

**23 CFR Part 490 - National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance Program and Bridge
Condition for the National Highway Performance Program
(Subpart A - General Information)
Subpart D - National Performance Management Measures for Assessing Bridge Condition)**

For full version of the Rule, please see: <https://www.federalregister.gov/documents/2017/01/18/2017-00550/national-performance-management-measures-assessing-pavement-condition-for-the-national-highway#sectno-reference-490.105%20>

Regulation Section	Regulation Text	KEY COMPONENT SYNOPSIS	KEY DATE
Subpart A	General Information		
§ 490.101 Definitions	<i>Performance period</i> means a determined time period during which condition/performance is measured and evaluated to: Assess condition/performance with respect to baseline condition/performance; and track progress toward the achievement of the targets that represent the intended condition/performance level at the midpoint and at the end of that time period. The term “performance period” applies to all proposed measures in this part, except the measures proposed for the Highway Safety Improvement Program (HSIP) in subpart B of this part. Each performance period covers a 4-year duration beginning on a specified date (provided in § 490.105). <i>Target</i> means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the Federal Highway Administration (FHWA).	All performance periods have a 4 year duration starting on January 1 and finishing in December 31.	First Performance Period: Begins: January 1, 2018 Ends: December 31, 2021
§ 490.103 Data requirements.	a) In general. Unless otherwise noted below, the data requirements in this section applies to the measures identified in subparts C and D of this part. Additional data requirements for specific performance measures are identified in 23 CFR sections— (3) 490.409 for the condition of bridges on the NHS;	a(1) and a(2) do not pertain to bridges.	
§ 490.105 Establishment of performance targets (State DOTs)	(a) In general. State departments of transportation (State DOT) shall establish performance targets for all measures specified in paragraph (c) of this section for the respective target scope identified in paragraph (d) of this section with the requirements specified in paragraph (e) of this section, and the Metropolitan Planning Organizations (MPO) shall establish performance targets for all measures specified in paragraph (c) of this section for respective target scope identified in paragraph (d) of this section with the requirements specified in paragraph (f) of this section. (c) Applicable measures. State DOTs and MPOs that include, within their respective geographic boundaries, any portion of the applicable transportation network shall establish performance targets for the performance measures identified in 23 CFR sections— (3) 490.407(c)(1) and 490.407(c)(2) for the condition of bridges on the NHS. (d) Target scope. Targets established by the State DOT and MPO shall, regardless of ownership, represent the transportation network, including bridges that cross State borders, that are applicable to the measures as specified in paragraphs (d)(1) and (2) of this section. (1) State DOTs and MPOs shall establish Statewide and metropolitan planning area wide targets, respectively, that represent the condition/performance of the transportation network that is applicable to the measures, as specified in 23 CFR sections— (i) 490.303 for the condition of pavements on the Interstate System measures specified in §490.307(a)(1) and (a)(2); (ii) 490.303 for the condition of pavements on the National Highway System (NHS) (excluding the Interstate) measures specified in §490.307(a)(3) and (a)(4); and (iii) 490.403 for the condition of bridges on the NHS measures specified in §490.407(c)(1) and (c)(2). (2) [Reserved] (3) For the purpose of target establishment in this section, reporting targets and progress evaluation in §490.107 and significant progress determination in § 490.109, State DOTs shall declare and describe the urbanized area boundaries within the State boundary in the Baseline Performance Period Report required by §490.107(b)(1). Any changes in urbanized area boundaries during a performance period would not be accounted for until the following performance period. (e) State DOTs shall establish targets for each of the performance measures identified in paragraph (c) of this section for respective target scope identified in paragraph (d) of this section as follows: (1) Schedule—State DOTs shall establish targets not later than 1 year of the effective date of this rule and for each performance period thereafter, in a manner that allows for the time needed to meet the requirements specified in this section and so that the final targets are submitted to FHWA by the due date provided in §490.107(b). (2) Coordination. State DOTs shall coordinate with relevant MPOs on the selection of targets in accordance with 23 U.S.C. 135(d)(2)(B)(i)(II) to ensure consistency, to the maximum extent practicable. (4) Time horizon for targets. State DOTs shall establish targets for a performance period as follows: (i) The performance period will begin on: (A) January 1st of the year in which the