

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

By and Among the

Dutchess County Transportation Council (DCTC)
New York State Department of Transportation (NYSDOT)
Metropolitan Transportation Authority (MTA)
County of Dutchess, New York (Dutchess County)

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 DCTC 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 process for the Dutchess County portions of the Poughkeepsie-Newburgh NY-NJ and New York-Newark NY-NJ-CT 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. NYSDOT will collect and provide the DCTC, MTA, and Dutchess County with data used in developing statewide targets at the time the selection of the respective targets are coordinated with the DCTC, MTA, and Dutchess County.

- b. As a Tier 1 public transportation provider, the MTA will collect and provide the DCTC with the data used in developing its targets for all applicable measures.
- c. As a Tier II public transportation provider, Dutchess County will collect and provide the DCTC 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 DCTC 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 DCTC and Dutchess 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 DCTC and Dutchess County.
- e. If the DCTC 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 DCTC, NYSDOT, MTA, and Dutchess 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 DCTC, MTA, and Dutchess 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 DCTC when NYSDOT sets a target. The submission of the target will begin the 180-day time period within which the DCTC must set its performance target.
- c. As a Tier 1 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 DCTC when the MTA sets a target(s). The submission of the target(s) will begin the 180-day time period within which the DCTC must set its performance target.

- d. As a Tier II public transportation provider, Dutchess 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) The Dutchess County or NYSDOT will provide written notice to the DCTC when the Dutchess County or NYSDOT sets a target(s). The submission of the target will begin the 180-day time period within which the DCTC must set its performance target.
- f. The DCTC will set performance targets within 180 days of NYSDOT, MTA, and Dutchess County setting a target(s) by either supporting NYSDOT, MTA, or Dutchess County targets or setting a separate target of their choosing for the MPO region.
 - (i) If the DCTC 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 Dutchess, and that the DCTC agrees to plan and program projects that will contribute toward achievement of the NYSDOT, MTA, or Dutchess County target(s).
 - (ii) If the DCTC chooses to set its own target(s), the MPO will develop the target(s) in coordination with NYSDOT, MTA, or Dutchess County, respectively. The MPO will provide NYSDOT, MTA, or Dutchess County the opportunity to comment on MPO targets prior to adoption by the DCTC. The DCTC will provide written notice to NYSDOT, MTA, or Dutchess County when the DCTC sets a target(s), providing the target(s) and the date the DCTC 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 DCTC.
- c. The DCTC 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 DCTC 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 DCTC with the statewide performance data used in developing progress reports.
 - b. If the DCTC 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 DCTC will provide data to NYSDOT for the CMAQ on-road emissions measure.
 - d. Where applicable, the DCTC will provide NYSDOT, MTA, or Dutchess 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 as of the dates stated below.


 Mr. Marcus J. Molinaro, County Executive/Chairperson
 County of Dutchess, New York/DCTC

6/8/18
 Date


 Mr. Joseph J. Lhota, Chairman
 Metropolitan Transportation Authority

5-23-18
 Date


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

6/5/18
 Date