

January 22, 2015

Pavement and Bridge Condition Performance Measures NPRM Webinar

Gail: Ladies and Gentlemen, thank you for standing by, and welcome to the Pavement and Bridge Condition Webinar. During today's call, all phone participants are in the listen-only mode. If you should need assistance during the call, please press "*" then *0* and a specialist will assist you offline. I'd now like to turn the conference over to your host, Michael Kay. Please go ahead.

Michael Kay: Thank you, Gail. And on behalf of the Federal Highway Administration, I would like to welcome everyone to today's webinar on the Pavement and Bridge Condition NPRM. My name is Michael Kay. I'm with the U.S. DOT's Volpe Center in Cambridge, Massachusetts. And I'll be helping to assist on today's call and moderate our question and answer period that will come at the very end. Gonna take a moment to orient you to the web room. First, on the top right, we have a poll question, just to inquire as to your level of familiarity with the NPRM itself. So we're going to keep that up for a moment, if you wouldn't mind responding to that, it would be really helpful for our presenters to understand kind of where you're at in terms of your knowledge of the NPRM. On the top left side of your screen, you'll find the audio call-in information, just in case you get disconnected. Some of you, I know, are listening through your computer speakers, and that's great. If by chance, the connection were to cut-out, or your bandwidth were to be a bit low, we would recommend that you call in using that toll-free number. You'll also see the attendee list, and a presentation download box. Simply click on the file name, and click download files, and then follow the prompts on your screen to download a PDF version of today's presentation. Finally, on the bottom left is a chat box that you can use to ask questions of our presenters throughout. How this is going to work is we have several people down at Headquarters today who are going to be responding to questions throughout the presentation. So if you see a response coming from FHWA Response, you can consider that an official response from the Federal Highway Administration to your question. Then at the end of the webinar, once we're done with the presentations, we will take additional Q&A. And with that, I will close out our poll, and I will expand our presentation and I'm going to turn things over to Butch Waidelich. Butch is the Associate Administrator for the Office of Infrastructure, and he's going to provide some welcome and opening comments. Butch, please go ahead.

Butch Waidelich: Thank you, Michael, thank you, I appreciate it. First thing I'd like to say is I'm pretty excited about this, because this truly has been a Significant Rulemaking effort, and I'm really glad to finally be able to say that we published a Pavement and Bridge Condition Rule, and we did that on January 5th, just this month. Building performance into the Federal Highway Program, is a considerable change that we've been preparing for with our partners for quite some time. The implementation of these

new provisions requires a number of interrelated Rulemakings, actually nine in total. Six of them in Federal Highway Administration that we're developing. And they were carried out-- they're going to be carried out in three stages. Last March, we issued the first stage of rulemaking, which focused on safety and planning. We've received many thoughtful and constructive comments, which have helped to shape the proposals you'll see here today, and in the coming months. The Notice of Proposed Rulemaking that we'll be discussing today represents the second of three Rulemaking stages, which focuses on Pavement and Bridge Condition Measures for the National Highway Performance Program. There's a complimentary Rulemaking, and it's scheduled to be published as a Proposal later this month, and that one will focusing on Asset Management Plans for the National Highway System. Together, these two Rulemakings will comprise the second state of implementation. A final stage of implementation will begin in a few months to focus on the remaining areas for which we need to establish measures. These areas are System Performance, Congestion, Emissions and Freight. And today, you'll have an opportunity to learn more about our Proposal for Pavement and Bridge Conditions, and I encourage you to ask questions and comment on what we put together. Let me say, you know, FHWA, we are committed to providing assistance. Right now our focus has been on Rulemaking as we need to implement MAP-21 provisions into the Federal Highway Program. However, we put considerable emphasis on making sure we're prepared to be providing technical assistance and support to States and MPOs as implementation progresses. As a Federal Agency, our emphasis will be on providing effective stewardship. It will not be focused on the stick that we could wield through Compliance Oversight. We've been preparing with many of our partners, AASHTO, AMPO, NAATO, AMPTO, NARC and there's a whole bunch of partners we've been working with, you know, for this change. And as a result, many efforts are underway that'll provide the resources and assistance to support implementation. I'm confident we'll work together to realize successful implementation on new requirements. And with successful implementation, there's going to be tremendous opportunities ahead for all of us, such as better utilization of investment of -- the investment of public funds; maximizing return of the limited transportation dollars that are available to improve system performance. We'll have improved consistency across the country. Greater consistency in data collection and reporting, that'll help us all communicate an effective performance story. There'll be increasing coordination of decision makers. Now more than ever, coordination between States, MPOs, local governments, transit agencies and others will be necessary to man this performance of our multi-modal transportation system. We'll also be able to increase our understanding of what works! We'll have a much greater opportunity to build on the success of those that have proven to maximize investment returns. And our efforts, you know, Federal Highway's with our efforts was sharp, too, and every day counts, they kind of prepared us well to advance those proven strategies. Finally, we'll be able to communicate return on investment returns. We'll be in much better position to effectively report the outcomes of transportation investments, and the impact of the Federal Investment to the public and to Congress. I'd like to touch a little bit on the National Highway System, which is the focus of this stage of rules. MAP-21 focuses on investment

seven goals, and requires the U.S. DOT to establish measures in twelve areas. Four to carry out the Highway Safety Improvement Program; five to carry out the National Highway Performance Program; two to carry out the Congestion, Mitigation Air Quality Program; and one for Freight Movement on the Interstate. It wasn't just a requirement or a chance that five of the twelve measure areas were directed towards the National Highway Performance Program. The National System is important, and the National Highway Performance Program is a significant Federal Funding source directed to this national interest. The National Highway System provides mobility to the vast majority of the nation's population and most all of its commerce. It supports National Defense, and promotes Intermodal Connectivity. Even though the National Highway System mileage accounts for only a small portion of the nation's overall public road mileage, it's actually just about five-and-a-half percent, it carries 58 percent of all the vehicular traffic and 97 percent of all truck-borne trade. Our nation's borders, the NHS has 53 percent of the US Highway Border Crossings. It handles 98 percent of the value of truck trade with Canada and Mexico. And you know, its significance is gonna continue into the future. It's estimated by 2050, passenger and freight transportation demands on the National Highway System are going to increase by 250 percent. Lots of Federal Funds have been invested in the National Highway system, and the National Highway Performance Program is the Federal Funding mechanism, the current Federal funding mechanism that does this. This chart represents the percentages of Federal funds that are obligated towards the National Highway System. These represent over 50 percent of Formula Funds provided to States. And I say *over* 50 percent because I know States use other categories of funding other than the National Highway Performance Program on the National Highway System. So really, this does represent a significant focus. As you can see, the vast majority of Federal Highway Funds are invested in resurfacing, rehabilitation, reconstruction, preservation and preventive maintenance type activities. And grouped in a lump, these comprise about 74 percent of all the National Highway Performance Program dollars. Over 50 percent of the Federal Funding on the National Highway System is directed towards existing pavements; 20 percent is directed towards existing bridges; new construction only represents about 11.5 percent of the National Highway Performance Program dollars. Since the National Highway System provides the backbone to our nation's mobility, it's critical that this large investment compromises our Pavement and Bridge Conditions to ensure transportation system works today and into the future. So, you know, the bottom line, it's important to preserve and improve the National Highway System, because it'll improve safety, and it increases mobility, and it's the backbone of the US economy, which improves our competitiveness in the world. Additionally, the implementation of MAP-21 Performance Measures will improve decision-making and better focus those Federal Transportation Investments on the National Highway System, which relate to improved bridge conditions, pavement conditions and system operation. This is a quick, big picture view of Transportation Performance Management. I'm gonna quickly go over these six areas. But there's a website that you should check out for more details, and it's in the corner of the slide. I just wanted to point that out. There are several Transportation Performance Management Provisions in MAP-

