

Transportation Committee

For the Metropolitan Council meeting of February 28, 2018

Subject: Memorandum of Understanding Between the Metropolitan Council and the Minnesota Department of Transportation.

Proposed Action

That the Metropolitan Council adopt the attached Memorandum of Understanding with the Minnesota Department of Transportation.

Summary of Committee Discussion/Questions

Metropolitan Transportation Services Senior Planner Katie White presented this item. There were no questions or comments from Council members.

Motion by Letofsky, seconded by Elkins. Motion carried, **consent to Council**.

Transportation Committee

Meeting date: February 12, 2018

For the Metropolitan Council meeting of February 28, 2018

Subject: Memorandum of Understanding Between the Metropolitan Council and the Minnesota Department of Transportation

District(s), Member(s): All

Policy/Legal Reference: FAST-Act

Staff Prepared/Presented: Katie White, Senior Planner, 651-602-1716

Amy Vennewitz, Deputy Director of MTS, 651-602-1058

Nick Thompson, Director of MTS, 651-602-1754

Division/Department: Metropolitan Transportation Services

Proposed Action

That the Metropolitan Council adopt the attached Memorandum of Understanding with the Minnesota Department of Transportation.

Background

Per federal regulations, the Council must select performance targets for required federal performance measures in coordination with MnDOT. These performance measures and associated targets are critical in tracking the performance of the region's transportation network and ensuring that the Council's planning and project programming processes are geared towards meeting specific regional objectives. Both MnDOT and the Council must establish targets either annually or on a 2- or 4-year basis. MnDOT is responsible for establishing state-wide targets, after which the Council has 6 months to either support the state targets or adopt different targets. In either case, the Council must report both the targets and all data associated with the performance measures to MnDOT who, in turn, report the measures to the Federal Highway Administration. The establishment of this MOU will allow for the structured coordination of this process and help ensure both MnDOT and the Council meet federal reporting requirements.

The MOU is intended to formalize the working relationship between the Council and MnDOT on performance measures. A separate procedures document has been drafted by MnDOT to lay out the specifics of the relationship with regard to timing, reporting, and agency responsibilities. The procedures document will be amended as needed, while this MOU will be modified less frequently.

Rationale

This MOU is a requirement of USDOT and FHWA.

Thrive Lens Analysis

This action supports the Livability outcome by focusing on how infrastructure creates and enhances the quality of life that makes our region a great place to live.

Funding

There is no funding attached to this action.

Known Support / Opposition

This item passed through the TAB and its TAC subcommittees. There is no known opposition.

MEMORANDUM OF UNDERSTANDING (MOU)

BETWEEN

**THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT) AND THE METROPOLITAN COUNCIL
(MPO AND PUBLIC TRANSPORTATION PROVIDER)**

1. **PURPOSE AND SCOPE.** The purpose of this MOU is to support a performance-based approach to the metropolitan transportation planning and programming process as specified in 23 USC 134 (h)(2), 23 USC 135(d)(2), 49 USC 5303(h)(2), 49 USC 5304(d)(2), 23 CFR 450.206(c), 23 CFR 450.314(h), and 49 CFR 613.
2. **RESPONSIBILITIES.** To the extent practicable, MnDOT, the MPO and the Public Transportation Provider will work cooperatively to:
 - 2.1. Develop and share information related to transportation performance data.
 - 2.2. Select performance targets.
 - 2.3. Promptly report performance targets whenever a target is adopted or changed.
 - 2.4. Follow the specific procedures identified in the most current version of the Performance Planning Target Setting Procedures document. The document will be maintained by the MPO Coordinator within the MnDOT Office of Transportation System Management.
3. **CONTRACTUAL OBLIGATIONS.** This MOU is not a legally binding agreement and creates no legally binding obligations for any party. Any party may, upon written notice, amend, or discontinue its role outlined in the MOU. Because of this mutual desire to proceed, each party fully intends to make a good faith effort to achieve the goals described above including working together to comply with federal and state laws.
4. **GOVERNMENT DATA.** The parties acknowledge that this MOU, as well as any data created, collected, stored, or received under the terms of this MOU, are “Government Data” within the meaning of the Minnesota Government Data Practices Act (Minnesota Statutes chapter 13), and that they must comply with the provisions of the Act as it relates to such data.
5. **EFFECTIVE DATE.** This MOU shall be effective when all appropriate signatures have been obtained by MnDOT, the MPO, and the Public Transportation Provider.
6. **MODIFICATION.** Any amendments to this MOU must be mutually agreed to in writing.
7. **TERMINATION.** The terms of this MOU may be terminated by any one of the parties by giving 90 days written notice to each of the other parties. This MOU will remain in effect until terminated as provided in this clause, or until replaced by a new MOU.

