

23 CFR 490 - NPM Measures & Subpart C - NPM Measures for assessing Pavement Condition

For full versions of the Rule, <https://www.federalregister.gov/documents/2017/01/18/2017-00550/national-performance-management-measures-assessing-pavement-condition-for-the-national-highway>

SECTION	REGULATION	Key Component Synopsis	Key Dates
§ 490.103	Data Requirements		
(a)	(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— (1) 490.309 for the condition of pavements on the Interstate System; (2) 490.309 for the condition of pavements on the non-Interstate NHS;		
(b)	Urbanized area data: The State DOTs shall submit urbanized area data, including boundaries of urbanized areas, in accordance with the HPMS Field Manual for the purpose of the additional targets for urbanized and non-urbanized areas in § 490.105(e).	Submittal deadline as per the HPMS field manual requirements	by June 15th annually
(d)	NHS data: The State DOTs shall document and submit the extent of the NHS in accordance with the HPMS Field Manual.	Submittal deadline as per the HPMS field manual requirements	by June 15th annually
§ 490.105	Establishment of Performance Targets		
(a)	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— (1) 490.307(a)(1) and 490.307(a)(2) for the condition of pavements on the Interstate System; (2) 490.307(a)(3) and 490.307(a)(4) for the condition of pavements on the National Highway System (NHS) (excluding the Interstate)	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	
(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)	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.	Due date to establish Targets: May 20, 2018
(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)(I) to ensure consistency, to the maximum extent practicable. (3) Additional targets for urbanized and non-urbanized areas. In addition to statewide targets, described in paragraph (d)(1) of this section, State DOTs may, as appropriate, for each statewide target, establish additional targets for portions of the State. (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 (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). (7) Phase-in of new requirements for Interstate System pavement condition measures. The following requirements apply only to the first performance period and the measures in §§ 490.307(a)(1) and (a)(2): (i) State DOTs shall establish their 4-year targets, required under paragraph (e)(4)(iv) of this section, and report these targets in their Baseline Performance Period Report, required under § 490.107(b)(1); (ii) State DOTs shall not report 2-year targets, described in paragraph (e)(4)(iii) of this section, and baseline condition/performance in their Baseline Performance Period Report; and (iii) State DOTs shall update the baseline condition/performance in their Baseline Performance Period Report, with the 2-year condition/performance in their Mid Performance Period Progress Report, described in § 490.107(b)(2)(i)(A). State DOTs may also adjust their 4-year targets, as appropriate.	First Performance Period: January 2018 thru Jan 2022. 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.	October 1, 2018 : Target reporting is due to FHWA
(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)(I) 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 (i) of this section, the MPOs shall: (A) Report to the 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. (B) 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.	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.	
§ 490.107	Reporting on performance targets.		

	In general, All State DOTs and MPOs shall report the information specified in this section for the targets required in § 490.105.		
(a)	(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. (2) For the measures identified in § 490.207(a), all State DOTs and MPOs shall report on performance in accordance with § 490.213. (3) State DOTs shall report using an electronic template provided by FHWA .	DOT to report target using Electronic Template supplied by FHWA	
(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. (1) Baseline Performance Period Report — (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 .	Baseline Performance Period Reports due to FHWA. Include: 2 and 4 year targets, baseline condition performance, relationship with other performance expectations and Urbanized area boundaries and population data for target.	First report due by October 1, 2018 and October 1st every 4 years thereafter.
	(2) Mid Performance Period Progress Report: 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.	Submittal to include: 2 year condition/performance, 2 year progress in achieving performance targets, investment strategy, target adjustment discussions, 2 year significant progress, extenuating circumstances discussions and NHPP target achievement discussions.	October 1, 2020 and every 4 years thereafter
	(3) Full Performance Period Progress Report: 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.	Submittal to include: 4 year condition/performance, 4 year progress in achieving performance targets, investment strategy, 4 year significant progress evaluation for NHPP targets, extenuating circumstances discussions and NHPP target achievement discussions	October 1, 2022 and every 4 years thereafter.
(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: (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. (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.	MPOs to report targets to State DOT Baseline condition/performance and progress toward achieving targets must be included in Metropolitan Transportation Plan as per 450	
§ 490.109	Assessing significant progress toward achieving the performance targets for the National Highway Performance Program.		
(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.		
(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.		
(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.		
(e)	Significant progress determination for individual NHPP targets— (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). (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: (i) The actual condition/performance level is better than the baseline condition/performance; or (ii) The actual condition/performance level is equal to or better than the established target. (3) Phase-in of new requirements for Interstate System pavement condition measures.— The following requirements shall only apply to the first performance period and the interstate System pavement condition targets, described in § 490.105(e)(7): (i) At the midpoint of the first performance period, FHWA will not make a determination of significant progress toward the achievement of 2-year targets for Interstate System pavement condition measures. (ii) The FHWA will classify the assessment of progress toward the achievement of targets in paragraph (e)(3)(i) of this section as "progress not determined" so that they will be excluded from the requirement under paragraph (e)(2) of this section. (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: (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); (ii) The data contained in HPMS does not meet the requirements under § 490.313(b)(4)(i) by the data extraction date specified in paragraph (d)(1) of this section for the each of the Interstate System pavement condition measures in § 490.105(c)(1); (iii) The data contained in HPMS does not meet the requirements under § 490.313(b)(4)(i) by the data extraction date specified in paragraph (d)(2) of this section for the each of the non-Interstate NHS pavement condition measures in § 490.105(c)(2);	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.	
