

AASHTO SCOPM MAP-21 Notice of Proposed Rule-Making Checklist (Bridge)

Document Overview

MAP-21 legislation requires States to:

- Establish performance targets for bridge condition on the National Highway System – based on specific measures established by the Secretary of Transportation
- Submit biennial performance reports on the established measures and targets
- Meet minimum condition levels (no more than 10 percent structurally deficient) for National Highway System
- Meet, or make significant progress toward meeting the State-established targets

The Notice of Proposed Rulemaking (NPRM) for implementing the provisions of the legislation is expected to include more specific implementation details on bridge condition measure definition, data sources, and calculation methods; and the processes for target-setting and performance reporting.

This document provides a set of checklists that can be used to assist in the review of the MAP-21 Highway Conditions NRPM provisions related to bridge performance measurement. The checklists may suggest areas where comments are warranted to ensure that the final rules (1) support current or desired state performance management processes and (2) can be implemented in a manner that minimizes burdens on limited state resources. The checklists were based on the recommendations developed through the AASHTO Standing Committee on Performance Management (SCOPM) Task Force on Performance Measure Development, Coordination and Reporting. These checklists reflect the input that was provided by the Task Force to FHWA on rules related to national performance measures and targets.

Each section of this document presents a summary of the relevant statutory provisions, a statement of what additional guidance may be provided in the NPRM, and a checklist of considerations that some States may wish to see reflected in the final rules.

Performance Measure Definitions and Data Sources

Summary of Statutory Provisions:

Statutory Provision: §1203(c); 23 USC 150(c) The Secretary will establish measures for States to use to assess the condition of bridges on the National Highway System.

Statutory Provision:§1106; 23 USC 119(f) If the Secretary determines that, for the 3-year-period preceding the date of the determination, more than 10 percent of the total deck area of bridges in the State on the National Highway System is located on bridges that have been classified as structurally deficient, an amount equal to 50 percent of funds apportioned to such State for fiscal year 2009 to carry out section 144 (as in effect the day before enactment of MAP-21) shall be set aside from amounts apportioned to a State for a fiscal year under section 104(b)(1) only for eligible projects on bridges on the National Highway System.

Context: To implement section 1203 of MAP-21, FHWA’s rulemaking will define specific bridge performance measures, which may or may not match the measure (SD bridges) used in section 1106 to specify the minimum NHS bridge condition level. In addition to specifying the measures, the rulemaking is expected to clarify the methods state DOTs will use for calculating the required measures.

Checklist: The following checklist can be used as a guide for review of the NPRM; it may suggest areas where comments are warranted to ensure that the final rules support current or desired state performance management processes and can be implemented in a manner that minimizes burdens on limited state resources.

The performance measures shown below reflect the statutory requirements. The recommended measures are based on review and revision of initial measures developed by the SCOPM Task Force by the AASHTO Subcommittee on Bridges and Structures (SCOBS).

SCOPM Task Force/SCOBS Recommended Measures

- Percent of NHS Deck Area on Structurally Deficient Bridges**—NHS bridge deck area on structurally deficient bridges as a percentage of total NHS bridge deck area. AND
- Percent of non-NHS Deck Area on Structurally Deficient Bridges**—non-NHS bridge deck area on structurally deficient bridges as a percentage of total non-NHS bridge deck area.
- Percent of NBI Bridges by Need Category** – Percentage of all NBI highway bridges with needs for routine or cyclic maintenance (CM), preventive maintenance (PM) and Rehabilitation & Replacement (RR)
- Percent of NBI Bridge Deck Area by Need Category** - Percentage of NBI highway bridges with needs for routine or cyclic maintenance (CM), preventive maintenance (PM) and Rehabilitation & Replacement (RR)

Performance Measure Definitions and Data Sources (continued)

Measure Definition, Sources and Calculation Methods

- Data Source** – All measures are to be calculated based on data reported for the National Bridge Inventory (NBI)
- Derivation of Need Category** – Need categories are to be based on the minimum NBI rating for deck, superstructure, substructure or culvert, with rating = 7-9 assigned to “Cyclical Maintenance”; rating = 5-6 assigned to “Preventive Maintenance”; rating less than 5 assigned to “Rehabilitation & Replacement”. The method for assigning need categories will be adjusted in the future to be based on the National Bridge Elements (NBE)
- Use of Need Category** – Need categories are to be used for performance reporting only; they are not intended to constrain treatment selection or funding for individual structures.

Comments:

Target Setting Method and Process

Summary of Statutory Provisions: §1203; 23 USC 150(d) States have 12 months from final rulemaking to set targets reflecting the established measures, with the option of setting different targets for rural and urbanized areas.

Context: Per section 1203 of MAP-21, States have flexibility in setting target values of the established national measures. However, rulemaking is likely to provide additional information on the process by which States establish targets. It may discuss factors that States should consider as they set targets (e.g. implications of setting aggressive versus easily-attainable targets.) Guidance may also be provided on the relationship between existing state performance targets and those targets established in response to MAP-21.

Checklist: The following checklist can be used as a guide for review of the NPRM; it may suggest areas where comments are warranted to ensure that the final rules support current or desired state performance management processes and can be implemented in a manner that minimizes burdens on limited state resources.