21. And they occur in different sections of the law. We've tried to organize these into requirements into six elements. And you can see it in the graphic, each of these elements feed into the next. National goals comes first. Congress established seven of them. And it'll help us focus the Federal Aid Program. All the national goals would be supported through Statewide and Metropolitan Planning Processes. Next is Measures. FHWA was tasked with establishing Performance Measures. The next slide will go in more detail about Performance Measure areas. Next in line is Targets. This means that States and MPOs are required to set targets for measures established by DOT. The next element is Plans. States and MPOs are required to develop a plan, or multiple plans to document strategies and investments made to address performance needs. And then this is followed by Reports, meaning that all States are required to report to U.S. DOT on the progress toward achieving their targets. And finally, there's Accountability and Transparency, and all States will be held accountable for making Significant Progress towards the achievement of their National Highway Performance Program, and Highway Safety Improvement Program Targets. MAP-21 outlines a number of areas where measures need to be established through Rulemaking. We're proposing measures for areas identified in MAP-21 to support the National Highway Performance Program. Today, I will be presenting the National Measures that we're proposing for these three areas to assess the National Highway System Pavements and Bridge Condition. So the three measure areas we're addressing today are, you know, Pavement Condition on the interstate, Pavement Condition on the Non-Interstate National Highway System, and Bridge Condition on the National Highway System. We'll be publishing an additional Proposed Rule in a few months, that'll include proposed measures for the remaining two areas. And these areas will focus on Overall Performance of the System. Today's webinar presentation will be in three parts. Part 1 will focus on Pavement Condition and Performance Measures. Part 2 will talk about Bridge Condition Performance Measures. And Part 3 will provide an Overview of the Requirements Pertaining to Establishing and Reporting The Targets and Assessing Significant Progress on the National Highway Performance Program. And as I mentioned earlier, there'll be plenty of time to answer your questions at the end of today's presentation. What I'd like to do now is turn it over to Tom Van, who's going to discuss the Pavement Condition Performance Measures.

Michael Kay: Great, thanks a lot, Butch. And with that, we're going to turn it over to Thomas Van, Program Manager in the Office of Asset Management to talk about Subpart C. Thomas.

Thomas Van: Okay, thank you, and good afternoon, everyone. As we mentioned before I'm going to be talking about Federal Highway's proposal for Pavement Condition Performance Measures today. I want to start a little bit by reiterating a little bit about what the legislation directive has to do in Federal Highway. There were two items that were important. That we would develop Performance Measures with the Interstate and the Non-Interstate NHS. The second thing is we would develop a Minimum Standard for

State Highways for Pavement Condition. In developing these measures, there were a couple of very important critical items that we were considering here. The first was that Performance is not Pavement Management. And none of these systems are intended to replace the Pavement Management Systems which States have invested and used very well in their programs today. The critical issues that we were looking at is that for Performance we want to develop one National Measure that would work in every State, regardless of whether you're in the South or in the North, or in the East or West, wherever, it would work regardless of that. We want to keep it simple, but yet be consistent with the MAP-21 goals. We want these measures to capture the actual conditions and the investment needs that exist out there. We want to minimize the technical burden for States. And we were looking to try to get some timely results in this whole process. Now today, I'm going to talk a little bit about an overview of what's in here, and some of the highlights. We can't cover every detail in this process, but I think I can pick out some of them. So what are the measures? Very simply, we're looking at good and poor conditions, and we have actually four measures. Two for the Interstate Highways, and two for the Non-Interstate NHS roadways. So it's very simply that. We don't have to spend a lot of time on it. It's just percentage good, percentage bad. So how do we get there? Well, we-- Federal Highway looked at this and developed a three-step program to deal with the issues on it. First off, we needed to get data consistency, that we'd be looking at one set of standards, you know, uniform methods on how you collect data. We wanted uniform metrics that would develop the ratings for each of these sections of data that are out there. And we want one method of calculated percentage of good and poor. So how does this proposed system work? Well, the State would then collect the data and submit it to HP, and that's pretty much same way as they do today. There are a few changes and I'll go into those in a minute. You know? Federal Highway will calculate the conditions of good and poor for regulatory purposes. States would calculate their good and poor percentages to use for their target setting and for their own internal use. Now some of the changes that are in-- that are being proposed for the HP-- and that's sort of in the field manual, which is a reference to the Proposed Rulemaking here. A copy of the referenced HPMS Manual is in the docket. You can download that so that you can review that. It has changed somewhat over the existing one that we've been using for the past couple years. So the measure is based on four criteria. It's based on smoothness measured by IRI, by cracking, by rutting, and by faulting. The intent here is to characterize the actual conditions that exist out there, and there are a couple key provisions that we want to highlight. One of the things is you will not have to extract bridges. We're gonna try to do that for you here. They're not included in the calculations. But you won't have to extract those in your process. We are asking for the interstate pavements that you do two direction data collection. And part of that is because as we all know, the traffic is not the same going both directions. Construction maintenance practices are not the same going both directions. We're also asking that all of the sections that are measured are going to be in a standard .1 mile section, except where it may not make sense, like the beginning or ending of a highway. And the intent for this is to make sure that we have comparable data from every State. Many of the States are

already measuring it in .1 mile sections, and it will not be much of a change for those. A couple other important changes to realize is that the timing is critical on this. MAP-21 created some legislative requirements that we have to meet, and so we're going to need to have the interstate data a little bit sooner for consideration. And now you might also want to note that the rest of the NHS is due still on June 15th. And we have rolled this back a little bit to make it now every two-years for that data. And on top of that, we're going to be phasing in the NHS data over a two-year period. So we have some challenges with the NHS, and the Highway Performance Management System. One of the biggest ones is missing the data. It's very important if we're going to make these measures work, and make it meaningful that we cover the entire system. Leaving data out is just not an option. You know, we are inviting comments from everyone on how to deal with this in the docket. So you may want to try to address that. You see our proposal here on the screen, is that the best solution? Well, we'll see. You know, it's one that we know can work, but we'll see how it goes now. Now, how do we calculate the good, fair and poor on this? These are the pavement thresholds for the metrics. And these were taken, I don't think there's any real surprises here. This is basically what most States currently use in their programs today. So I don't know if we need them to spend a whole lot of time on this, but you may want to check over these and see if there are any changes that are in there. Make comments if you think that some's bare hole in any way. So how do we calculate the measures out in this? Basically, we're looking at three metrics for every piece of roadway. The asphalt has IRI cracking and rutting. Concrete pavements will have IRI in the cracking and faulting. If you have all three of those metrics in good condition, we're calling that texture roadway good. If two or more of those are rated poor, then we're going to call that poor. Everything else in that scenario would be seen as fair. And that will probably be the majority of the system that's out there. There are a similar set of rules for continuously reinforced concrete pavements. You know? That's a small part of our system. But you may want to look those over if you have those kinds of pavements. Part of the intent here is that a good pavement is one that is strong, it's smooth, and no work is expected to be done on that roadway for several years. If it's in poor condition, this would be a road that's rough, it's cracked, it could be rutted. It can't be really fixed very easily with an overlay or some minor repairs. So let me take you through a little quick example of how we would go about doing this. Let's take an asphalt surface interstate roadway, located out in some rural area of the country. Every state has some of these. So we go out there and measure it, IRI comes in at 180 inches per mile. That's what we measured. We put that into our metric, and we say that it's done. Well, that one rates out is four. So we then go look at our cracking piece of it. Well, cracking's only seven percent on that. So we put that into the equations, and we'll come up with a fair rating on it. We'll look at the rutting piece, .3 inches. This was some concern, but not a lot, you know? We put that into the equation, and we see that that comes in poor. Or fair, or fair, I'm sorry. So overall, we have-- something's going backwards there. I don't know what happened.

