

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****23 CFR Parts 450, 500, and 626**

[FHWA/FTA Docket No. 92-14]

RIN 2125-AC97

**Federal Transit Administration****49 CFR Parts 613 and 614**

RIN 2132-AA47

**Management and Monitoring Systems**

**AGENCIES:** Federal Highway Administration (FHWA), Federal Transit Administration (FTA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The Federal Highway Administration and the Federal Transit Administration are issuing regulations for State development, establishment, and implementation of systems for managing: Highway pavement of Federal-aid highways; bridges on and off Federal-aid highways; highway safety; traffic congestion; public transportation facilities and equipment; and intermodal transportation facilities and systems; and a system for monitoring highway and public transportation facilities and equipment.

This rule will remove the management system certification and sanction requirements and allow the States to elect to not implement the management systems in whole or in part.

**DATES:** This final rule is effective on January 21, 1997.

**FOR FURTHER INFORMATION CONTACT:** For information on the general provisions: Mr. Tony Solury, 202-366-5003. For information on a specific system: Highway pavement—Mr. Frank Botelho, 202-366-1336; Bridge—Mr. Charles Chambers, 202-366-4618; Highway safety—Mr. Fred Small, 202-366-9212; Traffic congestion—Mr. Charles Goodman, 202-366-8070; Public transportation facilities and equipment—Mr. Sean Libberton, 202-366-0055; Intermodal transportation facilities and systems—Mr. Dane Ismart, 202-366-4071; Traffic monitoring—Mr. Tony Esteve, 202-366-5051. For information on legal issues: Mr. Wilbert Baccus, FHWA Office of the Chief Counsel, 202-366-0780. Office hours are 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** Section 1034 of the ISTEA (Pub. L. 102-240, 105 Stat. 1914, 1977) amended Title 23, United States Code, Highways (23 U.S.C.), by adding section 303,

Management Systems (23 U.S.C. 303), which requires the Secretary of Transportation to issue regulations for State development, establishment, and implementation of a system for managing each of the following:

- (1) Highway pavement of Federal-aid highways (PMS),
- (2) Bridges on and off Federal-aid highways (BMS),
- (3) Highway safety (SMS),
- (4) Traffic congestion (CMS),
- (5) Public transportation facilities and equipment (PTMS), and
- (6) Intermodal transportation facilities and systems (IMS).

The systems must be developed and implemented in cooperation with metropolitan planning organizations (MPOs), in metropolitan areas, and with affected agencies receiving assistance under the Federal Transit Act, Public Law 88-365, 78 Stat. 302, as amended.

Section 303 also requires the Secretary to issue guidelines and requirements for the State development, establishment, and implementation of a traffic monitoring system (TMS) for highways and public transportation facilities and equipment.

Both the metropolitan (23 U.S.C. 134 and 49 U.S.C. 5303-5305) and statewide (23 U.S.C. 135) transportation planning provisions require consideration of the needs identified through use of the management systems in the respective planning processes.

The legislative history reflects the Congress' concerns about placing potentially burdensome requirements on States. Accordingly, it amended 23 U.S.C. 303(c) through section 205(a) of the NHS Act, to allow States the flexibility to choose which management systems to implement under 23 U.S.C. 303. This final rule reflects this State option and contains only minimum requirements for those systems that a State chooses to implement under the provisions of section 303. The Secretary may not impose any penalty on a State for such election. This option does not apply to the separate legislative requirements that the planning process in Transportation Management Areas (TMAs) include a CMS (23 U.S.C. 134(i)(3) and 49 U.S.C. 5305(c)) and that Federal funds not be programmed in a carbon monoxide and/or ozone nonattainment TMA for any highway project that will result in a significant increase in single-occupant-vehicle capacity unless the project is based on an approved congestion management system (23 U.S.C. 134(l) and 49 U.S.C. 5305(c)). It also does not apply to the TMS.

An advance notice of proposed rulemaking (ANPRM) was published in

the June 3, 1992, Federal Register (57 FR 23460) to solicit early input for development of these regulations. Public workshops for the SMS were announced in the April 28, 1992, Federal Register (57 FR 17868) and were conducted in Washington, DC, on May 29, 1992, in San Francisco, CA, on June 1, 1992, and in Kansas City, MO, on June 10, 1992. Four public workshops for the CMS, PTMS, and IMS were announced in the May 26, 1992, Federal Register (57 FR 21915) and were conducted in Los Angeles, CA, on June 18, 1992, in New York, NY, on June 29, 1992, in Chicago, IL, on July 14, 1992, and in Houston, TX, on July 21, 1992. The purpose of the workshops was to obtain input to the rulemaking process to supplement the comments to the ANPRM docket. The ANPRM was issued with two docket numbers, FHWA 92-14 and FTA 92-B.

Approximately 125 individuals attended the workshops for the SMS and over 320 attended the workshops for the CMS, PTMS, and IMS. Summaries of comments presented and documents submitted at the public workshops are available for review in FHWA docket number 92-14.

Approximately 162 sets of comments on the ANPRM were submitted to docket numbers FHWA 92-14 and FTA 92-B. Approximately 48 percent of the comments to the dockets were from State agencies (transportation/highway departments, motor vehicle departments, State police, etc.), 13 percent from National interest groups/associations, 10 percent from regional planning agencies/MPOs, 10 percent from local agencies (cities, counties), 8 percent from private businesses or individuals, 7 percent from transit operators, and 4 percent from miscellaneous agencies. Since approximately two-thirds of the comments submitted to the FTA docket number 92-B were duplicates of those submitted to the FHWA docket number 92-14, the FTA docket was closed and those comments submitted to FTA Docket 92-B that were not duplicates were placed in FHWA/FTA docket number 92-14.

The testimony from the ANPRM workshops and comments submitted to the ANPRM dockets were reviewed and used to prepare a notice of proposed rulemaking (NPRM) which was published in the March 2, 1993, Federal Register (58 FR 12096). The NPRM was issued under FHWA/FTA docket number 92-14 only. Four public meetings for the CMS, PTMS, and IMS were announced in the March 24, 1993, Federal Register (58 FR 15816) and were conducted during the NPRM

comment period in San Francisco, CA, on April 1, 1993, in Atlanta, GA, on April 8, 1993, in Philadelphia, PA, on April 15, 1993, and in Kansas City, MO, on April 21, 1993. The purpose of the NPRM meetings was to obtain input to the rulemaking process to supplement the comments to the NPRM docket. Approximately 220 individuals attended the NPRM public meetings for the CMS, PTMS, and IMS. Transcripts of comments presented and copies of documents submitted at the public meetings are available for review in docket number 92-14.