Baseline Performance Period Report is due to FHWA and will extend for a duration of 4 years for the measures in paragraphs (c)(1) through (c)(3) of this section; and (B) [Reserved] (ii) The midpoint of a performance period will occur 2 years after the beginning of a performance period described in paragraph (e)(4)(i) of this section. (iii) State DOTs shall establish 2-year targets that reflect the anticipated condition/performance level at the midpoint of each performance period for the measures in paragraphs (c)(1) through (c)(3) of this section. (iv) State DOTs shall establish 4-year targets that reflect the anticipated condition/performance level at the end of each performance period for the measures in paragraphs (c)(1) through (c)(3) of this section. (5) Reporting. State DOTs shall report 2-year targets, 4-year targets, the basis for each established target, progress made toward the achievement of targets, and other requirements to FHWA in accordance with § 490.107, and the State DOTs shall provide relevant MPO(s) targets to FHWA, upon request, each time the relevant MPOs establish or adjust MPO targets, as described in paragraph (f) of this section. (6) Target adjustment. State DOTs may adjust an established 4-year target in the Mid Performance Period Progress Report, as described in §490.107(b)(2). State DOTs shall coordinate with relevant MPOs when adjusting their 4-year target(s).	b does not pertain to bridges. c(1) and c(2) do not pertain to bridges. e(3) does not pertain to bridges. e(7) does not pertain to bridges. State DOTs and MPOs shall establish Statewide and metropolitan planning area wide targets, respectively. State DOTs shall coordinate with relevant MPOs on the selection of targets to the maximum extent practicable. State DOTs shall establish 2 years and 4 years targets. State DOTs shall provide relevant MPOs target to FHWA , upon request. State DOT may adjust an establish 4-year target at the Mid Performance Period.	State DOT's to establish targets by: May 20, 2018
	(f) The MPOs shall establish targets for each of the performance measures identified in paragraph (c) of this section for the respective target scope identified in paragraph (d) of this section as follows: (1) Schedule. The MPOs shall establish targets no later than 180 days after the respective State DOT(s) establishes their targets, described in paragraph (e)(1) of this section. (i) The MPOs shall establish 4-year targets, described in paragraph (e)(4)(iv) of this section, for all applicable measures, described in paragraphs (c) and (d) of this section. (ii) [Reserved.] (2) Coordination. The MPOs shall coordinate with relevant State DOT(s) on the selection of targets in accordance with 23 U.S.C. 134(h)(2)(B)(i)(II) to ensure consistency, to the maximum extent practicable. (3) Target establishment options. For each performance measure identified in paragraph (c) of this section, MPOs shall establish a target by either: (i) Agreeing to plan and program projects so that they contribute toward the accomplishment of the relevant State DOT target for that performance measure; or (ii) Committing to a quantifiable target for that performance measure for their metropolitan planning area. (4) MPOs serving a multistate metropolitan planning area.—For each performance measure identified in paragraph (c)(1) through (c)(3) of this section, MPOs, with metropolitan planning areas extending across multiple State boundaries shall follow these requirements: (i) For each measure, MPOs may choose different target establishment options, provided in paragraph (3) of this section, for each portion of the metropolitan area within each State. (ii) If MPOs choose the option to agree to plan and program projects to contribute toward State DOT targets, in accordance with paragraph (3)(i) of this section, for a measure, then they shall plan and program projects in support of State DOT targets for each portion of the metropolitan area within each State. (5)–(6) [Reserved] (7) MPO response to State DOT target adjustment.—For the established targets in paragraph (3) of this section, if the State DOT adjusts a 4-year target in the State DOT's Mid Performance Period Progress Report and if, for that respective target, the MPO established a target by supporting the State DOT target as allowed under paragraph (f)(3)(i) of this section, then the MPO shall, within 180 days, report to the State DOT whether they will either: (i) Agree to plan a program of projects so that they contribute to the adjusted State DOT target for that performance measure; or (ii) Commit to a new quantifiable target for that performance measure for its metropolitan planning area.	MPO shall establish 4-year targets by either adopting a State's performance targets and supporting the State's effort at achieving those targets, or establishing its own quantifiable performance targets. MPO shall coordinate with relevant State DOT(s) on the selection of targets. If the State DOT adjusts a 4-year target in the State DOT's Mid Performance Period Progress Report, MPO can decide to contribute to the adjusted target or commit to a new quantifiable target.	MPOs to establish targets within 180 days of relevant State DOT establishing targets.
