

**New Jersey**  
**Performance Management Written Procedures**  
**Performance of Pavement and Bridges**  
  
**among**  
  
**Metropolitan Planning Organizations (North Jersey**  
**Transportation Planning Authority, Delaware Valley Regional**  
**Planning Commission, South Jersey Transportation Planning**  
**Organization)**  
  
**and**  
  
**New Jersey Department of Transportation (NJDOT)**

**Background**

These performance management written procedures document agreement among the Metropolitan Planning Organizations (MPOs) listed above and the New Jersey Department of Transportation (NJDOT) regarding the conduct of the performance-based transportation planning and programming process required under MAP-21 and the FAST Act for the performance of National Highway System (NHS) Infrastructure (PM2) in the state of New Jersey. These procedures are written to enable compliance with the requirements of the USDOT/FHWA National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program Final Rule, effective February 17, 2017 in 23 CFR Part 490.

The MPO(s) and NJDOT will collectively conduct continuing, comprehensive, and cooperative statewide and metropolitan transportation planning processes, pursuant to 23 USC 134. The final federal Planning Rule, adopted May 27, 2016, indicates in Section 450.314(h) that written procedures must be developed regarding the MAP-21 and FAST Act performance management requirements, and that these procedures be documented either through existing metropolitan planning agreements, or by another means, as determined cooperatively by the parties. **By use of these written procedures, New Jersey opts for the latter option.**

The provisions herein complement existing metropolitan planning agreements and may be supplemented by related agreements regarding performance management and sharing data (e.g.

the Memorandum of Understanding (MOU) between NJDOT and the MPOs for Sharing of Restricted Data).

### Scope of Agreement

Based on MAP-21 and the FAST Act, the final statewide and metropolitan transportation planning rule (23 CFR 450), requires the development and use of a performance based planning and programming process. As called for in the second federal rule, the Infrastructure Performance Measures (PM 2) Final Rule (under 23 CFR part 490 – National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program), this process includes developing a framework of system condition; data acquisition, sharing, analysis, target setting, and reporting for the following national transportation performance measures specified by the Federal Highway Administration (FHWA):

- Pavement Performance Measures (Subpart C)
  - Percent of interstate pavement in Good condition
  - Percent of interstate pavement in Poor condition
  - Percent of non-interstate NHS pavements in Good condition
  - Percent of non-interstate NHS pavements in Poor condition
  
- Bridge Performance Measures (Subpart D)
  - Percent of NHS bridges by deck area classified as in Good condition
  - Percent of NHS bridges by deck area classified as in Poor condition

### Agreement

The agencies listed in Table-1 agree to the provisions described below:

<b>Table-1</b> <b><u>Partner Agencies to the Written Procedures</u></b>
<u>State of New Jersey</u> New Jersey Department of Transportation (NJDOT)
<u>Metropolitan Planning Organizations</u> Delaware Valley Regional Planning Commission (DVRPC) North Jersey Transportation Planning Authority (NJTPA) South Jersey Transportation Planning Organization (SJTPO)

#### 1) Overall schedule and elements

The parties will collaboratively collect and determine required metrics, data elements, sources, calculation methods, and a data collection, target setting, and reporting schedule.

**2) Transportation performance data (data warehouse)**

- a. The parties will coordinate on the collection of data required to calculate the national performance measures and to develop targets. Coordination may involve in-person meetings, web meetings, conference calls, and/or email communication.
- b. The parties will use consistent datasets and methods in their respective analyses. As part of the coordination process, any issues regarding inconsistency will be discussed and documented.
- c. The overall schedule will include timeframes for sharing of data, which will take into account when data is collected, when calculations are due, and when targets need to be set. The schedule will allow sufficient time for review by respective parties.
- d. Primary responsibility for data collection associated with Pavement (Subpart C) performance measures will reside with NJDOT. NJDOT will share this data with the other parties, broken out by county and/or MPO region where possible and appropriate.
- e. Primary responsibility for data collection associated with Bridge (Subpart D) performance measures will reside with NJDOT. NJDOT will share this data with the other parties, broken out by county and/or MPO region where possible and appropriate.

**3) Establishment of performance targets**

- a. NJDOT will establish draft and final statewide performance targets and consult with MPOs. Consultation may involve collaborative in-person meetings, web meetings, conference calls, and/or email communication. MPOs shall be given an opportunity to provide comments before final statewide targets are adopted.
- b. Each MPO will establish targets within 180 days of the date that NJDOT establishes and reports its targets to FHWA. At the MPOs discretion, they will either agree to plan and program projects contributing toward the NJDOT targets or will set quantifiable MPO targets.
- c. For those performance measures for which an MPO adopts its own quantitative planning area targets, the MPO will develop draft targets in coordination with the NJDOT. Coordination methods may involve collaborative in-person meetings, web meetings, conference calls, and/or email communication. NJDOT will be provided an opportunity to provide comments on draft MPO performance targets prior to final MPO adoption.
- d. Coordination among the parties on draft performance targets will include communication about policies, trends, conditions and other factors that contribute to their determination.

