

PERFORMANCE MANAGEMENT & PLANNING PROVISIONS IN MAP-21 Summary and Comments

MAP-21 emphasizes performance planning and performance management for (a) highways and (b) public transportation. MAP-21 establishes performance requirements in the following sections:

Highway Provisions:

- Section 1203: National Goals and Performance Management Measures
- Section 1202: Statewide and Nonmetropolitan Transportation Planning
- Section 1201: Metropolitan Transportation Planning
- Section 1106: National Highway Performance Program
- Section 1112: Highway Safety Improvement Program
- Section 1113: Congestion Mitigation and Air Quality Improvement Program
- Section 1115: National Freight Policy

Transit Provisions¹:

- Section 20005: Metropolitan Transportation Planning
- Section 20006: Statewide and Nonmetropolitan Transportation Planning
- Section 20018: Transit Asset Management

Beginning on the next page is a summary of the performance requirements in each of these sections. Rather than being listed in chronological order by section number, the provisions are listed in a cascading sequence, from Federal to State to Metropolitan level, and then based on individual funding programs that contain performance requirements. At its simplest, the flow of these performance management requirements is:

1. US DOT must establish performance measures for safety, pavement conditions, bridge conditions, operational performance of the Interstate, operational performance of the non-Interstate NHS, freight movements, mobile source emissions, and congestion. For transit, US DOT must establish a national transit asset management system and performance measures for keeping transit in a state of good repair.
2. States must establish targets for each performance measure – and must use a performance-based approach in planning and programming surface transportation projects.
3. MPOs must also establish targets for each performance measure – and must use a performance-based approach in planning and programming surface transportation projects.
4. Transit agencies receiving federal funding must develop transit asset management plans, report on system conditions, develop targets for DOT-specified “state of good repair” performance measures, and report on progress toward meeting performance targets.
5. For 4 individual Title 23 program and policy areas (NHPP, HSIP, CMAQ, and Freight Policy), additional specific requirements apply, including some penalties or limitations on funding.

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¹ The Transit provisions for Metropolitan Planning and Statewide/Nonmetropolitan Planning are virtually word-for-word identical to the language for Highway planning provisions.

SEC. 1203. NATIONAL GOALS AND PERFORMANCE MANAGEMENT MEASURES. This section declares that the Federal aid highway program should focus on 7 national goals:

1. Safety
2. Infrastructure condition
3. Congestion reduction
4. System reliability
5. Freight movement and economic vitality
6. Environmental sustainability
7. Reduced project delivery delays

[Comment: Some of these goals – notably #6 and #7 -- are not clearly carried over into the performance measures and standards that are specified in the remainder of Section 1203 – but all these goals are referenced in the Statewide and Metropolitan Planning performance sections.]

The section goes on to require US DOT to conduct rulemaking within 18 months to establish performance measures and standards, which are specified by program/policy area:

- o Minimum standards for bridge and pavement management systems to be used by states (NHPP);
- o Performance measures for pavement condition on the Interstate system (NHPP);
- o Performance measures for pavement condition on the non-Interstate NHS (NHPP);
- o Performance measures for bridge conditions on the NHS (NHPP);
- o Performance measures for the performance of the Interstate System (NHPP);
- o Performance measures for performance of the non-Interstate NHS (NHPP);
- o Minimum levels for pavement conditions on the Interstate System (which may be differentiated by geographic regions of the United States) (NHPP);
- o Performance measures to assess serious injuries and fatalities per VMT (HSIP);
- o Performance measures to assess the number for serious injuries and fatalities (HSIP);
- o Performance measures for traffic congestion (CMAQ);
- o Performance measures for on-road mobile source emissions (CMAQ); and
- o Performance measures to assess freight movement on the Interstate System (Freight Policy).

US DOT is limited to these performance measures only – and may not establish other performance measures and standards under this section. [Under Section 1203 of MAP-21, see section 150(c)(2)(C).]

Within 1 year after DOT issues a final rule on the above, each state must set performance targets for each of the above performance measures. In establishing performance targets, a state may establish different targets for urbanized and rural areas of the state.

Within 4 years of enactment of MAP-21 (and biennially thereafter), each state must submit a report to US DOT that describes the condition and performance of the NHS within the state, the effectiveness of the State's investment strategies in the state asset management plan for the NHS; progress in achieving the state's performance targets; and ways the state is addressing congestion at freight bottlenecks.

[SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.](#) In statewide transportation planning, states must establish and use a performance-based approach to transportation decisionmaking, to support the 7 goals cited in Section 1203 [listed at top of preceding page]. Moreover, each state must set performance targets for the performance measures specified in Section 1203 [the 10 bulleted performance measures listed on preceding page]. Each state must do so in coordination with MPOs and, in areas without MPOs, with public transportation providers. Each state must “integrate” the performance measures and targets into its statewide transportation planning process and other plans. Each state must consider these performance measures and targets in state transportation policies, programs, and investment priorities. Each state’s transportation plan must discuss the performance measures and targets and must present a system performance report. Each state’s STIP must include a discussion of how the STIP will help achieve the state’s performance targets.

Moreover, under this section, US DOT “must establish criteria to evaluate the effectiveness of the performance-based planning processes of States.” Also, US DOT must submit a report to Congress within 5 years of MAP-21 enactment, evaluating “the overall effectiveness or performance-based planning as a tool for guiding transportation investments” and “the effectiveness of the performance-based planning process of each State.”

Finally, US DOT must not require a state to “deviate from its established planning update cycle to implement changes made by this section” – but states must reflect changes to their plan and STIP updates within 2 years after US DOT issues guidance on this section.

[SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.](#) MPOs must use a performance-based approach to transportation decisionmaking, to support the 7 national goals cited in Section 1203 (listed at top of preceding page). Each MPO must also set performance targets for each of the 10 performance measures cited in Section 1203 (see bulleted list on preceding page). MPOs must set these targets in coordination with states and public transportation providers, within 180 days after the relevant state or public transportation provider sets performance targets. Each MPO must also “integrate” the performance measures and targets into its transportation planning process.

Each MPO’s transportation plan must contain a description of the MPO’s performance measures and targets and a “system performance report... evaluating the condition and performance of the transportation system with respect to the performance targets...” Each MPO’s TIP must include a description of the effect of the TIP on achieving performance targets.

Moreover, US DOT must report to Congress, within 5 years of MAP-21 enactment, on the effectiveness of each MPO’s performance-based planning process and the extent to which MPOs have achieved, or are making substantial progress toward achieving, the performance targets – and whether these performance targets are meaningful.

[SEC. 1106. NATIONAL HIGHWAY PERFORMANCE PROGRAM.](#) Each state must develop an asset management plan for the NHS, to improve or preserve conditions and performance of the NHS. The asset management plan must contribute to achieving the state’s NHS performance targets. Moreover, US DOT must review and certify the state’s NHS asset management process. If US DOT determines that a state has failed to develop and implement such an asset management plan, the federal share for the state for that fiscal year shall be lowered to 65%. If a state fails to achieve or make significant progress

toward achieving US DOT-established standards for (a) Interstate pavement conditions and (b) NHS bridge conditions, certain funding limitations will be imposed on the state.

[SEC. 1112. HIGHWAY SAFETY IMPROVEMENT PROGRAM.](#)

Each state must adopt “strategic and performance-based goals” that address safety, focus resources on areas of greatest [safety] need, and are coordinated with other state highway safety programs. If US DOT determines that a state has not met or “made significant progress” toward meeting the state’s performance targets, then certain state funding must be used only for highway safety improvement projects and the state must submit annual implementation reports to US DOT describing how the state will undertake to meet the state’s performance targets.

[SEC. 1113. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.](#)

Each MPO that (a) serves a TMA of over 1 million population and (b) represents a nonattainment or maintenance area must develop a “performance plan” with a baseline level for traffic congestion and on-road mobile source emissions. The performance plan must also describe progress in achieving performance targets and describe how projects funded under CMAQ will contribute to achieving both emission and congestion reduction targets -- and also must separately assess the progress of the previous program of projects in achieving air quality and traffic congestion targets. These performance plans must be updated biennially. In addition, US DOT (in consultation with EPA) must examine the outcomes of CMAQ-funded projects since SAFETEA-LU.

[SEC. 1115. NATIONAL FREIGHT POLICY.](#) Within 2 years of MAP-21 enactment (and biennially thereafter), US DOT must prepare a report describing the conditions and performance of the national freight network. In addition, within 1 year of enactment, US DOT must begin developing new tools and improvement of existing tools for “an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects....” [Comment: The performance provisions for freight are not as detailed as for the other 3 program areas listed above, presumably because the other 3 programs channel significant funding to states and MPOs, whereas MAP-21 does not provide for freight program funding.]

[DIVISION B--PUBLIC TRANSPORTATION -- SEC. 20005. METROPOLITAN TRANSPORTATION PLANNING.](#) Performance requirements here are virtually identical to those for Highways, under Section 1201.

[DIVISION B--PUBLIC TRANSPORTATION -- SEC. 20006. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.](#) Performance requirements here are virtually identical to those for Highways, under Section 1202.

[DIVISION B--PUBLIC TRANSPORTATION -- SEC. 20019. TRANSIT ASSET MANAGEMENT.](#) This section contains three key requirements for US DOT and recipients of Federal transit funding. First, U.S. DOT must establish a national transit asset management system, by rulemaking, within one year after MAP-21 enactment. The rulemaking must require recipients of Federal transit funding to develop transit asset management plans and report on system conditions.

Second, US DOT must issue a final rule, within one year of MAP-21 enactment, establishing performance measures based on “state of good repair standards” established by US DOT. Third, within three months of the rulemaking (and each fiscal year thereafter) each recipient of Federal transit funding must establish performance targets for the U.S. DOT-specified performance measures for the coming fiscal year – and must submit annual reports to US DOT on progress toward meeting the targets.