

---

# National Performance Management Measures

## Notice of Proposed Rulemaking (NPRM)

**Extenuating Circumstances, HPMS Data Field Names,  
Safety Performance Measure, Pavement Condition  
Measure, and Freight Performance Measure**

***89 FR 4857***

***Docket No. FHWA- 2023 -0014***

**February 8, 2024**



---

## *Disclaimer*

- Except for the statutes and regulations cited, the contents of this presentation do not have the force and effect of law and are not meant to bind the States or the public in any way. This presentation is intended only to provide information regarding existing requirements under the law or agency policies.



# *Welcome & Overview*

Pete Stephanos, Director

Office of Stewardship, Oversight and Management



U.S. Department of Transportation  
Federal Highway Administration



## Summary

- NPRM: <https://www.federalregister.gov/d/2024-00373>
  - Docket: <https://www.regulations.gov/docket/FHWA-2023-0014>
- Comments due by **February 26, 2024**.
  - Comment via regulations.gov.
- Summary of proposed changes:
  - Clarify the list of extenuating circumstances to explicitly include national emergencies, such as the COVID-19 pandemic.
  - Align the State Freight Plan requirements with the 4-year cycle established by BIL.
  - Align with NHTSA's requirement under § 24102 of BIL to establish triennial Highway Safety Plan (HSP) safety targets that 'demonstrate constant or improved performance,' and establish criteria for insufficient data or information and extenuating circumstances.
  - Align with state of the practice by making technical corrections to existing standards incorporated by reference and other practices.
  - Codify the state of practice for the compliance determination and penalty assessment for the Pavement Condition Measures.
  - Make technical corrections to improve the clarity of 23 CFR part 490.



## ***23 CFR 490.100's – General Information***

Alexis Kuklenski

Transportation Asset Performance Team &

Jaesup Lee

Office of Freight Management & Operations (HOFM)



U.S. Department of Transportation  
**Federal Highway Administration**



---

## ***§ 490.103 – Data requirements***

(h) In general. FHWA may temporarily extend any date within this Part for good reason, unless prohibited by law.



---

## ***§ 490.107 – Reporting on performance targets***

- Revised to allow bottleneck identification from most recent State Freight Plan meeting the requirements of 49 U.S.C. 70202(e) to be used, even if it is more than 2 years old.
- Clarified that bottlenecks be identified at the baseline and a discussion of progress toward addressing congestion at those points be provided in the Mid and Full Performance Period Progress Reports.



---

***§ 490.109 - Assessing significant progress toward achieving the performance targets for the NHPP and NHFP***

- Clarified FHWA’s approach for determining significant progress when reported data for baseline condition/performance is determined “insufficient” in the year in which the Baseline Performance Period Report is due to FHWA.
- Added a Presidentially declared national emergency, which would cover events such as national public health emergencies, to extenuating circumstances.





## ***§ 490.111 - Incorporation by reference***

- Update:
  - HPMS Field Manual
  - AASHTO Standard R36-21, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Standard Practice for Evaluating Faulting of Concrete Pavements, 2021, 41st/2021 Edition
  - ANSI D16.1-2007, Manual on Classification of Motor Vehicle Traffic Accidents. 7th Edition, approved August 2, 2007
  - DOT HS 811 631, Model Minimum Uniform Crash Criteria (MMUCC) Guideline, 6th Edition, 2024
- Removed AASHTO Standard R48-10 because it was withdrawn by AASHTO. HPMS Field Manual would be used for this collection

# *HPMS*

Paul Foundoukis

Office of Highway Policy Information



U.S. Department of Transportation  
Federal Highway Administration



---

## *HPMS related changes*

Updates the HPMS Field Manual.

### Term Changes:

- State\_Code to StateID,
- Route\_ID to RouteID
- Begin\_Point to BeginPoint
- End\_Point to EndPoint
- Year\_Record to BeginDate
- Value\_Date to ValueDate.
- Inventory data elements -- Removed



# ***23 CFR 490.300's - Pavement Performance Measures***

Tom Van

Pavement Design & Performance Team



U.S. Department of Transportation  
**Federal Highway Administration**



---

## § 490.309 – Data requirements

- Clarify that when the right most lane is not readily accessible due to a listed issue, then the adjacent lane is to be used; not any open lane.
- Remove AASHTO Standard R48-10. The methods identified in the HPMS Field Manual would be used when collecting rutting data on the NHS.
- Update to AASHTO Standard R36-21, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Standard Practice for Evaluating Faulting of Concrete Pavements

---

## ***§ 490.311 – Calculation of pavement metrics***

- Technical edits



---

## ***§ 490.313 Calculation of performance management measures (pavements)***

- Clarifications
- Technical edits

---

## ***§ 490.317 Penalties for not maintaining minimum Interstate System pavement condition***

- Added:
  - FHWA would use the penalty determination from the previous year if a State DOT exceeded the minimum condition due to an extenuating circumstance listed in § 490.109(e)(5) related to the collection or submittal of data.
  - State DOTs will provide a description of any applicable extenuating circumstances for FHWA's consideration by June 15.