After considering the comments submitted to the docket and the testimony presented at the four public meetings, the FHWA and the FTA revised the proposed regulation and published an interim final rule (IFR) in the December 1, 1993, Federal Register (58 FR 63442). The regulation was issued as an IFR in response to concerns regarding the anticipated data collection burden. Subsequent to issuance of the IFR, the FHWA and the FTA visited 10 States to obtain additional information to refine the data collection burden estimates. This information was used to prepare the information in the section below titled Paperwork Reduction Act.

Fifty six sets of comments were submitted to FHWA/FTA docket number 92-14 in response to the IFR. Approximately 64 percent of the comments to the docket were from State agencies (transportation/highway, safety, environmental), 14 percent from National/regional interest groups/associations, 11 percent from regional planning agencies/MPOs, 5 percent from local agencies (cities, counties), 4 percent from transit operators/railroad companies, and 2 percent from universities.

The overwhelming majority of comments expressed continuing concern over the potential data burden of the regulation. This was not unexpected since the preamble to the IFR specifically solicited comment on the data burden to assist the FHWA and the FTA in developing an estimate of the data burden for submission to the Office of Management and Budget (OMB). Three commenters suggested that additional data or that standardized data be required. In addition, several commenters expressed concern over the extent of coverage of the systems and the perceived prescriptiveness of the IFR. Many commenters suggested editorial changes. In spite of these data and coverage concerns, many of the commenters supported the concept of the management systems. With the elimination of detailed technical requirements and since compliance is

optional, except for the CMS in TMAs and the TMS as noted above, the basis for most of these comments should be eliminated.

As part of the government-wide regulatory streamlining effort that was announced by the President in March 1995, the FHWA and the FTA reviewed the interim final rule for the ISTEA management and monitoring systems. During this same time period, pending legislation for designation of the National Highway System (NHS) which included a provision that would remove the management system certification and sanction requirements and make implementation of the six management systems optional had passed in the Senate. Many States, MPOs, and other involved agencies were aware of these developments and were concerned about proceeding with significant financial and manpower commitments necessary to carry out the work plans for the systems in view of the uncertainty surrounding the management systems.

On July 20, 1995, the FHWA and the FTA issued guidance on the continued development of the systems in a memorandum (copy available for review in docket 92-14) to their regional offices. The memorandum indicated that, until the uncertainty surrounding the management systems was resolved, continued development of the systems could be limited to the NHS for the PMS, BMS, and SMS and to TMAs for the CMS and PTMS, and to intermodal facilities connected to the NHS for the IMS. The compliance dates were also extended except for the BMS. Any necessary data collection related to the management systems would be limited and tailored to support development and implementation of the management systems in accordance with the guidance above. The National Highway System Designation Act of 1995 (NHS Act) included amendments to 23 U.S.C. 303 that allow a State to elect to not implement, in whole or in part, any one or more of the management systems required under 23 U.S.C. 303. In addition, the certification requirement was removed and the Secretary may not impose any sanction on, or withhold any benefit from a State that elects to take this approach. The FHWA and the FTA issued guidance on these changes in a March 7, 1996, memorandum (copy available for review in FHWA/FTA docket 92-14) to their regional offices. The guidance indicated that, effective immediately, certifications were no longer required and sanctions could not be imposed.

The NHS Act does not affect the requirement in 23 U.S.C. 134(i)(3) and 49 U.S.C. 5305(c) that the planning

process in all TMAs include a CMS. As with all planning process requirements, compliance with this requirement will be addressed during metropolitan planning process certification reviews for all TMAs.

The NHS Act also does not affect the requirement in 23 U.S.C. 134(l) and 49 U.S.C. 5305(f) that Federal funds may not be programmed in a carbon monoxide and/or ozone nonattainment TMA for any project that will result in a significant increase in single-occupant-vehicle (SOV) capacity unless the project is based on an approved CMS. The March 7, 1996, memorandum indicated that until September 30, 1997, the interim CMS procedures in 23 CFR 450.336(b) may be used to meet this requirement. After this date, such projects must be based on a fully operational CMS.

All of the language in the NHS Act and conference report (H.R. Conf. Rep. No. 345, 104th Cong., 1st Sess. (1995)) refers to management systems. There are no references to the traffic monitoring system. Therefore, the requirements for the traffic monitoring system for highways and public transportation are unchanged.

The FHWA and the FTA believe that the primary purpose of transportation management systems is to provide system performance information to the public, local officials, and those having responsibility for the operation of the transportation system. These systems provide critical information for transportation investment decisions so that limited resources can be programmed effectively to improve the efficiency and safety of and protect our investment in the nation's transportation infrastructure. To this end, the FHWA and the FTA endorse continued implementation of the transportation management systems specified in 23 U.S.C. 303, whether under a State's, MPO's, or transit operator's own procedures or under the provisions of this regulation. The FHWA and the FTA believe that development and use of existing or new transportation management systems will support decision-making that emphasizes enhanced service at minimum public and private life-cycle cost. Funding for the development and implementation of any of the systems, in whole or in part, continues to be eligible for the funding categories identified in 23 CFR 500.105. The FHWA and the FTA will continue to provide technical assistance in the management of the transportation system in these critical areas.

This final regulation is being issued as part 500 of subchapter F of title 23,

Code of Federal Regulations (23 CFR). Subpart A of part 500 includes definitions and requirements applicable to the six management systems. Subpart B includes requirements for the traffic monitoring system. The requirements in 23 CFR Part 500 are incorporated by cross reference into the FTA's regulations as part 614 of chapter VI of title 49, Code of Federal Regulations.

A discussion of revisions to the rule follows.

#### Subpart A—Management Systems

In view of the optional nature of the six management systems, most of the technical requirements in former subparts A through G, except for requirements for the CMS, have been removed. Sections 500.107, Compliance, and 500.109, Sanctions, have been deleted in their entirety because of the above noted legislative changes. Similarly, the provisions of former § 500.113, Acceptance of Existing Systems, are no longer needed since any systems in existence when the ISTEA was enacted that a State wanted to use would already have been submitted for acceptance. Except for the CMS in non-attainment TMAs and the TMS, the compliance schedules have been removed. Those provisions of former subparts A through G that have been retained are in revised subpart A.

#### Section-by-Section Analysis

##### Section 500.101 Purpose

This section states the purpose of this regulation.

##### Section 500.102 Policy

This section is new. Paragraph (a) emphasizes the value that the FHWA and the FTA believe that management systems can provide to make cost-effective investment decisions and that the FHWA and the FTA will continue to support development of the systems whether they are developed under State or local procedures or under this regulation.

Paragraph (b) was § 500.111, "Funds for development, establishment, and implementation of the systems," in the IFR. Language has been added to indicate that the specified categories of funds may be used for any of the systems whether or not the systems are developed under the provisions of this part or under a State's, MPO's, or transit operator's own procedures. The references to the Federal Transit Act have been updated to refer to the corresponding sections of title 49, U.S.C., since the Federal Transit Act is now codified as Chapter 53 of that title.