Pete Stephanos: And back to panel, there ya go. Hit the forward _____.

Thomas Van: There we go. All right. Okay. So we have then one poor rating and two fair ratings, well, what does that mean? Well, that means that this overall section would rate fair. So what kind of roadway is this? It means it's maybe not real smooth, but it's structurally sound. It could need a little bit of maintenance, but it's probably not going to require replacement any time soon. Now there was one last thing that we had to do in our system here. And that was we're looking at minimum conditions and we had at least four pavements on the interstate system. And you see here what the minimal condition level that we are proposing is, is the percentage lane miles in poor condition would not exceed five percent. Our research suggested that that's a level that most states could meet. It would meet the goals and the objectives, the MAP-21 for mobility, freight, commerce. We think there can be-- we think of it as the _____ hole in the country today. The penalties are directly from the legislation. That's not really something that was created as part of this rule. They kick in, if there's more than two-years continuous non-compliance. It adjusts the applications so that there's more dollars that go to your interstate system. And that results in a little bit less flexibility in spending. What it does is it's similar to what the old interstate maintenance program used to do, require that the States do. Is five percent the right number? We acknowledge the database is somewhat limited right now on what we have. So we have committed that we will reassess this once more once we get a full set of data in now. So this is the basic oversight of what the Federal Highway's proposal is, and we know there's some challenges there. We think most of the States are going to be able to do this without many problems. We do encourage you to put some comments in your docket, if you think we did it right, or you think we did it wrong. You know, please let us know with that. And with that, I'll turn it back over to Michael.

Michael Kay: Great, thank so much, Thomas. And with that, we're going to turn it right over to Everett Matias. Everett is the Senior Bridge Engineer in the Office of Bridges and Structures. He's going to go through Subpart D. But I just want to remind everyone again, please do continue to submit those questions through the chat box at the bottom left. We are working to respond to those questions one by one. And we'll also have time at the end to take some of those over the phone. So you'll just, for example, you'll see HFWA Response just responded to Andrew Freeman on one of those questions. And we'll continue while Everett is speaking to continue to respond to those questions. But with that, again, I'm turning it over to Everett.

Everett Matias: Thank you, Michael. And now for Subpart D, which will be Detailing the Proposed Measures for Assessing Bridge Condition on the National Highway System. So there are three classifications for assessing bridge conditions on the NHS, which are being proposed. And those are good, fair and poor. Now two of those classifications are proposed to be used to calculate the NHS Bridge Condition Performance Measures

which you see here on the slide. And those are the percentage of NHS bridges classified as in good condition, and the percentage of NHS bridges classified as in poor condition. And what I'd like to note here real quick is that these Performance Measures are proposed to be weighted by the deck area of the bridges in each of those classifications, and I'll get into more detail of that in a later slide. But now that we know the Performance Measures, let's talk about the proposed data source, and the metrics for Proposed Bridge Performance Measures. Now the National Bridge Inventory is being proposed to be the data source for calculating the Proposed Bridge Performance Measures. The National Bridge Inventory is an FHWA database that contains information on the nation's bridges. Now annually, States and Federal Agencies submit bridge information to FHWA to update and populate the National Bridge Inventory. All right? Currently, that submission date is every April 1st. What we're also proposing to change, similar to the Pavement Performance Measures, is the submission date of the National Bridge Inventory from April 1st to March 15th. And as Tom had mentioned, the reasons are very similar. It's basically to allow ample time, or enough time to scrub the data, so that when we extract the data, we can use it for calculating the Performance Measures, as well as accepting or implementing the penalty provisions of the NHPP, which I'll get into again in a later slide. And as far as the specific metrics or National Bridge Inventory items that we're proposing to use to calculate the Performance Measures, you see those at the bottom of the slide. And those are the deck, the superstructure, substructure and culvert. Now for those of you that are not familiar with the National Bridge Inventory, and the condition ratings that we calculate for these components, I'll just-- I'm going to walk through a quick example of what those components are on a bridge. So what you see there in the middle of your slide is an elevation view of a bridge, or side view. And that top portion is what we call the deck. That's the riding surface where the trucks and cars drive on. The next major component that we capture a condition rating for in a National Bridge Inventory is the superstructure. All right? Those are your steel beams, your concrete girders that you see underneath the deck. The third major component that we capture in the NBI, or National Bridge Inventory, is the substructure. All right? Those are your piers and your abutments. That's what provides support to the superstructure and also transfers the load from a superstructure into the ground. All right. Now we know what the Performance, or Proposed Performance Measures are, as well as the specific metrics or National Bridge Inventory items that we're proposing to use, let's talk about the method for classifying, or classifying a bridge into an overall condition. All right. So what you see there on the left side of your screen are the proposed metrics, the deck, the superstructure, the substructure and culvert. And let me just back up real quick. Again, for those that are not familiar with the National Bridge Inventory, a culvert is a type of bridge. And within the National Bridge Inventory, there's only one condition or an overall condition rating that's provided for a culvert. All right? So along the top of the slide there, you see what's called-- trying to get the arrow to work, there-- the NBI Rating Scale, all right? That's the NBI Condition Rating Scale. What we're proposing to do with that Condition Rating Scale is to stratify it, or to make three groupings of it. So if a component had a condition rating of either a nine, eight or seven, we're proposing to call that *good* condition. Similarly, if it

had a condition rating of a six or a five, we're proposing that that stratification or grouping be called *fair* condition. And then if the condition rating is four or less, that component would be generalized as in *poor* condition. Now as far as the actual method, classified or providing an overall classification for a bridge, we're proposing to use what's called the Minimum Condition Rating Method. Basically what you would do is for those bridge components, the deck, the superstructure, and the substructure, whatever is the lowest condition rating, would control the overall condition rating for the bridge. The culvert is a bit more simplified. In fact, it's a lot more simplified, but there's only one condition rating that's captured for a culvert within the National Bridge Inventory that basically would drive the overall classification. So, if that didn't make any sense, hopefully this will. I'm going to walk you an example of how this Minimum Condition Rating Method works. So again, what you see here is an elevation view of a bridge, all right? Assume that in National Bridge Inspection Standards, routine inspection has just been completed and our inspectors are now ready to provide condition ratings for those three major components of the bridge. So based on their observations, they've given the deck a rating of an eight. So based on what we've proposed, the deck would get a general condition rating of *good*. Again, based on what the inspectors saw in their field inspection of the bridge, they've rated the superstructure also an eight. Which would give that component and overall condition rating of *good* as well. Now our inspectors have noted that there's some deterioration, some problems occurring with the substructure. And they've given that component a rating of four, which based on what we proposed for stratifying that zero to nine scale, that would place that component into *poor* condition. Again, based on the minimum condition rating, whatever the *lowest* of those three components are is what will drive the overall classification. So the lowest of those three is *poor*, so the substructure is controlling, then the overall classification of the bridge would be *poor* condition. So hopefully that cleared up anything that just-- well, hopefully that just cleared it up. So moving on to the Proposed Performance Measures. What you see here on the left, or from the center to the left side of the slide, is basically a summary of what we walked through. There you go. It got highlighted by the black box there. So if all the metrics for a bridge, the deck, the superstructure, and substructure are all seven or above, basically good, then the overall condition rating is good. And then if any of the metrics, any of the deck-- either the deck, the super, or substructure with a four or less, or poor condition, then the overall classification of a bridge, or the overall bridge condition would be four. Now we recognize that there will be some bridges, or probably the majority of the bridges will be in fair condition. It's not that we're not interested, or those are unimportant, but basically because we can-- what we're proposing to capture is just a good and poor classification, we can simply calculate what's there. Now to calculate the Proposed Performance Measures from these overall classifications, and we see that here on the right side of your screen, you see it's the percentage of deck area classified as in good condition, and the percentage of deck area classified in poor condition. We're also proposing to use out of the National Bridge Inventory, three additional items, basically the structure length, the deck width out-to-out, and the approach roadway width to calculate the deck area for each of these classifications. So it's basically just length times the width

