



FREQUENTLY ASKED QUESTIONS: SYSTEM PERFORMANCE/FREIGHT/CMAQ PERFORMANCE MEASURES FINAL RULE

On May 20, 2017, a Federal Highway Administration (FHWA) final rule took effect, with the exception of certain portions of the rule. The rule, published in the [Federal Register](#) (82 FR 5970) on January 18, 2017, establishes performance measures that State Departments of Transportation (DOTs) and metropolitan planning organizations (MPOs) will use to report on the performance of the Interstate and non-Interstate National Highway System (NHS) to carry out the National Highway Performance Program (NHPP); freight movement on the Interstate system to carry out the National Highway Freight Program (NHFP); and traffic congestion and on-road mobile source emissions for the purpose of carrying out the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. The rule addresses requirements established by the Moving Ahead for Progress in the 21st Century Act (MAP-21) and reflects passage of the Fixing America's Surface Transportation (FAST) Act.

While the published rule includes a measure on the percent change in CO2 emissions from 2017 generated by on-road mobile sources on the NHS (the GHG measure), the effective date of the portions of the Final Rule pertaining to that measure has been delayed.¹ The FHWA will be publishing a Notice of Proposed Rulemaking (NPRM) in the Federal Register pertaining to this measure.

GENERAL

Q. What is the rule's effective date?

A. The effective date is **May 20, 2017**, with the exception of certain portions of the rule related to the GHG measure.

Q. Why was there such a lag between the publication date and the effective date?

A. In accordance with the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," the Department delayed the effective date of the rules to May 20, 2017. See 82 FR 10441 and 82 FR 14438.

Q. What parts of 23 CFR Part 490 are not currently in effect because they are related to the GHG measure?

A. The effective date of these provisions is delayed indefinitely:

- 23 CFR 490.105(c)(5) and (d)(1)(v)
- 23 CFR 490.107(b)(1)(ii)(H), (b)(2)(ii)(J), (b)(3)(ii)(I), and (c)(4)
- 23 CFR 490.109(d)(1)(v) and (f)(1)(v),

¹ The announcement for the delay of the effective date for the GHG measure can be found at 82 FR 22879, published on May 19, 2017.

- 23 CFR 490.503(a)(2)
- 23 CFR 490.505 (Definition of *Greenhouse gas (GHG)*)
- 23 CFR 490.507(b)
- 23 CFR 490.509(f), (g) and (h)
- 23 CFR 490.511(a)(2), (c), (d), and (f)
- 23 CFR 490.513(d)

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

A. For the CMAQ emissions reduction measure, the first performance period begins on **October 1, 2017**, and ends on **September 30, 2021**. For all other measures, including the CMAQ traffic congestion measure, the first performance period begins on **January 1, 2018**, and ends on **December 31, 2021**. [23 CFR 490.105]

Q. When is the first State DOT baseline performance period report due?

A. The first baseline performance period report is due **October 1, 2018**, for all measures in this rule that are effective on May 20, 2017. [23 CFR 490.107]

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

A. We encourage you to read the [rule](#) and to visit www.fhwa.dot.gov/tpm/ to learn about training, guidance, and other implementation-related information.

Q. How is this final rule different from the proposed rule published in April 2016?

A. In general, the changes include:

- Seven vehicle travel time-based measures in the proposed rule were reduced to four.
- Multimodal and person-focused concerns were addressed.
- Concerns about the use of absolute thresholds were addressed.
- A congestion measure on non-single occupancy vehicle (SOV) travel was added.

Q. What are the six measures that took effect on May 20, 2017?

A. They are:

- Two measures of system performance:
 - A measure that will assess the percent of reliable person-miles traveled on the Interstate.
 - A measure that will assess the percent of reliable person-miles traveled on the non-Interstate NHS.
- A measure that will assess freight movement on the Interstate by the percentage of Interstate system mileage providing for reliable truck travel time (Truck Travel Time Reliability Index).

- A measure that will assess total emissions reductions by applicable pollutants under the CMAQ program.
- Two measures that will assess traffic congestion under the CMAQ program:
 - A measure that will assess annual hours of peak hour excessive delay per capita.
 - A measure that will assess modal share; specifically, the percent of non-single occupancy vehicle travel which includes travel avoided by telecommuting.

[23 CFR 490.507(a), 490.607, 490.707, and 490.807]

Q. When will State DOTs and MPOs establish targets related to the measures for the first performance period?

A. State DOTs will need to establish targets by **May 20, 2018**, for all measures in this rule. MPOs will have an additional 180 days beyond when the State DOTs establish their targets. [23 USC 150(d)(1); 23 CFR 490.105]

NHS PERFORMANCE: TRAVEL TIME RELIABILITY

Q. How do the Interstate and non-Interstate NHS travel time reliability measures differ?

A. They differ in implementation approach for the first performance period. State DOTs will provide a Baseline Performance Period Report by **October 1, 2018**, that will include two-and four-year targets for the Interstate system, but only a four-year target for the non-Interstate NHS. The State DOTs have the option to adjust four-year targets in their Mid Performance Period Progress Report, due **October 1, 2020**. There is no requirement for State DOTs to report baseline condition/performance or two-year targets for the non-Interstate NHS before the Mid Performance Period Progress Report. This will allow State DOTs to consider more complete data. [23 CFR 490.105]

