.
- b. The TPB and FAMPO boards will be presented with the set of draft targets for consideration, and adopt the final targets at a subsequent meeting.

3) Reporting of performance targets

- a. The urbanized area targets approved by each MPO will be reported to the other MPO. For each target, each MPO will provide the following information
 1. A determination of whether the MPO is 1) agreeing to plan and program projects that contribute toward the accomplishment of the State DOT or relevant provider of public transportation performance target, or 2) setting a quantifiable target for that performance measure for the urbanized area.
 2. When any quantifiable target is set for the urbanized area, each MPO will provide any supplemental data used in determining any such target to the other MPO.

¹ <https://www.gpo.gov/fdsys/pkg/FR-2017-01-18/pdf/2017-00681.pdf>

3. Documentation of the MPO's target or support of the statewide target will be provided in the form of a resolution or meeting minutes.

4) Reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region

- a. As part of the long-range plan, each MPO prepares a System Performance Report on the planning area's transportation performance. Each MPO will be given an opportunity to provide comments on the other's report before the report is finalized.
- b. The TPB prepares a MPO CMAQ Performance Plan on a biennial basis, as required by the regulations, starting in 2018. FAMPO will be given an opportunity to provide comments on the Plan before the Plan is finalized.

5) Programming and projects

- a. Each MPO will provide to the other MPO the following:
 1. A comprehensive list of projects affecting urbanized area performance planned for their metropolitan planning area as part of their input to the metropolitan TIP.
 2. The annual obligation listing of funds expended on projects affecting urbanized area performance in the past year that includes funds expended in the metropolitan planning area by December 30 of each year.
 3. Any published or publicly available narrative report or analysis that reviews system performance relevant to urbanized area performance.