§ 490.111	Incorporation by reference		
(a)	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.		
(b)	Highway Performance Monitoring System (HPMS) Field Manual, IBR approved for §§ 490.103, 490.309, 490.311, and 490.319.	Coding into the HPMS data base must follow HPMS field manual https://www.fhwa.dot.gov/policyinformation/hpms/fieldmanual/	
(c)	AASHTO Publications: (1) AASHTO Standard M328-14, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Inertial Profiler, 2014, 34th/2014 Edition, IBR approved for § 490.309. (2) AASHTO Standard R57-14, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Standard Practice for Operating Inertial Profiling Systems, 2014, 34th/2014 Edition, IBR approved for § 490.309. (3) AASHTO Standard R48-10 (2013), Standard Specification for Transportation Materials and Methods of Sampling and Testing, Standard Practice for Determining Rut Depth in Pavements, 2014, 34th/2014 Edition, IBR approved for § 490.309. (4) AASHTO Standard R36-13, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Standard Practice for Evaluating Faulting of Concrete Pavements, 2014, 34th/2014 Edition, IBR approved for § 490.309. (5) AASHTO Standard R43-13, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Standard Practice for Quantifying Roughness of Pavement, 2014, 34th/2014 Edition, IBR approved for § 490.311.	Inertial Profiler sampling/testing - AASHTO M328-14 Operating Inertial Profiler - AASHTO R57-14 Rut Depth: AASHTO R48-10 (2014 edition) Faulting Concrete Pavement: AASHTO R36-13 (2014 edition) Quantifying Roughness: AASHTO R43-13 (2014 edition)	
Subpart C - NPM Measure for Assessing Pavement Condition			
SECTION	REGULATION	Key Component Synopsis	Key Dates
§ 490.301 - Purpose	The purpose of this subpart is to implement the following statutory requirements of 23 U.S.C. 150(c)(3) to: (a) Establish measures for State DOTs and MPOs to assess the condition of pavements on the Interstate System; (b) Establish measures for State DOTs and MPOs to assess the condition of pavements on the NHS (excluding the Interstate); (c) Establish minimum levels for pavement condition on the Interstate System, only for purposes of carrying out 23 U.S.C. 119(f)(1); (d) Establish data elements that are necessary to collect and maintain standardized data to carry out a performance-based approach; and (e) Consider regional differences in establishing the minimum levels for pavement conditions on the Interstate System.		
§ 490.303 - Applicability	The performance measures in this subpart are applicable to the mainline highways on the Interstate System and on the non-Interstate NHS.		
§ 490.307	National performance management measures for assessing pavement condition.		
(a)	To carry out the NHPP, the performance measures for State DOTs to assess pavement condition are: (1) Percentage of pavements of the Interstate System in Good condition; (2) Percentage of pavements of the Interstate System in Poor condition; (3) Percentage of pavements of the non-Interstate NHS in Good condition; and (4) Percentage of pavements of the non-Interstate NHS in Poor condition.		

(b)	State DOTs will collect data using the methods described in § 490.309 and will process this data to calculate individual pavement metrics for each section of pavement that will be reported to FHWA as described in § 490.311. State DOTs and FHWA will use the reported pavement metrics to compute an overall performance of Good, Fair, or Poor, for each section of pavement as described in § 490.313.																			
§ 490.309	Data Requirements The performance measures identified in § 490.307 are to be computed using methods in § 490.313 from the four condition metrics and three inventory data elements contained within the HPMS that shall be collected and reported following the HPMS Field Manual, which is incorporated by reference into this subpart (see § 490.111). State DOTs shall report four condition metrics for each pavement section: IRI, rutting, faulting, and Cracking_Percent. State DOTs shall also report three inventory data elements as directed in the HPMS Field Manual: Through Lanes, Surface Type, and Structure Type. All pavement data collected after January 1, 2018 for Interstate highways and January 1, 2020 for non-Interstate National Highway System routes shall meet the requirements of this section.	HPMS Field Manual can be obtained from: https://www.fhwa.dot.gov/policyinformation/hpms/fieldmanual/	Data collection: Beginning Jan. 2018, Interstate and Jan. 2020 non-Interstate NHS Pavement data collection must be as per the 490 regulation.																	
(a)	State DOTs shall collect data in accordance with the following relevant HPMS requirements to report IRI, rutting (asphalt pavements), faulting (jointed concrete pavements), and Cracking percent. State DOTs will be permitted to report present serviceability rating (PSR) for specific locations in accordance with the HPMS requirements as an alternative where posted speed limits are less than 40 miles per hour.	FDOT does not use PSR for HPMS reporting.																		