The remainder of this page intentionally left blank.

I concur with this Memorandum of Understanding

Minnesota Department of
Transportation

By:
(with delegated authority)

Title:

Date:

MnDOT Contract Management
(as to form)

By:

Date:

Metropolitan Council

By:

Title:

Date:

Performance Planning Target Setting Procedures

Version: 1.1

Effective Date: November 29, 2017

Contact: Bobbi Retzlaff, Office of Transportation System Management, MPO Coordinator;
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Overview

History

Version	Description	Date
1.0	Initial document describing the procedures for performance planning related to Highway Safety Improvement Program, Transit Asset Management, and State Asset Management Plan.	August 2017
1.1	Added contracts number for Grand Forks/East Grand Forks MPO and Fargo-Moorhead Council of Governments.	11/29/2017

Purpose Statement

Federal law and regulations (23 USC 134(g)(2)(B), 23 USC 135((d)(2)(B), 23 CFR 450.314(h)) direct the State DOT, MPOs and public transportation providers to jointly agree upon and develop specific written provisions for cooperatively:

- Developing and sharing information related to transportation performance data
- Selecting performance targets
- Reporting performance targets
- Reporting performance used in tracking process toward attainment of critical outcomes for the MPO region
- Collecting data for the State asset management plan for the National Highway System.

This document details the procedures the State DOT, MPOs and public transportation providers will use related to performance planning. The document is divided into separate sections related to each performance planning area:

- National Performance Management Measures for the Highway Safety Improvement Program (23 CFR 490, Subpart B)
- Transit Asset Management (49 CFR 625)
- State asset management plan (23 CFR 515)

Each section provides a brief background, identifies to whom the requirement applies, and lists the responsibilities of each affected party.

Additional sections will be added to address:

- National Performance Management Measures for Assessing Pavement Condition (23 CFR 490, Subpart C)
- National Performance Management Measures for Assessing Bridge Condition (23 CFR 490, Subpart D)
- National Performance Management Measures to Assess Performance of the National Highway System (23 CFR 490, Subpart E)
- National Performance Management Measures to Assess Freight Movement on the Interstate System (23 CFR 490, Subpart F)
- National Performance Management Measures for Assessing the Congestion Mitigation and Air Quality Improvement Program – Traffic Congestion (23 CFR 490, Subpart G)
- National Performance Management Measures for Assessing the Congestion Mitigation and Air Quality Improvement Program – On-Road Mobile Source Emissions (23 CFR 490, Subpart H)
- Transit Safety (to be added once final rules published)

MnDOT, the MPOs and the public transportation providers agree to follow these procedures, regularly review and update the procedures as needed according to their respective Memorandums of Understanding (MnDOT Contract Numbers 1029078 (LAPC), 1029079 (MIC), 1029080 (APO), 1029081 (MAPO), 1029082 (ROCOG), 1029083 (Council), 1029703 (FMCOG), and 1029704 (GFEGF)).

Repository of Procedure

The MnDOT Office of Transportation System Management (OTSM) retains the master copy of the procedures and all previous versions. Electronic copies are provided to the MPOs and public transportation providers after each revision. Additional copies are available upon request.

Highway Safety Improvement Program Performance

Background

There are five performance measures identified in 23 CFR 490.207(a):

- Number of fatalities
- Rate of fatalities
- Number of serious injuries
- Rate of serious injuries
- Number of non-motorized fatalities and non-motorized serious injuries

The measures apply to all public roadways. State DOTs and MPOs must annually establish performance targets for these measures.

