

## 23 CFR PART 515 - ASSET MANAGEMENT PLANS

Complete Rule **23 CFR 515** can be found at:

<https://www.federalregister.gov/documents/2016/10/24/2016-25117/asset-management-plans-and-periodic-evaluations-of-facilities-repeatedly-requiring-repair-and>

**23 U.S.C 150** : <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title23-section150&num=0&edition=prelim>

**23 USC 119**: <https://www.gpo.gov/fdsys/pkg/USCODE-2013-title23/pdf/USCODE-2013-title23-chap1-sec119.pdf>

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.1 - Purpose	<p>The purpose of this part is to:</p> <p>(a) Establish the processes that a State transportation department (State DOT) must use to develop its asset management plan, as required under 23 U.S.C. 119(e)(8);</p> <p>(b) Establish the minimum requirements that apply to the development of an asset management plan;</p> <p>(c) Describe the penalties for a State DOT's failure to develop and implement an asset management plan in accordance with 23 U.S.C. 119 and this part;</p> <p>(d) Set forth the minimum standards for a State DOT to use in developing and operating highway bridge and pavement management systems under 23 U.S.C. 150(c)(3)(A)(i).</p>		
§ 515.3 Applicability and Effective Date	<p>This part applies to all State DOTs. The effective date for the requirements in this part is October 2, 2017.</p>		<p>Asset Management Rule effective date - <b>October 2, 2017</b></p>
§ 515.5 - Definitions	<p>As used in this part:</p> <p>Asset means all physical highway infrastructure located within the right-of-way corridor of a highway. The term asset includes all components necessary for the operation of a highway including pavements, highway bridges, tunnels, signs, ancillary structures, and other physical components of a highway.</p> <p>Asset class means assets with the same characteristics and function (e.g., bridges, culverts, tunnels, pavements, or guardrail) that are a subset of a group or collection of assets that serve a common function (e.g., roadway system, safety, Intelligent Transportation (IT), signs, or lighting).</p> <p>Asset condition means the actual physical condition of an asset.</p> <p>Asset management means a strategic and systematic process of operating, maintaining, and improving physical assets, with a focus on both engineering and economic analysis based upon quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair over the life cycle of the assets at minimum practicable cost.</p>		

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
	<p>Asset management plan means a document that describes how a State DOT will carry out asset management as defined in this section. This includes how the State DOT will make risk-based decisions from a long-term assessment of the National Highway System (NHS), and other public roads included in the plan at the option of the State DOT, as it relates to managing its physical assets and laying out a set of investment strategies to address the condition and system performance gaps. This document describes how the highway network system will be managed to achieve State DOT targets for asset condition and system performance effectiveness while managing the risks, in a financially responsible manner, at a minimum practicable cost over the life cycle of its assets. The term asset management plan under this part is the risk-based asset management plan that is required under 23 U.S.C. 119(e) and is intended to carry out asset management as defined in 23 U.S.C. 101(a)(2).</p> <p>Asset sub-group means a specialized group of assets within an asset class with the same characteristics and function (e.g., concrete pavements or asphalt pavements.)</p> <p>Bridge as used in this part, is defined in 23 CFR 650.305, the National Bridge Inspection Standards.</p> <p>Critical infrastructure means those facilities the incapacity or failure of which would have a debilitating impact on national or regional economic security, national or regional energy security, national or regional public health or safety, or any combination of those matters.</p>	<p>All infrastructure within the ROW is an asset for the purpose of this regulation.</p>	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
	<p>Financial plan means a long-term plan spanning 10 years or longer, presenting a State DOT's estimates of projected available financial resources and predicted expenditures in major asset categories that can be used to achieve State DOT targets for asset condition during the plan period, and highlighting how resources are expected to be allocated based on asset strategies, needs, shortfalls, and agency policies.</p> <p>Investment strategy means a set of strategies that result from evaluating various levels of funding to achieve State DOT targets for asset condition and system performance effectiveness at a minimum practicable cost while managing risks.</p> <p>Life-cycle cost means the cost of managing an asset class or asset sub-group for its whole life, from initial construction to its replacement.</p> <p>Life-cycle planning means a process to estimate the cost of managing an asset class, or asset sub-group over its whole life with consideration for minimizing cost while preserving or improving the condition.</p> <p>Minimum practicable cost means lowest feasible cost to achieve the objective.</p> <p>NHS pavements and bridges and NHS pavement and bridge assets mean Interstate System pavements (inclusion of ramps that are not part of the roadway normally traveled by through traffic is optional); NHS pavements (excluding the Interstate System) (inclusion of ramps that are not part of the roadway normally traveled by through traffic is optional); and NHS bridges carrying the NHS (including bridges that are part of the ramps connecting to the NHS).</p>		

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
	<p>Performance of the NHS refers to the effectiveness of the NHS in providing for the safe and efficient movement of people and goods where that performance can be affected by physical assets. This term does not include the performance measures established for performance of the Interstate System and performance of the NHS (excluding the Interstate System) under 23 U.S.C. 150(c)(3)(ii)(A)(IV)-(V).</p> <p>Performance gap means the gaps between the current asset condition and State DOT targets for asset condition, and the gaps in system performance effectiveness that are best addressed by improving the physical assets.</p> <p>Risk means the positive or negative effects of uncertainty or variability upon agency objectives.</p> <p>Risk management means the processes and framework for managing potential risks, including identifying, analyzing, evaluating, and addressing the risks to assets and system performance.</p> <p>Statewide Transportation Improvement Program (STIP) has the same meaning as defined in § 450.104 of this title.</p> <p>Work type means initial construction, maintenance, preservation, rehabilitation, and reconstruction.</p>		

