

Appendix A - Performance Measure MOA

**PERFORMANCE-BASED PLANNING AND PROGRAMMING
MEMORANDUM OF AGREEMENT**

In accordance with **23 CFR 450.314 - Metropolitan Planning Agreements**, this agreement is made and entered into this 16 day of April 2018, by and between the Metropolitan Planning Organizations, hereinafter designated as “MPO(s)”, the Utah Department of Transportation, hereinafter designated as “UDOT”, and the Public Transportation Agencies;

WHEREAS, the MPO(s), have been duly constituted under the authority of Title 11, Chapter 13, Utah Code Annotated, 1953, as amended (the Interlocal Cooperation Act), and pursuant to Section 3, Executive Order of the Governor of the State of Utah, dated 27 May, 1970; and

WHEREAS, UDOT’s powers and responsibilities are listed in Utah Code Section 72-1-201 et seq. and include general responsibility for planning, research, design, construction, maintenance, security, and safety of all state transportation systems; and

WHEREAS, the Public Transportation Agencies powers and responsibilities are listed in Utah Code Annotated, Title 17B, Chapter 2a, Part 8; and every public transit provider that receives Federal financial assistance under 49 Utah State Code chapter 53 is to develop a Transit Asset Management Plan (TAM), or be part of a group TAM; and provided that the Utah Transit Authority, a tier I provider, and Cache Valley Transit District, a tier II provider, are providing their own TAM; and Park City Transit, Basin Transit Administration, SunTran, and Cedar Area Transit, tier II providers, are participating in the UDOT group TAM; and

WHEREAS, The provisions contained in this document respond to requirements in [23 CFR 450.314](#) (h) stating: “The Metropolitan Planning Organizations (MPO(s)), States (UDOT), and the providers of public transportation shall jointly agree upon and develop specific written provisions 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 attainment of critical outcomes for the region of the MPO (see § [450.306](#)(d)), and the collection of data for the State asset management plans for the National Highway System (NHS)”;

NOW, THEREFORE BE IT RESOLVED, that the parties hereto, the MPO(s), UDOT, and the Public Transportation Agencies do mutually resolve and agree as follows:

- 1. Developing and Sharing Information Related to Transportation Performance Data**
 - a. UDOT will provide the MPO(s) with a subset, for their urbanized areas, of the state performance data that UDOT used or uses in developing statewide targets.
 - b. MPO(s) that choose to adopt their own targets will provide any supplemental data used in determining any such target, to UDOT or the Public Transportation Agencies, or both.

- c. Public Transportation Agencies that are part of the UDOT TAM will provide their transit data to UDOT within four months of their fiscal year end.
- d. Public Transportation Agencies creating their own TAM will provide transit data by asset class for the FAST Act transit performance measures to UDOT and MPO(s), in their transit regions, within four months of their fiscal year end.

2. Selection of Performance Targets

- a. UDOT will develop statewide performance targets for each of the FAST Act performance measures, in cooperation with the MPO(s) and the Public Transportation Agencies.
- b. Public Transportation Agencies will develop their measures in the UDOT TAM or, if creating their own TAM, they will cooperate with their respective MPO(s) and UDOT when establishing transit targets.
- c. MPO(s) will cooperate with UDOT or Public Transportation Agencies, or both, in supporting the statewide targets or in establishing their own MPO targets. UDOT or Public Transportation Agencies, or both, will be given an opportunity to comment on the MPO(s) targets.
- d. UDOT, MPO(s), and Public Transportation agencies will develop and set targets as required by 23 CFR Parts [450](#) and [771](#), as well as [49 CFR Part 613](#), as applicable.

3. Reporting of Performance Targets

- a. UDOT and Public Transportation Agencies will report the statewide performance targets to FHWA and FTA, as applicable, and shall provide a copy of such reporting to the MPO(s).
- b. MPO(s) will report their performance targets to UDOT and their Public Transportation Agencies in the form of a memorandum or meeting minutes from their board.
 - i. If the MPO(s) choose to adopt the targets of UDOT or the Public Transportation Agencies, or both, documentation of the MPO(s) support of the appropriate targets shall be provided to UDOT or the Public Transportation Agencies, or both.
 - ii. If MPO(s) choose to adopt their own targets, written notification that the MPO(s) will set a quantifiable target, for the performance measure within the MPO planning area, with its associated data will be provided to UDOT or the Public Transportation Agencies, or both.

4. Reporting of Performance To Be Used In Tracking Progress Toward Attainment of Critical Outcomes For The Regional Area.

- a. Reporting of targets and performance shall conform to [23 CFR 490](#) (National Performance Management Measures), [49 CFR 625](#) (Transit Asset Management), [49 CFR 673](#)(Public Transportation Agency Safety Plan), and [49 CFR 450.334](#) (Obligated Projects).
- b. UDOT will include information outlined in [23 CFR 450.216](#) (f) (Development of Long-range Statewide Plan) in any statewide transportation plan amended or adopted after May 27, 2018, and information outlined in [23 CFR 450.218](#) (q) (Development of STIP) in any statewide transportation improvement program amended or adopted after May 27, 2018.
- c. MPO(s) will include information outlined in [23 CFR 450.324](#) (Development of Metropolitan Transportation Plan) in any RTP amended or adopted after May 27, 2018, and information outlined in [23 CFR 450.326](#) (d) (Development of TIP) in any TIP amended or adopted after May 27, 2019, and conform to [23 CFR 450.306 \(d\)](#) (performance based approach).

5. Collection of Data for the State Asset Management Plans for the NHS.

- a. UDOT will be responsible for collecting bridge and pavement condition data for the State asset management plan for the NHS.

Changes

Alterations, extensions, supplements, or modifications of the terms of this Agreement as detailed herein shall be agreed to in writing by the parties concerned, incorporated as amendments to this Agreement, and made a part thereof.

Termination of Agreement

If, through any case, the parties fail to fulfill in a timely and proper manner the obligations under this Agreement, or if any of the parties shall violate any of the covenants, Agreements, or stipulations of this Agreement, or if any of the parties so wishes to withdraw from this Agreement, they shall thereupon have the right to terminate this Agreement by giving written notice of such terminations and specifying the effective date thereof, at least sixty (60) days before the effective date of such termination. If any one of the parties terminates their participation in this Agreement, it shall not affect the obligations of the other parties to this agreement.

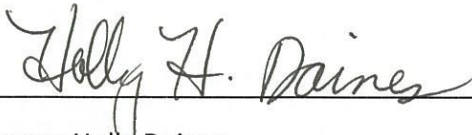
Miscellaneous

Each party agrees to undertake and perform all acts reasonably necessary to carry out the intent and purposes of the Agreement at the request of another party.

The failure of any party to insist upon strict compliance of any of the terms and conditions or failure or delay by any party to exercise any rights or remedies provided in this Agreement, or by law, will not release any party from any obligations arising under this Agreement.

Each party represents that it has the authority to enter into this Agreement. This Agreement may be executed in counterparts by the parties.

IN WITNESS THEREOF, the MPO(s), UDOT, and the Public Transportation Agencies have executed this Agreement as of the date first written.




Date: 4/16/18

Name: Holly Daines
Title: Chair, Cache Metropolitan Planning Organization



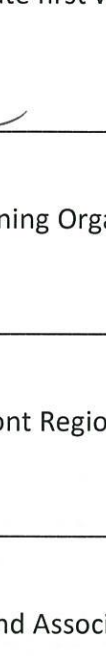
Date: 4/19/18

Name: Andrew Gruber
Title: Executive Director, Wasatch Front Regional Council



Date: 4/18/18

Name: Andrew Jackson
Title: Executive Director, Mountainland Association of Governments




Date: 4/26/18

Name: Chris Hart
Title: Chair, Dixie Metropolitan Planning Organization



Date: 4/25/18

Name: Carlos Bracer
Title: Executive Director, Utah Department of Transportation



Date: 5-7-18

Name: Jerry Benson
Title: President/Chief Executive Officer, Utah Transit Authority



Date: 4-17-18

Name: Todd Beutler
Title: General Manger, Cache Valley Transit District

