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Docket Number FTA-2013-0030

Re: Advance Notice of Proposed Rulemaking: National Public Transportation Safety Program and National Transit Asset Management System

I am pleased to submit these comments on behalf of the New York State Association of Metropolitan Planning Organizations (NYSAMPO), representing the 13 MPOs in New York. We support FTA's use of an Advance Notice of Proposed Rulemaking to better understand the perspective and needs of the transit community and metropolitan planning organizations prior to crafting a proposed rule.

NYSAMPO submits the following comments:

- As this Advanced Notice of Proposed Rulemaking strongly relates to the new performance based planning and programming provisions of MAP-21, FTA should make every effort to ensure that the forthcoming associated rulemaking be made compatible with other performance-based rulemaking from MAP-21.
- Given that the upcoming rulemakings regarding asset management plans and safety plans require implementation through the Transportation Improvement Program and associated investment plans, FTA should be attentive to the consideration and reconciliation of the various plans into the MPO process in the upcoming Joint Metropolitan and Statewide Planning Rulemaking.
- The proposed regulations could potentially lead to the development of voluminous data and plans from multiple transit providers in any particular metropolitan region. FTA must strive to avoid burdensome recordkeeping, data development, and planning requirements as a result of these new regulations.
- FTA must recognize the need for flexibility to meet the different situations and sizes of providers and agencies, recognizing that no two metropolitan regions or transit providers are alike.

We offer the following comments in response to the questions in Section IX: Coordination of Targets and Plans with Metropolitan, Statewide, and Non-Metropolitan Planning.

116. NYSAMPO recommends that the MPO Certification process is the appropriate venue to ensure that Transit Asset Management and Safety programs are incorporated at the MPO level (i.e. not on a project-by-project or grant-by-grant basis). The Long Range Plan should contain the Safety and TAM Plan goals, measures and targets from the individual systems, along with an assessment of how they fit into the MPO's transportation goals and targets. Under MAP-21, the Transportation Improvement Program is expected to demonstrate that investment decisions support outcomes that move toward achieving targets. FTA should focus this effort on the prospective Joint Metropolitan and Statewide Planning Rule, and devise different procedures here. The UPWP can report on progress

during the current year, and cite studies and other efforts for the next year (or two years if a 2-year UPWP) to address the goals, measures and targets – especially data collection efforts. The requirements should be general and not proscriptive; target setting is necessarily unique to the size, number, number of modes, and complexity of the transit providers in the MPO Planning Area.

117. The rule should require that the MPO and transit providers work cooperatively to set goals and targets at the provider level as well as through the Metropolitan Planning Process. Uniform regionwide goals and targets may be problematic when there is more than one transit agency. If these goals and targets are developed cooperatively, NYSAMPO believes that MPOs could incorporate the transit providers' goals and targets by reference into Transportation Improvement Programs if the associated investment plans to meet the targets are fiscally constrained. Long Range Transportation Plans developed through the Metropolitan Planning Process are required to be fiscally constrained and have no less than a 20-year planning horizon by regulation. NYSAMPO recommends that the Joint Metropolitan and Statewide Planning Rule reconcile the potential incorporation of Transit Asset Management plans with other MAP-21 required Asset Management plans into Long Range Transportation Plans.

118. State Management Plans for §5310 and §5311 should address these areas\topics. Any State Transportation Master Plan and State Transportation Improvement Plan should address these areas\topics. Specific procedures or requirements would be inappropriate for the urbanized area systems because they so varied in size\scope, mode, and complexity, and State has less control of their targets because of their indirect relationship with the FTA funding levels.

119. Incorporation of Transit Agency Safety Plans and TAM Plan goals, measures and targets in the Unified Planning Work Program (UPWP) should occur only when the transit agency, like any other MPO member, requests the planning assistance of the MPO. We do not see any clear relationship between these plans and the Congestion Management Process. In no case should FTA require inclusion these Plans in the UPWP or CMP.

120. The Joint Metropolitan and Statewide Planning Rule is the appropriate venue to harmonize the incorporation and prioritization of Transit Asset Management and Transit Safety plans with other MAP-21 required rulemaking within Metropolitan Planning Process and Document requirements.

121. FTA should encourage MPOs and transit providers to work cooperatively on setting goals and targets at both the provider level and through the Metropolitan Planning Process in a manner that provides discretion to the MPOs. NYSAMPO believes that if these goals and targets are developed in a cooperative manner, MPOs could incorporate transit provider goals and targets by reference into the Metropolitan Planning Process. The Joint Metropolitan and Statewide Planning Rule could reconcile the potential incorporation of Transit Safety goals, targets, and plans with other MAP-21 required rulemaking into Metropolitan Planning Process and Document requirements.

By:

Richard Perrin, Chair

New York State Association of Metropolitan Planning Organizations