#### Section 500.103 Definitions

Since many of the terms defined in the IFR are no longer used in the final rule, they have been deleted. The remaining definitions are unchanged from the IFR.

#### Section 500.104 State Option

This section reflects the NHS Act provision that allows a State to elect, at any time, not to implement any of the six management systems under 23 U.S.C. 303, in whole or in part except as specified in § 105(a) and (b).

#### Section 500.105 Requirements

This section was titled "Development, Establishment, and Implementation of the Systems" in the IFR.

Paragraph (a) specifies that, in accordance with 23 U.S.C. 134 and 49 U.S.C. 303-5307, the metropolitan planning process in TMAs include a CMS that meets the requirements of § 500.109 of this final rule.

Paragraph (b) indicates that the State option also does not apply to the requirements for the TMS in subpart B.

Paragraph (c) is former § 500.105(c) which includes the requirement that any of the management systems that a State chooses to develop under 23 U.S.C., be developed in cooperation with MPOs in metropolitan areas, transit operators, local officials, and other affected agencies.

Paragraph (d) is former § 500.105(g). This paragraph includes the legislative requirement that the results from management systems be considered in the development of statewide and metropolitan transportation plans and programs and in making project selection decisions under title 23, U.S.C., and title 49 U.S.C., Chapter 53 (the Federal Transit Act).

The provisions in §§ 500.105(e), (f), (h), (i), and (j) of the IFR regarding incorporation of certain systems into the metropolitan planning processes, coordination among MPOs, identification of roles and responsibilities, the relationship to the 23 U.S.C. 303 management systems to those required under 23 U.S.C. 204 for Federal lands highways, and periodic evaluation of the effectiveness of the systems have been eliminated.

#### Section 500.106 PMS

This section identifies the minimum criteria for an effective PMS for Federal-aid highways which may be based on the "AASHTO Guidelines for Pavement Management Systems."<sup>1</sup> All other

<sup>1</sup> AASHTO Guidelines for Pavement Management Systems, July 1990, can be purchased from the American Association of State Highway and

specific requirements of subpart B of the IFR have been removed.

#### Section 500.107 BMS

This section identifies the minimum criteria for an effective BMS for bridges on and off Federal-aid highways which may be based on the "AASHTO Guidelines for Bridge Management Systems."<sup>2</sup> All other specific requirements of subpart C of the IFR have been removed.

#### Section 500.108 SMS

This section identifies the minimum criteria for an effective SMS which may be based on the guidance in "Safety Management Systems: Good Practices for Development and Implementation."<sup>3</sup> All other specific requirements of subpart D of the IFR have been removed.

#### Section 500.109 CMS

Paragraph (a) identifies the general criteria for a CMS in all areas of a State. The provisions of this paragraph are optional for all areas of a State except TMAs. The definitions of "congestion" and "congestion management system" in § 500.503 of the IFR have been incorporated into this paragraph. The flexibility in the former definitions for State and local officials to determine performance measures and levels of performance has been retained. The emphasis on consideration of actions to reduce SOV travel in § 500.505(b) of the IFR has been incorporated into paragraph (a). The remainder of § 500.109 applies to CMSs in TMAs but is recommended for CMSs in all areas of a State.

Paragraph (b) includes additional requirements for the CMS in TMAs. The requirement in § 500.505(d) of the IFR that the metropolitan planning process in TMAs include a CMS has been moved to this paragraph. The remainder of this paragraph is a consolidation and rewording of provisions of § 500.507 CMS components of the IFR. The sample list of 12 categories of strategies that should be considered in § 500.507(c) of the IFR has been

Transportation Officials, 444 N. Capitol Street, NW., Suite 249, Washington, D.C. 20001. Available for inspection as prescribed in 49 CFR part 7, appendix D.

<sup>2</sup> AASHTO Guidelines for Bridge Management Systems, 1992, can be purchased from the American Association of State Highway and Transportation Officials, 444 N. Capitol Street, NW., Suite 249, Washington, D.C. 20001. Available for inspection as prescribed in 49 CFR part 7, appendix D.

<sup>3</sup> Safety Management Systems: Good Practices for Development and Implementation, FHWA and NHTSA, May 1996. Available for inspection and copying as prescribed in 49 CFR part 7, appendix D.

consolidated into five broader categories in § 500.109(b)(4) of the final rule.

The requirements in § 500.505(c) of the IFR regarding programming of Federal funds for projects that will result in a significant increase in SOV capacity in TMAs that are non-attainment for carbon monoxide and/or ozone are in § 500.109(c) of the final rule.

Paragraph (d) of this section includes compliance requirements for the CMS in TMAs. Compliance with the requirement that the planning process include a CMS will be addressed during metropolitan planning process certification reviews for all TMAs. If the planning process in TMAs does not include a CMS that meets the requirements of this section, deficiencies and corrective actions will be identified in the certification review. Until September 30, 1997, the interim CMS procedures in 23 CFR 450.336(b) may be used to meet the requirement that programming of Federal funds for SOV projects in non-attainment TMAs be based on an approved CMS. After this date, such projects will need to be based on a CMS that meets the requirements of this part.

**Section 500.110 PTMS**

This section identifies general criteria for an effective PTMS for development by the States in cooperation with recipients and subrecipients under Chapter 53 of title 49, U.S.C. The provisions of § 500.607(b)(2) of the IFR regarding vehicle and ridership data have been moved to subpart B, Traffic Monitoring System, of this final rule. All other specific requirements of subpart F of the IFR have been removed.

**Section 500.111 IMS**

This section identifies the minimum criteria for an effective IMS. All other specific requirements of subpart G of the IFR have been removed.

**Subpart B—Traffic Monitoring System**

Subpart H, Traffic Monitoring System for Highways (TMS/H), has been moved to subpart B of the final rule and has been retitled Traffic Monitoring System (TMS) since the traffic monitoring requirements for public transportation facilities and equipment have been moved from subpart F of the IFR to this subpart. Except as noted below, only minor editorial changes have been made to this subpart.

The traffic monitoring data requirements for public transportation facilities and equipment specified in § 500.607(b)(2) of the IFR have been moved to a definition of “transit traffic data” in § 500.203. Section 500.203(g) of

the final rule specifies that transit traffic data is to be collected in cooperation with MPOs and transit operators.

The compliance schedule in § 500.809 of the IFR has been revised and moved to paragraph § 500.203(h) of the final rule. The TMS for highways and public transportation facilities and equipment is to be fully operational by October 1, 1997.

