



State of New Jersey

DEPARTMENT OF TRANSPORTATION
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PHIL MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DIANE GUTIERREZ-SCACCETTI
Acting Commissioner

Performance Management
NJ Written Procedures for
Safety

May 22, 2018

Robert Clark
Division Administrator
Federal Highway Administration
840 Bear Tavern Road, Suite 202
W. Trenton, NJ 08628

Attention: Keith Skilton

Dear Mr. Clark:

Enclosed for your approval are New Jersey's written procedures for Safety Performance Management. These procedures were developed by NJDOT, in collaboration with each of the MPOs and the NJ Division of Highway Traffic Safety (NJDHTS). The procedures describe how all parties work together to meet the performance-based planning requirements for safety. Keith Skilton and Caroline Trueman of your staff provided helpful guidance on previous drafts. We expect to use these procedures as a basis for future written procedures governing the other required elements of performance based planning.

If you have questions on the enclosed document, please contact me at (609) 530-2866.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Swords".

Andrew R. Swords, AICP, PP
Director
Division of Statewide Planning

Cc: Assistant Commissioner Michael Russo
Mary Ameen, Acting Executive Director, NJTPA
Barry Seymour, Executive Director, DVRPC
Jennifer Marandino, Executive Director, SJTPO
Gary Poedubicky, Executive Director, NJ Division of Highway Traffic Safety
Caroline Trueman, FHWA

**New Jersey
Safety Performance Management Written Procedures**

among

**Metropolitan Planning Organizations (North Jersey Transportation Planning Authority,
Delaware Valley Regional Planning Commission, South Jersey Transportation Planning
Organization),**

the New Jersey Department of Transportation (NJDOT),

and the New Jersey Division of Highway Traffic Safety (NJDOTS)

Background

These performance management written procedures document agreement among the Metropolitan Planning Organizations (MPOs) listed above, the New Jersey Department of Transportation (NJDOT), and the New Jersey Division of Highway Traffic Safety (NJDOTS) regarding the conduct of the performance based transportation planning and programming process required under MAP-21 and the FAST Act for safety in the state of New Jersey. These procedures are written to enable compliance with the requirements of the USDOT/FHWA Highway Safety Improvement Program Final Rule, adopted March 15, 2016 in 23 CFR Part 490.

The MPO(s) and the NJDOT 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 chooses the latter option.

Provisions herein complement existing metropolitan planning agreements and may be supplemented by related agreements regarding performance management (such as covering urbanized areas extending beyond New Jersey and therefore involving other parties).

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 FHWA federal rule for safety performance (23 CFR Part 490, effective 4/14/2016), this process includes developing a framework of system condition; data acquisition, sharing, analysis, target setting, and reporting for the following national safety performance measures specified by the US Department of Transportation (USDOT), Federal Highway Administration (FHWA):

- Safety Performance Measures (Subpart B)
 - Number of fatalities
 - Rate of Fatalities per 100 million vehicle miles of travel

- Number of serious injuries
- Rate of serious injuries per 100 million vehicle miles of travel
- Number of non-motorized fatalities and serious injuries

Written Provisions

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

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

1) Overall schedule and elements

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

2) Transportation performance data

- a. The parties will coordinate on the collection of data required to calculate the national safety performance measures and to develop targets. Coordination may involve in-person meetings, web meetings, conference calls, and/or email communication.
- b. To the extent possible, 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 Safety (Subpart B) 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. The MPOs may contribute applicable data and will share this data with the other parties. The MPOs will also share any supplemental data utilized for regional target setting.

3) Establishment of performance targets

- a. NJDOT will establish draft statewide safety performance targets in coordination with MPOs and NJDHTS. Coordination 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 MPO's discretion, it will either agree to plan and program projects contributing toward the NJDOT targets or will set quantifiable MPO targets.
- c. For those safety performance measures for which an MPO adopts its own quantitative planning area targets, the MPO will develop draft targets in coordination with the NJDOT and NJDHTS. Coordination methods may involve collaborative in-person meetings, web meetings, conference calls, and/or email communication. NJDOT and NJDHTS shall 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 party to the written procedures will be notified when NJDOT has established statewide targets, and reported final statewide targets, as described in more detail below.
- b. According to MAP-21 & FAST Act requirements, NJDHTS targets for Fatalities, Serious Injuries and Fatalities/VMT must be identical to NJDOT's targets. NJDHTS is required to report their Safety Performance Targets first, and NJDOT follows with its own targets.
- c. Each MPO will report its MPO-based performance targets to the NJDOT. 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 planning area.
- c. Documentation of the MPO's target or support of the statewide target will be provided in the form of a letter, resolution or other formal correspondence.

5) Resolving disputes

- a. The development of safety targets will be undertaken collaboratively by an interagency Safety team, made up of representatives of the Partner Agencies listed in Table 1 above.
- b. To the extent possible, the interagency Safety 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
 - v. The Director of New Jersey Division of Highway Traffic Safety (NJDHTS).
- f. The five 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 27, 2018, and information outlined in 23 CFR 450.218 (q), in any statewide

transportation improvement program amended or adopted after May 27, 2018. 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 STIP toward achieving the performance targets required by MAP-21 and the FAST Act.

- b.** The Performance Based Planning and Programming (PBPP) requirements of the planning rule as outlined in 23 CFR 450.226 (b&c), governing the phase-in of new STIP requirements, shall apply to all STIP amendments, but not to administrative modifications of the STIP.
- c.** 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 27, 2018, and information outlined in 23 CFR 450.326 (c&d) in any Transportation Improvement Program amended or adopted after May 27, 2018. 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.
- d.** The Performance Based Planning and Programming (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.
- e.** Establishment and reporting of targets and performance by the NJDOT and MPOs shall conform to 23 CFR 490 (FHWA national performance management requirements), and 49 CFR 673 (Public Transportation Safety Plans).