

**Performance Management Agreement**  
**between**  
**the Genesee Transportation Council,**  
**New York State Department of Transportation (NYSDOT), and**  
**the Rochester Genesee Regional Transportation Authority**

**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 Genesee Transportation Council 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 Rochester, NY Urbanized Area, and

**WHEREAS** the Rochester Genesee Regional Transportation Authority (RGRTA) is the designated Tier I public transportation provider for the Rochester, NY urbanized area.

**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 Genesee Transportation Council and the Rochester Genesee Regional Transportation Authority with data used in developing statewide targets at the time the selection of the respective targets is

coordinated with Genesee Transportation Council and the Rochester Genesee Regional Transportation Authority.

- b. The Rochester Genesee Regional Transportation Authority will collect and provide Genesee Transportation Council with the data used in developing its targets for all applicable measures.
- c. If Genesee Transportation Council 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 Genesee Transportation Council, NYSDOT, and the Rochester Genesee Regional Transportation Authority 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 Genesee Transportation Council and the Rochester Genesee Regional Transportation Authority, 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 Genesee Transportation Council when NYSDOT sets a target. The submission of the target will begin the 180-day time period within which the Genesee Transportation Council must set its performance target.
- c. As a Tier 1 public transportation provider(s), the Rochester Genesee Regional Transportation Authority 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 Rochester Genesee Regional Transportation Authority will provide written notice to the Genesee Transportation Council when the Rochester Genesee Regional Transportation Authority sets a target(s). The submission of the target will begin the 180-day time period within which the Genesee Transportation Council must set its performance target.

- d. The Genesee Transportation Council will set performance targets within 180 days of NYSDOT and the Rochester Genesee Regional Transportation Authority setting a target(s) by either supporting NYSDOT or the Rochester Genesee Regional Transportation Authority, or setting a separate target of their choosing for the MPO region.
  - (i) If the Genesee Transportation Council 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 the Rochester Genesee Regional Transportation Authority that the Genesee Transportation Council agrees to plan and program projects that will contribute toward achievement of the NYSDOT or the Rochester Genesee Regional Transportation Authority target(s).
  - (ii) If the Genesee Transportation Council chooses to set its own target, the MPO will develop the target in coordination with NYSDOT or the Rochester Genesee Regional Transportation Authority, respectively. The MPO will provide NYSDOT or the Rochester Genesee Regional Transportation Authority the opportunity to comment on MPO targets prior to the Genesee Transportation Council adoption of the targets. The Genesee Transportation Council will provide written notice to NYSDOT and the Rochester Genesee Regional Transportation Authority when the Genesee Transportation Council sets a target, providing the targets and the date the Genesee Transportation Council 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 the Genesee Transportation Council.
- c. Genesee Transportation Council 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 Genesee Transportation Council will include information outlined in 23 CFR 450.324(g)(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 Genesee Transportation Council with the statewide performance data used in developing progress reports.
  - b. If the Genesee Transportation Council 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 Genesee Transportation Council will provide data to NYSDOT for the CMAQ on-road emissions measure.
  - d. Where applicable, the Genesee Transportation Council will provide NYSDOT and the public transportation provider 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.

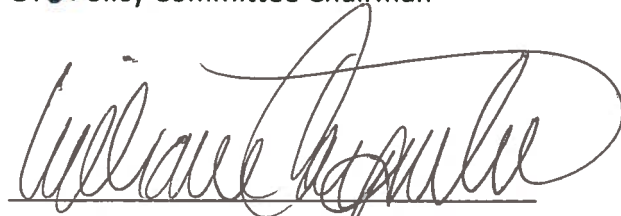
**Signature page**



John F. Marren  
GTC Policy Committee Chairman

6-22-18

Date



William C. Carpenter  
RGRTA Chief Executive Officer

7-6-18

Date



Kevin C. Bush  
Regional Director, NYSDOT – Region 4

7/13/18

Date