	<p>(1) For the Interstate System the following shall apply for all the pavement condition metrics:</p> <p>(i) State DOTs shall collect data -</p> <p>(A) From the full extent of the mainline highway;</p> <p>(B) In the rightmost travel lane or one consistent lane for all data if the rightmost travel lane carries traffic that is not representative of the remainder of the lanes or is not readily accessible due to</p> <p>Start Printed Page 5964 to closure, excessive congestion, or other events impacting access;</p> <p>(C) Continuously collected in a manner that will allow for reporting in nominally uniform pavement section lengths of 0.10 mile (528 feet); shorter pavement sections are permitted only at the beginning of a route, end of a route, at bridges, at locations where surface type changes or other locations where a pavement section length of 0.10 mile is not achievable; the maximum length of pavement sections shall not exceed 0.11 mile (580.8 feet);</p> <p>(D) In at least one direction of travel; and</p> <p>(E) On an annual frequency.</p> <p>(ii) Estimating conditions from data samples of the full extent of the mainline highway is not permitted.</p> <p>(iii) State DOTs may collect and report pavement condition data separately for each direction of divided highways on the Interstate System. Averaging across directions is not permitted. When pavement condition data is collected in one direction only, the measured conditions shall apply to all lanes in both directions for that pavement section for purposes of this part.</p> <p>(iv) For the portions of the Interstate mainline highway pavements where posted speed limits are less than 40 MPH (e.g., border crossings, toll plazas), State DOTs may collect and report the Present Serviceability Rating (PSR) as an alternative to the IRI, Cracking_Percent, rutting, and faulting in this pavement section and shall follow the following requirements:</p> <p>(A) The PSR shall be determined as a value from 0 to 5 per the procedures prescribed in the HPMS Field Manual;</p> <p>(B) Alternative pavement condition methods may be allowed to estimate a PSR with prior approval from FHWA of the method of correlation between their condition determination and PSR as required in the HPMS Field Manual;</p> <p>(C) The PSR data shall be continuously collected in a manner that will allow for reporting in uniform pavement section lengths of 0.10 mile (528 feet); shorter pavement sections are permitted only at the beginning of a route, end of a route, at bridges, at locations where surface type changes or other locations where a pavement section length of 0.10 mile is not achievable; the maximum length of pavement sections shall not exceed 0.11 mile (580.8 feet);</p> <p>(D) The PSR data shall be collected in at least one direction of travel; and</p> <p>(E) The PSR data shall be collected on an annual frequency.</p> <p>(2) For the non-Interstate NHS the following shall apply:</p>	<p>§ 490.309 HPMS Data Collection and Submittal Requirements: Interstate Pavements</p> <table border="1"> <thead> <tr> <th colspan="2"></th> <th>Final Rule</th> </tr> </thead> <tbody> <tr> <td rowspan="3">International Roughness Index</td> <td>Due Date</td> <td>April 15</td> </tr> <tr> <td>Collection Frequency</td> <td>1 year</td> </tr> <tr> <td>Coverage</td> <td>Full Extent* 1 Lane 1 or More Directions</td> </tr> <tr> <td rowspan="3">Cracking, Rutting, and Faulting</td> <td>Due Date</td> <td>April 15</td> </tr> <tr> <td>Collection Frequency</td> <td>1 year</td> </tr> <tr> <td>Coverage</td> <td>Full Extent* 1 Lane 1 or More Directions</td> </tr> </tbody> </table> <p>*Data collection begin in 2018</p>			Final Rule	International Roughness Index	Due Date	April 15	Collection Frequency	1 year	Coverage	Full Extent* 1 Lane 1 or More Directions	Cracking, Rutting, and Faulting	Due Date	April 15	Collection Frequency	1 year	Coverage	Full Extent* 1 Lane 1 or More Directions	April 15, 2019, and each April 15 thereafter: State DOTs submit the first interstate data onto the HPMS that conform to the final rule.