For ease of reference, the following table is provided to assist the user in locating section and paragraph changes made in this rulemaking:

Old section	New section
500.101 .....	500.101.
None .....	500.102(a).
500.103 .....	500.103.
None .....	500.104.
None .....	500.105(a), (b).
500.105(b) .....	Removed.
500.105(c) .....	500.105(c).
500.105(d) .....	500.109(b).
500.105(e),(f) .....	Removed.
500.105(g) .....	500.105(d).
500.105(h), through (j).	Removed.
500.107 .....	Removed.
500.109 .....	Removed.
500.111 .....	500.102(b).
500.113 .....	Removed.
500.201 through 209	500.106.
500.301 through 309	500.107.
500.401 through 409	500.108.
500.501 .....	Removed.
500.503 .....	500.109(a).
500.505(a),(b) .....	500.109(a).
500.505(c) .....	Removed.
500.505(d) .....	500.109(b).
500.505(e) .....	500.109(c).
500.505(f) .....	Removed.
500.505(g) .....	Removed.
500.507 .....	500.109(b).
500.509 .....	500.109(d).
500.601 through 609, except 500.607(b)(2).	500.110.
500.607(b)(2) .....	500.202, 500.203(g).
500.701 through 709	500.111.
500.801 .....	500.201.
500.803 .....	500.202.
500.805 .....	500.203(a) through (f).
500.807 .....	500.204.
500.809 .....	500.203(h).

**23 CFR Part 450 and 49 CFR Part 613**

As a result of the changes in 23 CFR Part 500, technical amendments have been made in the metropolitan transportation planning regulation in 23 CFR Part 450 and 49 CFR Part 613. These technical amendments in wording and references are necessary to reflect the revisions to the provisions in Part 500 for CMSs in TMAs.

In addition, a technical amendment has been made to § 450.316, Metropolitan transportation planning process: Elements, to add recreational

travel and tourism as a factor to be considered in the development of metropolitan transportation plans and programs. This element was added to 23 U.S.C. 134(f) by section 317 of the NHS Act.

**23 CFR Part 626**

With the issuance of 23 CFR Part 500 in the December 1, 1993, Federal Register (58 FR 63442), the FHWA incorporated previous PMS and pavement design requirements in former 23 CFR Part 626 into 23 CFR Part 500 and removed Part 626 to eliminate redundancy. With publication of this final rule for the management systems, the FHWA is separating pavement design requirements from Part 500 and placing them into a reestablished Part 626.

**Rulemaking Analyses and Notices Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures**

This rulemaking is considered to be a significant regulatory action under Executive Order 12866 and is considered to be significant under the regulatory policies and procedures of the DOT because of substantial State, local government, congressional and public interest. This final rule implements 23 U.S.C. 303 which requires the Secretary of Transportation to issue regulations for State development, establishment, and implementation of six identified management systems and guidelines and requirements for a traffic monitoring system for highways and public transportation facilities and equipment. These management systems are intended to assist State transportation decision makers in maintaining and improving the condition and performance of their transportation systems. As amended by the NHS Act, section 303 indicates that States may elect not to implement any of the six management systems under section 303 in whole or in part.

In compliance with the final rule is optional, except for the CMS in TMAs and the TMS, the only “mandatory” burden for compliance would be that associated with these provisions. Since the CMS in TMAs is part of the planning process required by 23 U.S.C. 134 and most States already have TMSs that meet the requirements of the final rule, any additional costs to State and local governments to develop and implement these systems will be so minimal that no further analysis will be necessary.

### Regulatory Flexibility Act

Since compliance with the Regulatory Flexibility Act (5 U.S.C. 601-612), the FHWA and the FTA have evaluated the effects of this rule on small entities, such as local governments and businesses. While compliance with most parts of this final rule is optional, several categories of available Federal funds identified in the rule can be used to develop and implement the systems, whether or not they are developed under the rule or under State or local procedures. The FHWA and the FTA believe that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, the FHWA and the FTA certify that this rulemaking would not have a significant economic impact on a substantial number of such entities.

### Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. Section 303 of title 23, U.S.C., requires the Secretary to issue regulations and requirements/guidelines to implement the management and traffic monitoring system provisions. The rule recognizes the role of States, MPOs, local governments, and operators of transportation systems and facilities in implementing these systems and allows them not to implement the systems in whole or in part. Accordingly, it is certified that the policies contained in this document have been assessed in light of the principles, criteria, and requirements of the Federalism Executive Order. It has been determined that this rule does not have sufficient Federalism implications to warrant a full Federalism Assessment under the principles and criteria contained in Executive Order 12612.

### Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Numbers 20.205, Highway Planning and Construction, 20.505, FTA Technical Studies Grants, and 20.507, Capital and Operating Assistance Formula Grants. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to these programs.

### Paperwork Reduction Act

Except for the CMS in TMAs and the TMS, implementation of the management systems identified in this rule by the States and other agencies is optional. The CMS in TMAs is a

requirement of the metropolitan planning provisions of 23 U.S.C. 134 and 49 U.S.C. 5303-5305. OMB control number 2132-0529 for the statewide and metropolitan planning regulations (23 CFR Part 450) includes the information collection burden for all planning process requirements including the CMS in TMAs. With respect to the TMS, the technical procedures in subpart B of 23 CFR Part 500, are only applicable when traffic data is needed for the purposes specified in § 500.203. Any information collection burden or reporting requirements associated with subpart B are covered by the respective programs specified in § 500.203 that require traffic data. Since the management systems are optional, any traffic data needed for the management systems are also optional.

The regulation does not require any reporting to the Federal government. Therefore, there is no information collection or reporting burden for this regulation. Elimination of the requirements for workplans, certification statements, and status reports removes an annual average reporting burden of 22,180 person hours. Estimation of the annual information collection burden that would have occurred under the IFR for each of the management systems varied significantly by system, status of preexisting efforts by the States, and extent of transportation facilities that would have needed to be included, as well as by the level of sophistication that a State chose to implement. Based on the information provided by the 10 States visited by the FHWA and the FTA it is estimated that the annual person hours of information collection burden by system per State would have ranged from: 250 to 23,000 for the PMS; 0 to 8,000 for the BMS; 1000 to 41,000 for the SMS; 0 to 60,000 for the CMS; 200 to 3,200 for the PTMS; 1,300 to 31,000 for the IMS; and 0 to 3,120 for the TMS. This burden estimate for the CMS does not include the CMS in TMAs which is a planning process requirement. The estimate for the TMS includes only the additional traffic data needed for the management systems.

### National Environmental Policy Act

The FHWA and the FTA have analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and have determined that this action would not have any effect on the quality of the environment.

### Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory

action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

### List of Subjects

#### 23 CFR Part 450

Grant programs—transportation, Highways and roads, Mass transportation, Metropolitan planning, Statewide planning, Project selection, Metropolitan transportation improvement program, Statewide transportation improvement program.

#### 23 CFR Part 500

Bridges, Grant programs—transportation, Highway traffic safety, Highways and roads, Mass transportation, Reporting and recordkeeping requirements.