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.7	Process for establishing the Asset Management Plan		Initial Plan Deadline - <b>April 30, 2018</b>
	A State shall develop a risk-based asset management plan that describes how the NHS will be managed to achieve system performance effectiveness and State DOT targets for asset condition, while managing the risks, in a financially responsible manner, at a minimum practicable cost over the life cycle of its assets. The State DOT shall develop and use, at a minimum the following processes to prepare its asset management plan:	List of key requirements for developing Initial Asset Management Plan	
	<p>(a) A State DOT shall establish a process for conducting performance gap analysis to identify deficiencies hindering progress toward improving or preserving the NHS and achieving and sustaining the desired state of good repair. At a minimum, the State DOT's process shall address the following in the gap analysis:</p> <p>(1) The State DOT targets for asset condition of NHS pavements and bridges as established by the State DOT under 23 U.S.C. 150(d) once promulgated.</p> <p>(2) The gaps, if any, in the performance-of the NHS that affect NHS pavements and bridges regardless of their physical condition; and</p> <p>(3) Alternative strategies to close or address the identified gaps.</p>	A process for conducting performance gap analysis to identify deficiencies hindering progress toward improving or preserving the NHS.	
§ 515.7 (b)	<p>A State DOT shall establish a process for conducting life-cycle planning for an asset class or asset sub-group at the network level (network to be defined by the State DOT). As a State DOT develops its life-cycle planning process, the State DOT should include future changes in demand; information on current and future environmental conditions including extreme weather events, climate change, and seismic activity; and other factors that could impact whole of life costs of assets. The State DOT may propose excluding one or more asset sub-groups from its life-cycle planning if the State DOT can demonstrate to FHWA the exclusion of the asset sub-group would have no material adverse effect on the development of sound investment strategies due to the limited number of assets in the asset sub-group, the low level of cost associated with managing the assets in that asset sub-group, or other justifiable reasons. A life-cycle planning process shall, at a minimum, include the following:</p> <p>A life-cycle planning <u>process</u> shall, at a minimum, include the following:</p> <p>(1) The State DOT targets for asset condition for each asset class or asset sub-group;</p> <p>(2) Identification of deterioration models for each asset class or asset sub-group, provided that identification of deterioration models for assets other than NHS pavements and bridges is optional;</p> <p>(3) Potential work types across the whole life of each asset class or asset sub-group with their relative unit cost; and</p> <p>(4) A strategy for managing each asset class or asset sub-group by minimizing its life-cycle costs, while achieving the State DOT targets for asset condition for NHS pavements and bridges under 23 U.S.C. 150(d).</p>	A process for conducting life-cycle planning for an asset class or asset sub-group at the network level that includes: targets, deterioration models, potential work types across the whole life of each asset, strategy to manage each asset class by minimizing its life-cycle cost.	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.7 (c)	<p>State DOT shall establish a process for developing a risk management plan. This process shall, at a minimum, produce the following information:</p> <p>(1) Identification of risks that can affect condition of NHS pavements and bridges and the performance of the NHS, including risks associated with current and future environmental conditions, such as extreme weather events, climate change, seismic activity, and risks related to recurring damage and costs as identified through the evaluation of facilities repeatedly damaged by emergency events carried out under part 667 of this title. Examples of other risk categories include financial risks such as budget uncertainty; operational risks such as asset failure; and strategic risks such as environmental compliance.</p> <p>(2) An assessment of the identified risks in terms of the likelihood of their occurrence and their impact and consequence if they do occur;</p> <p>(3) An evaluation and prioritization of the identified risks;</p> <p>(4) A mitigation plan for addressing the top priority risks;</p> <p>(5) An approach for monitoring the top priority risks; and</p> <p>(6) A summary of the evaluations of facilities repeatedly damaged by emergency events carried out under part 667 of this title that discusses, at a minimum, the results relating to the State's NHS pavements and bridges.</p>	<p>A process to develop a risk management plan that produces:</p> <ol style="list-style-type: none"> <li>1. identification of risks</li> <li>2. assessment of identified risk in terms of likelihood of occurrence</li> <li>3. prioritization of the risk</li> <li>4. mitigation plan for top risks</li> <li>5. approach for monitoring top risks</li> <li>6. summary of evaluation of facilities repeatedly damaged by emergency events (see Part 667 for details).</li> </ol> <p><b>Note: Refer to Part 667 requirements that are attached at the end of Part 515 requirements below.</b></p>	
§ 515.7 (d)	<p>State DOT shall establish a process for the development of a financial plan that identifies annual costs over a minimum period of 10 years. The financial plan process shall, at a minimum, produce:</p> <p>(1) The estimated cost of expected future work to implement investment strategies contained in the asset management plan, by State fiscal year and work type;</p> <p>(2) The estimated funding levels that are expected to be reasonably available, by fiscal year, to address the costs of future work types. State DOTs may estimate the amount of available future Start Printed Page 73265funding using historical values where the future funding amount is uncertain;</p> <p>(3) Identification of anticipated funding sources; and</p> <p>(4) An estimate of the value of the agency's NHS pavement and bridge assets and the needed investment on an annual basis to maintain the value of these assets.</p>	<p>A process for the development of a financial plan covering a minimum of 10 years. The plan shall establish the 4 components described at the left.</p> <ol style="list-style-type: none"> <li>1. cost of expected future work to implement investment strategies by fiscal year and work type</li> <li>2. funding levels by fiscal year that are expected to be reasonably available</li> <li>3. identification of anticipated funding sources</li> <li>4. estimate of the value of the agency's NHS pavement and bridge and investment needed to maintain the value</li> </ol>	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.7 (e)	<p>A State DOT shall establish a process for developing investment strategies meeting the requirements in § 515.9(f). This process must result in a description of how the investment strategies are influenced, at a minimum, by the following:</p> <p>(1) Performance gap analysis required under paragraph (a) of this section;</p> <p>(2) Life-cycle planning for asset classes or asset sub-groups resulting from the process required under paragraph (b) of this section;</p> <p>(3) Risk management analysis resulting from the process required under paragraph (c) of this section; and</p> <p>(4) Anticipated available funding and estimated cost of expected future work types associated with various candidate strategies based on the financial plan required by paragraph (d) of this section.</p>	<p>A process for developing investment strategies resulting in a description of how the investment strategies are influenced by:</p> <ol style="list-style-type: none"> <li>1. Performance Gap Analysis</li> <li>2. Life-Cycle Planning</li> <li>3. Risk Management Analysis</li> <li>4. Anticipated Available Funding and estimated cost of expected future work types</li> </ol>	
§ 515.7 (f)	<p>The processes established by State DOTs shall include a provision for the State DOT to obtain necessary data from other NHS owners in a collaborative and coordinated effort.</p>	<p>A provision for State to obtain data from other owners</p>	
§ 515.7 (g)	<p>States DOTs shall use the best available data to develop their asset management plans. Pursuant to 23 U.S.C. 150(c)(3)(A)(i), each State DOT shall use bridge and pavement management systems meeting the requirements of § 515.17 to analyze the condition of NHS pavements and bridges for the purpose of developing and implementing the asset management plan required under this part. The use of these or other management systems for other assets that the State DOT elects to include in the asset management plan is optional (e.g., Sign Management Systems, etc.).</p>	<p>State shall use best available data to develop AMP. And shall use bridge and pavement management systems to develop and implement the asset management plan.</p> <p><b>23 U.S.C. 150 (c) (3) (A) (i) requirements are:</b></p> <p>(3) National highway performance program.-</p> <p>(A) In general.-Subject to subparagraph (B), for the purpose of carrying out section 119, the Secretary shall establish-</p> <p>(i) minimum standards for States to use in developing and operating bridge and pavement management systems;</p>	
§ 515.9	Asset Management Plan Requirements		
§ 515.9 (a)	<p>A State DOT shall develop and implement an asset management plan to improve or preserve the condition of the assets and improve the performance of the NHS in accordance with the requirements of this part. Asset management plans must describe how the State DOT will carry out asset management as defined in § 515.5.</p>	<p>List of Key Elements that need to comply with the Final TAMP.</p> <p>The TAMP must include:</p>	<p>Final Plan Submittal Deadlines <b>June 30, 2019</b></p>
§ 515.9 (b)	<p>An asset management plan shall include, at a minimum, a summary listing of NHS pavement and bridge assets, regardless of ownership.</p>	<ul style="list-style-type: none"> <li>- A summary listing of the pavement and bridge assets on the NHS in the State regardless of ownership, including a description of the condition of those assets;</li> <li>- Asset management objectives;</li> </ul>	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.9 (c)	<p>In addition to the assets specified in paragraph (b) of this section, State DOTs are encouraged, but not required, to include all other NHS infrastructure assets within the right-of-way corridor and assets on other public roads. Examples of other NHS infrastructure assets include tunnels, ancillary structures, and signs. Examples of other public roads include non-NHS Federal-aid highways. If a State DOT decides to include other NHS assets in its asset management plan, or to include assets on other public roads, the State DOT, at a minimum, shall evaluate and manage those assets consistent with paragraph (l) of this section.</p>	<ul style="list-style-type: none"> <li>- Asset management measures and State DOT targets for asset condition;</li> <li>- Performance gap identification;</li> <li>- Life-cycle planning;</li> <li>- Risk management analysis;</li> <li>- Financial plan; and</li> <li>- Investment strategies.</li> </ul> <p><b>Resources:</b> Guidance documents for developing Asset Management Plan can be found at; <a href="https://www.fhwa.dot.gov/asset/guidance.cfm">https://www.fhwa.dot.gov/asset/guidance.cfm</a></p>	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.9 (d)	<p>The minimum content for an asset management plan under this part includes a discussion of each element in this paragraph (d).</p> <p>(1) Asset management objectives. The objectives should align with the State DOT's mission. The objectives must be consistent with the purpose of asset management, which is to achieve and sustain the desired state of good repair over the life cycle of the assets at a minimum practicable cost.</p> <p>(2) Asset management measures and State DOT targets for asset condition, including those established pursuant to 23 U.S.C. 150, for NHS pavements and bridges. The plan must include measures and associated targets the State DOT can use in assessing the condition of the assets and performance of the highway system as it relates to those assets. The measures and targets must be consistent with the State DOT's asset management objectives. The State DOT must include the measures established under 23 U.S.C. 150(c)(3)(A)(ii)(I)-(III), once promulgated in 23 CFR part 490, for the condition of NHS pavements and bridges. The State DOT also must include the targets the State DOT has established for the measures required by 23 U.S.C. 150(c)(3)(A)(ii)(I)-(III), once promulgated, and report on such targets in accordance with 23 CFR part 490. The State DOT may include measures and targets for NHS pavements and bridges that the State DOT established through pre-existing management efforts or develops through new efforts if the State DOT wishes to use such additional measures and targets to supplement information derived from the pavement and bridge measures and targets required under 23 U.S.C. 150.</p> <p>(3) A summary description of the condition of NHS pavements and bridges, regardless of ownership. The summary must include a description of the condition of those assets based on the performance measures established under 23 U.S.C. 150(c)(3)(A)(ii) for condition, once promulgated. The description of condition should be informed by evaluations required under part 667 of this title of facilities repeated damaged by emergency events.</p> <p>(4) Performance gap identification.</p> <p>(5) Life-cycle planning.</p> <p>(6) Risk management analysis, including the results for NHS pavements and bridges, of the periodic evaluations under part 667 of this title of facilities repeated damaged by emergency event.</p> <p>(7) Financial plan.</p> <p>(8) Investment strategies.</p>	<p><b>23. U.S.C.(150) (c ) (3) (A):</b></p> <p>(3) National highway performance program.-</p> <p>(A) In general.-Subject to subparagraph (B), for the purpose of carrying out section 119, the Secretary shall establish-</p> <p>(i) minimum standards for States to use in developing and operating bridge and pavement management systems;</p> <p>(ii) measures for States to use to assess-</p> <p>(I) the condition of pavements on the Interstate system;</p> <p>(II) the condition of pavements on the National Highway System (excluding the Interstate);</p> <p>(III) the condition of bridges on the National Highway System;</p> <p>(IV) the performance of the Interstate System; and</p> <p>(V) the performance of the National Highway System (excluding the Interstate System);</p> <p>(iii) minimum levels for the condition of pavement on the Interstate System, only for the purposes of carrying out section 119(f)(1); and</p> <p>(iv) the data elements that are necessary to collect and maintain standardized data to carry out a performance-based approach.</p> <p><b>Refer to PART 667 requirements attached at the end of PART 515</b></p>	
§ 515.9 (e)	An asset management plan shall cover, at a minimum, a 10-year period.	TAMP to address at least <b>10 Year Period</b>	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.9 (f)	<p>An asset management plan shall discuss how the plan's investment strategies collectively would make or support progress toward:</p> <p>(1) Achieving and sustaining a desired state of good repair over the life cycle of the assets,</p> <p>(2) Improving or preserving the condition of the assets and the performance of the NHS relating to physical assets,</p> <p>(3) Achieving the State DOT targets for asset condition and performance of the NHS in accordance with 23 U.S.C. 150(d), and</p> <p>(4) Achieving the national goals identified in 23 U.S.C. 150(b).</p>	<p><b>23 U.S.C. 150 (d):</b>  <b>(d) Establishment of Performance Targets.-</b></p> <p>(1) In general.-Not later than 1 year after the Secretary has promulgated the final rulemaking under subsection (c), each State shall set performance targets that reflect the measures identified in paragraphs (3), (4), (5), and (6) of subsection (c).</p> <p>(2) Different approaches for urban and rural areas.-In the development and implementation of any performance target, a State may, as appropriate, provide for different performance targets for urbanized and rural areas.</p> <p><b>Below are the national goal identified in 23 U.S.C. 150 (b):</b></p> <p><b>(b) National Goals.-</b>It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:</p> <p>(1) Safety.-To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.</p> <p>(2) Infrastructure condition.-To maintain the highway infrastructure asset system in a state of good repair.</p> <p>(3) Congestion reduction.-To achieve a significant reduction in congestion on the National Highway System.</p> <p>(4) System reliability.-To improve the efficiency of the surface transportation system.</p> <p>(5) Freight movement and economic vitality.-To improve the National Highway Freight</p>	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
		<p>(5) Freight movement and economic vitality.-To improve the National Highway Freight Network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.</p> <p>(6) Environmental sustainability.-To enhance the performance of the transportation system while protecting and enhancing the natural environment.</p> <p>(7) Reduced project delivery delays.-To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.</p>	
§ 515.9 (g)	A State DOT must include in its plan a description of how the analyses required by State processes developed in accordance with § 515.7 (such as analyses pertaining to life cycle planning, risk management, and performance gaps) support the State DOT's asset management plan investment strategies.		
§ 515.9 (h)	A State DOT shall integrate its asset management plan into its transportation planning processes that lead to the STIP, to support its efforts to achieve the goals in paragraphs (f)(1) through (4) of this section.		
§ 515.9 (i)	A State DOT is required to make its asset management plan available to the public, and is encouraged to do so in a format that is easily accessible.		
§ 515.9 (j)	Inclusion of performance measures and State DOT targets for NHS pavements and bridges established pursuant to 23 U.S.C. 150 in the asset management plan does not relieve the State DOT of any performance management requirements, including 23 U.S.C. 150(e) reporting, established in other parts of this title.		
§ 515.9 (k)	The head of the State DOT shall approve the asset management plan.	State's TAMP must approved by the <b>department head</b> prior to its submittal to FHWA for certification	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.9 (l)	<p>If the State DOT elects to include other NHS infrastructure assets or other public roads assets in its asset management plan, the State at a minimum shall address the following, using a level of effort consistent with the State DOT's needs and resources:</p> <ul style="list-style-type: none"> <li>(1) Summary listing of assets, including a description of asset condition;</li> <li>(2) Asset management measures and State DOT targets for asset condition;</li> <li>(3) Performance gap analysis;</li> <li>(4) Life-cycle planning;</li> <li>(5) Risk analysis, including summaries of evaluations carried out under part 667 of this title for the assets, if available, and consideration of those evaluations;</li> <li>(6) Financial plan; and</li> <li>(7) Investment strategies.</li> </ul>	If state elects to include other assets in the TAMP, those assets must include information similar to NHS pavement and bridge assets as required by the rule.	
§ 515.9 (m)	The asset management plan of a State may include consideration of critical infrastructure from among those facilities in the State that are eligible under 23 U.S.C. 119(c).	At state's option, TAMP may include assets other than Bridge and Pavements	
<b>§ 515.11</b>	<b>Deadlines &amp; Phase-in AMP Development</b>	Initial Plan minimum requirements:	
§ 515.11 (a)	<p>(1) Not later than April 30, 2018, the State DOT shall submit to FHWA a State-approved initial asset management plan meeting the requirements in paragraph (b) of this section. The FHWA will review the processes described in the initial plan and make a process certification decision as provided in § 515.13(a).</p> <p>(2) Not later than June 30, 2019, the State DOT shall submit a State-approved asset management plan meeting all the requirements of 23 U.S.C. 119 and this part, including paragraph (c) of this section, together with documentation demonstrating implementation of the asset management plan. The FHWA will determine whether the State DOT's plan and implementation meet the requirements of 23 U.S.C. 119 and this part as provided in § 515.13(b).</p>	Submit <b>State-approved</b> Initial Asset Management Plan by <b>April 30, 2018</b>	<p><b>Initial Plan - April 30, 2018</b></p> <p><b>Final Plan - June 30, 2019</b></p>

