

Transportation Staff Meeting

September 10, 2014

2:00 PM

CMGC: 601

AGENDA

1. MPO Bylaws (Cook)

Description:

- The Metropolitan Transit Commission (MTC) requested that the MPO amend its bylaws to permit the MTC representative to be a non-elected official.
- This topic was referred to the Transportation Staff meeting and TCC by the MPO chairwoman. At its August meeting, the TCC took action to recommend to the MPO that the requested bylaws change be made.
- The TCC's recommendation was presented to the MPO on August 20; however, the MPO asked that staff and the TCC review the issue again to ensure that no "unintended consequences" would result from permitting a non-elected official to represent the MTC as a MPO voting member.

2. I-77 South Draft Feasibility Study (Gibbs)

Description:

- NCDOT's Feasibility Studies Unit has completed a preliminary draft of a feasibility study of I-77 South, from LaSalle St. to the SC state line.
- The purpose of this agenda item is to prepare comments for submittal to NCDOT staff by the September 30 deadline.

[Click here](#) to view the feasibility study.

3. Metropolitan Transportation Planning Regulations-Proposed Changes (Cook) Performance Management Framework

Description:

- The FHWA and FTA have jointly issued a Notice of Proposed Rulemaking (NPRM) to propose revisions to regulations governing the metropolitan planning process.
- The most significant component of the proposed rules relates to how MPOs comply with the MAP-21 mandate to implement a performance-based approach to planning.
- The deadline for providing comments has been extended to October 2.
- The purpose of this discussion will be to determine if CRTPO will provide comments on this topic, and if so, a path forward for doing so by the deadline.

Attachments: NCDOT comments; Wilmington MPO comments

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DRAFT

STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

August 22, 2014

U.S. Department of Transportation
Dockets Management Facility
1200 New Jersey Avenue, SE
Washington, DC 20590

Reference: North Carolina Department of Transportation comments on docket number FHWA-2013-0037, Statewide and Nonmetropolitan Planning; Metropolitan Transportation Planning; Proposed Rule

The North Carolina Department of Transportation thanks the Federal Highway Administration for the opportunity to provide comments on the proposed rulemaking for the Statewide and Nonmetropolitan Planning; Metropolitan Transportation Planning; Proposed Rule. We are supportive of the MAP-21 performance provisions and believe that the performance management principles can be implemented along with transportation planning provisions in a manner that advances a safer and more efficient transportation system without imposing undue regulatory burdens on States.

There are several items in the proposed rule that we have concerns with. These include:

1. Without adequate infrastructure funding, the overall system will decline. How do you make progress toward goals if your system is declining? Will USDOT accept goals that are lower than current conditions?
2. The final rules should be considered in light of what is an unfunded mandate? If a new requirement is required (e.g. activity or reporting cost) then USDOT needs to provide the funds to produce them.
3. The final rules should provide the states with the flexibility to set their own targets and performance measures without the burden of having to obtain USDOT approval.
4. The NPRM states that USDOT will assess states significant progress toward meeting its targets. USDOT needs to define what significant means rather than leave it up to individual FHWA Division Offices.
5. In regards to 450.206(c)(4) and 450.216(d), the final rules should distinguish between the Long Range Statewide Transportation Plan and the Statewide Planning process. The final rules need to continue to allow flexibility in how states develop the LRSTP and not add additional requirements to the plan.
6. In regards to 450.206(c)(5), the final rules should be clear that the states have the flexibility to establish their own performance measures and set their own targets rather allow USDOT to set these.
7. In regards to 450.208(g)(6), while the STIP may discuss the progress a state may make in regards to achieving the targets it has set, the state should be given the flexibility in how this is addressed to ensure there are no negative impacts on the STIP.
8. In regards to 450.226(e), there should be one single date for the implementation of the performance based planning requirements and the method of how they are going to be assessed should be clear.

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9. In regards to the metropolitan planning agreements in 450.314(a), the final rules should allow states the flexibility to develop these based on their own circumstances. For areas that already have agreements in place, the rules should provide guidance on their content but not require regular updates.
10. In regards to RTPOs in 450.210(d), NCDOT supports the renewed emphasis on nonmetropolitan planning, however, states should have the ability to define the structure and role of RTPOs within their own planning processes. USDOT should not define role in these areas. If a state that has substantial responsibility for transportation in an area wishes to have a “consultation” role with their RTPOs, then that should be allowed. RTPOs, due to their nature and area of coverage, should not have the same duties defined (450.210(d)(3)) as those of the metropolitan areas.
11. In regards to 450.222, clarify the definition of nonmetropolitan officials in regards to their responsibility for transportation.
12. In regards to 450.226(f), once the new performance targets and measures have been adopted, allow states some flexibility in how they are incorporated in any updates to the Statewide Long Range Transportation Plan as long as the plan substantially meets the requirements and is consistent with the planning rules.
13. The comment deadline in this docket apparently will precede the issuance of proposed rules that would implement a number of MAP-21’s performance measurement and management provisions. Due to the staggered nature of the release of the MAP 21 rules, and final implementation expected next year, we believe that it is important to allow for further comments to ensure consistency with overall MAP 21 rulemaking.

In regards to the requests for comments on specific issues, NCDOT has the following comments:

1. In regards to the question related to MPO Designation and redesignation related to public transportation representation on MPO Boards, NCDOT requests that the final rule be consistent with 23 USC 134 in order to allow individual states and their associated MPOs maximum flexibility in determining how they are organized and how they operate.
2. In regards to data collection to meet the requirements of the rule, NCDOT believes that the initial estimates are low and would encourage FHWA to take steps necessary to minimize new data collection and rely on existing data where appropriate.

The North Carolina Department of Transportation thanks the Federal Highway Administration for consideration of our comments and recommendations.

Sincerely,

Mike Bruff, P.E.

Coordinator of Strategic Initiatives

cc: Anthony Tata, Secretary of Transportation, NCDOT
Michael Holder, P.E., Chief Engineer, NCDOT
Susan Pullium, Director, Strategic Planning
John Sullivan, P.E., FHWA Division Administrator North Carolina

Wilmington MPO Comments on Proposed Rulemaking Related to Performance Measures

The following comments were prepared by the staff of the Wilmington MPO. They were prepared in response to the proposed rulemaking affecting the metropolitan planning process, and are focused on MAP-21 mandate to implement a performance-based approach to planning.

1. Significant additional staff time will be required of MPOs to coordinate performance management goals, objectives, measures, and targets with other entities
2. Additional burdens are being placed on MPO member jurisdictions in terms of data collection for the State Asset Management Plans for the NHS
3. Without an identified flow of information for coordination, the logistics of aligning the performance measurement framework between multiple agencies with different timetables will be incredibly difficult. The framework for the coordination effort should be laid out in advance of the requirement.
4. It is difficult to comment on the performance measurement requirements without knowing what degree of performance measurements MPOs must enact – additional guidance on the performance measure creation and data collection is required to ascertain the capability of MPOs to comply with this ruleMemo: FHWA/FTA Joint NPRM 06/02/14 4
5. Coordination on establishing and tracking the performance in the TIP should be a requirement of NCDOT, the entity that programs our TIPs, rather than MPOs in the state of North Carolina.
6. In light of the proposed rulemaking, NCDOT may consider having the MPO program the funds much like what is done in other states.
7. In light of the additional staffing requirements placed on MPOs and TMAs, NCDOT may consider sharing funds provided under 40 U.S.C. 5305 (e) or other sources to aid MPOs in carrying out the proposed requirements in this proposed rulemaking.

*These comments were also submitted by the French Broad River MPO