	(8) Target adjustment. If the MPO establishes its target by committing to a quantifiable target, described in paragraph (f)(3)(ii) of this section, then the MPOs may adjust its target(s) in a manner that is mutually agreed upon by the State DOT and MPO. (9) Reporting. The MPOs shall report targets and progress toward the achievement of their targets as specified in § 490.107(c). After the MPOs establish or adjust their targets, the relevant State DOT(s) must be able to provide these targets to FHWA, upon request.		

<p>§ 490.107 Reporting on performance targets</p>	<p>(a) In general. All State DOTs and MPOs shall report the information specified in this section for the targets required in §490.105.</p> <p>(1) All State DOTs and MPOs shall report in accordance with the schedule and content requirements under paragraphs (b) and (c) of this section, respectively.</p> <p>(2) For the measures identified in §490.207(a), all State DOTs and MPOs shall report on performance in accordance with § 490.213.</p> <p>(3) State DOTs shall report using an electronic template provided by FHWA.</p> <p>(b) State Biennial Performance Report. State DOTs shall report to FHWA baseline condition/performance at the beginning of a performance period and progress achievement at both the midpoint and end of a performance period. State DOTs shall report at an ongoing 2-year frequency as specified in paragraphs (b)(1), (b)(2), and (b)(3) of this section.</p> <p><u>(1) Baseline Performance Period Report—</u> (i) Schedule. State DOTs shall submit a Baseline Performance Period Report to FHWA by October 1 of the first year in a performance period. State DOTs shall submit their first Baseline Performance Period Report to FHWA by October 1, 2018, and subsequent Baseline Performance Period Reports to FHWA by October 1 every 4 years thereafter.</p> <p>(ii) Content. The State DOT shall report the following information in each Baseline Performance Period Report:</p> <p>(A) Targets. 2-year and 4-year targets for the performance period, as required in §490.105(e), and a discussion, to the maximum extent practicable, of the basis for each established target;</p> <p>(B) Baseline condition/performance.—Baseline condition/performance derived from the latest data collected through the beginning date of the performance period specified in §90.105(e)(4)(i) for each target, required under paragraph (b)(1)(ii)(A) of this section;</p> <p>(C) Relationship with other performance expectations.— A discussion, to the maximum extent practicable, on how the established targets in paragraph (b)(1)(ii)(A) of this section support expectations documented in longer range plans, such as the State asset management plan for the NHS required by 23 U.S.C 119(e) and the long-range statewide transportation plan provided in part 450 of this chapter; and</p> <p>(D) Urbanized area boundaries and population data for targets.—For the purpose of determining target scope in §490.105(d) and establishing additional targets for urbanized and non-urbanized areas in § 490.105(e)(3), State DOTs shall document the boundary extent for all applicable urbanized areas and the latest Decennial Census population data, based on information in HPMS.</p> <p><u>(2) Mid Performance Period Progress Report—</u></p> <p>(i) Schedule. State DOTs shall submit a Mid Performance Period Progress Report to FHWA by October 1 of the third year in a performance period. State DOTs shall submit their first Mid Performance Period Progress Report to FHWA by October 1, 2020, and subsequent Mid Performance Period Progress Reports to FHWA by October 1 every 4 years thereafter.</p> <p>(ii) Content. The State DOT shall report the following information in each Mid Performance Period Progress Report:</p> <p>(A) 2-year condition/performance. The actual condition/performance derived from the latest data collected through the midpoint of the performance period, specified in §90.105(e)(4), for each State DOT reported target required in paragraph (b)(1)(ii)(A) of this section;</p> <p>(B) 2-year progress in achieving performance targets. A discussion of State DOT's progress toward achieving each established 2-year target in paragraph (b)(1)(ii)(A) of this section. The State DOT shall compare the actual 2-year condition/performance in paragraph (b)(2)(ii)(A) of this section, within the boundaries and limits documented in paragraphs (b)(1)(ii)(D) and (b)(1)(ii)(E) of this section, with the respective 2-year target and document in the discussion any reasons for differences in the actual and target values;</p> <p>(C) Investment strategy discussion. A discussion on the effectiveness of the investment strategies developed and documented in the State asset management plan for the NHS required under 23 U.S.C. 119(e);</p> <p>(D) [Reserved]</p> <p>(E) Target adjustment discussion.