to get area for bridges. But then there's a nuance within the National Bridge Inventory where bridges that have fill on top, basically culverts, right, they have dirt on top, and then the roadway on top of that, the deck width out-to-out is captured as zero in the National Bridge Inventory. So in order to calculate the deck area for those bridges with fill, we're proposing to substitute the approach roadway width for the deck width out-to-out in order to calculate area. So to calculate the Performance Measures, you would simply calculate the deck area for each of your bridges in each classification, and then express that total as a percentage of the total deck area of NHS for <technical interference; inaudible>. Basically all you do is sum up the deck area of all your good bridges, divide it by all the sum of all the deck area of NHS bridges within a State, multiply it by 100, and you get a percentage. And then you do the same thing for your bridges that are classified as in poor. Now it's important to note that this minimum condition rating method that we're proposing for bridges is different than the determination of condition for pavements, all right? Is that for pavements, it's a cumulative assessment of the conditions in order that-- which drives the determination of the overall condition. Now based on the analysis of the various methods for determining bridge condition that we took a look at, one is one that we walked through, the Minimum Condition Rating Method. Another is just a Weighted Average Method, or just an Average Of The Condition Ratings. What we notice in our analysis is that there can be some masking or obscuring of the differences in condition ratings of the components, deck, super and sub, when you do an average, or a weighted average method. And what I mean by that is going back to our example, where we had a deck that was an eight, a super that was an eight, and a sub that was a four, if you simply averaged those three numbers, you would get an average value of 6.66. And then if you based on the proposed stratification of the zero to nine scale, that would place your bridge into *fair* condition. Rather than what we're proposing as the minimum would be four, or *poor* condition. Now we recognize that this is a conservative method. However, the method that we're proposing provides clarity as far as you know one of your components, one or more of your components is actually driving that rating. If you were to do an average rating method, there is a possibility, as I said before that you would mask or obscure one of your lower component ratings. Just like in that example. You would do a fair bridge-- bridge would have no raw classification of fair, however, one of your components is actually in poor condition. All right? Now enough about the Performance Measures. Let's talk about the penalty provisions within the National Highway Performance Program for NHS bridges. And that is for three consecutive years if the percentage deck area of NHS bridges is classified as structurally deficient, as greater than ten percent, then a penalty is incurred. That penalty being that a formula amount is to be set aside and obligated, okay, for eligible bridge projects on the NHS. All right? Now that satisfied an obligation requirement would remain in effect until that percentage is less than ten percent. Okay, what I introduced here was a new classification for bridges. Well, new for this, but probably not new to those that are familiar with the National Bridge Inventory. And now there's classification of Structurally Deficient. What we're proposing, or how we're proposing to-- or the method that we're proposing to classify Structurally Deficient is the

same method that we had been using for the apportionment of Highway Bridge Program Funds, in that if the deck, the super, or the sub-- or if it's a culvert-- has a condition rating of four or less, the bridge is classified as Structurally Deficient. Now that's very similar-- and that's exactly the same as what we proposed for the poor performance measure. However, there is a difference between poor and Structurally Deficient. There are two additional National Bridge Inventory items that would drive a bridge to be Structurally Deficient. And that is the Waterway Adequacy Item, as well as the Structural Evaluation Item. If either of those two items are two or less, the bridge would be classified as Structurally Deficient. And as far as implementation of this penalty provision, we have a Q&A on our MAP-21 website, in which it states that the first year of implementing, if it needs to be implemented, that's for three consecutive years the State has Structurally Deficient over ten percent, that would be for Fiscal Year 2017, or October 1st, 2016. And for that first three-year data set for determining if this penalty provision needs to be implemented, that three-year data set would be the NBI, or National Bridge Inventory, submissions for 2014, 2015 and 2016. Right? So with that, I'll turn it back over to Michael Kay.

Michael Kay: Great, thanks so much, Everett. And please do continue to submit your questions through the chat box. As you can see, we are trying to respond to those via the FHWA Response login. And we'll have a couple queued up at the end to ask audibly over the phone. But with that, I'm going to turn it over to Francine Shaw-Whitson in the Office of Transportation Performance Management, to talk about Subpart A. Francine?

Francine Shaw-Whitson: Thank you, Michael. Let's start with we all know that Congress requires States and MPOs to establish targets for each of the Performance Measures that we are proposing. And so what you see on this slide is a quick summary of the who, what, when and where. So as I said, all States and MPOs will be establishing targets for each of the Performance Measures that are proposed and are put into the Final Rule. They will be required for a two- and four-year cycle for States, and for a four-year cycle for MPOs. The targets will need to cover the entire network or area-- in this case, Metropolitan Planning Area-- regardless of ownership. And these targets will be established for a four-year Performance Period that align with the Biannual Report. And we'll talk a little bit more about that Performance Period in a couple slides. So the Establishment of a Performance Target, again States would need to establish both a two-year target, and a four-year target. The two-year target will be explained a little bit-- made a little bit clearer when we talk about reporting-- but the two-year target basically will be establishing a-- will be established to assess progress over a four-year Performance Period. At that two-year period States will also be allowed to adjust their targets, their four-year target. If for some reason that they're no longer comfortable with their selection, for each of the State targets, they will need to establish a Statewide target only. That's the only target that's required to be established in our proposal. However, MAP-21 did allow for the establishment of additional targets to represent the urbanized and non-

urbanized in their State. For MPOs, MPOs will only be establishing four-year targets, and they can do that in one of two ways. They can establish it by committing to support the target that the State has established. Or they can establish their own quantifiable target. If a State adjusts their targets, the MPO will have to also adjust their target. One thing I did not mention is that States have one year after the Final Rule to establish their first target. MPOs will have 180 days after the State establishes their target to establish their target. And each time that the State adjusts their target, the MPO has the option of also adjusting their target. Now if MPOs decide to change their target, they will need to agree-- have that target agreed upon by the State, and we're asking that they document that target, that changed target and the original target in the Metropolitan Planning Agreement. So when we talked about Target Scope. The first large map here that you see represents Target Scope. It represents all the National Highway System. So next is what you see is the State of Kansas. So Kansas will be setting a target for the entire State, including all the NHS pavements within the State of Kansas. And the yellow area that you see, is the Metropolitan Planning Area; the Metropolitan Planning Organization would be responsible for establishing targets for the entire Metropolitan Planning Area. So we want to make sure that you saw the three areas, and understood what the Target Scopes were. Performance Period. Congress did not give us a specific time for Performance Period, and so in our Proposal we are proposing a four-year Performance Period, beginning with October 1st of 2016. So a Performance Period would start in 2016 and go through December 31st-- I should say would start January 1st of 2016 and go through December 31st of 2019. The next Performance Period would then start on the 1st of 2020 and go through December 31st of 2023. So we just wanted to give you a quick illustration of what a Performance Period looks like. So State Reporting on Performance Targets. If you look back at that other slide, I'm going to go back to that real quick, just so you can see. You see the two Performance Periods here. We talked about establishing targets, both two-year targets, and four-year targets for the State. So when they decide-- the first two-year and four-year targets would both be documented in the Baseline Performance Report. There are three reports that we're proposing in the NPRM. The Baseline, Mid-Point Performance, and a Full Performance Report. The Baseline Performance Report would establish and indicate what the State is proposing to use for two-year and four-year targets. We'll also talk about what the baseline condition of the pavement and the bridges are. It would also identify what the urbanized areas boundaries are in the State as well as population data that they have within that particular area. They would identify that any ch-- National Highway System limits, because as we know MAP-21 expanded National Highway System. We also know that those limits may change during a year. So they would also have to identify what the National Highway System limits are. And they would also have to identify the relationship with other performance expectations. For example, the Asset Management Plan, or the CMAQ Performance Plan. They would also have to identify all those within the Baseline Performance Period Report. For the Mid-Performance Period and Progress Report, States would actually have to report on their progress at the two-year point, on their two-year target. And say whether or not they are progressing on it or not. They would also report on the strategies