#### 23 CFR Part 626

Design standards, Grant programs—transportation, Highways and roads.

#### 49 CFR Part 613

Grant programs—transportation, Mass transportation.

#### 49 CFR Part 614

Grant programs—transportation, Mass transportation.

Issued on: December 9, 1996.

Rodney E. Slater,

*Federal Highway Administrator.*

Gordon J. Linton,

*Federal Transit Administrator.*

In consideration of the foregoing, Chapter I of title 23, CFR, and Chapter VI of title 49, CFR, are amended as set forth below.

23 CFR Chapter I

## SUBCHAPTER F—TRANSPORTATION INFRASTRUCTURE MANAGEMENT

### PART 500—MANAGEMENT AND MONITORING SYSTEMS

1. Part 500 of subchapter F is revised to read as follows:

#### Subpart A—Management systems

Sec.	
500.101	Purpose.
500.102	Policy.
500.103	Definitions.
500.104	State option.
500.105	Requirements.
500.106	PMS.
500.107	BMS.
500.108	SMS.
500.109	CMS.
500.110	PTMS.
500.111	IMS.

**Subpart B—Traffic Monitoring System**

Sec.

- 500.201 Purpose.  
 500.202 TMS definitions.  
 500.203 TMS general requirements.  
 500.204 TMS components for highway traffic data.

Authority: 23 U.S.C. 134, 135, 303 and 315; 49 U.S.C. 5303–5305; 23 CFR 1.32; and 49 CFR 1.48 and 1.51.

**Subpart A—Management Systems****§ 500.101 Purpose.**

The purpose of this part is to implement the requirements of 23 U.S.C. 303(a) which directs the Secretary of Transportation (the Secretary) to issue regulations for State development, establishment, and implementation of systems for managing highway pavement of Federal-aid highways (PMS), bridges on and off Federal-aid highways (BMS), highway safety (SMS), traffic congestion (CMS), public transportation facilities and equipment (PTMS), and intermodal transportation facilities and systems (IMS). This regulation also implements 23 U.S.C. 303(b) which directs the Secretary to issue guidelines and requirements for State development, establishment, and implementation of a traffic monitoring system for highways and public transportation facilities and equipment (TMS).

**§ 500.102 Policy.**

(a) Federal, State, and local governments are under increasing pressure to balance their budgets and, at the same time, respond to public demands for quality services. Along with the need to invest in America's future, this leaves transportation agencies with the task of trying to manage current transportation systems as cost-effectively as possible to meet evolving, as well as backlog needs. The use of existing or new transportation management systems provides a framework for cost-effective decision making that emphasizes enhanced service at reduced public and private life-cycle cost. The primary outcome of transportation management systems is improved system performance and safety. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) strongly encourage implementation of transportation management systems consistent with State, metropolitan planning organization, transit operator, or local government needs.

(b) Whether the systems are developed under the provisions of this part or under a State's own procedures, the following categories of FHWA administered funds may be used for

development, establishment, and implementation of any of the management systems and the traffic monitoring system: National highway system; surface transportation program; State planning and research and metropolitan planning funds (including the optional use of minimum allocation funds authorized under 23 U.S.C. 157(c) and restoration funds authorized under § 202(f) of the National Highway System Designation Act of 1995 (Pub.L. 104–59) for carrying out the provisions of 23 U.S.C. 307(c)(1) and 23 U.S.C. 134(a)); congestion mitigation and air quality improvement program funds for those management systems that can be shown to contribute to the attainment of a national ambient air quality standard; and apportioned bridge funds for development and establishment of the bridge management system. The following categories of FTA administered funds may be used for development, establishment, and implementation of the CMS, PTMS, IMS, and TMS: Metropolitan planning; State planning and research, and formula transit funds.

**§ 500.103 Definitions.**

Unless otherwise specified in this part, the definitions in 23 U.S.C. 101(a) are applicable to this part. As used in this part:

*Federal-aid highways* means those highways eligible for assistance under title 23, U.S.C., except those functionally classified as local or rural minor collectors.

*Metropolitan planning organization (MPO)* means the forum for cooperative transportation decision making for a metropolitan planning area.

*National Highway System (NHS)* means the system of highways designated and approved in accordance with the provisions of 23 U.S.C. 103(b).

*State* means any one of the fifty States, the District of Columbia, or Puerto Rico.

*Transportation management area (TMA)* means an urbanized area with a population over 200,000 (as determined by the latest decennial census) or other area when TMA designation is requested by the Governor and the MPO (or affected local officials), and officially designated by the Administrators of the FHWA and the FTA. The TMA designation applies to the entire metropolitan planning area(s).

**§ 500.104 State option.**

Except as specified in § 500.105 (a) and (b), a State may elect at any time not to implement any one or more of the management systems required under 23 U.S.C. 303, in whole or in part.

**§ 500.105 Requirements.**

(a) The metropolitan transportation planning process (23 U.S.C. 134 and 49 U.S.C. 5303–5005) in TMAs shall include a CMS that meets the requirements of § 500.109 of this regulation.

(b) States shall develop, establish, and implement a TMS that meets the requirements of subpart B of this regulation.

(c) Any of the management systems that the State chooses to implement under 23 U.S.C. 303 and this regulation shall be developed in cooperation with MPOs in metropolitan areas, affected agencies receiving assistance under the Federal Transit Act (49 U.S.C., Chapter 53), and other agencies (including private owners and operators) that have responsibility for operation of the affected transportation systems or facilities.

(d) The results (e.g., policies, programs, projects, etc.) of any of the management systems that a State chooses to develop under 23 U.S.C. 303 and this regulation shall be considered in the development of metropolitan and statewide transportation plans and improvement programs and in making project selection decisions under title 23, U.S.C., and under the Federal Transit Act. Plans and programs adopted after September 30, 1997, shall demonstrate compliance with this requirement.

**§ 500.106 PMS.**

An effective PMS for Federal-aid highways is a systematic process that provides information for use in implementing cost-effective pavement reconstruction, rehabilitation, and preventative maintenance programs and that results in pavements designed to accommodate current and forecasted traffic in a safe, durable, and cost-effective manner. The PMS should be based on the "AASHTO Guidelines for Pavement Management Systems."<sup>1</sup>

**§ 500.107 BMS.**

An effective BMS for bridges on and off Federal-aid highways that should be based on the "AASHTO Guidelines for Bridge Management Systems"<sup>2</sup> and that

<sup>1</sup> *AASHTO Guidelines for Pavement Management Systems*, July 1990, can be purchased from the American Association of State Highway and Transportation Officials, 444 N. Capitol Street, NW., Suite 249, Washington, D.C. 20001. Available for inspection as prescribed in 49 CFR part 7, appendix D.

