



FREQUENTLY ASKED QUESTIONS: PAVEMENT AND BRIDGE CONDITION PERFORMANCE MEASURES FINAL RULE

On May 20, 2017, one of the Federal Highway Administration (FHWA)'s final rules establishing performance measures for State Departments of Transportation (DOTs) and Metropolitan Planning Organizations (MPOs) took effect. The rule, published in the *Federal Register* on January 18, 2017 (82 Fed. Reg. 5886), establishes measures to assess the condition of pavements and bridges on the National Highway System (NHS) to carry out the National Highway performance program (NHPP). This rule addresses requirements established by the Moving Ahead for Progress in the 21st Century Act (MAP-21) and reflects passage of the Fixing America's Surface Transportation (FAST) Act.

General

Q. What is the rule's effective date?

A. The effective date is **May 20, 2017**. While the rule was final on January 18, 2017, in accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," the Department delayed the effective date of rule to May 20, 2017. See 82 Fed. Reg. 10441 and 82 Fed. Reg. 14438.

Q. What are the dates of the first four-year performance period?

A. The first performance period begins **January 1, 2018**, and ends on **December 31, 2021**.

Q. When is this period's State DOT baseline performance period report due?

A. The baseline report for the first performance period is due **October 1, 2018**, for all measures under this final rule.

Q. How can I learn more about the final rule?

A. We encourage you to read the rule at <https://www.federalregister.gov/documents/2017/01/18/2017-00550/national-performance-management-measures-assessing-pavement-condition-for-the-national-highway> and to visit www.fhwa.dot.gov/tpm/ to learn about training, guidance, and other implementation-related information.

Bridge

Q. What are the bridge condition performance measures?

A. The measures are:

- Percentage of NHS bridges by deck area in Good condition
- Percentage of NHS bridges by deck area in Poor condition

Q. What changed from the proposed rule to the final rule regarding bridge requirements?

A. Two National Bridge Inventory (NBI) items—Structural Evaluation and Waterway Adequacy—will no longer be used to classify bridges as structurally deficient after **January 1, 2018**, when a new definition will go into effect. The definition for structurally deficient will be a bridge with any component (Deck, Superstructure, Substructure, or Culverts) in Poor condition, and deck areas of (bridge-length) culverts and border bridges will be included in the computation for percent deck area classified as structurally deficient.

Q. To what bridges does the rule apply?

A. The final rule applies to all bridges carrying the NHS, including bridge on- and off-ramps connected to the NHS.

Q. How are Good and Poor conditions calculated?

A. The measure is the percent of deck area classified as good and poor, using National Bridge Inventory (NBI) condition ratings for Deck, Superstructure, Substructure, and Culvert. Condition is determined by the lowest rating of these items. If the lowest rating is greater than or equal to 7, the bridge is classified as good; if it is less than or equal to 4, the bridge is classified as poor. Deck area is computed using NBI Structure Length and Deck Width or Approach Roadway Width (for some culverts). (Bridges rated below 7 but above 4 will be classified as fair; there is no related performance measure.)

Q. How are border bridges counted?

A. The deck area of all border bridges counts toward both State DOTs' totals.

Q. When do State DOTs establish bridge targets?

A. Two- and four-year statewide targets for the first Performance Period must be established by **May 20, 2018**. The State DOTs will report these targets in the Baseline Performance Period Report to FHWA by October 1, 2018. The State DOTs have the option to adjust four-year targets in their Mid Performance Period Progress Report, due **October 1, 2020**.

Q. Can additional targets be established?

A. Yes, State DOTs may establish additional targets for urbanized/non-urbanized areas. However, these optional (or additional) targets do not replace the statewide targets.

Q. How should State DOTs establish bridge targets?

A. State DOT targets should be determined from asset management analyses and procedures and reflect investment strategies that work toward achieving a state of good repair over the life cycle of assets at minimum practicable cost.

Q. When do State DOTs have to report bridge targets?

A. The first reporting of 2-year and 4-year targets is due to FHWA by **October 1, 2018**, when the Baseline Performance Period Report is due.

Q. When are the first MPO targets due?

A. Within 180 days after the State DOT(s) target is established, MPOs can decide to support the relevant State DOT(s) 4-year target or establish their own, quantifiable targets.