they've used to try to achieve their targets. They would talk about their progress, and if appropriate, the State could change their target at this two-year period. If during the two-year period they decide to change their target, and there's an extenuating circumstance, or other situation, then they would also talk about that. And lastly, they would also talk about their target achievement discussion. Please note that at the mid-year, at the two-year point, it would be the first time that Federal Highway would make a Significant Progress Determination. And I'll talk a little bit about that in a minute. The last report that is due is the Full Performance Report. And that would have the same information as the Mid-Performance Period Progress Report. Except that you'll-- the information would be more applicable to the four-year target, and not to the two-year target. We are proposing that that Full Performance Period Report would be submitted to us in an electronic format, and more information on the electronic reporting on the Performance Targets will be provided after we get to Final Rule. Let's talk about MPO reporting on Performance Targets. Congress does not require that MPOs should report to us on Performance Targets. However, since they could affect the achievement of a State's target, we're asking MPOs to report their established target in the Planning Agreement they have with their respective State. We're also asking them to report the Baseline Condition Performance Target and their progress in their System Performance Report. And that report is due every four years. So then MPOs are not required to do reporting to Federal Highway. We're asking them to report to the State DOT, and the State DOT has the responsibility of making sure that those reports are available to Federal Highway upon request. Let's talk a little bit about the Targets and Target Reporting. If this is your first Performance Period, and it's starting with January 1st of 2016, let's say you've establish your Baseline Condition Performance for both your Bridge and your Pavement. At this time, since this is your first report, you would also identify what you believe your two-year progress target would be. And that will be the target that we will be looking at in January 1st of 2018. And this Baseline Report, you would also establish what your four-year target would be. And that is the target that we would also look at and we'd do Significant Progress Determination. So as you see, October 1st you would report your Baseline Condition, your two-year target, and your four-year target. And your second report in two-years after your baseline report, you see that in your first report you've already identified your baseline condition, your two-year anticipated progress, and your four-year target that you were shooting for. But actually, since it's been two years since your report, you realize that the actual condition of your assets, both the pavement and bridges, is actually higher than you originally thought. So that's a good thing. So if we were making Significant Progress Determination, you would also achieve Significant Progress. And so at this point, again, your Mid-Point Progress Report would come in October 1st of 2018, and this would be when we would be looking at your two-year target, when you would be telling us instead of the two-year target you established, you actually did better than you originally thought. And this is also, as I said before, when we would do the Significant Pro-- the first Significant Progress Determination. And you'll be happy to know that if we were looking at this particular example for you, you would make Significant Progress. And since you did so well, you decided also to adjust your four-year target. You did so

well with your two-year target, that you increased your four-year target to show additional improvement than originally anticipated. So now we're at your Full Performance Period, and this will be for four years after you establish your initial baseline condition. And we're looking at what you see here on the screen is your original two-year target, plus your adjusted four-year target. So let's look at your reporting. You see the target where it says your actual mid-point condition when you get better in those first two years. And then at the end of your performance period, you actually did better, even with your adjusted four-year target. So those are the new targets that you would be reporting in your Full Performance Period Report. And that report, of course, would be due in year, October 1st of year five. In this particular example, that would be October 1st of 2020. At that point, we would also be looking at your end of the period for your Significant Progress Determination. We would be able to say because you actually did better than your original target, we would probably conclude that your significant-- that you achieved Significant Progress. So just to get into a little bit more detail about the Significant Progress towards achieving your targets, FHWA will be the one making the Determination, whether or not a State has achieved Significant Progress Determination. Please note that we do not make a Significant Progress Determination for Metropolitan Planning Organizations, only for the State. With each National Highway performance Program target, we will take those targets into consideration when we make this Significant Progress Determination, and we're going to walk you through an example of how that's done shortly. Again, the Significant Progress Determination is done every two years, so if your first report is due October 1st of 2016, the first Significant Progress Determination would be made on October 1st of 2018. We do want you to note that because the interstate pavement condition is being phased in. That first consideration, we would not include it in our Significant Progress Determination. Now if a State does not achieve Significant Progress for two consecutive determinations, then the State only has to document in its next biennial report, the actions it will take to attempt to achieve its target related to that particular measure in the next Performance Period. Just as a reminder, your data sources that we'll be using for Significant Progress Determination, note that these data sources are still NBI in the HPMS. However, the data extraction dates, which means the dates that we will actually pull the data from these sources are different than when the data is due to those sources. For the NBI and the HPMS interstate, the dates will be June 15th. And then for the Non-Interstate NHS, we will extract the data for Significant Progress Determination on August the 15th. So this is a graphic showing about the determination of Significant Progress source, your target. The blue line you see on your screen represents the baseline that you reported in that initial report. If we were to assume that initial report was October 1st, that would be your baseline. If you were to establish an improvement target, then Significant Progress Determination would be achieved if any improvement from the blue lines. That would be the target that is above the baseline. Then you will have achieved Significant Progress. If for the same period, the State DOT decided to establish a declining target, then in order to achieve Significant Progress Determination, the State must hit that target that's below the blue line, or be above the target that's above the blue line-- I mean above the target

that they set. So in order to achieve significant target for the declining, it has to be at least equal to that target below the blue line or better. And here's the example. So for a State billed in advance, this is only applicable to the State DOT. For the Interstate System, the Pavement Condition Non-Interstate NHS and the NHS Bridge Condition, you see the Significant Progress Determination that were made for percentage of pavements in good condition on the interstate for two periods. I'm sorry, I'm confused. Two Significant Progress time periods that significant progress was not made. So we record a "no" in two places. For percentage of pavements in poor conditions, the Significant Progress Determination was made that, yes, they did achieve it. For the non-interstate NHS Pavement Conditions, in all cases they achieved Significant Progress Determination. And for the NHS Bridge Condition, the first period for bridges in good condition, yes, they achieved it. And the second time period, no, they did not achieve it. And then for percentage of bridges in poor condition, they achieved Significant Progress, the first two-year period, the second two-period, they also achieved. If we look at this example, just for the in-state Pavement Condition, because we have two straight, and two consecutive determinations of not achieving Significant Progress, then the State would be responsible for writing up a report that describes to us what they plan on doing for-- not just for the percentage of pavement that's in good condition, but for the entire interstate condition, how they're going to improve the overall Pavement Condition. For the NHS Bridge Condition, where you had the one time where a Significant Progress was not determined, if that was to roll over in the next two-year period, and that "no" is repeated, then bridges would also have to do it. But in this particular example, they would only have to report on the Interstate Pavement, Interstate System Pavement Condition, why Significant Progress was not made. Trying to confuse you. Because this Rule is considered a Significant Rule by the Office of Management and Budget, we also had to look at the benefit and cost associated with implementing this rule. This process that we use is called a Break Even Analysis. And what that means is that the benefit that would accrue from this Rule would need to out-- not out-- would need to at least be equal to the cost of the rule implementation over a ten-year time arriving. So the cost of this Rule was estimated to be 196.4 million dollars, and that is over a ten-year time period. So over ten years, the benefits that we need to make sure that this Rule breaks even, would be that at least two bridges would have to not be posted, and we would also have to improve 4,350 miles of pavement. So that would represent the break even for this Rule. And we are call it a Regulatory Impact Analysis. We call it a Benefit Cost Findings, so you'll hear us talk-- we have all those terms when we talk about it. If you want more information on the Regulatory Impact Analysis, we have put that complete document on the docket for you to look at and peruse at your leisure. As we prepared this Rule, we came up with a lot of ideas, a lot of proposals, but we also still had some questions that we thought we could use your help on as we think about the Final Rule. So we're seeking your feedback in several areas. And some general areas that we're looking for your feedback. And one of the more important ones is, "What is appropriate effective date for this rule? How can FHWA best assist States and MPOs to maximize opportunities?" Some of the questions we want your feedback on have to do with establishing targets. What other approaches