---

## ***§ 490.319 Other requirements***

- Revised so the State DOT's Data Quality Management Program would include a certification process for all persons performing data collection.
  - Not just those performing manual data collection.

# ***23 CFR 490.200's – National Performance Management Measures for the Highway Safety Improvement Program***

Danielle Betkey

Office of Safety, Implementation Team



U.S. Department of Transportation  
Federal Highway Administration



---

## § 490.205 Definitions

- Changed “5-year rolling average” to “3-year average”
- Added definition for “Baseline safety performance”
- Revised definition for “Fatality Analysis Reporting System (FARS)”
- Revised definition for “Number of non-motorized fatalities” to remove FARS attribute codes
- Revised definition for “Number of serious injuries” to remove reference to KABCO and conversion tables



---

## ***§ 490.207 National Performance Measures for the HSIP***

- Replaced “5-year rolling average” with “3-year average” in describing the how the performance measures are calculated
- Removed the requirement for State DOTs to report serious injuries by the April 15, 2019 deadline



---

## § 490.209 Establishment of Performance Targets

- Changed “annual” performance targets to “triennial” performance targets
  - Supports NHTSA’s requirement under section 24102 of the BIL for States to submit a triennial Highway Safety Plan (HSP)
- Added requirement to establish performance targets that “demonstrate constant or improved performance from the baseline safety performance”
- Changed reporting from “submitted in the HSIP annual report” to “submitted to the FHWA”



---

## ***§ 490.211 Determining Whether a State DOT Has Met or Made Significant Progress Toward Meeting Performance Targets***

- Updated all instances of “annual” to “triennial”
- Updated the significant progress criteria so the outcome for a performance measure would be assessed against the “baseline safety performance” for that measure
- Revised the language that State DOTs must comply with 23 U.S.C. 148(i) “annually” to “for the subsequent 3 fiscal years”
- Added language to phase in implementation of the requirements
- Added new requirement to address insufficient data and to consider extenuating circumstances



---

## ***§ 490.213 Reporting of Performance Targets for the HSIP***

- Revised reporting requirement to specify first due date and that performance targets shall be reported triennially thereafter
- Added requirement that actual performance shall be submitted annually in the HSIP annual report



# *Additional Requests for Comments*

Alexis Kuklenski

Transportation Asset Performance Team



U.S. Department of Transportation  
Federal Highway Administration





- The MAP-21 legislation required FHWA to develop a uniform method for States to measure and report pavement conditions indicating investment needs and mobility on the Interstate and non-Interstate National Highway System. This methodology is contained in § 490.313 and uses the HPMS for reporting pavement conditions. After experiencing the first 5 years of collecting and reporting this information, FHWA invites comments on the effectiveness of the methodology for the intended purposes and suggestions to improve the required measurement and reporting.



- The existing TPM measures for pavement and bridge condition in 23 U.S.C. 150(c)(3) are limited to the Interstate and National Highway System (NHS). However, there is also considerable need on the non-NHS system for infrastructure improvements. For example, approximately 90 percent of the bridges in poor condition in the 2022 National Bridge Inventory dataset are non-NHS bridges. Would State DOTs and MPOs benefit from the creation of national performance measures for the non-NHS system? For non-NHS bridges, condition data is already collected and reported annually to FHWA and can be used to set targets and report on performance. For non-NHS pavement performance, FHWA collects condition data on a sample of these roadways in each State. What would be reasonable measures, target setting timelines, data collection methods, reporting frequency, and reporting methods for any non-NHS measures? If such national performance measures are created, what would be needed to collect, report, and analyze non-NHS data and implement such a program?



- To minimize the amount of missing pavement data reported to HPMS, the current regulations direct States to collect condition information from another lane when the right most lane is closed due to construction, closure, excessive congestion, or other events impacting access. Some States have indicated difficulties collecting condition information in areas under construction due to bridge replacements, detours, or other circumstances. The FHWA invites comments on how to best collect and report the required information in these challenging situations.



- For the purpose of carrying out 23 U.S.C. 148, the Secretary is required to establish measures for States to use to assess (A) serious injuries and fatalities per vehicle mile traveled; and (B) the number of serious injuries and fatalities (23 U.S.C. 150(c)(4)). The FHWA is seeking comment on possible alternative safety performance measures that could be used to assess safety performance related to the HSIP. These performance measures should be directly related to the State's HSIP and help provide quantifiable evidence toward progress of safety performance. These performance measures may evaluate the outputs (quantitative and indicate the level of activity or effort) or outcomes (provide an indication of effectiveness) resulting in the implementation of the HSIP. The FHWA also seeks comment on whether FHWA should maintain the existing safety performance measures, replace the existing safety performance measures with alternative safety performance measures, or use some combination of both to assess future safety performance.



## Request for Public Comments

---

***Submit comments to:***

**[www.regulations.gov](http://www.regulations.gov)**

**Docket #: FHWA-2023-0014**

For clarifying questions or more information, please  
contact:

Alexis Kuklenski

Alexis.Kuklenski@dot.gov