<sup>2</sup> *AASHTO Guidelines for Bridge Management Systems*, 1992, can be purchased from the American Association of State Highway and Transportation Officials, 444 N. Capitol Street, NW., Suite 249, Washington, D.C. 20001. Available for inspection as prescribed in 49 CFR part 7, appendix D.

supplies analyses and summaries of data, uses mathematical models to make forecasts and recommendations, and provides the means by which alternative policies and programs may be efficiently considered. An effective BMS should include, as a minimum, formal procedures for:

- (a) Collecting, processing, and updating data;
- (b) Predicting deterioration;
- (c) Identifying alternative actions;
- (d) Predicting costs;
- (e) Determining optimal policies;
- (f) Performing short- and long-term budget forecasting; and
- (g) Recommending programs and schedules for implementation within policy and budget constraints.

#### § 500.108 SMS.

An SMS is a systematic process with the goal of reducing the number and severity of traffic crashes by ensuring that all opportunities to improve highway safety are identified, considered, implemented as appropriate, and evaluated in all phases of highway planning, design, construction, maintenance, and operation and by providing information for selecting and implementing effective highway safety strategies and projects. The development of the SMS may be based on the guidance in "Safety Management Systems: Good Practices for Development and Implementation."<sup>3</sup> An effective SMS should include, at a minimum:

- (a) Communication, coordination, and cooperation among the organizations responsible for the roadway, human, and vehicle safety elements;
- (b) A focal point for coordination of the development, establishment, and implementation of the SMS among the agencies responsible for these major safety elements;
- (c) Establishment of short- and long-term highway safety goals to address identified safety problems;
- (d) Collection, analysis, and linkage of highway safety data;
- (e) Identification of the safety responsibilities of units and positions;
- (f) Public information and education activities; and
- (g) Identification of skills, resources, and training needs to implement highway safety programs.

#### § 500.109 CMS.

(a) For purposes of this regulation, congestion means the level at which

transportation system performance is no longer acceptable due to traffic interference. The level of system performance deemed acceptable by State and local officials may vary by type of transportation facility, geographic location (metropolitan area or subarea, rural area), and/or time of day. An effective CMS is a systematic process for managing congestion that provides information on transportation system performance and on alternative strategies for alleviating congestion and enhancing the mobility of persons and goods to levels that meet State and local needs. The CMS results in serious consideration of implementation of strategies that provide the most efficient and effective use of existing and future transportation facilities. In both metropolitan and non-metropolitan areas, consideration needs to be given to strategies that reduce SOV travel and improve existing transportation system efficiency. Where the addition of general purpose lanes is determined to be an appropriate strategy, explicit consideration is to be given to the incorporation of appropriate features into the SOV project to facilitate future demand management and operational improvement strategies that will maintain the functional integrity of those lanes.

(b) In addition to the criteria in paragraph (a) of this section, in all TMAs, the CMS shall be developed, established and implemented as part of the metropolitan planning process in accordance with 23 CFR 450.320(c) and shall include:

- (1) Methods to monitor and evaluate the performance of the multimodal transportation system, identify the causes of congestion, identify and evaluate alternative actions, provide information supporting the implementation of actions, and evaluate the efficiency and effectiveness of implemented actions;
- (2) Definition of parameters for measuring the extent of congestion and for supporting the evaluation of the effectiveness of congestion reduction and mobility enhancement strategies for the movement of people and goods. Since levels of acceptable system performance may vary among local communities, performance measures and service thresholds should be tailored to the specific needs of the area and established cooperatively by the State, affected MPO(s), and local officials in consultation with the operators of major modes of transportation in the coverage area;
- (3) Establishment of a program for data collection and system performance monitoring to define the extent and

duration of congestion, to help determine the causes of congestion, and to evaluate the efficiency and effectiveness of implemented actions. To the extent possible, existing data sources should be used, as well as appropriate application of the real-time system performance monitoring capabilities available through Intelligent Transportation Systems (ITS) technologies;

(4) Identification and evaluation of the anticipated performance and expected benefits of appropriate traditional and nontraditional congestion management strategies that will contribute to the more efficient use of existing and future transportation systems based on the established performance measures. The following categories of strategies, or combinations of strategies, should be appropriately considered for each area: Transportation demand management measures, including growth management and congestion pricing; traffic operational improvements; public transportation improvements; ITS technologies; and, where necessary, additional system capacity.

(5) Identification of an implementation schedule, implementation responsibilities, and possible funding sources for each strategy (or combination of strategies) proposed for implementation; and

(6) Implementation of a process for periodic assessment of the efficiency and effectiveness of implemented strategies, in terms of the area's established performance measures. The results of this evaluation shall be provided to decision makers to provide guidance on selection of effective strategies for future implementation.

(c) In a TMA designated as nonattainment for carbon monoxide and/or ozone, the CMS shall provide an appropriate analysis of all reasonable (including multimodal) travel demand reduction and operational management strategies for the corridor in which a project that will result in a significant increase in capacity for SOVs (adding general purpose lanes to an existing highway or constructing a new highway) is proposed. If the analysis demonstrates that travel demand reduction and operational management strategies cannot fully satisfy the need for additional capacity in the corridor and additional SOV capacity is warranted, then the CMS shall identify all reasonable strategies to manage the SOV facility effectively (or to facilitate its management in the future). Other travel demand reduction and operational management strategies appropriate for the corridor, but not

<sup>3</sup> *Safety Management Systems: Good Practices for Development and Implementation*, FHWA and NHTSA, May 1996. Available for inspection and copying as prescribed in 49 CFR part 7, appendix D.

appropriate for incorporation into the SOV facility itself shall also be identified through the CMS. All identified reasonable travel demand reduction and operational management strategies shall be incorporated into the SOV project or committed to by the State and MPO for implementation.

(d)(1) Compliance with the requirement that the planning process in all TMAs include a CMS will be addressed during metropolitan planning process certification reviews for all TMAs specified in 23 CFR 450.334. If the metropolitan planning process in a TMA does not include a CMS that meets the requirements of this section, deficiencies will be noted and corrections will need to be made in accordance with the schedule established in the certification review.

(2) Until October 1, 1997, the interim CMS procedures in 23 CFR 450.336(b) may be used to meet the requirement in 23 U.S.C. 134(l) that Federal funds may not be programmed in a carbon monoxide and/or ozone nonattainment TMA for any highway project that will result in a significant increase in single-occupant-vehicle capacity unless the project is based on an approved CMS. After September 30, 1997, such projects must be based on a CMS that meets the requirements of this part.