could we be using for proposing target establishment? And then there was a third big area, overall in Performance Measures, and it has to do with such things as whether or not IRI threshold was appropriate; are there terms of methods for addressing missing or invalid data? As you recall, Tom Van said that missing data would be equivalent to a poor. So is there a better way to address that in the proposal? So those are just some of the questions throughout the NPRN that we are asking for your feedback. So as you develop your comments, statements, please we ask that you also attempt to address some of these feedback questions in your comments. Just real quick the Rulemaking Schedule, this is where we are, as of today. As you know the Safety Performance Measures Rule closed-- opened last March, and it closed in June, along with the HSIP Rule. The Statewide and Metropolitan Planning Proposal was opened in June. It closed in October. All three of those rules are proceeding towards Final Rule at this time. We are looking at possibly having a Final Rule available in the September/October timeframe. Let's say, sometime this year. Okay? The Infrastructure Condition Performance Measures is this particular rule that we are presenting to you today. Please note that comments will be due by April 6th of this year. We are looking at the Asset Management Plan Rule coming out later this month. Note that it will only have a 60-day comment period. It's much shorter than the rest of the comment periods that we have. And lastly, the third NPRM is the System Performance Measures, and that will cover the Freight Movement on the Interstate, the Traffic Congestion Measure On-Road Mobile Source Emissions Measures, plus the Performance of the Interstate Measures. And we're projecting that to be published in April of this year. That will also have a 90-day comment period. Just a real quick information for you, in case you forget some things. What you see is a snapshot of our TPM website, and you can get to it by going to www.fhwa.dot.gov/tpm. And once you get there, you can see right there where we highlighted, you can get actually directly to the Notice of Proposed Rulemaking, and that will help you see the document that we're talking about, thank you. Also, on this particular one, if you want to be notified of when we publish NPRMs or when we are having webinars, you can sign up for email notifications. It also lets you know when we're having informational webinars as well. Not just these type. And lastly, if you want copies of previous presentations of webinars that we have, you can go to this link and retrieve them from there. Thank you, Michael. And so, as we said, we're looking for your comments. What that big red number is is the docket number, and you need that number when you go into regulations.gov, you enter that number in, so that you could have access, not only to the Notice of Proposed Rulemaking, the Regulatory Impact Analysis on the docket, but also the Minimum Condition for Pavements. We have actually put a whitepaper on the docket for you to look at and see our rationale for how we came up with the five percent. So those three are in the primary section of the docket. If you look at the secondary document portion of the regulations.gov, you'll see, you can find the HPMS Field Manual that we use the update on, as well as lots and lots and lots of supporting documents. So if you go to the docket, you'll find all of the information and all the documents that we used to prepare this NPRM. Lastly, we encourage you to submit your comments through regulations.gov. Again, you see the FHWA docket number there.

The link that you see on this screen will actually take you to the Federal Register Notice of the NPRM. And if after this particular webinar, you decide that you still have clarifying questions or more information, please feel free to contact me, you have my email address here, or you can send it to the Performance Measures Rulemaking email, and you'll also receive a response there. And so with that, we're going to stop and take all your questions, and we appreciate your time this afternoon.

Michael Kay: Thank you, Francine. So we have quite a bit of time for questions. And what we're going to do is we're going to ask some of the questions that have not yet been responded to by FHWA Response. FHWA Response will continue to provide some answers for you. But what we're going to do is we're going to start with a question that came in quite a while back from the Vermont Agency of Transportation, or VTRANS. And the question is, "What is the criteria for poor on the Non-Interstate NHS pavements?"

Thomas Van: Poor. Which metric? Well, the criteria for poor is based on the metrics that we have established there. Poor is two or more metrics that are rated poor. It's pretty much the same for all pavements, regardless of whether they're on the interstate or not.

Francine Shaw-Whitson: Okay, so Dan [ph?] is trying to get the slide so you can see what Tom was just talking about. <inaudible> <laughs> We're almost there.

Thomas Van: Keep going. To our comments. Keeping going, keep going to this slide. There it is, okay. You see on the slide that's on the screen right now, that those are the criteria for the thresholds for measuring good, fair and poor. And those are applicable on all roadways.

Michael Kay: Great. Thanks so much for that clarification. The next question came in from Jude, and it was, "If data is missing on a .1 mile segment, because an exempt bridge occupied the whole segment, is it going to automatically be rated poor?"

Thomas Van: What's an exempt bridge?

Francine Shaw-Whitson: Michael, could you repeat the question. I'm not sure we quite got it.

Michael Kay: Sure. And so it's over on the right-hand side for those of you who are presenting. "If data is missing on a .1 segment, because an exempt bridge occupies the whole segment, is it going to automatically be rated poor?"

Pete Stephanos: I think I understand this question. So it's basically the .1 mile reporting for data is for pavements, and so as we said, we would extract the bridges and they wouldn't be included in the measure. If there isn't data for that bridge, if the whole .1 mile is on a bridge, it's not even included in the measure at all. So it would not be rated poor. I think there was another question of a percentage-- if a portion of that .1 mile segment hit the bridge, would that-- both the bridge roughness condition and the part that's not on the bridge be in that sort of calculation, or is there a percent to report? I think that's a good note to raise on the docket for us to look at in consideration of a .1 mile segment that would overlap an approach to a bridge.

Michael Kay: Great, thanks, Pete. I'm going to paste in the next question we want to tackle, so that you guys can see it there on the bottom. From Oklahoma DOT, "Is the condition of a pavement over a culvert exempt or recorded?"

Thomas Van: If the culvert has a deck on it, then you would not be able to record that data. But if a culvert is buried, and the pavement just goes over it, then it would be considered pavement.

Pete Stephanos: Again, that's a good point to raise for a clarifying point in the docket, too. That's a good point.

Francine Shaw-Whitson: <inaudible>

Michael Kay: Great, thank you, Thomas and Pete. Again, I'm going to paste in the next question I want to take from Kendall. "You just discussed the good, fair and poor," and that was of course, a while ago, "But the penalty is based on Structurally Deficient bridges. So what are the good, fair and poor going to be used for?"

Everett Matias: You're correct that Structurally Deficient, or the classification of Structurally Deficient is going to be used for the implementation of the penalty provision. As far as the Proposed Performance Measures for NHS Bridge Conditions, good and poor are to be used for Target Setting, as well as determining Significant Progress, which was the third part of the presentation in which Francine spoke about. So good and poor is the proposed Performance Measures that States would be recording as far as their NHS Bridge Conditions.

Michael Kay: Great, thanks, Everett. The next question, again, I just pasted in so you can all see it from SLO County Public Works, "What happened to Functionally Obsolete bridges?" And kind of a companion question, I think that came in later on, "How will this

affect bridges previously Programmed for Replacement in the HVP be affected if sufficiency rating up? Is the FR being eliminated?