Applicability

The requirements of the Highway Safety Improvement Program apply to:

- MnDOT
- MPOs

Responsibilities

MnDOT

The MnDOT Office of Traffic, Safety & Technology (OTST) is the lead MnDOT office in developing the performance targets. OTST will:

- Develop targets annually in cooperation with the Minnesota Department of Public Safety and the MPOs.
- Coordinate with the MPOs on the establishment of targets to ensure consistency, to the maximum extent practicable. This includes at least one meeting, in the spring, with the MPOs to discuss/gather feedback on the proposed targets for the upcoming reporting year.
- Provide fatality and serious injury data to the MPOs once calendar year data is available.
- Update the MPOs, as needed or requested, on the status of the performance targets.
- Report the targets to FHWA in the State's HSIP annual report by August 31.
- Provide a copy of the submitted HSIP annual report to the MPOs.

OTSM will assist OTST in working with the MPOs.

MPOs

Each MPO will:

- Develop targets annually in cooperation with MnDOT.
- Coordinate with MnDOT on the establishment of targets to ensure consistency, to the maximum extent practicable.
- Establish a target for each performance measure for all public roadways in their metropolitan planning area within 180 days of August 31 by either:
 - Agreeing to plan and program projects so that they contribute toward the accomplishment of the State DOT safety target for that performance measure, or
 - Committing to a quantifiable target for that performance measure.
- Submit the resolution(s) approving the targets to OTSM. The resolution must clearly identify/state each target.
- If the MPO committed to a quantifiable target different from the state target, annually report to OTSM the VMT estimate used for the targets and the methodology used to develop the estimate.

Transit Asset Management

Background

There are four performance measures identified in 49 CFR 625.43:

- Equipment: (non-revenue) service vehicles – percentage of vehicles that have either met or exceed their useful life benchmark
- Rolling stock – percentage of vehicles within a particular asset class that have either met or exceed their useful life benchmark
- Infrastructure: rail fixed-guideway track, signals and systems – percentage of track segments with performance restrictions
- Facilities – percentage of facilities within an asset class, rated below condition 3 on the TERM scale

Applicability

The requirements of the Transit Asset Management Program apply to:

- MnDOT
- MPOs
- Public transportation providers

Responsibilities

MnDOT

The MnDOT Office of Transit is the lead MnDOT office in developing the performance targets. OT will:

- Develop targets annually in cooperation with the MPOs and public transportation providers.
- Make the targets available to the MPOs and public transportation providers.
- Update the MPOs, as needed or requested, on the status of the performance targets.

OTSM will assist the Office of Transit in working with the MPOs.

MPOs

Each MPO will:

- Develop targets in cooperation with MnDOT and the public transportation provider.
- Coordinate with MnDOT and public transportation providers on the establishment of targets to ensure consistency, to the maximum extent practicable.
- Establish a target for each performance measure in their metropolitan planning area within 180 days of MnDOT or the public transportation provider setting targets by either:
 - Agreeing to plan and program projects so that they contribute toward the accomplishment of the State DOT safety target for that performance measure, or
 - Committing to a quantifiable target for that performance measure.
- Submit the resolution(s) approving the targets to OTSM. The resolution must clearly identify/state each target.

- Revisit the targets when the MPO updates its Transportation Improvement Program and its metropolitan transportation plan.

Public Transportation Providers

Each public transportation provider will:

- Develop targets annually in coordination with MnDOT and the MPO.
- Make the transit asset management plan, any supporting records or documents performance targets, investment strategies, and the annual condition assessment report available to MnDOT and the MPO.
- Report the targets as defined 49 CFR 625.55. Provide this information to the MPO.

State Asset Management Plan

Background

State DOTs are required to develop and implement risk-based asset management plans for the National Highway System (NHS) to improve or preserve the condition of the assets and the performance of the system. State DOTs are required to submit the plans to FHWA and update the plans at least every four years.

At a minimum, the plans must include a summary of NHS pavement and bridge assets, regardless of ownership.

The majority of Minnesota's NHS is owned by MnDOT. MnDOT collects and analyzes condition and performance for all NHS pavement and bridges, regardless of ownership.

Applicability

The requirements of the State Asset Management Plan apply to MnDOT.

Responsibilities

The MnDOT Office of Transportation System Management is the lead office in preparing the State Asset Management Plan. OTSM will:

- Prepare and implement the state asset management plan.
- Update the state asset management plan at least every four years.
- Gather data on the condition and performance of the NHS, regardless of ownership.
- Share asset-related data, as requested, with the MPOs.
- Regularly share information related to the State Asset Management Plan with the MPOs. This includes plan updates, status updates, etc.