



# Office of Transportation Performance Management FACT SHEET

## Pavement and Bridge Condition Performance Measures (PM) Notice of Proposed Rulemaking (NPRM)

The Moving Ahead for Progress in the 21st Century Act (MAP-21) requires the Secretary to develop new regulations (23 CFR 490) to establish Transportation Performance Management (TPM) requirements for the purposes of carrying out the National Highway Performance Program (NHPP). The Pavement and Bridge Condition PM NPRM was published on 8/1/13 and the deadline for comments is 9/1/13. The NPRM may be found in docket number FHWA-2013-0053 at [www.regulations.gov](http://www.regulations.gov).

### Summary of Proposed Rulemaking

As part of the Pavement and Infrastructure Condition PM NPRM, the Federal Highway Administration (FHWA) proposes measures to assess the condition of pavements and bridges on the National Highway System (NHS). Under the proposed rule, FHWA also proposes the process for States and Metropolitan Planning Organizations (MPOs) to establish and report on performance targets reflecting the proposed measures, and the methodology to evaluate whether a State has made significant progress toward achieving those targets. Finally, FHWA proposes a minimum level for the condition of pavement on the Interstate System and incorporates the minimum condition level established by MAP-21 for bridges on the NHS.

**Proposed Pavement Condition Measures:** FHWA proposes measures that would be applicable to all mainline Interstate System and non-Interstate NHS pavements regardless of ownership or maintenance responsibility of roads within a given State or metropolitan planning area. FHWA proposes four measures for pavement condition:

Interstate System	Non- Interstate NHS System
Percentage of pavements in Good condition	Percentage of pavements in Good condition
Percentage of pavements in Poor condition	Percentage of pavements in Poor condition

**Proposed Minimum Level for Condition of Pavements:** States would need to maintain no more than 5 percent of lane miles of their pavements on the Interstate System in Poor condition. States not meeting this requirement for two consecutive years will be subject to penalty provisions including obligating NHPP funds and transferring Surface Transportation Program funds.



A recently paved highway in Utah.

### Summary of Major Provisions

References below refer to proposed sections of the regulatory text for Part 490 of Title 23 of the Code of Federal Regulations (CFR):

#### PART 490 - National Performance Management Measures

##### Subpart A - General Information

- 101 Definitions
- 103 Data requirements
- 105 Establishment of performance targets
- 107 Reporting on performance targets
- 109 Assessing significant progress
- 111 Incorporation by reference

##### Subpart C - National Performance Management Measures for Assessing Pavement Condition

- 301 Purpose
- 303 Applicability
- 305 Definitions
- 307 Pavement condition measures
- 309 Data requirements
- 311 Calculation of pavement metrics
- 313 Calculation of performance management measures
- 315 Minimum level for condition of pavements
- 317 Penalties for not maintaining pavement condition
- 319 Other requirements

##### Subpart D - National Performance Management Measures for Assessing Bridge Condition

- 401 Purpose
- 403 Applicability
- 405 Definitions
- 407 Bridge condition measures
- 409 Calculation of bridge condition measures
- 411 Minimum level for condition of bridges
- 413 Penalties for not maintaining bridge condition

## Proposed NHS Bridge Condition Measures:

FHWA proposes measures that would be applicable to all NHS bridges regardless of ownership or maintenance responsibility within a given State or metropolitan planning area including bridges on ramps connecting to the NHS and NHS bridges that cross a State border. FHWA proposes two measures for bridge condition:

NHS	
Percentage of bridges in Good condition	Percentage of bridges in Poor condition

### Minimum Level for Condition of NHS Bridges:

States will need to maintain bridges on the NHS so that the percentage of the deck area of the bridges classified as Structurally Deficient does not exceed 10 percent of the overall deck area in a State. If for 3 consecutive years the minimum condition level is not met, the State must set aside and obligate NHPP funds for eligible projects on bridges on the NHS.

**Proposed Process for Establishing Targets:** Under the NPRM, States would establish statewide targets for each of the pavement and bridge condition measures for a 4-year performance period. The targets would be established in coordination with relevant MPOs, to the maximum extent practicable. States could establish additional targets for any number and combination of urbanized areas and could establish a target for the non-urbanized area for any or all of the proposed measures. States would be required to establish targets within one year of the effective date of the final rule and report them in the first biennial performance report due to FHWA by October 1, 2016. States would report their established targets (2-year, where applicable, and 4-year) and progress toward achieving those targets in subsequent biennial performance reports. States would have the ability to adjust a 4-year target at the midpoint of a performance period. MPOs would establish 4-year targets for the same measures within 180 days after the State establishes each target. The targets would be established in coordination with the State, to the maximum extent practicable. The MPO could either agree to support the State target or establish a quantifiable target specific to the MPO planning area.



The new Woodrow Wilson bridge connecting Maryland and Virginia.

**Proposed Target Assessment Process:** The NPRM calls for FHWA to biennially assess progress made by each State in achieving each of the targets they have established for the NHPP. State progress would be considered significant if the actual condition is either:

- equal to or better than the establish target or
- better than the baseline condition.

**Proposed Consequences:** If a State has not made significant progress towards the achievement of a target in two consecutive FHWA determinations, then the State would be required to include in the next biennial performance report a description of the actions the State will undertake to achieve all related NHPP targets.

### Credits:

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### Additional Information:

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**Please note:**  
Comments will be accepted on the NRPM through April 6, 2015.

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