#### **§ 500.110 PTMS.**

An effective PTMS for public transportation facilities (e.g., maintenance facilities, stations, terminals, transit related structures), equipment, and rolling stock is a systematic process that collects and analyzes information on the condition and cost of transit assets on a continual basis, identifies needs, and enables decision makers to select cost-effective strategies for providing and maintaining transit assets in serviceable condition. The PTMS should cover public transportation systems operated by the State, local jurisdictions, public transportation agencies and authorities, and private (for profit and non-profit) transit operators receiving funds under the Federal Transit Act and include, at a minimum:

- (a) Development of transit asset condition measures and standards;
- (b) An inventory of the transit assets including age, condition, remaining useful life, and replacement cost; and
- (c) Identification, evaluation, and implementation of appropriate strategies and projects.

#### **§ 500.111 IMS.**

An effective IMS for intermodal facilities and systems provides efficient, safe, and convenient movement of

people and goods through integration of transportation facilities and systems and improvement in the coordination in planning, and implementation of air, water, and the various land-based transportation facilities and systems. An IMS should include, at a minimum:

- (a) Establishment of performance measures;
- (b) Identification of key linkages between one or more modes of transportation, where the performance or use of one mode will affect another;
- (c) Definition of strategies for improving the effectiveness of these modal interactions; and
- (d) Evaluation and implementation of these strategies to enhance the overall performance of the transportation system.

### **Subpart B—Traffic Monitoring System**

#### **§ 500.201 Purpose.**

The purpose of this subpart is to set forth requirements for development, establishment, implementation, and continued operation of a traffic monitoring system for highways and public transportation facilities and equipment (TMS) in each State in accordance with the provisions of 23 U.S.C. 303 and subpart A of this part.

#### **§ 500.202 TMS definitions.**

Unless otherwise specified in this part, the definitions in 23 U.S.C. 101(a) and § 500.103 are applicable to this subpart. As used in this part:

*Highway traffic data* means data used to develop estimates of the amount of person or vehicular travel, vehicle usage, or vehicle characteristics associated with a system of highways or with a particular location on a highway. These types of data support the estimation of the number of vehicles traversing a section of highway or system of highways during a prescribed time period (traffic volume), the portion of such vehicles that may be of a particular type (vehicle classification), the weights of such vehicles including the weight of each axle and associated distances between axles on a vehicle (vehicle weight), or the average number of persons being transported in a vehicle (vehicle occupancy).

*Traffic monitoring system* means a systematic process for the collection, analysis, summary, and retention of highway and transit related person and vehicular traffic data.

*Transit traffic data* means person and vehicular data for public transportation on public highways and streets and the number of vehicles and ridership for dedicated transit rights-of-way (e.g., rail and busways), at the maximum load

points for the peak period in the peak direction and for the daily time period.

#### **§ 500.203 TMS general requirements.**

(a) Each State shall develop, establish, and implement, on a continuing basis, a TMS to be used for obtaining highway traffic data when:

- (1) The data are supplied to the U.S. Department of Transportation (U.S. DOT);
- (2) The data are used in support of transportation management systems;
- (3) The data are used in support of studies or systems which are the responsibility of the U.S. DOT;
- (4) The collection of the data is supported by the use of Federal funds provided from programs of the U.S. DOT;
- (5) The data are used in the apportionment or allocation of Federal funds by the U.S. DOT;
- (6) The data are used in the design or construction of an FHWA funded project; or
- (7) The data are required as part of a federally mandated program of the U.S. DOT.

(b) The TMS for highway traffic data should be based on the concepts described in the American Association of State Highway and Transportation Officials (AASHTO) "AASHTO Guidelines for Traffic Data Programs"<sup>4</sup> and the FHWA "Traffic Monitoring Guide (TMG),"<sup>5</sup> and shall be consistent with the FHWA "Highway Performance Monitoring System Field Manual."<sup>6</sup>

(c) The TMS shall cover all public roads except those functionally classified as local or rural minor collector or those that are federally owned. Coverage of federally owned public roads shall be determined cooperatively by the State, the FHWA, and the agencies that own the roads.

(d) The State's TMS shall apply to the activities of local governments and other public or private non-State government entities collecting highway traffic data within the State if the collected data are to be used for any of the purposes enumerated in § 500.203(a) of this subpart.

<sup>4</sup> AASHTO Guidelines for Traffic Data Programs, 1992, ISBN 1-56051-054-4, can be purchased from the American Association of State Highway and Transportation Officials, 444 N. Capitol Street, NW., Suite 249, Washington, D.C. 20001. Available for inspection as prescribed in 49 CFR part 7, appendix D.

<sup>5</sup> Traffic Monitoring Guide, DOT/FHWA, publication No. FHWA-PL-95-031, February 1995. Available for inspection and copying as prescribed in 49 CFR part 7, appendix D.

<sup>6</sup> Highway Performance Monitoring System (HPMS) Field Manual for the Continuing Analytical and Statistical Data Base, DOT/FHWA, August 30, 1993 (FHWA Order M5600.1B). Available for inspection and copying as prescribed in 49 CFR part 7, appendix D.

(e) Procedures other than those referenced in this subpart may be used if the alternative procedures are documented by the State to furnish the precision levels as defined for the various purposes enumerated in § 500.203(a) of this subpart and are found acceptable by the FHWA.

(f) Nothing in this subpart shall prohibit the collection of additional highway traffic data if such data are needed in the administration or management of a highway activity or are needed in the design of a highway project.

(g) Transit traffic data shall be collected in cooperation with MPOs and transit operators.

(h) The TMS for highways and public transportation facilities and equipment shall be fully operational and in use by October 1, 1997.

#### § 500.204 TMS components for highway traffic data.

(a) *General.* Each State's TMS, including those using alternative procedures, shall address the components in paragraphs (b) through (h) of this section.

(b) *Precision of reported data.* Traffic data supplied for the purposes identified in § 500.203(a) of this subpart shall be to the statistical precision applicable at the time of the data's collection as specified by the data users at various levels of government. A State's TMS shall meet the statistical precisions established by FHWA for the HPMS.

(c) *Continuous counter operations.* Within each State, there shall be sufficient continuous counters of traffic volumes, vehicle classification, and vehicle weight to provide estimates of changes in highway travel patterns and to provide for the development of day-of-week, seasonal, axle correction, growth factors, or other comparable factors approved by the FHWA that support the development of traffic estimates to meet the statistical precision requirements of the data uses identified in § 500.203(a) of this subpart. As appropriate, sufficient continuous counts of vehicle classification and vehicle weight should be available to address traffic data program needs.

(d) *Short term traffic monitoring.* (1) Count data for traffic volumes collected in the field shall be adjusted to reflect annual average conditions. The estimation of annual average daily traffic will be through the appropriate application of only the following: Seasonal factors, day-of-week factors, and, when necessary, axle correction and growth factors or other comparable factors approved by the FHWA. Count

data that have not been adjusted to represent annual average conditions will be noted as being unadjusted when they are reported. The duration and frequency of such monitoring shall comply to the data needs identified in § 500.203(a) of this subpart.