— When applicable, a State DOT may submit an adjusted 4-year target to replace an established 4-year target in paragraph (b)(1)(ii)(A) of this section. If the State DOT adjusts its target, it shall include a discussion on the basis for the adjustment and how the adjusted target supports expectations documented in longer range plans, such as the State asset management plan for the NHS, and the long range statewide transportation plan. The State DOT may only adjust a 4-year target at the midpoint and by reporting the change in the Mid Performance Period Progress Report.</p> <p>(F) 2-year significant progress discussion for the National Highway Performance Program (NHPP) targets.—State DOTs shall discuss the progress they have made toward the achievement of all 2-year targets established for the NHPP measures in § 490.105(c)(1) through (c)(3). This discussion should document a summary of prior accomplishments and planned activities that will be conducted during the remainder of the Performance Period to make significant progress toward that achievement of 4-year targets for NHPP measures;</p> <p>(G) Extenuating circumstances discussion on NHPP 2-year targets.—When applicable, a State DOT may include a discussion on the extenuating circumstance(s), described in §90.109(e)(5), beyond the State DOT's control that prevented the State DOT from making 2-year significant progress toward achieving NHPP target(s) in paragraph (b)(2)(ii)(F) of this section; and</p> <p>(H) NHPP target achievement discussion.—If FHWA determines that a State DOT has not made significant progress toward the achievement of NHPP targets in a biennial FHWA determination, then the State DOT shall include a description of the actions they will undertake to better achieve NHPP targets as required under §490.109(f). If FHWA determines under § 490.109(e) that the State DOT has made significant progress, then the State DOT does not need to include this description.</p> <p>(3) Full Performance Period Progress Report—</p> <p>(i) Schedule. State DOTs shall submit a progress report on the full performance period to FHWA by October 1 of the first year following the reference performance period. State DOTs shall submit their first Full Performance Period Progress Report to FHWA by October 1, 2022, and subsequent Full Performance Period Progress Reports to FHWA by October 1 every 4 years thereafter.</p> <p>(ii) Content. The State DOT shall report the following information for each Full Performance Period Progress Report:</p> <p>(A) 4-year condition/performance.— The actual condition/performance derived from the latest data collected through the end of the Performance Period, specified in §90.105(e)(4), for each State DOT reported target required in paragraph (b)(1)(ii)(A) of this section;</p> <p>(B) 4-year progress in achieving performance targets.— A discussion of the State DOT's progress made toward achieving each 4-year target established in paragraph (b)(1)(ii)(A) or in paragraph (b)(2)(ii)(E) of this section, when applicable. The State DOT shall compare the actual 4-year condition/performance in paragraph (b)(3)(ii)(A) of this section, within the boundaries and limits documented in paragraph (b)(1)(ii)(D) and (b)(1)(ii)(E) of this section, with the respective 4-year target and document in the discussion any reasons for differences in the actual and target values;</p> <p>(C) Investment strategy discussion.— A discussion on the effectiveness of the investment strategies developed and documented in the State asset management plan for the NHS required under 23 U.S.C. 119(e);</p> <p>(E) 4-year significant progress evaluation for NHPP targets.—State DOTs shall discuss the progress they have made toward the achievement of all 4-year targets established for the NHPP measures in §90.105(c)(1) through (c)(3). This discussion shall include a summary of accomplishments achieved during the Performance Period to demonstrate whether the State DOT has made significant progress toward achievement of 4-year targets for NHPP measures.</p> <p>(F) Extenuating circumstances discussion on NHPP targets.—When applicable, a State DOT may include discussion on the extenuating circumstance(s), described in §90.109(e)(5), beyond the State DOT's control that prevented the State DOT from making a 4-year significant progress toward achieving NHPP targets, described in paragraph (b)(3)(ii)(E) of this section;</p> <p>(G) NHPP Target Achievement Discussion.—If FHWA determines that a State DOT has not made significant progress toward the achievement of NHPP targets in a biennial FHWA determination, then the State DOT shall include a description of the actions they will undertake to better achieve NHPP targets as required under §490.109(f). If FHWA determines in § 490.109(e) that the State DOT has achieved significant progress, then the State DOT does not need to include this description.</p> <p>(c) MPO Report. The MPOs shall establish targets in accordance with §490.105 and report targets and progress toward the achievement of their targets in a manner that is consistent with the following:</p> <p>(1) The MPOs shall report their established targets to their respective State DOT in a manner that is documented and mutually agreed upon by both parties.</p> <p>(2) The MPOs shall report baseline condition/performance and progress toward the achievement of their targets in the system performance report in the metropolitan transportation plan in accordance with Part 450 of this chapter.</p>	<p>Baseline Performance Period Report for the 1st Performance Period.</p> <p>The Baseline report shall include: 2-years and 4-year targets, baseline condition/performance and a discussion on how the established targets support expectation documented in the long range statewide transportation plan and State Asset Management Plan.</p> <p>Mid Performance Period Progress Report for the 1st Performance Period shall include State DOTs report 2-year condition/performance, progress towards achieving 2-year targets, investment strategy, target adjustment.</p>	<p>Due dates for:</p> <p>Baseline Report - October 1, 2018</p> <p>Mid Performance Period - October 1, 2020</p> <p>Full Performance Period October 1, 2022</p>
<p>§ 490.109 Assessing significant progress toward achieving the performance targets for the National Highway Performance Program</p>	<p>(a) In general. The FHWA will assess each of the State DOT targets separately for the NHPP measures specified in § 490.105(c)(1) through (c)(3) to determine the significant progress made toward the achievement of those targets.</p> <p>(b) Frequency. The FHWA will determine whether a State DOT has or has not made significant progress toward the achievement of NHPP targets as described in paragraph (e) of this section at the midpoint and the end of each performance period.</p> <p>(c) Schedule. The FHWA will determine significant progress toward the achievement of a State DOT's NHPP targets after the State DOT submit the Mid Performance Period Progress Report for progress toward the achievement of 2-year targets, and again after the State DOT submit the Full Performance Period Progress Report for progress toward the achievement of 4-year targets. The FHWA will notify State DOTs of the outcome of the determination of the State DOT's ability to make significant progress toward the achievement of its NHPP targets.</p>		

	<p>(d) Source of data/information. The FHWA will use the following sources of information to assess NHPP condition and performance progress:</p> <p>(3) The most recently available data contained within the NBI as of June 15 of the year in which the significant progress determination is made for targets established for NHS bridge condition measures, as specified in § 490.105(c)(3).</p> <p>(4) Baseline condition data contained in HPMS and NBI of the year in which the Baseline Period Performance Report is due to FHWA that represents baseline conditions for the performance period.</p> <p>(e) Significant progress determination for individual NHPP targets—</p> <p>(1) In general. The FHWA will biennially assess whether the State DOTs has achieved or made significant progress toward each target established by the State DOT for the NHPP measures described in § 490.105(c)(1) through (c)(3). The FHWA will assess the significant progress of each statewide target separately using the condition performance data/information sources described in paragraph (d) of this section. The FHWA will not assess the progress achieved for any additional targets a State DOT may establish under § 490.105(e)(3).</p> <p>(2) Significant progress toward individual NHPP targets.—The FHWA will determine that a State DOT has made significant progress toward the achievement of each 2-year or 4-year NHPP target if either:</p> <p>(i) The actual condition/performance level is better than the baseline condition/performance; or</p> <p>(ii) The actual condition/performance level is equal to or better than the established target.</p> <p>(4) Insufficient data and/or information. The FHWA will determine that a State DOT has not made significant progress toward the achievement of an individual NHPP target if:</p> <p>(i) A State DOT does not submit a required report, individual target, or other information as specified in § 490.107 for the each of the measures in § 490.105(c);</p> <p>(iv) A State DOT reported data is not cleared in the NBI by the data extraction date specified in paragraph (d)(3) of this section for each of the NHS bridge condition measures in § 490.105(c)(3); or</p> <p>(v) The data was determined insufficient, as described in paragraphs (e)(4)(ii) through (iv) of this section, in the year in which the Baseline Period Performance Report is due to FHWA for the measures in § 490.105(c), and the actual condition/performance level is not equal to or better than the established target.