

National Performance Management Measures; Highway Safety Improvement Program Notice of Proposed Rule Making (NPRM)

What just happened?

On March 11, 2014, the Federal Highway Administration (FHWA) released the “National Performance Management Measures; Highway Safety Improvement Program” Notice of Proposed Rule Making (NPRM) and began soliciting formal comments, which are due to FHWA on or before June 9, 2014.

What’s in this NPRM?

This NPRM proposes performance measures for state DOTs to use to carry out the Highway Safety Improvement Program (HSIP) and to assess serious injuries and fatalities per vehicle mile traveled, and the number of serious injuries and fatalities. As such, the focus of this NPRM is on state DOTs, who are required to establish and report on performance targets to FHWA in each HSIP annual report, be subject to an annual FHWA review, and face the consequences of an unfavorable review.

Consistent with the requirements for the developing, implementing and monitoring the State Highway Safety Plans (SHSP), primary responsibility for complying with these new highway safety rules rests on the State DOTs. However, of the metropolitan planning organizations (MPOs) also have an important role to play in supporting the state DOT in the establishment and achievement of the state targets and subsequently targets for the MPO regions as appropriate and applicable. The NPRM requires MPOs to establish performance targets for the region or accept state’s targets as the regional target as well within 180 days of the state adoption of the targets. However, the NPRM does not require that MPOs to submit its targets to FHWA for review. Instead, MPOs are directed to work closely with the state DOT, to whom the MPO would provide its regional targets.

When will all of this go into effect?

The rules will not be implemented quickly enough to directly affect the 2016 RTP/SCS planning process, although the work of setting state targets would occur while the 2016 RTP/SCS is being developed.

- Spring 2015: Rules take effect.
- August 31, 2016: State DOT reports 2017 targets to FHWA in HSIP.
- **March 2017: MPO reports 2017 targets to state DOT.**
- Early 2020: States notified of significant progress determination for 2017 targets.
- October 1, 2020: States that did not achieve significant progress must use obligation authority in FY2021 equal to its FY2016 HSIP apportionment only on HSIP projects.

What does this mean for SCAG?

The NPRM puts forward a state DOT-led process that does not call for any direct interaction between MPOs and FHWA, any review of regional targets by FHWA, or any consequences to be faced by MPOs should regions fail to meet regional targets. Instead, the burden of compliance is placed on state DOTs. As a result, the impact to SCAG of the rules proposed in this NPRM will be determined primarily by our state DOT, Caltrans. SCAG will continue working closely with Caltrans in order to gauge its thinking on the process by which both the state and regional targets will be developed, and what expectations it may have of MPOs in California.