(2) Vehicle classification activities on the National Highway System (NHS), shall be sufficient to assure that, on a cycle of no greater than three years, every major system segment (i.e., segments between interchanges or intersections of principal arterials of the NHS with other principal arterials of the NHS) will be monitored to provide information on the numbers of single-trailer combination trucks, multiple-trailer combination trucks, two-axle four-tire vehicles, buses and the total number of vehicles operating on an average day. If it is determined that two or more continuous major system segments have both similar traffic volumes and distributions of the vehicle types identified above, a single monitoring session will be sufficient to monitor these segments.

(e) *Vehicle occupancy monitoring.* As deemed appropriate to support the data uses identified in § 500.203(a) of this subpart, data will be collected on the average number of persons per automobile, light two-axle truck, and bus. The duration, geographic extent, and level of detail shall be consistent with the intended use of the data, as cooperatively agreed to by the organizations that will use the data and the organizations that will collect the data. Such vehicle occupancy data shall be reviewed at least every three years and updated as necessary. Acceptable data collection methods include roadside monitoring, traveler surveys, the use of administrative records (e.g., accident reports or reports developed in support of public transportation programs), or any other method mutually acceptable to the responsible organizations and the FHWA.

(f) *Field operations.* (1) Each State's TMS for highway traffic data shall include the testing of equipment used in the collection of the data. This testing shall be based on documented procedures developed by the State. This documentation will describe the test procedure as well as the frequency of testing. Standards of the American Society for Testing and Materials or guidance from the AASHTO may be used. Only equipment passing the test procedures will be used for the collection of data for the purposes identified in § 500.203(a) of this subpart.

(2) Documentation of field operations shall include the number of counts, the period of monitoring, the cycle of

monitoring, and the spatial and temporal distribution of count sites. Copies of the State's documentation shall be provided to the FHWA Division Administrator when it is initially developed and after each revision.

(g) *Source data retention.* For estimates of traffic or travel, the value or values collected during a monitoring session, as well as information on the date(s) and hour(s) of monitoring, will remain available until the traffic or travel estimates based on the count session are updated. Data shall be available in formats that conform to those in the version of the TMG current at the time of data collection or as then amended by the FHWA.

(h) *Office factoring procedures.* (1) Factors to adjust data from short term monitoring sessions to estimates of average daily conditions shall be used to adjust for month, day of week, axle correction, and growth or other comparable factors approved by the FHWA. These factors will be reviewed annually and updated at least every three years.

(2) The procedures used by a State to edit and adjust highway traffic data collected from short term counts at field locations to estimates of average traffic volume shall be documented. The documentation shall include the factors discussed in paragraph (d)(1) of this section. The documentation shall remain available as long as the traffic or travel estimates discussed in paragraph (g) of this section remain current. Copies of the State's documentation shall be provided to the FHWA Division Administrator when it is initially developed and after each revision.

2. Subchapter G is amended by adding Part 626 to read as follows:

#### PART 626—PAVEMENT POLICY

Sec.

626.1 Purpose.

626.2 Definitions.

626.3 Policy.

Authority: 23 U.S.C. 101(e), 109, and 315; 49 CFR 1.48(b)

##### § 626.1 Purpose.

To set forth pavement design policy for Federal-aid highway projects.

##### § 626.2 Definitions.

Unless otherwise specified in this part, the definitions in 23 U.S.C. 101(a) are applicable to this part. As used in this part:

*Pavement design* means a project level activity where detailed engineering and economic considerations are given to alternative combinations of subbase, base, and surface materials which will provide adequate load carrying capacity. Factors

which are considered include: Materials, traffic, climate, maintenance, drainage, and life-cycle costs.

**§ 626.3 Policy.**

Pavement shall be designed to accommodate current and predicted traffic needs in a safe, durable, and cost effective manner.

SUBCHAPTER E—PLANNING AND RESEARCH

**PART 450—PLANNING ASSISTANCE AND STANDARDS**

**Subpart C—Metropolitan Transportation Planning and Programming**

3. The authority citation for part 450 is revised to read as follows:

Authority: 23 U.S.C. 134, 135, 217(g), and 315; 42 U.S.C. 7410 et seq.; 49 U.S.C. 5303–5306; 49 CFR 1.48(b) and 1.51.

4. Section 450.316 is amended by removing the word “and” after the semicolon in paragraph (a)(14); by adding the word “and” at the end of paragraph (a)(15); and by adding paragraph (a)(16) to read as follows:

**§ 450.316 Metropolitan transportation planning process: Elements.**

- (a) \* \* \*
  - (16) Recreational travel and tourism.
- \* \* \* \* \*

**§ 450.318 [Amended]**

5. Section 450.318 paragraph (e), is amended by replacing the reference “23 CFR 500.509” with “23 CFR 500.109(b)”.

6. Section 450.320 is amended by revising paragraph (a); in paragraph (b) by removing the words “, subpart E” and the words “identified under 23 CFR 500.505(e)””; and in paragraph (c) by removing the words “, subpart E”. As revised, paragraph (a) reads as follows:

**§ 450.320 Metropolitan transportation planning process: Relationship to management systems.**

(a) Within all metropolitan areas, congestion, public transportation, and intermodal management systems, to the extent appropriate, shall be part of the metropolitan transportation planning process required under the provisions of 23 U.S.C. 134 and 49 U.S.C. 5303–5305.

\* \* \* \* \*

7. Section 450.322 is amended in paragraph (b)(4) by removing the words “, subpart E”.

8. Section 450.336 is amended by removing paragraph (b)(6).

49 CFR CHAPTER VI

**PART 613—PLANNING ASSISTANCE AND STANDARDS**

9. The authority citation for part 613 is revised to read as follows:

Authority: 23 U.S.C 134, 135, and 217(g); 42 U.S.C. 3334, 4233, 4332, 7410 et seq; 49 U.S.C. 5303–5306, 5323(k); and 49 CFR 1.48(b), 1.51(f) and 21.7(a).

10. Part 614 is revised to read as follows:

**PART 614—TRANSPORTATION INFRASTRUCTURE MANAGEMENT**

Sec.

614.101 Cross-reference to management systems.

Authority: 23 U.S.C. 303; 49 U.S.C. 5303–5305; and 49 CFR 1.48 and 1.51.

**§ 614.101 Cross-reference to management systems.**

The regulations in 23 CFR Part 500, subparts A and B shall be followed in complying with the requirements of this part. Part 500, subparts A and B implement 23 U.S.C. 303 for State development, establishment, and implementation of systems for managing traffic congestion (CMS), public transportation facilities and equipment (PTMS), intermodal transportation facilities and systems (IMS), and traffic monitoring for highways and public transportation facilities and equipment.

[FR Doc. 96–32112 Filed 12–18–96; 8:45 am]

BILLING CODE 4910–22–P