		Final Rule																		
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(b)	<p>(i) For the IRI metric, State DOTs shall collect and report data:</p> <p>(A) From the full extent of the mainline highway;</p> <p>(B) In the rightmost travel lane or one consistent lane for all data if the rightmost travel lane is not accessible;</p> <p>(C) Continuously collected in a manner that will allow for reporting in uniform pavement section lengths of 0.10 mile (528 feet); shorter pavement sections are permitted only at the beginning of a route, end of a route, at bridges, at locations where surface type changes or other locations where a pavement section length of 0.10 mile is not achievable; the maximum length of pavement sections shall not exceed 0.11 mile (580.8 feet)</p> <p>(D) In one direction of travel; and</p> <p>(E) On a biennial frequency.</p> <p>(F) Estimating IRI metrics from data samples of the full extent of the mainline will not be permitted.</p> <p>(ii) For the Cracking percent, rutting and faulting metrics, State DOTs shall collect data—</p> <p>(A) On the full extent (no sampling) of the mainline highway;</p> <p>(B) In the rightmost travel lane or one consistent lane for all data if the rightmost travel lane is not accessible;</p> <p>(C) Continuously collected in a manner that will allow for reporting in uniform pavement section lengths of 0.10 mile (528 feet); shorter pavement sections are permitted only at the beginning of a route, end of a route, at bridges, at locations where surface type changes or other locations where a pavement section length of 0.10 mile is not achievable; the maximum length of pavement sections shall not exceed 0.11 mile (580.8 feet)</p> <p>(D) In one direction of travel; and</p> <p>(E) On at least a biennial frequency.</p> <p>(F) Estimating conditions from data samples of the full extent of the mainline highway will not be permitted.</p>	<p>§ 490.309 HPMS Data Collection and Submittal Requirements: Non-Interstate NHS Pavements</p> <table border="1"> <thead> <tr> <th colspan="2"></th> <th>Final Rule</th> </tr> </thead> <tbody> <tr> <td rowspan="3">International Roughness Index</td> <td>Due Date</td> <td>June 15</td> </tr> <tr> <td>Collection Frequency</td> <td>2 years*</td> </tr> <tr> <td>Coverage</td> <td>Full Extent 1 Lane 1 Direction</td> </tr> <tr> <td rowspan="3">Cracking, Rutting, and Faulting</td> <td>Due Date</td> <td>June 15</td> </tr> <tr> <td>Collection Frequency</td> <td>2 years*</td> </tr> <tr> <td>Coverage</td> <td>Full Extent** 1 Lane 1 Direction</td> </tr> </tbody> </table> <p>*Data submittal occurs annually **Data collection begins January 1, 2020</p>			Final Rule	International Roughness Index	Due Date	June 15	Collection Frequency	2 years*	Coverage	Full Extent 1 Lane 1 Direction	Cracking, Rutting, and Faulting	Due Date	June 15	Collection Frequency	2 years*	Coverage	Full Extent** 1 Lane 1 Direction	June 15, 2021, and each June 15 thereafter: State DOTs submit the non-Interstate NHS pavement data onto the HPMS that conform to the final rule.
		Final Rule																		
International Roughness Index	Due Date	June 15																		
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	Coverage	Full Extent** 1 Lane 1 Direction																		
	<p>(iii) For the portions of mainline highways where posted speed limits of less than 40 MPH, State DOTs may collect the Present Serviceability Rating (PSR) as an alternative to the IRI, Cracking_Percent, rutting, and faulting pavement condition metrics, in paragraphs (b)(2)(i) and (ii) of this section, and shall follow the following requirements:</p> <p>(A) The PSR shall be determined as a 0 to 5 value per the procedures prescribed in the HPMS Field Manual;</p> <p>(B) Alternative pavement condition methods may be allowed to estimate a PSR with prior approval from FHWA of the method of correlation between their condition determination and PSR as required in the HPMS Field Manual;</p> <p>(C) The PSR data shall be continuously collected in a manner that will allow for reporting in uniform pavement section lengths of 0.10 mile (528 feet); shorter pavement sections are permitted only at the beginning of a route, end of a route, at bridges, at locations where surface type changes or other locations where a pavement section length of 0.10 mile is not achievable; the maximum length of pavement sections shall not exceed 0.11 mile (580.8 feet);</p> <p>(D) The PSR data shall be collected in one direction of travel; and</p> <p>(E) The PSR data shall be collected on at least a biennial frequency.</p>	Not applicable to Florida, since FDOT does not use PSR for reporting.																		
	<p>(3) Data collection methods for each of the condition metrics shall conform to the following:</p> <p>(i) The device to collect data needed to calculate the IRI metric shall be in accordance with American Association of State Highway Transportation Officials (AASHTO) Standard M328-14, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Standard Equipment Specification for Inertial Profiler (incorporated by reference, see § 490.111).</p> <p>(ii) The method to collect data needed to calculate the IRI metric shall be in accordance with AASHTO Standard R57-14, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Standard Practice for Operating Inertial Profiling Systems (incorporated by reference, see § 490.111).</p> <p>(iii) For highways with a posted speed limit less than 40 miles per hour, an alternate method for estimation of IRI is permitted as described in § 490.309(b)(1)(iv) or § 490.309(b)(2)(iii) may be used in lieu of measuring IRI, cracking, rutting and faulting.</p> <p>(iv) The method to collect data needed to determine the Cracking_Percent metric for all pavement types except CRCP shall be manual, semi-automated, or fully automated in accordance with the HPMS Field Manual (incorporated by reference, see § 490.111).</p> <p>(v) For CRCP the method to collect the data needed to determine the Cracking_Percent metric is described in the HPMS Field Manual (incorporated by reference, see § 490.111) and includes longitudinal cracking and/or punchouts, spalling, or other visible defects.</p> <p>(vi) For asphalt pavements, the method to collect data needed to determine the rutting metric shall either be:</p> <p>(A) A 5-Point Collection of Rutting Data method in accordance with AASHTO Standard R48-10, Standard Specification for Transportation Materials and Methods of Sampling and Start Testing, Standard Practice for Determining Rut Depth in Pavements (incorporated by reference, see § 490.111); or</p> <p>(B) An Automated Transverse Profile Data method in accordance with the HPMS Field Manual (incorporated by reference, see § 490.111).</p> <p>(vii) For jointed concrete pavements, the method to collect data needed to determine the faulting metric shall be in accordance with AASHTO Standard R36-13, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Standard Practice for Evaluating Faulting of Concrete Pavements (incorporated by reference, see § 490.111).</p>	<p>IRI must be collected as per AASHTO R57-14</p> <p>Rutting data must be collected using a 5-Point Collection method as per AASHTO R48-10</p> <p>Cracking Percentage for all pavement except (CRCP) collected shall be manual, semi-automated or fully automated in accordance with HPMS manual</p> <p>CRCP does not exist in Florida pavements</p>																		
(c)	<p>State DOTs shall collect data in accordance with the following relevant HPMS requirements to report Through Lanes, Surface Type, and Structure Type.</p> <p>(1) State DOTs shall collect data:</p> <p>(i) For the full extent of the mainline highway of the NHS;</p> <p>(ii) In at least one direction of travel for the Interstate System and in one direction of travel for the non-Interstate NHS; and</p> <p>(iii) On an annual frequency on the Interstate routes and on at least a biennial frequency on non-Interstate NHS routes.</p> <p>(2) Estimating data elements from samples of the full extent of the mainline highway is not permitted.</p>																			
§ 490.311	Calculation of Pavement Metrics																			

(a)	The condition metrics and inventory data elements needed to calculate the pavement performance measures shall be calculated in accordance with the HPMS Field Manual (incorporated by reference, see § 490.111), except as noted below.	Data collection must be as per HPMS manual																									
(b)	<p>State DOTs shall calculate metrics in accordance with the following relevant HPMS requirements.</p> <p>(1) For all pavements, the IRI metric:</p> <p>(i) Shall be computed from pavement profile data in accordance with AASHTO Standard R43-13, Standard Specification for Transportation Materials and Methods of Sampling and Testing, Standard Practice for Quantifying Roughness of Pavement, 2014, 34th/2014 Edition, AASHTO, 1-56051-606-4 (incorporated by reference, see § 490.111);</p> <p>(2) For asphalt pavements -</p> <p>(i) The Cracking_Percent metric shall be computed as the percentage of the total area containing visible cracks to the nearest whole percent in each section; and</p> <p>(ii) The rutting metric shall be computed as the average depth of rutting, in inches to the nearest 0.01 inches, for the section.</p> <p>(3) For CRCP, the Cracking_Percent metric shall be computed as the percentage of the area of the section to the nearest whole percent exhibiting longitudinal cracking, punchouts, spalling, or other visible defects. Transverse cracking shall not be considered in the Cracking_Percent metric.</p> <p>(4) For jointed concrete pavements—</p> <p>(i) The Cracking_Percent metric shall be computed as the percentage of slabs to the nearest whole percent within the section that exhibit cracking;</p> <p>(ii) Partial slabs shall contribute to the section that contains the majority of the slab length; and</p> <p>(iii) The faulting metric shall be computed as the average height, in inches to the nearest 0.01 inch, of faulting between pavement slabs for the section.</p>																										
(c)	<p>State DOTs shall report the four pavement metrics listed in § 490.309(a) as calculated following the requirements in paragraphs (a) and (b) of this section in accordance with the following relevant HPMS requirements:</p> <p>Pavement condition metrics shall be reported to the HPMS in uniform section lengths of 0.1 mile (528 feet); shorter sections are permitted only at the beginning of a route, the end of a route, at bridges, or other locations where a section length of 0.1 mile is not achievable; and the maximum length of sections shall not exceed 0.11 mile (580.8 feet)</p> <p>Sections for the four condition metrics shall be reported to the HPMS for the Interstate System by April 15 of each year for the data collected during the previous calendar year.</p> <p>Sections for the four condition metrics shall be reported to the HPMS for the non-Interstate NHS by June 15 of each year for the data collected during the previous calendar year(s).</p>		<p>Interstate Data to be reported into HPMS by April 15 each year.</p> <p>Non-Interstate data to be reported into HPMS by June 15 each year</p>																								
