

# **“Moving Ahead for Progress in the 21st Century Act” or “MAP-21”**

Passed by Congress June 29, 2012

**Implications for Infrastructure  
Asset Management, Pavement  
Management, and Preservation  
Programs**

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# Disclaimer:

1. I am not the “Official Spokesperson” for FHWA.
2. None of this presentation should be construed as regulation, law, or guidance.
3. !!!!!

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## MAP-21

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### Legislation

#### Enrolled Bill (the bill as presented to the President for signature) H.R. 4348

- Formatted for screen viewing
- HTML
- PDF (1.24 MB)

#### Conference Report (H. Rept. 112-557)

- Formatted for screen viewing
- Plain text
- PDF (1.81 MB)



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Vertical sidebar with icons for document navigation (back, forward, search, etc.).

Main content area displaying the text of H.R. 4348, including the title 'One Hundred Twelfth Congress of the United States of America' and the beginning of the bill's text.

Windows taskbar showing icons for Internet Explorer, Firefox, and other applications.

**What's Important...**

**For Infrastructure:**

**Sections 116, 119, and 150**

# Section 116 on Page 161 Defines “Pavement Preservation”

“(2) PAVEMENT PRESERVATION PROGRAMS AND ACTIVITIES.—  
The term ‘pavement preservation programs and activities’  
means programs and activities employing a network level, long-  
term strategy that enhances pavement performance by using  
an integrated, cost-effective set of practices that extend pave-  
ment life, improve safety, and meet road user expectations.”;



# Section 119, Asset Management:

“(e) STATE PERFORMANCE MANAGEMENT.—

“(1) IN GENERAL.—A State shall develop a risk-based asset management plan for the National Highway System to improve or preserve the condition of the assets and the performance of the system.

“(4) PLAN CONTENTS.—A State asset management plan shall, at a minimum, be in a form that the Secretary determines to be appropriate and include—

“(A) a summary listing of the pavement and bridge assets on the National Highway System in the State, including a description of the condition of those assets;

“(B) asset management objectives and measures;

“(C) performance gap identification;

“(D) lifecycle cost and risk management analysis;

“(E) a financial plan; and

“(F) investment strategies.

# Important Notes!!

## The Asset Management Plan:

1. Is required for the NHS only!!! A State may elect to do more. No AMP Penalty = 65% Federal share on projects!
2. Basically follows AASHTO AM Guide process.
3. Called “Performance Driven Plan” and “Risk-based”. Plan includes targets set by each State from requirements in Section 150.
4. Requires FHWA to certify plan within 90 days, recertification every 4 years.
5. Requires State to meet minimum standards for Interstate highways. Penalty = Less flexibility on use of funds.
6. Special conditions apply for Bridges and Environmental Mitigation.

# Section 150:

“(c) ESTABLISHMENT OF PERFORMANCE MEASURES.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of the MAP-21, the Secretary, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, shall promulgate a rulemaking that establishes performance measures and standards.



**This means You!**

# National Goals and Performance Management

## Measures Section 150

1. Establishes Policy for Federal-Aid Program
2. Focused on 7 National Goals
3. Requires rulemaking on performance measures and standards
4. Limits Performance Measures
5. Sets measures for Section 119

# Section 150 Details

1. Rulemaking process, consultation requirements, etc.
2. For National Highway Performance Program **FHWA establishes:**
  - i. “minimum standards for States to use in developing bridge and pavement management systems”
  - ii. “measures for States to assess -
    - I. “the condition of pavements on the Interstate system”
    - II. “the condition of pavements on the National Highway System (excluding the Interstate)”
    - III. “the condition of bridges on the National Highway System”
    - IV. “the performance of the Interstate System”
    - V. “the performance of the National Highway System (excluding the Interstate System)”
  - iii. “Minimum levels for the condition of pavements on the Interstate System, only for purposes of carrying out section 119(f)(1)”
  - iv. “the data elements that are necessary to collect and maintain standardized data to carry out a performance-based approach”
3. Geographic variability for the minimum levels is to be considered, if applicable.

# More on Section 150

1. Requirements for the Highway Safety Improvement Program, Congestion Mitigation and Air Quality Program, and National Freight Movement.
2. Requirement that “**each State shall set performance targets...**” for the programs and that different approaches may be used for urban and rural parts of the highway system.
3. States have to submit a report of progress toward achieving goals and targets.

# Other items in the Legislation

1. “Preservation of the existing transportation system” to be included in the STIP. (Section 1507; Page 165)
2. Allows federal-aid funding for Preservation (Section 1507; Page 165)
  - Suggest Programmatic Agreements with Division Offices.

# Rulemaking - What and Why

1. Defines how legislation will be implemented.
2. Requires specific public notice and comment requirements.
3. Must be complete in 18 months for this legislation.



# Federal Rulemaking Steps:

1. FHWA prepares Proposed Rules
2. OMB Review, Legal Basis, Financial Impacts, Paperwork Reduction, etc.
3. Notice of Proposed Rulemaking
4. Formal Comments (90 day minimum)
5. Address all comments.
6. Final Reviews by OMB, White House, & Congress
7. Address issues
8. Publish Final Rule

# What's Important?

- 1. Rules have to be authorized in Legislation.**
- 2. Public Involvement is mandatory.**
- 3. All Comments must be addressed.**

# **FHWA Approach**

- 1. Work with AASHTO.**
- 2. Take all opportunities to gather comments informally.**
- 3. Hold Public Meetings & Webinars.**
- 4. Form Teams to draft Proposal.**

# **Focus - What we want to do...**

- 1. Implement Intent of Congress.**
- 2. More accurately identify  
National Transportation Needs**
- 3. Secure Consensus**

# **Focus - What we don't want to do...**

- 1. Alter Intent of Congress.**
- 2. Change good State practices**
- 3. Misrepresent real highway conditions.**

## **Related Issues:**

- 1. Available Information - HPMS**
- 2. Consistency vs. Unique State Needs**
- 3. Defining “Performance”**
- 4. Can we make IRI measurements better?**

# **What you should do now...**

- 1. Get a copy of the Legislation.**
- 2. Talk to us about your thoughts on implementing the key sections.**
- 3. Talk with AASHTO Representatives**

**You can do this informally by telephone or email for next 4-5 months, sooner is better than later.**

**Send comments on Infrastructure issues to Butch Wlaschin, Steve Gaj or me.**

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Questions???