Everett Matias: So this is a bit of a complicated question, which goes back into our previous authorization. So right now-- well, let me go back. So under Safety Rule, we had what was called Highway Bridge Program, which was a program that was focused on providing assistance to States for improving the condition of their bridges, okay? Now within the Highway Bridge Program, we had three factors that we used to determine if a bridge was eligible for Highway Bridge Program funding. Those factors were the sufficiency rating, the classification of Functionally Obsolete, and the classification of Structurally Deficient. All right? So basically, if you had a bridge that was in a deficient status, basically either Structurally Deficient or Functional Obsolete, and there was a sufficiency ra-- it had a sufficiency rating of 80 or less, that bridge would be eligible for rehabilitation under the Highway Bridge Program. Similarly, if the sufficiency rating of the deficient bridge, was 50 or less than 50, that bridge would be eligible for either rehab or replacement, okay? Now that program was not reauthorized under MAP-21. All right? So sufficiency rating and Functionally Obsolete are not used for any program under MAP-21. The reason Structurally Deficient is being-- well, not being proposed-- but we're incorporating that into the proposed regulation, is because Structurally Deficient was used in law, specifically the provisions for carrying out the NHPP, or the NHS Bridge Condition Penalty Provisions of the NHPP. Now, that third part of the question that I remember is if the sufficiency rating goes up, how will that affect a bridges program for Highway Bridge Program Funds? The basic rule is old funds, old rule. So for a high-- if that bridge is programmed for Highway Bridge Program Funds, 'cause some States do have some Unobligated Highway Bridge Program Funds, if the sufficiency rating goes up, and let's say, for example, it goes up above 80, right? That was our threshold for rehabilitation, that bridge would no longer be eligible for rehab. It depends on how far up that sufficiency rating goes up, and then a determination if it's eligible, if it's still eligible, or if it's not eligible, would need to be made.

Michael Kay: Thanks, Everett. The next question, and again, I'll insert, from DBRPC in the Delaware Valley, "Can a region set a target that is lower than the baseline condition? There may be situations where there are competing needs between pavement, bridge safety, and performance, and a region may have to allocate scarce resources to various demands."

Francine Shaw-Whitson: The short answer is "yes." You are allowed to establish a declining target. If you decide to do that, you must be careful that when we look at Significant Progress Determination that you hare making that target, or at least above that target, if you decide to set a declining target.

Michael Kay: Thanks, Francine. The next one I want to take, and again, just inserted back into the main chat box from Kendall, "If a State has met all Performance Measures, they assume that the State can set its measure to maintain their current levels of compliance. Just want a confirmation on that."

Francine Shaw-Whitson: Okay, I'm assuming in said measures you're talking about setting target. So if a State set the target to maintain current conditions, that is also allowed.

Michael Kay: Great, thanks again, Francine. The next question, again, just recently reinserted, "Would counties or townships owned or non-State roads be part of overall State performance? Does MAP-21 require it?"

Thomas Van: If it's on the National Highway System, yes.

Francine Shaw-Whitson: Again, make sure you understand that the requirements are for-- on the National Highway System. So if it happens to go through your little town, or piece of it, then the State would have to account for it in their Target Setting Requirements.

Michael Kay: Great, thanks. And if you'll just bear with me a moment, I'll insert the next one I wanted to see if we can get to. From Shannon, "County and township roads may also occur with an MPO?" That's a question.

Francine Shaw-Whitson: Say that again.

Michael Kay: They want to confirm that county and township roads may also occur with an MPO.

Francine Shaw-Whitson: Yes. If it's part of the Metropolitan Planning Area, yes.

Michael Kay: Thanks, Francine. The next question comes from Puerto Rico. And it is, "What would be considered Significant Progress for the Performance Evaluation?" "There is some percent that is considered progress." I think that was part of our response to the question, but I wanted to see if the speakers could elaborate on that a bit.

Francine Shaw-Whitson: Okay, you're saying if it's ten percent was the-- of what?

Pete Stephanos: No, just any percent.

Francine Shaw-Whitson: Some percent.

Pete Stephanos: Yeah, our definition, as Francine mentioned-- presented-- any improvement over the baseline will be considered Significant Progress. And the reporting of performance with percent of good or poor is a tenth of a percent. That would mean any improvement that's at least a tenth a percent above the original baseline value would be considered significant.

Everett Matias: Thank you, Pete.

Michael Kay: Great, thanks, Pete. The next one I just inserted into the chat box from Maryland, "Does Federal Highway Administration intend to use element level data to measure bridge performance in the future?"

Everett Matias: Got distracted.

Butch Waidelich: Do we use element level data in the future?

Everett Matias: As far as, okay, well--

Butch Waidelich: In the future.

Everett Matias: Yeah. For this NPRM, we're proposing to use National Bridge Inventory Data. As far as element level data and the possibility of future use of it, you know, it would be considered, but for this NPRM, we're proposing to use National Bridge Inventory Data. If you'd like to comment on that as far as the data source, or the metric that we are proposing to use, then please forward that to the docket.

Michael Kay: Great, thanks, Everett. The next question comes from South Carolina. And it is, "Federal Highway Administration requires that Interstate Pavement Metrics are due on April 15th of each year. But the Federal Highway Administration will not extract this data until June 15th. Why is this?"

Francine Shaw-Whitson: We don't extract it, because we-- go ahead.

Pete Stephanos: Yeah. It's due to us on that date. And then there would be a process of assuring that all the requirements have been met for data: completeness, timeliness, accuracy. And there may be some back and forth to resolve any issues with the particular data. And we would-- we're giving that a period of time from, you know, April till June to resolve those issues. So that's the time period is to resolve any issues with the submittal of the data.

Michael Kay: Thanks, Pete. The next question from Ed is, "If States are required to apply targets to include all NHS roads within the State, including MPOs, does that also mean that States must apply targets to Federally Owned National Park NHS roads?"

Francine Shaw-Whitson: The answer is "yes." The State is responsible for establishing targets for all NSH roads in their State, within the boundary of their State. We are encouraging the States to work with Federal Land Managing Agencies, Indian Tribal Governments, and other entities within their State when establishing those targets.

Michael Kay: Thank you, Francine. And I'll just insert the next question here. "If an MPO has a bi-State region, and the States utilize different targets, how should the MPO set their targets?"

Francine Shaw-Whitson: The MPO is allowed to set a target for each State area if they so desire. Or they can adopt the targets in each of those States. Or they can just set one target for their Metropolitan Area that covers both States.

Michael Kay: Great, thank you, Francine. Next question is, "When will State HPMS need to report pavement data for both directions on the interstate?"

Thomas Van: The process will begin in 2017. So you'll collect the data in 2016, the data that you submit on April 15th, 2017.

Michael Kay: Great, thanks, Thomas. The next question from Joseph in Wisconsin, "If we are unable to collect data on a section of road, because it is in the process of improvement, will it still default to a poor rating?"

Pete Stephanos: That's actually a good comment to put on the docket. You know, 'cause we don't specifically talk about that particular situation in the proposal.

Michael Kay: Great, thanks a lot, Pete. And again, for those looking for the docket, there is a number you can search, or there's a link at the very end of the presentation. Again, if you have not yet had a chance to download the presentation, there's a presentation download box at the center left of your screen. Simply click on that file, click "Download File," and follow the prompts on your screen. The next question I wanted to take was from South Carolina as well, "Can you clarify the penalties for not maintaining Minimum Interstate System Pavement Condition?"

Thomas Van: <inaudible> assess the penalty.

Pete Stephanos: It's that there's a two-part penalty. It's to obligate-- set aside and obligate a portion of the NHS-- NHPP funds that was the same level that was the interstate maintenance program in 2009. And then a transfer of those TP funds that was a-- I don't have the percentage.