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.11 (b)	<p>The initial plan shall describe the State DOT's processes for developing its risk-based asset management plan, including the policies, procedures, documentation, and implementation approach that satisfy the requirements of this part. The plan also must contain measures and targets for assets covered by the plan. The investment strategies required by § 515.7(e) and 515.9((d)(8) must support progress toward the achievement of the national goals identified in 23 U.S.C. 150(b). The initial plan must include and address the State DOT's 23 U.S.C. 150(d) targets for NHS pavements and bridges only if the first target-setting deadline established in 23 CFR part 490 for NHS pavements and bridges is a date more than 6 months before the initial plan submission deadline in paragraph (a)(1). The initial asset management plan <u>may exclude</u> one or more of the necessary analyses with respect to the following required asset management processes:</p> <ul style="list-style-type: none"> <li>(1) Life-cycle planning required under § 515.7(a)(2);</li> <li>(2) The risk management analysis required under § 515.7(a)(3); and</li> <li>(3) Financial plan under § 515.7(a)(4).</li> </ul>	Initial Plan minimum requirements:	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.11 (c)	The State-approved asset management plan submitted not later than June 30, 2019, shall include all required analyses, performed using FHWA-certified processes, and the section 150 measures and State DOT targets for the NHS pavements and bridges. The plan must meet all requirements in §§ 515.7 and 515.9. This includes investment strategies that are developed based on the analyses from all processes required under § 515.7, and meet the requirements in 23 U.S.C. 119(e)(2).	The final TAMP must be <b>approved by the state</b> prior to the submittal to division. Must include all certified processes, measure and targets.	Final TAMP due date: <b>June 30, 2019</b>
§ 515.13	Process Certification and Re-certification, and Annual Plan Consistency Review		
§ 515.13 (a)	<p>Process certification and recertification under 23 U.S.C. 119(e)(6). <u>Not later than 90 days after the date</u> on which the FHWA receives a State DOT's processes and request for certification or recertification, the FHWA shall decide whether the State DOT's processes for developing its asset management plan meet the requirements of this part. The FHWA will treat the State DOT's submission of an initial State-approved asset management plan under § 515.11(b) as the State DOT's request for the first certification of the State's DOT's plan development processes under 23 U.S.C. 119(e)(6). As provided in paragraph (c) of this section, State DOT shall update and resubmit its asset management plan development processes to the FHWA for a new process certification at least every 4 years.</p> <p>(1) If FHWA determines that the processes used by a State DOT to develop and maintain the asset management plan do not meet the requirements established under this part, FHWA will send the State DOT a written notice of the denial of certification or recertification, including a listing of the specific requirement deficiencies.</p> <p>(2) Upon receiving a notice of denial of certification or recertification, the State DOT shall have 90 days from receipt of the notice to address the deficiencies identified in the notice and resubmit the State DOT's processes to FHWA for review and certification. <u>The FHWA may extend the State DOT's 90-day period to cure deficiencies upon request.</u> During the cure period established, all penalties and other legal impacts of a denial of certification shall be stayed as provided in 23 U.S.C. 119(e)(6)(C)(i).</p> <p>(3) If FHWA finds that a State DOT's asset management processes substantially meet the requirements of this part except for minor deficiencies, FHWA may certify or recertify the State DOT's processes as being in compliance, but the State DOT must take actions to correct the minor deficiencies within 90 days of receipt of the notification of certification. The State shall notify FHWA, in writing, when corrective actions are completed.</p>	<p>FHWA's action for Process Certification (Initial Plan) and recertification of new process every 4 years.</p> <ul style="list-style-type: none"> <li>-Division has up to 90 days to review.</li> <li>-State DOT to respond within 90 days for any review comments.</li> <li>-State DOT to notify division when corrective actions are completed for minor deficiencies.</li> </ul>	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.13 (b)	<p>Annual determination of consistency under 23 U.S.C. 119(e)(5). Not later than August 31, 2019, and not later than July 31 in each year thereafter, FHWA will notify the State DOT whether the State DOT has developed and implemented an asset management plan consistent with 23 U.S.C. 119. The notice will be in writing and, in the case of a negative determination, will specify the deficiencies the State DOT needs to address. In making the annual consistency determination, the FHWA will consider the most recent asset management plan submitted by the State DOT, as well as any documentation submitted by the State DOT to demonstrate implementation of the plan. The FHWA determination is only as to the consistency of the State DOT asset management plan and State DOT implementation of that plan with applicable requirements, and is not an approval or disapproval of strategies or other decisions contained in the plan. With respect to any assets the State DOT may elect to include in its plan in addition to NHS pavement and bridge assets, the FHWA consistency determination will consider only whether the State DOT has complied with § 515.9(l) with respect to such discretionary assets.</p> <p>(1) Plan development. The FHWA will review the State DOT's asset management plan to ensure that it was developed with certified processes, includes the required content, and is consistent with other applicable requirements in this part.</p> <p>(2) Plan implementation. The State DOT must demonstrate implementation of an asset management plan that meets the requirements of 23 U.S.C. 119 and this part. Each State DOT may determine the most suitable approach for demonstrating implementation of its asset management plan, so long as the information is current, documented, and verifiable. The submission must show the State DOT is using the investment strategies in its plan to make progress toward achievement of its targets for asset condition and performance of the NHS and to support progress toward the national goals identified in 23 U.S.C. 150(b). The State DOT must submit its implementation documentation not less than 30 days prior to the deadline for the FHWA consistency determination.</p>	<p>FHWA is required to annual consistency determination on the State DOT TAMP development and its implementation.</p> <p>Annual Certification - Most recent TAMP will be used for annual consistency determination.</p> <p>-The TAMP information from 12 months preceding will be used for consistency determination.</p> <p>-Division will notify in writing.</p> <p>-For negative consistency determination notification, State DOT has <b>30 days</b> to address the deficiencies</p>	<p>First Annual Consistency Determination - no later than <b>August 31, 2019</b></p> <p>Each year after - No later than <b>July 31 each year.</b></p>
	<p>(1) FHWA considers the best evidence of plan implementation to be that, for the 12 months preceding the consistency determination, the State DOT funding allocations are reasonably consistent with the investment strategies in the State DOT's asset management plan. This demonstration takes into account the alignment between the actual and planned levels of investment for various work types (i.e., initial construction, maintenance, preservation, rehabilitation and reconstruction).</p> <p>(2) FHWA may find a State DOT has implemented its asset management plan even if the State has deviated from the investment strategies included in the asset management plan, if the State DOT shows the deviation was necessary due to extenuating circumstances beyond the State DOT's reasonable control.</p> <p>(3) Opportunity to cure deficiencies. In the event FHWA notifies a State DOT of a negative consistency determination, the State DOT has 30 days to address the deficiencies. The State DOT may submit additional information showing the FHWA negative determination was in error, or to demonstrate the State DOT has taken corrective action that resolves the deficiencies specified in FHWA's negative determination.</p>		

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.13 (c)	<p>Updates and other amendments to plans and development processes. A State DOT must update its asset management plan and asset management plan development processes <b>at least every 4 years</b>, beginning on the date of the initial FHWA certification of the State DOT's processes under paragraph (a) of this section.</p> <p>Whenever the State DOT <b>updates or otherwise amends</b> its asset management plan or its asset management plan development processes, the State DOT must submit the amended plan or processes to the FHWA for a new process certification and consistency determination <b>at least 30 days prior to the deadline for the next FHWA consistency determination</b> under paragraph (b) of this section. Minor technical corrections and revisions with no foreseeable material impact on the accuracy and validity of the processes, analyses, or investment strategies in the plan do not constitute amendments and do not require submission to FHWA.</p>	<p>Beginning the date of Initial TAMP approval, State DOT must update at least every 4 years.</p> <p>-Any updates must be submitted to division for review and new process certification and consistency determination at least <b>30 days</b> prior to the next consistency determination.</p>	At least every <b>4 years</b> TAMP must be updated
§ 515.15	Penalties		
§ 515.15 (a)	Beginning on October 1, 2019, and in each fiscal year thereafter, <u>if a State DOT has not developed and implemented an asset management plan consistent with the requirements of 23 U.S.C. 119 and this part, the maximum Federal share for National Highway Performance Program projects and activities carried out by the State in that fiscal year shall be reduced to 65 percent for that fiscal year.</u>		<b>October 1, 2019</b> and each year thereafter.
§ 515.15 (b)	<p>(1) Except as provided in paragraph (b)(2) of this section, if the State DOT has <u>not developed and implemented an asset management plan that is consistent with the requirements of 23 U.S.C. 119 and this part and <b>established the performance targets</b> for NHS pavements and bridges required under 23 U.S.C. 150(d) by the date <b>that is 18 months after the effective date</b> of the 23 U.S.C. 150(c) final rule for NHS pavements and bridges, the FHWA will not approve any further projects using National Highway Performance Program funds. Such suspension of funding approvals will terminate once the State DOT has developed and implemented an asset management plan that is consistent with the requirements of 23 U.S.C. 119 and this part and established its performance targets for NHS pavements and bridges required under 23 U.S.C. 150(d).</u></p> <p>(2) The FHWA may extend this deadline if FHWA determines that the State DOT has made a good faith effort to develop and implement an asset management plan and establish the performance targets for NHS pavements and bridges required under 23 U.S.C. 150(d).</p>	<p><b>PENALTY</b></p> <p>There are two potential statutory penalties relating to TAMPs.</p> <ol style="list-style-type: none"> <li>1. if FHWA determines that a State DOT has not developed and implemented a TAMP consistent with applicable regulation, the Federal share for NHPP projects and activities will be reduced to 65 percent for that entire year.</li> <li>2. If FHWA determines that a State DOT has not developed and implemented a TAMP consistent with applicable regulation and established the State DOT's performance targets for NHS pavements and bridges by <b>November 20, 2018</b> FHWA will not approve any further projects using NHPP funds. Deadline may be extended based on good faith efforts by the DOT.</li> </ol>	<b>November 20, 2018</b> is the penalty deadline. But it can be extended upon State request and FHWA's good faith evaluation.
§ 515.17	Minimum standards for developing and operating bridge and pavement management systems		