<input type="checkbox"/>	State Flexibility. AASHTO supports state flexibility in the setting of targets as long as the Percent of Deck Area on Structurally Deficient Bridges does not exceed 10%; as provided in MAP-21. States should not be required to set targets in a uniform way.
<input type="checkbox"/>	Asset Management Approach. The need based performance measures allow flexibility for agencies to set performance targets using some or all of the measures. For example, one state may set a target to reduce the number of bridges that are major rehabilitation or replacement candidates, while another state may set a target to increase the number of bridges or deck area of bridges only needing cyclic maintenance. The need for different types of bridge activities can be monitored on a yearly basis.
<input type="checkbox"/>	Rural vs. Urban. Individual states should determine whether to set separate targets for bridges on urban vs. rural roads.
<input type="checkbox"/>	Focus on Federal Objectives. MAP-21 performance measure and target-setting rules should focus on federal objectives and state support of these objectives. The rules should be focused on the ability of states, using available federal funds, to deliver the desired results – not on how states manage their own programs that do not use federal funds. (cross-cutting recommendation)
<input type="checkbox"/>	Allow Flat or Declining Performance Targets. States should have the flexibility to choose to set targets that have performance holding steady, or in some situations declining. (cross-cutting recommendation)
<input type="checkbox"/>	Allow States to Set Target Ranges. The value of performance management is found in better decision-making, not target achievement. DOTs support the idea of allowing States to establish <i>ranges</i> of acceptable performance outcomes. Use of ranges can provide DOTs with a more nuanced way of discussing performance outcomes across multiple competing objectives. (cross-cutting recommendation)

Target Setting Method and Process (continued)

- Risk Based Approaches and Tradeoffs.** Allow flexibility for DOTs and MPOs to use a risk based target setting approach. Risk-based targets do not reflect optimal outcomes within a particular investment area; rather, risk-based targets represent strategic objectives within a plan to manage agency risks. Allowing states to approach target-setting for the entire set of national performance measures as a bundle accommodates states that have tradeoff processes across asset/program areas. (cross-cutting recommendation)
- Allow for Target Adjustments.** If a state wants to adjust targets dynamically (on an ongoing basis as conditions change), they should be allowed to do so.
- Targets for Trends Rather than Absolute Values.** Consider allowing targets in the form of percent change (slope or trend line rather than single number).
- Acknowledge Risks in Target Setting.** The rules should acknowledge that target setting has risks – an agency that doesn't meet the target they have established could face public criticism or other unintended consequences (cross-cutting recommendation)
- Provide Rationale.** Setting targets should be accompanied by a rationale for selecting the specific target value. (cross-cutting recommendation)
- Rational Schedule.** The time periods for the performance measure data collection, target setting assessment, and target adjustments need to consider the varying processes each state has for these activities. (cross-cutting recommendation)
- Target-Setting Timeline.** A state should have the flexibility to align their MAP-21 target-setting and performance reporting schedule with their TIP/STIP project cycle. (cross-cutting recommendation)
- Coordination of State and MPO Targets.** The development of state and MPO targets should be coordinated through a 3C (continuing, cooperative and comprehensive) planning process. This process should result in MPO targets that are attainable given the level of investment a DOT plans to make in a metropolitan planning area (MPA) over a particular time-horizon. Whenever possible, DOTs and MPOs should use consistent (i.e. equivalent) targets to assess the condition and performance of state highways within an MPA. (cross-cutting recommendation)

Comments:

Performance Reporting and Progress Evaluation

Summary of Statutory Provisions: §1203; 23 USC 150(e) States have four years from the enactment of MAP-21 to submit a first biennial performance report addressing progress in achieving performance targets.

Context: Per section 1203, FHWA’s rulemaking is likely to define more specific requirements and processes for state performance reporting. Guidance may be provided on the format, structure, and submittal requirements of the Biennial Performance Reports. Rulemaking may also address the relationship between existing state performance reporting processes and products and the reporting requirements established through MAP-21.

Checklist: The following checklist can be used as a guide for review of the NPRM; it may suggest areas where comments are warranted to ensure that the final rules support current or desired state performance management processes and can be implemented in a manner that minimizes burdens on limited state resources.

<input type="checkbox"/>	Performance Reporting Data Source. Rely on existing reporting processes already in place for the National Bridge Inventory.
<input type="checkbox"/>	Explanation for Results. When States and MPOs do not meet performance targets, they should describe what they have done to improve performance, how those actions impacted the performance, and why they have not met the target. (cross-cutting recommendation)
<input type="checkbox"/>	Accountability Based on Control. Only hold state DOTs and MPOs accountable for what they manage and control. Those who set targets should be those who manage and fund the system and are held responsible for compliance. Agencies should not be penalized for not meeting targets due to circumstances beyond their control. (cross-cutting recommendation)
<input type="checkbox"/>	Self-Evaluation/Telling the Story. States and MPOs should be allowed to self-evaluate in determining whether ‘significant progress’ has been made. This assessment should be based on quantitative and, if needed, qualitative data. In addition, determination of ‘significant progress’ should be supported by narrative information if specific performance targets are not achieved. In this case, States and MPOs should provide narrative information and data to document the circumstances and assessment determination. (cross-cutting recommendation)
<input type="checkbox"/>	Programmatic Approach: The ‘significant progress’ determination should be made based on a programmatic approach rather than based on separate evaluations for individual target areas. This approach would support States and MPOs in making balanced and sound investment decisions rather than trying to meet one target at the expense of another. (cross-cutting recommendation)
<input type="checkbox"/>	Defining Significant Progress and Progress Agreements: Consistent with current practice, States and their local FHWA Division offices should continue to work together and be empowered to consensually develop and determine what constitutes significant progress – at the program or performance measure level. Progress determination could be based on mutually agreed on templates and criteria. (cross-cutting recommendation)

Comments: