



May 27, 2016

Gregory G. Nadeau
Administrator, Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, DC 20590

Re: Docket No. FHWA-2016-0010

Dear Administrator Nadeau:

The Association of Metropolitan Planning Associations (AMPO) is pleased to provide comments on the Federal Highway Administration's (FHWA) "National Transportation Performance Management (TPM) Implementation Review Survey"; proposed rule (Docket Number FHWA-2016-0010) published in the Federal Register on March 30, 2016. AMPO represents MPOs across the country. As you know, MPOs conduct transportation planning for a variety of different sized MPOs and we have been involved in the development of the transportation performance measures at USDOT and look forward to carrying out performance based planning and programming.

We offer comments today on behalf of our membership. As recipients of the survey and responsible for providing the information and data the Department is seeking, our individual members will provide additional detailed responses and comments. We look forward to working with FHWA in the implementation of the final Transportation Performance Management rules. If you would like to discuss the issues raised in this letter, please contact me at, 202.624.3680 or dhardy@ampo.org.

We also offer our sincere thanks to the staff of USDOT who have dedicated the last several years to working with interested parties. We greatly appreciate the webinars, workshops, meetings, conference calls, and every other method of communication necessary to compile the information necessary to write and produce these proposed rules and fact sheets.

GENERAL COMMENTS

- 1) Before requesting responses to surveys or questionnaire USDOT/FHWA should finalize all the TPM rules and, allow adequate time for MPO's to implement the rules.** As you know, MAP-21 set several timelines and reporting requirements pertaining to performance based metropolitan planning, establishment of performance measures, setting targets based on the measures, and coordination with States and public transportation operators. MAP-21 requires, 5 years after enactment of MAP-21, that the Secretary submit a

report to Congress on the effectiveness of MPO performance based planning, and other matters. However, the law also directed the Secretary to promulgate rules establishing measures and standards 18 months after enactment. MPOs will be prepared to respond to surveys and questionnaires but we need to know and understand all the new rules and have an opportunity assess implementation, where we may need technical support and in what form, challenges in carrying out performance based planning, the level of importance of each measure, and all the other items the survey addresses. How MPOs implement performance based planning will differ across the country and amongst MPOs. Some of our members currently use performance based planning and may be more prepared to respond to a survey while other MPOs will be implementing a TPM program for the first time. We want any report to Congress to reflect an honest and factual story of how the federal requirements are affecting the performance management systems, transportation systems, and the impacts on decision-making in metropolitan areas. We recommend the execution of the initial baseline survey one year after the final TPM3 rule is in place.

2) Structure and Design of the Survey – Number and Type of Questions

In MAP-21, Congress did include several reporting requirements and specified what those reports should focus in on, such as the system performance report as part of the MPO LRTP, and the report on performance-based planning process, both under 23USC 134. 23USC, Section 150(e) - Reporting on Performance Targets - requires reporting on four items. The National TPM Implementation Review Survey includes close to 100 questions. AMPO believes that to meet the Congressionally mandated reporting requirements USDOT could and should scale down the number of questions. Both reporting requirements referenced above ask for specific information and we believe that the survey should focus on the intent of these provisions, which was to give feedback to Congress on the MAP-21 performance management provisions once we have had time to implement the provisions. Again, none of the MAP-21 performance management provisions have been fully implemented with only one of six major rulemakings having been finalized. Requiring a report in 2016, or even 2017, is too early to provide meaningful information on the implementation of the MAP-21 performance management provisions.

3) Lack of Specificity

Many of the questions lack specificity, broadly asking respondents if they consider themselves ready to implement TPM or elements of TPM. It is hard to respond without knowing the specific requirements, or the implementation deadline. USDOT should consider including an option for the respondent to elaborate with a short written response.

4) Level of Precision

Some of the questions, including some of the scale questions, may lead to answers and results based on a level of precision that is not realistic or appropriate. The proposed survey document discusses survey methods that may counter this problem, but more information is needed on the techniques. This is an area where further discussion and refinement of the survey approach would be useful.

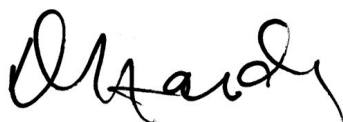
SPECIFIC COMMENTS

1. Question A6 – “What do you think of Transportation Performance Management as a Business Process? The available answers to this question, e.g., “easy vs. challenging, practical vs. impractical, present “a “Black or White” fallacy, which excludes the opportunity for a middle position. Provide an opportunity for a “middle” response.
2. Question B2 – The use of the term Strategic Business Plan with the LRTP introduces the concept of a new product or different term for the LRTP. This is confusing and should be deleted. In addition, the answers to this question would be very subjective providing a very imprecise assessment.

3. Question B6 – “Other State Transportation Agencies (STA) areas” – This reference is unclear. Do you mean, for example, state police, state motor vehicle licensing agencies? If so, list some examples.
4. Questions B8, B9, B10, B11 – Answers to these questions may not be able to be provided based on any experience without implementation based on final TPM rules. Either delete or clearly indicate that this is a projection based on what is currently known about the possible TPM final requirements.
5. Question B10- Without final TPM rules and full implementation, it is unlikely that many agencies would have actually realized benefits in using performance based planning and programming processes. Either delete this question or clearly indicate that this is a prediction based on what is currently know about the possible TPM final requirements.
6. Question C2 – Without final TPM rules, it would be difficult to report on and assess how Performance Based Planning and Programming Processes support each of the listed Asset Management Practices. Either delete or clearly indicate that this is a projection based on what is currently known about the possible TPM final requirements.
7. Questions C6 and C7 – The factors listed may not be a complete list of factors that are considered to be important in the decision to fund or not fund different projects. Delete this question, or at a minimum, provide the ability to add factors.
8. Questions C7 and C8 – It is unclear why these questions related to project selection criteria are included, but if they are included, provide the opportunity to expand on the answers.
9. Question C9 – Define “capital preservation program, capital improvement program, and operations and maintenance program” for the purposes of the survey. Different States and MPOs may define these differently.
10. Questions C9, C13, Q16 - Respondents may exaggerate their capabilities in order to avoid potentially negative consequences.
11. Question Q3 – if the intent of TPM is to link investments to making progress to achieving targets some respondents may select higher linkages to avoid what many already believe could result in plan certification complications at the USDOT level.
12. Section D-J Common Questions 1-20 – In the absence of final TPM rules and actual implementation, it will be difficult to answer these questions and assess the results in the context of the effectiveness of TPM. This is especially true for Questions 12 and 13, which relate to establishing targets and the degree to which performance targets have impacted actual investment decisions.
13. MPO Data Collection – The proposed MPO survey stratification does not recognize a unique category of UZAs newly designated for ozone non-attainment under the new standards.
14. MPO Assessment Pages 45-47 – The proposal indicates that State DOTs will be asked to provide MPO staff contact information which will likely result in multiple points of contact. While the pros and cons were indicated, it is most appropriate that the single point of contact for the MPOs be the respective Executive Director. AMPO is available to assist with providing contact information. The survey respondents should be decided and coordinated through the MPO Executive Director, not the State DOT.
15. Assessment of Results and Analyses – Draft and Final Assessment Results and Analyses and data should be shared with AMPO as the national organization representing the MPO practitioners and respondents.
16. Survey Question Construction – The “time limits” for survey completion, i.e., 20 minutes for the main survey and 15 minutes for each of the subareas is unrealistic. To avoid survey fatigue, shorten the survey with a focus on the areas intended in MAP-21.
17. Field Pretest – Five State and MPO agencies will be selected for an early assessment of the survey instrument rather than have an actual pretest. Five agencies are not enough for an evaluation, and it is questionable whether potentially significant results could be incorporated in a revised survey instrument. A survey pre-test should be undertaken.

Thank you for the opportunity to provide these comments and recommendations. I look forward to continuing to work with you to refine the TPM assessment process and survey tools to ensure sound results and an effective assessment of TPM implementation and state-of-the-practice.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D Hardy". The signature is fluid and cursive, with the first letter "D" being large and prominent.

DeLania Hardy
Executive Director