(d)	<p>The three inventory data elements, Through_Lanes, Surface_Type, and Structure Type shall be reported to the HPMS as directed in Chapter 4 of the HPMS Field Manual for the entire extent of the NHS.</p> <p>(1) Section Lengths for the three inventory data items are not required to meet the 0.1 mile nominal length but may be any logical length as defined in the HPMS Field Manual.</p> <p>(2) The three inventory data elements shall be reported to the HPMS for the Interstate System by April 15 of each year.</p> <p>(3) The three inventory data elements shall be reported to the HPMS for the non-Interstate NHS by June 15 of the each year that data reporting is required.</p>																										
§ 490.313 Calculation of performance management measures																											
(a)	<p>The pavement measures in § 490.307 shall be calculated in accordance with this section and used by State DOTs and MPOs to carry out the pavement condition related requirements of this part, and by FHWA to make the significant progress and minimum condition determinations specified in §§ 490.109 and 490.317, respectively.</p>																										
(b)	<p>The performance measure for pavements shall be calculated based on the data collected in § 490.309 and pavement condition metrics computed in § 490.311. The performance measure for pavements shall be based on three condition ratings of Good, Fair, and Poor calculated for each pavement section.</p> <p>(1) IRI rating shall be determined for all pavement types using the following criteria. If an IRI value of a pavement section is—</p> <p>(i) Less than 95, the IRI rating for the pavement section is Good;</p> <p>(ii) Between 95 and 170, the IRI rating for the pavement section is Fair; and</p> <p>(iii) Greater than 170, the IRI rating for the pavement section is Poor.</p> <p>(2) Cracking condition shall be determined using the following criteria:</p> <p>(i) For asphalt pavement sections—</p> <p>(A) If the Cracking_Percent value of a section is less than 5 percent, the cracking rating for the pavement section is Good;</p> <p>(B) If the Cracking_Percent value of a section is equal to or greater than 5 percent and less than or equal to 20 percent the cracking rating for the pavement section is Fair; and</p> <p>(C) If the Cracking_Percent value of a section is greater than 20 percent the cracking rating for the pavement section is Poor.</p> <p>(ii) For jointed concrete pavement sections—</p> <p>(A) If the Cracking_Percent value of a section is less than 5 percent, the cracking rating for the pavement section is Good;</p> <p>(B) If the Cracking_Percent value of a section is equal to or greater than 5 percent and less than or equal to 15 percent the cracking rating for the pavement section is Fair; and</p> <p>(C) If the Cracking_Percent value of a section is greater than 15 percent the cracking rating for the pavement section is Poor.</p> <p>(iii) For CRCP sections:</p> <p>(A) If the Cracking_Percent value of a section is less than 5 percent, the cracking rating for the pavement section is Good;</p> <p>(B) If the Cracking_Percent value of a section is equal to or greater than 5 percent and less than or equal to 10 percent, the cracking rating for the pavement section is Fair; and</p> <p>(C) If the Cracking_Percent value of a section is greater than 10 percent, the cracking rating for the pavement section is Poor.</p>	<table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th>Rating</th> <th>Good</th> <th>Fair</th> <th>Poor</th> </tr> </thead> <tbody> <tr> <td>IRI (inches/mile)</td> <td><95</td> <td>95-170</td> <td>>170</td> </tr> <tr> <td>PSR* (0.4-5 P value)</td> <td>≥4.0</td> <td>2.0-4.0</td> <td>≤2.0</td> </tr> <tr> <td>Cracking Percent (%)</td> <td><5</td> <td>CRCP 5-15 Jointed 5-15 Asphalt 5-20</td> <td>>15</td> </tr> <tr> <td>Rutting (inches)</td> <td><0.20</td> <td>0.20-0.40</td> <td>>0.40</td> </tr> <tr> <td>Faulting (inches)</td> <td><0.10</td> <td>0.10-0.15</td> <td>>0.15</td> </tr> </tbody> </table> <p><small>*PSR may be used only on routes with posted speed limit ≥ 40mph.</small></p>	Rating	Good	Fair	Poor	IRI (inches/mile)	<95	95-170	>170	PSR* (0.4-5 P value)	≥4.0	2.0-4.0	≤2.0	Cracking Percent (%)	<5	CRCP 5-15 Jointed 5-15 Asphalt 5-20	>15	Rutting (inches)	<0.20	0.20-0.40	>0.40	Faulting (inches)	<0.10	0.10-0.15	>0.15	
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(b)	<p>(3) Rutting or faulting rating shall be determined using the following criteria.</p> <p>(i) For asphalt pavement:</p> <p>(A) If the rutting value of a section is less than 0.20 inches, the rutting rating for the pavement section is Good;</p> <p>(B) If the rutting value of a section is equal to or greater than 0.20 inches and less than or equal to 0.40 inches, the rutting rating for the pavement section is Fair; and</p> <p>(C) If the rutting value of a section is greater than 0.40 inches, the rutting rating for the pavement section is Poor.</p> <p>(ii) For jointed concrete pavement:</p> <p>(A) If the faulting value of a section is less than 0.10 inches, the faulting rating for the pavement section is Good;</p> <p>(B) If the faulting value of a section is equal to or greater than 0.10 inches and less than or equal to 0.15 inches, the faulting rating for the pavement section is Fair; and</p> <p>(C) If the faulting value of a section is greater than 0.15 inches, the faulting rating for the pavement section is Poor.</p>																										
