

## RESOLUTION 2018-08

### ULSTER COUNTY TRANSPORTATION COUNCIL

#### PERFORMANCE MANAGEMENT AGREEMENT BETWEEN THE ULSTER COUNTY TRANSPORTATION COUNCIL, NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT), AND ULSTER COUNTY AREA TRANSIT AND KINGSTON CITIBUS.

**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 Ulster County Transportation Council (UCTC) 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 Kingston Urbanized Areas and a 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 UCTC with data used in developing statewide highway-related targets at the time the selection of the respective targets is coordinated with UCTC.
  - b. As Tier II public transportation provider, Ulster County Area Transit (UCAT) will collect and provide UCTC and NYSDOT with the data used in



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developing its targets for all applicable measures at the time the selection of the respective targets is coordinated with UCTC and NYSDOT.

NYSDOT, as the Sponsor of the Group Plan that includes Tier II public transportation provider(s), will collect and provide UCTC and Kingston Citibus with the data used in developing its targets for all applicable measures at the time the selection of the respective targets is coordinated with UCTC and Kingston Citibus.

- c. If UCTC 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. UCTC, NYSDOT, and UCAT and Kingston Citibus 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) UCTC and UCAT and Kingston Citibus, 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 UCTC when NYSDOT sets a target. The submission of the target will begin the 180-day time period within which the UCTC must set its performance target.
    - c. As a Tier II public transportation provider, UCAT 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).

NYSDOT as the Sponsor of the Group Plan that includes Tier II public transportation provider [Kingston Citibus 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) UCAT and Kingston Citibus or NYSDOT will provide written notice to UCTC when UCAT and Kingston Citibus or NYSDOT



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sets a target(s). The submission of the target will begin the 180-day time period within which the UCTC must set its performance target.

- d. UCTC will set performance targets within 180 days of NYSDOT and UCAT and Kingston Citibus setting a target by either supporting NYSDOT or UCAT and Kingston Citibus, or setting a separate target of their choosing for the MPO region.
  - (i) If UCTC chooses to support the state target, the MPO will provide documentation in the form of a Policy Committee-approved resolution stating such to NYSDOT and UCAT and Kingston Citibus that the UCTC agrees to plan and program projects that will contribute toward achievement of the NYSDOT or UCAT target(s).
  - (ii) If UCTC chooses to set its own target, the MPO will develop the target in coordination with NYSDOT or UCAT and Kingston Citibus, respectively. The MPO will provide NYSDOT or UCAT and Kingston Citibus the opportunity to comment on MPO targets prior to UCTC adoption of the targets. The UCTC will provide written notice to NYSDOT and UCAT and Kingston Citibus when the UCTC sets a target, providing the targets and the date the UCTC 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 FHWA and FTA as applicable. NYSDOT will provide written notice of these reported targets to UCTC.
- c. UCTC 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. UCTC 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.



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- 4. Reporting of performance to be used in tracking progress toward attainment of critical outcomes
  - a. Where available and practicable, NYSDOT will provide the UCTC with the statewide performance data used in developing progress reports.
  - b. If UCTC 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, UCTC will provide data to NYSDOT for the CMAQ on-road emissions measure.
  - d. Where applicable, UCTC will provide NYSDOT and the public transportation provider(s) 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.

**CERTIFICATE**, the undersigned, duly qualified Secretary of the Ulster County Transportation Council, certifies that the foregoing is a true and correct copy of a resolution adopted by a vote on June 12, 2018.

\_\_\_\_\_  
Date

By \_\_\_\_\_  
Carolyn Hargrove, Director  
Ulster County Area Transit

\_\_\_\_\_  
Date

By \_\_\_\_\_  
Toni Roser, Transit Supervisor  
City of Kingston Citibus

\_\_\_\_\_  
Date

By \_\_\_\_\_  
Lance MacMillan, P.E., NYSDOT Region 8  
Acting Regional Director  
Acting Secretary  
Ulster County Transportation Council