Q. How is reliability defined?

A. For purposes of the measures, Level of Travel Time Reliability (LOTTR) is defined as the ratio of the 80th percentile travel time of a reporting segment to a “normal” travel time (50th percentile), using data from FHWA’s free National Performance Management Research Data Set (NPMRDS) or equivalent. Data are collected in 15-minute segments during all time periods other than 8 p.m.-6 a.m. local time. The measures are the percent of person-miles traveled on the relevant NHS areas that are reliable. [23 CFR 490.511]

Q. What are person-miles?

A. Person-miles take into account the users of the NHS. Data to reflect the users can include bus, auto, and truck occupancy levels. The final rule changes the weighting of the Travel Time Reliability measures from system miles to person-miles; this change provides opportunities to capture overall occupancy factors from national surveys. The FHWA believes the person-miles concept is an appropriate way to measure reliability for investment decision making as it is more sensitive to congestion than system miles.

FREIGHT MOVEMENT

Q. How will freight movement be assessed?

A. Freight movement will be assessed by a Truck Travel Time Reliability (TTTR) Index. Reporting is divided into five periods: morning peak (6-10 a.m.), midday (10 a.m.-4 p.m.) and afternoon peak (4-8 p.m.) Mondays through Fridays; weekends (6 a.m.-8 p.m.); and overnights for all days (8 p.m.-6 a.m.). The TTTR ratio will be generated by dividing the 95th percentile time by the normal time (50th percentile) for each segment. Then, the TTTR Index will be generated by multiplying each segment's largest ratio of the five periods by its length, then dividing the sum of all length-weighted segments by the total length of Interstate. [23 CFR 490.511 and 490.513]

Q. Why is there a separate measure on freight movement on the Interstate?

A. The measure is a requirement of MAP-21 [23 USC 150(c)(6)] and considers factors that are unique to this industry such as the use of the system during all hours of the day and the use of a planning time index used by the freight industry in planning for on-time arrivals.

Q. Where will the data come from?

A. State DOTs and MPOs will have the data they need in FHWA's National Performance Management Research Data Set (NPMRDS), as the data set includes travel times for the full Interstate System. State DOTs and MPOs may use an equivalent data set if they prefer. [23 CFR 490.609]

CMAQ ON-ROAD MOBILE SOURCE EMISSIONS: TOTAL EMISSION REDUCTIONS

Q. Where does this measure apply?

A. The measure applies to areas designated as nonattainment or maintenance for ozone, carbon monoxide or particulate matter. Applicable State DOTs and MPOs will establish separate targets for each of these criteria pollutants and applicable precursors. [23 CFR 490.803]

Q. Must all State DOTs establish targets?

A. No, only those whose geographic boundaries include any part of a nonattainment or maintenance area for ozone, carbon monoxide, or particulate matter. [23 CFR 490.803]

Q. Why is this measure limited on nonattainment and maintenance areas?

A. The CMAQ program's purpose is to fund transportation projects or programs that contribute to the attainment or maintenance of National Ambient Air Quality Standards (NAAQS) in those specific areas. [23 USC 149(b)]

CMAQ TRAFFIC CONGESTION: ANNUAL HOURS OF PEAK HOUR EXCESSIVE DELAY PER CAPITA

Q. How will traffic congestion be measured?

A. Traffic congestion will be measured by the annual hours of peak hour excessive delay (PHED) per capita on the NHS. Excessive delay will be based on travel time at 20 miles per hour or 60 percent of the posted speed limit travel time, whichever is greater, during in 15-minute intervals per vehicle. [23 CFR 490.705 and 490.707]

Q. What are peak travel hours under this rule?

A. The morning period is 6-10 a.m. local time on weekdays. The afternoon period is 3-7 p.m. or 4-8 p.m. local time, providing flexibility to State DOTs and MPOs. [23 CFR 490.705]

Q. Where does this measure apply?

A. For the first performance period (**January 1, 2018, to December 31, 2021**), it applies to urbanized areas of more than 1 million people with NHS mileage in nonattainment or maintenance areas for ozone, carbon monoxide, or particulate matter. After the first performance period, the population criteria changes to more than 200,000 people. [23 CFR 490.703]

Q. What if an affected urbanized area overlaps with more than one State DOT or MPO?

A. All parties must coordinate and report on a single, unified target. [23 CFR 490.105]

CMAQ TRAFFIC CONGESTION: PERCENT OF NON-SINGLE OCCUPANCY VEHICLE (SOV) TRAVEL

Q. How will the percentage of non-SOV travel be measured?

A. A minimum option for measurement will be use of the American Community Survey (ACS) Commuting (Journey to Work) data from the U.S. Census Bureau. State DOTs and MPOs also may use localized survey or measurements. Finally, State DOTs and MPOs may use volume counts for each mode to determine the percent non-SOV travel, and will be encouraged to report any data not available in national sources today (such as bike counts) to FHWA. [23 CFR 490.709]

Q. What modes are included in this measure?

A. The measure includes all surface modes of transportation that are not SOV, and may include travel avoided by teleworking. [23 CFR 490.709]