	<p>(4) The FHWA will determine that a reported section in HPMS has a missing, invalid or unresolved data on the dates specified in § 490.317(b) for Interstate System and § 490.109(d)(2) and (d)(4) for non-Interstate NHS, if a reported section does not meet any one of the data requirements specified in §§ 490.309 and 490.311(c) or that reported section does not provide sufficient data to determine its Overall Condition specified in paragraphs (c) through (f) of this section:</p> <p>(i) Total mainline lane-miles of missing, invalid, or unresolved sections for Interstate System and non-Interstate NHS shall be limited to no more than 5 percent of the total lane miles less the sections excluded in § 490.313(f)(1). For each pavement section without collected its condition metrics and inventory data, State DOTs shall note in the HPMS submittal with a specific code identified in the HPMS Field Manual (incorporated by reference, see § 490.111) noting the reason it was not collected.</p> <p>(ii) Calculation of overall pavement conditions in any State meeting the requirements of § 490.309(b) shall be based only on sections containing data reported in the HPMS Submittal as of the submission dates required in § 490.311(c)(4) and (5). State DOTs not meeting the requirements of § 490.309(b) will be considered as not in compliance with § 420.105(b) requiring State DOTs to submit data to the HPMS and not in compliance with § 490.107 requiring reporting on performance targets. Failure to report data meeting the requirements of § 490.309(b) by the submission dates for the Interstate System will be considered as not meeting the minimum requirements for pavement conditions on the Interstate System and that State DOT is subject to the penalties in § 490.315.</p>	<p>No more than 5% of missing, invalid, or unresolved sections for Interstate and non-Interstate NHS is allowed</p> <p>State DOT not meeting this requirement will be considered as not in compliance with § 420.105 (b), which is HPMS data reporting requirements.</p> <p>https://www.gpo.gov/fdsys/pkg/CFR-2017-title23-vol1/pdf/CFR-2017-title23-vol1-sec420-105.pdf</p>																									

(c)	<p>The Overall condition for asphalt and jointed concrete pavement sections shall be determined based on the ratings for IRI, Cracking_Percent, rutting and faulting, as described in paragraphs (b)(1), (b)(2), (b)(3) and (b)(4) of this section, respectively, for each section as follows:</p> <p>(1) A pavement section shall be rated an overall condition of Good only if the section is exhibiting Good ratings for all three conditions (IRI, Cracking_Percent, and rutting or faulting);</p> <p>(2) A pavement section shall be rated an overall condition of Poor if two or more of the three conditions are exhibiting Poor ratings (at least two ratings of Poor for IRI, Cracking_Percent, and rutting or faulting).</p> <p>(3) A pavement section shall be rated an overall condition of Fair if it does not meet the criteria in paragraphs (c)(1) or (c)(2) of this section.</p> <p>(4) For sections on roadways where the posted speed limit is less than 40 MPH and where the State DOT has reported PSR in lieu of the IRI, Cracking_Percent, rutting, and faulting metrics the PSR condition level shall be determined using the following criteria:</p> <p>(i) If the PSR of a section is equal to or greater than 4.0 the PSR rating for the pavement section is Good;</p> <p>(ii) If the PSR of a section is less than 4.0 and greater than 2.0 the PSR rating for the pavement section is Fair; and</p> <p>(iii) If the PSR of a section is less than or equal to 2.0 the PSR rating for the pavement section is Poor.</p>		
(d)	<p>The Overall condition for CRCP sections shall be determined based on two ratings of IRI and Cracking_Percent, as described in paragraphs (b)(1) and (b)(2) of this section or based on PSR where appropriate as described in paragraph (c)(4) of this section, respectively, for each section as follows:</p> <p>(1) A pavement section shall be rated an overall condition of Good only if the section is exhibiting Good ratings for both conditions (IRI and Cracking_Percent);</p> <p>(2) A pavement section shall be rated an overall condition of Poor if it exhibits Poor ratings for both conditions (IRI and Cracking_Percent);</p> <p>(3) A pavement section shall be rated an overall condition of Fair if it does not meet the criteria in paragraphs (d)(1) or (d)(2) of this section.</p> <p>(4) For pavement sections that are on roadways with a posted speed limit of less than 40 MPH where the State DOT reported the PSR metric in lieu of the IRI, Cracking_Percent, faulting, and rutting metrics the pavement section shall be rated an overall condition equal to the PSR condition rating as described in section (c)(4) above</p>		
(e)	<p>State DOTs shall not be subject to paragraphs (c) and (d) of this section for Pavements on the until after the data collection cycle ending December 31, 2018, for Interstate highways and December 31, 2021, for the non-Interstate NHS. During this transition period, the Overall condition for all pavement types will be based on IRI rating, as described in paragraph (b)(1) of this section, or on PSR as described in paragraphs (c)(4) or (d)(4) of this section.</p>		
(f)	<p>The pavement condition measures in § 490.307 shall be computed as described below. The measures shall be used for establishing targets in accordance with § 490.105 and reporting the conditions of the pavements in the biennial performance reporting required in § 490.107 as follows:</p> <p>(1) Bridges shall be excluded prior to computing all pavement condition measures by removing the sections where the Structure_Type data item in the HPMS is coded as 1. Sections that have an unpaved surface or an "other" surface type (such as cobblestone, planks, brick) shall be excluded prior to computing all pavement condition measures by removing the sections where the Surface_Type data item in the HPMS is coded as 1 or as 11.</p> <p>(2) For § 490.307(a)(1) the measure for percentage of lane-miles of the Interstate System in Good condition shall be computed to the one tenth of a percent as follows: **</p> <p>(3) For § 490.307(a)(2) the measure for percentage of lane-miles of the Interstate System in Poor condition shall be computed to the one tenth of a percent as follows:**</p> <p>(4) For § 490.307(a)(3) the measure for percentage of lane-miles of the non-Interstate NHS in Good condition in § 490.307(a)(3) shall be computed to the one tenth of a percent as follows:**</p> <p>5) For § 490.307(a)(4) the measure for percentage of lane-miles of the non-Interstate NHS in Poor condition in § 490.307(a)(4) shall be computed to the one tenth of a percent as follows:**</p>	**For applicable equations, refer to the rules.	