<overlapping conversation>

Pete Stephanos: Ten percent of that same amount moved over for the purposes of addressing interstate Pavement Condition. So basically what it does is it ties up some of the NHPP money that you have, so that you do set aside an obligate it for the specific and intent purposes of addressing interstate pavement.

Francine Shaw-Whitson: And you can find that information in Section 490.317. And if you're in the Federal Register Notice itself, it's on page 390.

Pete Stephanos: And we have a fact sheet on the penalty, right, Francine?

Francine Shaw-Whitson: Yes, but it's a fact sheet that describes the NHPP Penalty, both for pavement and bridges. It is on the docket. It talks about the Penalties Provisions, the Section 119 Penalties. And also walks you through an example of how it would be applied.

Michael Kay: Perfect, thanks. The next question from David, "How do you define Baseline Performance? Is this just how the conditions are now?"

Francine Shaw-Whitson: That would be the condition of your existing pavement and bridge as of January 1st of that reporting year.

Butch Waidelich: Performance Period.

Francine Shaw-Whitson: Or for that Performance Period.

Michael Kay: Great, thank you, Francine. The next question is, "Can you confirm whether MPOs should report based on urbanized areas or on the adopted MPO planning area, which might expand beyond the UZA?"

Francine Shaw-Whitson: If MPOs will be reporting based on their established Metropolitan Planning Area at that time period, the urbanized areas is more applicable to States reporting. The MPOs are only responsible for reporting for their Metropolitan Planning Areas. One of the things we outlined in the NPRM is that when the State does their reports, their reporting, they have to identify what their reporting boundaries are based on the census and population. So in that case, it would be if the Metropolitan Planning Areas have expanded during that time period, or the previous time period, they would report in at that time. A decrease.

Michael Kay: Thanks, Francine. The next question from Bill, "As mentioned previously, States can set decreasing condition goals over time, above Minimum Condition Required, can that same State be determined to be making Significant Progress?"

Francine Shaw-Whitson: Yes.

Michael Kay: Great! And the next question, I think, comes from South Dakota. And is, "How will State border bridges be measured and recorded? Which state will be responsible, and how will that affect each State Performance Measures and Target Setting?"

Everett Matias: The way we have it proposed for this NPRM is that 100 percent of the deck area would get counted towards both States, to both bordering States, all right? If you feel that there's a different way of doing this, please submit that comment or suggestion to the docket. But the way we're proposing it is 100 percent of the deck area would get counted towards both States' Performance Measures, I'm sorry, and targets, though. As well as, for the Penalty Provision, the Structurally Deficient Classification.

Michael Kay: Great, thanks, Everett. The next question comes in from South Carolina, again. "When will compliance with the Minimum Interstate Pavement Condition be determined? Section 317 seems contrary to Section 109 in the phase in discussion."

Thomas Van: They will. Okay. The data will be collected and submitted in the HPMS on April 15th. And you'll have some time to correct that, or any errors, as of June 15th, that data will be extracted every year, and we'll make that determination prior to October 1st of that year.

Pete Stephanos: We do discuss, and we had to look at these two sections, so if we do have a discrepancy, it's good to point that out to us. But 2017, June 15th, 2017 will be the first time that we will pull the data. And then in 2018, will be the second time that the provision requires that there has to be two consecutive years of not meeting this minimum requirement. So June 15th, 2018 will be the earliest that we will make a determination that the State is not in compliance with the Minimum Condition Requirement for Interstates. And any penalty will kick in the next Fiscal Year, which would be FY '19, beginning October 1st, 2018. So if we did get something kind of crossed-up in the proposal, please point that out, more specifically in a comment on the docket.

Michael Kay: Thanks, Pete. And I see we have a question from North Dakota, and it's literally the very last one there in the chat box, "Are MPOs that are TMAs required to report directly to Federal Highway and set targets? Will they incur penalties if targets are missed?"

Francine Shaw-Whitson: In the requirement for reporting, it's only applicable to State DOTs. It's not applicable to MPOs at all in any form. Therefore, they would not incur any penalties.

Pete Stephanos: Yeah, the MPOs will be reporting to the State, their targets to the State.

Francine Shaw-Whitson: Right.

Pete Stephanos: Regardless if they serve a TMA or not.

Michael Kay: Great, thank you, Francine; thank you, Pete. Another question that just came in from FRPC, "Please elaborate on the MPO reporting of targets. Specifically the way in which MPOs report to the DOT as well as the mentioned Agreement."

Thomas Van: Yeah, so the MPO agreement would describe how the States and MPOs are going to work together on coordinating their targets, because there is a requirement

to coordinate targets, so that's the rule or the Agreement. So when targets are updated or set, they have to do it in accordance with how they agree they're going to do it in the Metropolitan Planning Agreement.

Pete Stephanos: Yeah. As Francine mentioned, it might have been a little bit confusing, because we talked about a lot of different reporting aspects. How the MPO reports that target to the State. And _____ talked about coordination, but how they actually document it and give it to the State, that would be covered in the Planning Agreement, too. They don't have to actually put the target itself in the Agreement, it's the target, how they deliver the target to the State is documented in the Agreement.

Everett Matias: Exactly.

Francine Shaw-Whitson: But I'm going to elaborate and say that they would also talk about those targets and things in the System Performance Report when they submit this to the State.

Pete Stephanos: But the System Performance Report will be in their Long-Range Plan, but that's discussed in the Planning Rule. The new aspect of the Long-Range Plan that talks about the progress that they've made toward achievement of their target with the MPO.

Francine Shaw-Whitson: Thanks for your help, Pete. Thanks.

Michael Kay: Great, thanks. So I pulled back up the presentation, just so everybody has a chance to grab the link to the docket. I think that should be a live link for everybody. And again, if not, we can post that into the chat box, and that's also available on the download for you.

Francine Shaw-Whitson: Michael?

Michael Kay: Yes, Francine. If they go to www.regulations.gov, that is the link to the docket. They would have to input-- once you go to ww-- to that website, then you type in FHWA-2013-0053, it will take you to the docket. Just so you know, if you've never been there before, once you get there, you're going to see a bunch of documents. Look on your right side, on the upper right side, and click the link that says, "Open Docket." And it will give you all the documents that's in the docket.

Michael Kay: Terrific. Thanks for that clarification, Francine. So we're getting close to wrapping up-- before I turn it back over to Francine and Pete and the team for some final

thoughts, I do want to pull up a couple of poll questions. And we're just curious to know whether you thought today's webinar provided a good overview of the proposed rule. And then if you have any suggestions for improving this presentation, or if you want to comment on what worked well, or what didn't work well, we have an open chat box there on the bottom, just curious to know if you have any feedback for us. So we answered the majority of the questions. We hope that our FHWA response team was able to get to the majority of your questions. If not, feel free to follow up. But again, I think we were able to get through the majority of them, so thanks to that team for assisting. Francine, Pete, and everyone else, I'll turn it back over to you for any final thoughts.

Francine Shaw-Whitson: So on behalf of our entire team that has worked on this Notice of Proposed Rulemaking, we do thank you for participating in this webinar this afternoon. We encourage your comments to be placed on the docket. When we talk about comments, we would like to see the good, the bad, and yes, the ugly placed on the docket. Our goal is to provide you the best Final Rule that we can provide you. And so we want every aspect of it to be reviewed, and considered. If you do have further clarifying questions, again, on the last slide, you found the contact information for myself, as well as the Performance Measures Rulemaking email address. And we'll be glad to respond to them. So on behalf of Federal Highway Administration, I thank you for participating.

Gail: And ladies and gentleman that does conclude your conference for today. Thank you for your participation and for u--

[recording ends abruptly]

End of pavement_bridge_condition_nprm_webinar_external2_23_0_Ffk7d6Ci.mp3
####