Q. What happens if more than 10 percent of the total deck area of a State DOT's NHS bridges is classified as structurally deficient for three consecutive years?

A. The State DOT must obligate and set aside NHPP funds for eligible projects on the NHS.

Pavement

Q. What are the pavement condition performance measures?

A. The measures are:

- Percentage of Interstate pavements in Good condition
- Percentage of Interstate pavements in Poor condition
- Percentage of non-Interstate NHS pavements in Good condition
- Percentage of non-Interstate NHS pavements in Poor condition

Q. What changed from the proposed rule to the final rule regarding pavement requirements?

A. The Fixing America's Surface Transportation (FAST) Act required two changes to pavement-related provisions. First, State DOTs must take action when FHWA determines they have not made significant progress for each biennial determination rather than two consecutive biennial determinations. Second, the penalty for Interstate pavement condition below the minimum level is now triggered if FHWA makes such a determination for the most recent year instead of two consecutive years.

In addition, pavement data requirements changed from the Notice of Proposed Rulemaking (NPRM) to the final rule. International Roughness Index, Cracking Percent, Rutting, and Faulting on the Interstate will be required for only one direction (the NPRM had proposed both directions). Further, missing, invalid, and unresolved data shall not comprise more than 5% of data on the Interstate System and the non-Interstate NHS (the NPRM had proposed data with such issues be considered "Poor").

We made some adjustments in condition thresholds for International Roughness Index (IRI), cracking, and faulting, and added the use of Present Serviceability Rating (PSR) to determine overall Interstate and non-Interstate NHS pavement conditions where the posted speed limit is less than 40 mph.

In addition, the NPRM set a minimum condition requirement of no more than 5 percent Poor for Interstate system pavement. While the final rule retained that requirement in general, it was modified to 10 percent for Alaska.

For additional significant changes regarding pavement requirements, please see 82 Fed. Reg. 5888.

Q. When are State DOTs required to begin collecting pavement data that meets the new data collection requirements (a full-extent IRI, Rutting, Cracking %, Faulting, and Inventory data conforming to the updated HPMS Field Manual)?

A. The dates are:

- **January 1, 2018:** State DOTs are required to collect data for Interstate pavements.
- **January 1, 2020:** State DOTs are required to collect data for the non-Interstate NHS pavements.

Q. What are the required data submittal dates for pavement conditions that meets the new data collection requirements?

A. The dates are:

- **April 15, 2019, and each April 15 thereafter:** State DOTs submit the first Interstate data that conform to the final rule.
- **June 15, 2021, and each June 15 thereafter:** State DOTs submit the non-Interstate NHS pavement data that conform to the final rule.

Q. For how much of the NHS must a State DOT establish targets?

A. State DOTs must establish targets, regardless of ownership, for the full extent of the Interstate and non-Interstate NHS.

Q. When must State DOTs establish pavement targets?

A. Targets must be established by **May 20, 2018**. The State DOTs have the option to adjust 4-year targets in their Mid Performance Period Progress Report, due **October 1, 2020**.

Q. When must State DOTs report pavement targets?

A. The first reporting of targets (4-year statewide Interstate targets and 2- and 4-year statewide non-Interstate NHS targets) is due to FHWA by **October 1, 2018**, when the Baseline Performance Period Report is due.

Q. When are the initial MPO targets due?

A. Within 180 days after the State DOT(s) target is established, MPOs can decide to support the relevant State DOT(s) 4-year target or establish their own, quantifiable targets.

Q. How will significant progress toward pavement condition targets be determined for the first Performance Period?

A. The FHWA will not make a determination of significant progress toward 2-year Interstate System targets with the Mid Performance Progress Report for the 1st Performance Period (due October 1, 2020). The actual 2-year condition will become the baseline condition for the first performance period. For non-Interstate NHS pavement IRI-based targets, FHWA will make a determination of significant progress at the midpoint and end of the first performance period.

Q. What happens if FHWA determines a State's Interstate pavement condition falls below the minimum level for any given year?

A. The State DOT must obligate a portion of the National Highway Performance Program (NHPP) and transfer a portion of its Surface Transportation Program (STP) funds to address Interstate pavement conditions. The required obligation and transfer are in legislation and repeated in the published rule.