</p> <p>(5) Extenuating circumstances. The FHWA will consider extenuating circumstances documented by the State DOT in the assessment of progress toward the achievement of NHPP targets in the relevant State Biennial Performance Report, provided in § 490.107.</p> <p>(i) The FHWA will classify the assessment of progress toward the achievement of an individual 2-year or 4-year target as “progress not determined” if the State DOT has provided an explanation of the extenuating circumstances beyond the control of the State DOT that prevented it from making significant progress toward achieving the achievement of a 2-year or 4- year target and the State DOT has quantified the impacts on the condition/performance that resulted from the circumstances, which are:</p> <p>(A) Natural or man-made disasters that caused delay in NHPP project delivery, extenuating delay in data collection, and/or damage/loss of data system;</p> <p>(B) Sudden discontinuation of Federal Government furnished data due to natural and man-made disasters or sudden discontinuation of Federal Government furnished data due to lack of funding; and/or</p> <p>(C) New law and/or regulation directing State DOTs to change metric and/or measure calculation.</p> <p>(ii) If the State DOT’s explanation, described in paragraph (e)(5)(i) of this section, is accepted by FHWA, FHWA will classify the progress toward achieving the relevant NHPP target(s) as “progress not determined,” and those targets will be excluded from the requirement in paragraph (e)(2) of this section.</p> <p>(f) Performance achievement. If FHWA determines that a State DOT has not made significant progress toward achieving the NHPP targets, then State DOTs shall include as part of the performance target report under sec. 150(e) [the Biennial Performance Report] a description of the actions the State DOT will undertake to achieve the targets related to the measure in which significant progress was not achieved as follows:</p> <p>(3) If significant progress is not made for either target established for the NHS bridge condition measures, § 490.407(c)(1) and (c)(2), then the State DOT shall document the actions they will take to achieve the NHS bridge condition targets.</p> <p>(4)–(5) [Reserved]</p> <p>(6) The State DOT should, within 6 months of the significant progress determination, amend its Biennial Performance Report to document the information specified in this paragraph to ensure actions are being taken to achieve targets.</p>	<p>d(1) and d(2) do not pertain to bridges.</p> <p>e(3) does not pertain to bridges.</p> <p>e(4)ii and e(4)iii do not pertain to bridges.</p> <p>f(1) and f(2) do not pertain to bridges.</p> <p>FHWA will determine if the State has or has not made significant progress toward the achievement of targets at the midpoint and the end of each performance period.</p> <p>Significant progress will be determined as achieved if the actual performance level is better than the baseline performance; or the actual performance level is equal to or better than the established target.</p> <p>If significant progress is not achieved for either target established, then the State shall document the actions they will take to achieve the NHS bridge condition targets; and within 6 months amend its Biennial Performance Report to document and ensure the actions that are being taken to achieve targets.</p>	
<p>§ 490.111 Incorporation by reference</p>	<p>See full Rule.</p>	<p>Certain material is incorporated by reference into this Part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, FHWA must publish a notice of change in the Federal Register and the material must be available to the public.</p>	
<p>Subpart D</p>	<p>National Performance Management Measures for Assessing Bridge Condition</p>		
<p>§ 490.401 Purpose</p>	<p>The <u>purpose</u> of this subpart is to implement the requirements of 23 U.S.C. 150(c)(3)(A)(ii)(III), which requires the Secretary of Transportation to establish performance measures for the purpose of carrying out the NHPP and for State DOTs and MPOs to use in assessing the condition of bridges carrying the NHS which includes on and off-ramps connected to the NHS.</p>		<p>Effective Date: May 20, 2017</p>
<p>§ 490.403 Applicability</p>	<p>The section is only applicable to bridges carrying the NHS, which includes on- and off-ramps connected to the NHS.</p>		
<p>§ 490.405 Definitions.</p>	<p>The following definitions are only applicable to this subpart, unless otherwise provided:</p> <p>Structurally deficient as used in §§ 490.411 and 490.413 is a classification given to a bridge which has any component in Poor or worse condition or the adequacy of the waterway opening provided by the bridge is determined to be insufficient to the point of causing overtopping with intolerable traffic interruptions. Beginning with calendar year 2018 and thereafter, structurally deficient as used in §§ 490.411 and 490.413 is a classification given to a bridge which has any component in Poor or worse condition.</p>	<p>Current Structurally Deficient (SD) definition takes into consideration items 58, 59, 60, 62, 67 and 71. New definition consider only items 58, 59, 60 and 62.</p>	<p>Becomes effective January 1, 2018.</p>