#### 4) Reporting of performance targets

- a. NJDOT will report statewide performance targets to FHWA, as required. Each signatory to these written provisions will be notified when NJDOT has established statewide targets, and reported final statewide targets, as described in more detail below.
- b. Each MPO will report its MPO-based performance targets to the NJDOT.
  - i. For each performance measure, the MPO will provide the following information no later than 180 days after the date the NJDOT establishes performance targets, or the date specified by federal code. This reporting will include a determination of whether the MPO is:
    - 1) Agreeing to plan and program projects so that they contribute toward the accomplishment of the NJDOT performance target, or
    - 2) Setting a specified quantifiable target for that performance measure for the MPO's respective planning area.
  - ii. Documentation of the MPO's target or support of the statewide target will be provided in the form of a letter, resolution, or formal correspondence.

#### 5) Resolving disputes

- a. The development of pavement and bridge targets will be undertaken by NJDOT pavement and bridge subject matter experts in collaboration with New Jersey's Transportation Asset Management Plan (TAMP) Team made up of an Interdisciplinary group of subject matter experts and representatives including the Partner Agencies listed in Table 1 above.
- b. To the extent possible, the New Jersey TAMP Team will collaborate to achieve consensus on schedule, data, and the establishment and reporting of targets.
- c. As needed, each member of the team will collaborate with its own agency staff or others to answer questions that may arise.
- d. If the group identifies a dispute on a particular point, the group will attempt to resolve it together, to everyone's mutual satisfaction.
- e. If the group is unable to resolve the dispute and reaches an impasse, a brief summary of the dispute will be prepared and presented to the following individuals:
  - i. The Assistant Commissioner of Planning, Multimodal and Grants Administration (PMGA) of the NJ Department of Transportation (NJDOT)
  - ii. The Executive Director of the Delaware Valley Regional Planning Commission (DVRPC)
  - iii. The Executive Director of the North Jersey Transportation Planning Authority (NJTPA);
  - iv. The Executive Director of the South Jersey Transportation Planning Organization (SJTPO); and
- f. The four individuals listed in section 5(e) above will review the dispute and work to resolve it.

- g. If the attempt in 5(f) above is unsuccessful, the Assistant Commissioner of PMGA will elevate the dispute to the Deputy Commissioner of NJDOT to determine a recommended course of action.
- h. The resulting course of action will be issued in a memorandum with all partner agencies.

**6) Documentation in supporting plans and programs**

- a. The NJDOT will include information outlined in 23 CFR 450.216 (f), regarding required performance-related content, in any statewide transportation plan amended or adopted after May 20, 2019<sup>1</sup>, and information outlined in 23 CFR 450.218 (q), in any statewide transportation improvement program amended or adopted after May 20, 2019.

To meet the requirements of 23 CFR 450.218 (q), the Department will, to the maximum extent practicable, include a description of the anticipated effects of the State Transportation Improvement Plan (STIP) toward achieving the performance targets required by MAP-21 and the FAST Act. Note that the Performance Based Planning and Programming (PBPP) requirements of the planning rule as outlined in 23 CFR 450.226 (b) & (c) shall apply to all STIP amendments, but not to administrative modifications of the STIP.

- b. MPOs will include information outlined in 23 CFR 450.324 (f) (3-4), regarding required performance-related content, in any metropolitan transportation plan amended or adopted after May 20, 2019, and information outlined in 23 CFR 450.326 (c) & (d) in any Transportation Improvement Program (TIP) amended or adopted after May 20, 2019.

To meet the requirements of 23 CFR 450.326 (d), the MPO will, to the maximum extent practicable, include a description of the anticipated effects of the TIP toward achieving the performance targets required by MAP-21 and the FAST Act. Note the PBPP requirements of the planning rule as outlined in 23 CFR 450.340 (b) & (c), governing the phase-in of new TIP requirements, shall apply to all TIP amendments, but not to administrative modifications of the TIP.

- c. Establishment and reporting of targets and performance by the NJDOT and MPOs shall conform to 23 CFR 490.

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<sup>1</sup> The date of May 20, 2019 in this document reflects guidance from FHWA regarding the date for the phase-in of the Planning Rule relating to the pavement and bridge condition measures, stipulated in 23 CFR 450.340(e) and (f).