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
	Pursuant to 23 U.S.C.150(c)(3)(A)(i), this section establishes the minimum standards States must use for developing and operating bridge and pavement management systems. State DOT bridge and pavement management systems are not subject to FHWA certification under § 515.13. Bridge and pavement management systems shall include, at a minimum, documented procedures for:	Bridge & Pavement Management systems will not be reviewed and certified by FHWA	
§ 515.17 (a)	Collecting, processing, storing, and updating inventory and condition data for all NHS pavement and bridge assets.		
§ 515.17 (b)	Forecasting deterioration for all NHS pavement and bridge assets;		
§ 515.17 (c)	Determining the benefit-cost over the life cycle of assets to evaluate alternative actions (including no action decisions), for managing the condition of NHS pavement and bridge assets;		
§ 515.17 (d)	Identifying short- and long-term budget needs for managing the condition of all NHS pavement and bridge assets;		
§ 515.17 (e)	Determining the strategies for identifying potential NHS pavement and bridge projects that maximize overall program benefits within the financial constraints.; and		
§ 515.17 (f)	Recommending programs and implementation schedules to manage the condition of NHS pavement and bridge assets within policy and budget constraints.		
<b>§ 515.19</b>	<b>Organizational integration of asset management</b>		
§ 515.19 (a)	The purpose of this section is to describe how a State DOT may integrate asset management into its organizational mission, culture and capabilities at all levels. The activities described in paragraphs (b) through (d) of this section are not requirements.	Activities described in paragraphs from (b) through (d) are <b>not requirements</b>	
§ 515.19 (b)	A State DOT should establish organizational strategic goals and include the goals in its organizational strategic implementation plans with an explanation as to how asset management will help it to achieve those goals.		
§ 515.19 (c)	A State DOT should conduct a periodic self-assessment of the agency's capabilities to conduct asset management, as well as its current efforts in implementing an asset management plan. The self-assessment should consider, at a minimum, the adequacy of the State DOT's strategic goals and policies with respect to asset management, whether asset management is considered in the agency's planning and programming of resources, including development of the STIP; whether the agency is implementing appropriate program delivery processes, such as consideration of alternative project delivery mechanisms, effective program management, and cost tracking and estimating; and whether the agency is implementing adequate data collection and analysis policies to support an effective asset management program.	<u>Self Assessment:</u> State to conduct periodic Self-Assessments after the TAMP implementation to see its effectiveness in real projects.	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§ 515.19 (d)	<p>Based on the results of the self-assessment, the State DOT should conduct a gap analysis to determine which areas of its asset management process require improvement. In conducting a gap analysis, the State DOT should:</p> <p>(1) Determine the level of organizational performance effort needed to achieve the objectives of asset management;</p> <p>(2) Determine the performance gaps between the existing level of performance effort and the needed level of performance effort; and</p> <p>(3) Develop strategies to close the identified organizational performance gaps and define the period of time over which the gap is to be closed.</p>		

**23 CFR PART 667 - PERIODIC EVALUATION OF FACILITIES REPEATEDLY REQUIRING REPAIR AND RECONSTRUCTION DUE TO EMERGENCY EVENTS**

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§667.1 Statewide evaluation	<p>Each State, acting through its department of transportation (State DOT), shall conduct statewide evaluations to determine if there are reasonable alternatives to roads, highways, and bridges that have required repair and reconstruction activities on two or more occasions due to emergency events. The evaluations shall be conducted in accordance with the requirements in this part.</p>	<p>Statewide evaluation to include all public access roads that required repair or reconstruction activities two or more occasions.</p>	

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
<p>§667.3 Definitions</p>	<p><i>Catastrophic failure</i> means the sudden failure of a major element or segment of a road, highway, or bridge due to an external cause. The failure must not be primarily attributable to gradual and progressive deterioration or lack of proper maintenance.</p> <p><i>Evaluation</i> means an analysis that includes identification and consideration of any alternative that will mitigate, or partially or fully resolve, the root cause of the recurring damage, the costs of achieving the solution, and the likely duration of the solution. The evaluations shall consider the risk of recurring damage and cost of future repair under current and future environmental conditions. These considerations typically are a part of the planning and project development process.</p> <p><i>Emergency event</i> means a natural disaster or catastrophic failure resulting in an emergency declared by the Governor of the State or an emergency or disaster declared by the President of the United States.</p> <p><i>Reasonable alternatives</i> include options that could partially or fully achieve the following:</p> <p>(1) Reduce the need for Federal funds to be expended on emergency repair and reconstruction activities;</p> <p>(2) Better protect public safety and health and the human and natural environment; and</p> <p>(3) Meet transportation needs as described in the relevant and applicable Federal, State, local, and tribal plans and programs. Relevant and applicable plans and programs include the Long-Range Statewide Transportation Plan, Statewide Transportation Improvement Plan (STIP), Metropolitan Transportation Plan(s), and Transportation Improvement Program(s) (TIP) that are developed under part 450 of this title.</p> <p><i>Repair and reconstruction</i> means work on a road, highway, or bridge that has one or more reconstruction elements. The term includes permanent repairs such as restoring pavement surfaces, reconstructing damaged bridges and culverts, and replacing highway appurtenances, but excludes emergency repairs as defined in 23 CFR 668.103.</p> <p><i>Roads, highways, and bridges</i> means a highway, as defined in 23 U.S.C. 101(a)(11), that is open to the public and eligible for financial assistance under title 23, U.S.C.; but excludes tribally owned and federally owned roads, highways, and bridges.</p>		

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
§667.5 Data time period, availability, and sources	<p>(a) The beginning date for every evaluation under this part shall be <b>January 1, 1997</b>. The end date must be no earlier than <b>December 31 of the year preceding the date</b> on which the evaluation is due for completion. Evaluations should cover a longer period if useful data is reasonably available. Subject to the timing provisions in §667.7, evaluations must include any road, highway, or bridge that, on or after January 1, 1997, required repair and reconstruction on two or more occasions due to emergency events.</p> <p>(b) State DOTs must use reasonable efforts to obtain the data needed for the evaluation. If the State DOT determines the necessary data for the evaluation is unavailable, the State DOT must document in the evaluation the lack of available data for that facility.</p> <p>(c) A State DOT may use whatever sources and types of data it determines are useful to the evaluation. Available data sources include reports or other information required to receive emergency repair funds under title 23, other sources used to apply for Federal or nonfederal funding, and State or local records pertaining to damage sustained and/or funding sought.</p>	<p>Evaluation period begins on or after <b>January 1, 1997</b> up to <b>December 31, 2017</b> for roads, highways and bridges that required repair or reconstruction on two or more occasions due to emergency events.</p>	<p>Evaluation period: From: <b>January 1, 1997</b> To: <b>December 31, 2017</b></p>
§667.7 Timing of evaluations.	<p>(a) Not later than <b>November 23, 2018</b>, the State DOT must complete the statewide evaluation for all NHS roads, highways and bridges. The State DOT shall update the evaluation after every emergency event to the extent needed to add any roads, highways, or bridges subject to this paragraph that were affected by the event. The State DOT shall review and update the entire evaluation at least every 4 years. In establishing its evaluation cycle, the State DOT should consider how the evaluation can best inform the State DOT's preparation of its asset management plan and STIP.</p> <p>(b) Beginning on <b>November 23, 2020</b>, for all roads, highways, and bridges not included in the evaluation prepared under paragraph (a) of this section, the State DOT must prepare an evaluation that conforms with this part for the affected portion of the road, highway, or bridge prior to including any project relating to such facility in its STIP.</p>	<p>State must complete statewide evaluation by <b>November 23, 2018</b>.</p> <p>Frequency of Evaluation: At least every 4 years, the entire evaluation must be reviewed and updated by State DOT.</p> <p>The results of the evaluation must be used to gauge State DOT's preparation of its <b>asset management and STIP</b>.</p> <p>Beginning <b>November 23, 2020</b>, evaluation must include all roads, bridges and highways not included in earlier evaluation that affected prior to including any projects in its STIP.</p>	<p><b>November 23, 2018</b></p> <p><b>November 23, 2020</b></p>

Regulation Section	Regulation Requirements	Key Component Synopsis	Key Dates
<p>§667.9 Consideration of evaluations.</p>	<p>(a) The State DOT shall consider the results of an evaluation prepared under this part when developing projects. State DOTs and metropolitan planning organizations are encouraged to include consideration of the evaluations during the development of transportation plans and programs, including <b>TIPs and STIPs</b>, and during the environmental review process under part 771 of this title. Nothing in this section prohibits State DOTs from proceeding with emergency repairs to restore functionality of the system, or from receiving emergency repair funding under part 668 of this title.</p> <p>(b) The FHWA will periodically review the State DOT's compliance under this part, including evaluation performance, consideration of evaluation results during project development, and overall results achieved. Nothing in this paragraph limits FHWA's ability to consider the results of the evaluations when relevant to an FHWA decision, including when making a planning finding under 23 U.S.C. 134(g)(8), making decisions during the environmental review process under part 771 of this title, or when approving funding. The State DOT must make evaluations required under this part available to FHWA upon request.</p>	<p>DOT and MPOs are encouraged to include consideration of the evaluation during the development of <b>TIPs and STIPs</b> and during the Environmental Review Process (<b>NEPA</b>).</p> <p><b>Division Periodic Evaluation:</b>  Division will periodically review state's compliance under this part, including evaluation performance, consideration of evaluation results during project development, planning decisions, NEPA or approving funding.</p> <p>State DOT must make evaluation available to Division upon request.</p>	