<p>§ 490.407 National performance management measures for assessing bridge condition</p>	<p>(a) There are three classifications for the purpose of assessing bridge condition. They are:</p> <p>(1) Percentage of NHS bridges classified as in Good condition;</p> <p>(2) Percentage of NHS bridges classified as in Fair condition; and</p> <p>(3) Percentage of NHS bridges classified as in Poor condition.</p> <p>(b) [Reserved]</p> <p>(c) To carry out the NHPP, two of the three classifications are performance measures for State DOTs to use to assess bridge condition on the NHS. They are:</p> <p>(1) Percentage of NHS bridges classified as in Good condition; and</p> <p>(2) Percentage of NHS bridges classified as in Poor condition.</p> <p>(d) Determination of Good and Poor conditions are described in § 490.409. See full version of the rule for section § 490.409.</p>	<p>State DOTs and MPOs shall establish a minimum of two condition performance measures: % NHS bridges in good condition & % NHS bridges in poor condition.</p> <p>Calculation of measure must also include on-and-off ramps connected to the NHS within a State; and bridges carrying the NHS that cross State borders (border bridges count toward both States DOTs calculations)</p>	
<p>§ 490.409 Calculation of National performance management measures for assessing bridge condition</p>	<p>(a) The bridge measures in § 490.407 shall be calculated in accordance with this section and used by State DOTs and MPOs to carry out the bridge condition related requirements of this part and by FHWA to make the significant progress determination specified in § 490.109.</p> <p>(b) The condition of bridges carrying the NHS, which includes on- and offramps connected to the NHS, shall be classified as Good, Fair, or Poor following the criteria specified in this paragraph. The assignment of a classification of Good, Fair, or Poor shall be based on the bridge’s condition ratings for NBI Items 58—Deck, 59—Superstructure, 60—Substructure, and 62—Culverts. For the purposes of national performance measures under the NHPP, the method of assessment to determine the classification of a bridge will be the minimum of condition rating method (i.e., the condition ratings for lowest rating of a bridge’s 3 NBI Items, 58—Deck, 59—Superstructure, and 60—Substructure). For culverts, the rating of its NBI Item, 62—Culverts, will determine its classification. The bridges carrying the NHS which includes onand off-ramps connected to the NHS will be classified as Good, Fair, or Poor based on the following criteria:</p> <p>(1) Good: When the lowest rating of the 3 NBI items for a bridge (Items 58—Deck, 59—Superstructure, 60—Substructure) is 7, 8, or 9, the bridge will be classified as Good. When the rating of NBI item for a culvert (Item 62—Culverts) is 7, 8, or 9, the culvert will be classified as Good.</p> <p>(2) Fair: When the lowest rating of the 3 NBI items for a bridge is 5 or 6, the bridge will be classified as Fair. When the rating of NBI item for a culvert is 5 or 6, the culvert will be classified as Fair.</p> <p>(3) Poor: When the lowest rating of the 3 NBI items for a bridge is 4, 3, 2, 1, or 0, the bridge will be classified as Poor. When the rating of NBI item for a culvert is 4, 3, 2, 1, or 0, the culvert will be classified as Poor.</p> <p>(c) The bridge measures specified in § 490.407(c) shall be calculated for the applicable bridges per paragraph (a) that pertain to each target established by the State DOT or MPO in §§ 490.105(e) and 490.105(f), respectively, as follows:</p> <p>(1) For § 490.407(c)(1), the measure for the percentage of bridges classified as in Good condition shall be computed and reported to the one tenth of a percent as follows: See full version of the rule - section § 490.409 for formular.</p> <p>(2) For § 490.407(c)(2), the measure for the percentage of bridges classified as in Poor condition shall be computed and reported to the one tenth of a percent as follows: See full version of the rule - section § 490.409 for formular.</p>	<p>The condition classification of Good, Fair, or Poor shall be based on the bridge’s condition ratings for NBI Items 58—Deck, 59—Superstructure, 60—Substructure, and 62—Culverts.</p> <p>Performance measures are to be calculated only for:</p> <p>a. % bridges in Good condition</p> <p>b. % bridges in Poor condition</p> $100 \times \frac{\sum_{p=1}^{POOR} [\text{Length} \times \text{Width}]_{\text{Bridge } p}}{\sum_{s=1}^{TOTAL} [\text{Length} \times \text{Width}]_{\text{Bridge } s}}$ $100 \times \frac{\sum_{g=1}^{GOOD} [\text{Length} \times \text{Width}]_{\text{Bridge } g}}{\sum_{s=1}^{TOTAL} [\text{Length} \times \text{Width}]_{\text{Bridge } s}}$	