§ 490.315	<p>Establishment of minimum level for condition of pavements.</p> <p>For the purposes of carrying out the requirements of 23 U.S.C. 119(f)(1), the percentage of lane-miles of Interstate System in Poor condition, as computed per § 490.313(e)(3), shall not exceed 5.0 percent.</p>	<p>National Minimum Target: Interstate Pavement in Poor condition shall not exceed 5%</p>	
§ 490.317	<p>Penalties</p> <p>If FHWA determines through conduct of paragraph (d) of this section a State DOT to be out of compliance with 23 U.S.C. 119(f)(1) then the State DOT shall, during the following fiscal year:</p> <p>(1) Obligate, from the amounts apportioned to the State DOT under 23 U.S.C. 104(b)(1) (for the NHPP), an amount that is not less than the amount of funds apportioned to the State for Federal fiscal year 2009 under the Interstate Maintenance program for the purposes described in 23 U.S.C. 119 (as in effect on the day before the date of enactment of the MAP-21), except that for each year after Federal fiscal year 2013, the amount required to be obligated under this clause shall be increased by 2 percent over the amount required to be obligated in the previous fiscal year; and</p> <p>(2) Transfer, from the amounts apportioned to the State DOT under 23 U.S.C. 104(b)(2) (for the Surface Transportation Program) (other than amounts sub-allocated to metropolitan areas and other areas of the State under 23 U.S.C. 133(d)) to the apportionment of the State under 23 U.S.C. 104(b)(1), an amount equal to 10 percent of the amount of funds apportioned to the State for fiscal year 2009 under the Interstate Maintenance program for the purposes described in 23 U.S.C. 119 (as in effect on the day before the date of enactment of the MAP-21).</p>	<p>If FHWA determines a State's Interstate pavement condition falls below the minimum level for any given year, 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.</p>	
§ 490.319	<p>Other requirements.</p>		
(a)	<p>In accordance with the HPMS Field Manual (incorporated by reference, see § 490.111), each State DOT shall report the following to the HPMS no later than April 15 each year:</p> <p>(1) The pavement condition metrics specified in § 490.311 that are necessary to calculate the Interstate System condition measures identified in §§ 490.307(a)(1) and (a)(2) and;</p> <p>(2) The data elements specified in § 490.309(c) for the Interstate System</p>		Interstate HPMS data - April 15 each year
(b)	<p>In accordance with the HPMS Field Manual (incorporated by reference, see § 490.111), each State DOT shall report to the HPMS no later than June 15 each year the pavement condition metrics specified in § 490.311 that are necessary to calculate the non-Interstate NHS condition measures in §§ 490.307(a)(3) and (a)(4).</p>		Non-Interstate NHS - HPMS data- June 15 each year
(c)	<p>Each State DOT shall develop and utilize a Data Quality Management Program, approved by FHWA that addresses the quality of all data collected, regardless of the method of acquisition, to report the pavement condition metrics, discussed in § 490.311, and data elements discussed in § 490.309(c).</p> <p>(1) In a Data Quality Management Programs, State DOTs shall include, at a minimum, methods and processes for:</p> <p>(i) Data collection equipment calibration and certification;</p> <p>(ii) Certification process for persons performing manual data collection;</p> <p>(iii) Data quality control measures to be conducted before data collection begins and periodically during the data collection program;</p> <p>(iv) Data sampling, review and checking processes; and</p> <p>(v) Error resolution procedures and data acceptance criteria.</p> <p>(2) Not later than 1 year after the effective date of this regulation, State DOTs shall submit their Data Quality Management Program to FHWA for approval. Once FHWA approves a State DOT's Data Quality Management Program, the State DOT shall use that Program to collect and report data required by §§ 490.309 to 490.311. State DOTs also shall submit any proposed significant change to the Data Quality Management Program to FHWA for approval prior to implementing the change.</p>	<p>State must submit "Data Quality Management Program" DQMP to Division for review and approval. DQMP to be followed to collect and report data into the HPMS</p>	<p>DQMP submittal deadline - May 20, 2018</p>