<p>§ 490.411 Establishment of minimum level for condition for bridges</p>	<p>(a) State DOTs will maintain bridges so that the percentage of the deck area of bridges classified as Structurally Deficient does not exceed 10.0 percent. This <i>minimum condition level</i> is applicable to bridges carrying the NHS, which includes on- and off-ramps connected to the NHS within a State, and bridges carrying the NHS that cross a State border.</p> <p>(b) For the purposes of carrying out this section and § 490.413, a bridge will be classified as Structurally Deficient when one of its NBI Items, 58—Deck, 59—Superstructure, 60—Substructure, or 62—Culverts, is 4 or less, or when one of its NBI Items, 67—Structural Evaluation or 71—Waterway Adequacy, is 2 or less. Beginning with calendar year 2018 and thereafter, a bridge will be classified as Structurally Deficient when one of its NBI Items, 58—Deck, 59—Superstructure, 60—Substructure, or 62—Culverts, is 4 or less.</p> <p>(c) For all bridges carrying the NHS, which includes on- and off-ramps connected to the NHS and bridges carrying the NHS that cross a State border, FHWA shall calculate a ratio of the total deck area of all bridges classified as Structurally Deficient to the total deck area of all applicable bridges for each State. The percentage of deck area of bridges classified as Structurally Deficient shall be computed by FHWA to the one tenth of a percent as follows: See full version of the rule - section § 490.411 for formula.</p> <p>(d) The FHWA will annually determine the percentage of the deck area of NHS bridges classified as Structurally Deficient for each State DOT and identify State DOTs that do not meet the minimum level of condition for NHS bridges based on data cleared in the NBI as of June 15 of each year. The FHWA will notify State DOTs of their compliance with 23 U.S.C. 119(f)(2) prior to October 1 of the year in which the determination was made.</p> <p>(e) For the purposes of carrying out this section, State DOTs will annually submit their most current NBI data on highway bridges to FHWA no later than March 15 of each year.</p> <p>(f) The NBI Items included in this section are found in the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges, which is incorporated by reference</p>	<p>State DOTs will maintain bridges so that the percentage of the deck area of bridges classified as Structurally Deficient does not exceed 10.0 percent.</p> <p>The percentage of deck area of bridges classified as Structurally Deficient shall be computed by FHWA to the one tenth of a percent.</p> <p>Beginning with calendar year 2018 a bridge will be classified as Structurally Deficient when one of its NBI Items 58, 59, 60 or 62 is 4 or less. Items 67 and 71 will no longer be considered for SD calculation.</p> <p>General equation for the calculation of % of deck area classified as SD:</p> $100 \times \frac{\sum_{SD=1}^{\text{Structurally Deficient}} [\text{Length} \times \text{Width}]_{\text{Bridge SD}}}{\sum_{n=1}^{\text{TOTAL}} [\text{Length} \times \text{Width}]_{\text{Bridge s}}}$	<p>Annual NBI Data submission: March 15 of each year.</p> <p>New SD definition becomes effective: January 1, 2018</p>
<p>§ 490.413 Penalties for not maintaining bridge condition</p>	<p>(a) If FHWA determines for the 3-year period preceding the date of the determination, that more than 10.0 percent of the total deck area of bridges in the State on the NHS is located on bridges that have been classified as Structurally Deficient, the following requirements will apply.</p> <p>(1) During the fiscal year following the determination, the State DOT shall obligate and set aside in an amount equal to 50 percent of funds apportioned to such State for fiscal year 2009 to carry out 23 U.S.C. 144 (as in effect the day before enactment of MAP- 21) from amounts apportioned to a State for a fiscal year under 23 U.S.C.104(b)(1) only for eligible projects on bridges on the NHS.</p> <p>(2) The set-aside and obligation requirement for bridges on the NHS in a State in paragraph(a) of this section for a fiscal year shall remain in effect for each subsequent fiscal year until such time as less than 10 percent of the total deck area of bridges in the State on the NHS is located on bridges that have been classified as Structurally Deficient as determined by FHWA.</p> <p>(b) The FHWA will make the first determination by October 1, 2016, and each fiscal year thereafter.</p>	<p>If for 3 consecutive years the minimum condition level (10%) is not met, an amount equal to 50 percent of the State's Highway Bridge Program (HBP) apportionment in 2009 will be set aside from National Highway Performance Program (NHPP) funds to be used only for eligible projects on NHS bridges.</p>	<p>First determination of compliance with minimum condition level was made by FHWA on October 1, 2016. Second determination on October 1, 2017.</p>