

Section 973.104 Definitions

This section incorporates the terms defined in 23 U.S.C. 101(a), 49 U.S.C. 5302, and 23 CFR part 450; and also includes additional definitions for terms used in this part.

The phrase "Indian lands" would be added to the definitions of "bridge management system (BMS)," "congestion management system (CMS)," "pavement management system (PMS)," and "safety management system (SMS)" to indicate the distinction between the Indian lands, Federal lands and Federal-aid management systems (refer to 23 CFR part 500 for definitions of the Federal-aid management systems). The NPRMs for the FS, FWS and NPS would use the phrase "Federal lands" to indicate the distinction between the Federal lands, Indian lands and Federal-aid management systems. The management system definitions also specify their applicability to the BIA, FS, FWS and NPS, as appropriate.

Subpart B

Section 973.200 Purpose

This section states the purpose of this proposed rule, which is to fulfill the requirements set forth by the TEA-21.

Section 973.202 Applicability

This section defines the applicability of the management systems.

Section 973.204 Management Systems Requirements

This section sets forth general requirements for all four management systems. Additional requirements applicable to specific systems are in §§ 973.208 through 973.214.

Paragraph (a) states that the BIA shall develop, establish, and implement the nationwide management systems. Paragraphs (a) and (h) provide flexibility in the development of the nationwide management systems. Paragraph (b) requires the FHWA and the BIA to develop implementation plans for the nationwide management systems.

Paragraph (c) states that a Tribe may develop, establish, and implement Tribal management systems.

Paragraph (d) directs the BIA, in consultation with the Tribes, to develop criteria for cases in which Tribal management systems are not appropriate.

Paragraph (e) directs the BIA or Tribes, as appropriate, to incorporate data provided by States and local governments in the nationwide or Tribal management systems for State and locally owned IRRs.

To ensure the management systems are developed, implemented, and

operated systematically, paragraph (f) requires the development of procedures that will include the following:

Consideration of management system results in the planning process; system analysis; a description of each management system; operation and maintenance of management systems and databases; and data collection, processing, analysis, and updating. Paragraph (g) ensures that the database has a geographical reference system so that information can be geolocated. Paragraph (h) encourages the use of existing data sources to the maximum extent possible.

Paragraph (i) states that a nationwide congestion management system is not required. The BIA and the FHWA, in consultation with the Tribes, will develop criteria to determine when congestion management systems are required for specific BIA transportation facilities. The BIA or the Tribe may develop, establish and implement the congestion management systems when they are required.

Paragraph (j) requires a periodical evaluation process of the effectiveness of the management systems, preferably as part of the transportation planning process. Paragraph (k) ensures that transportation investment decisions based on management system results would be used at the BIA region or Tribal level and can be used throughout the transportation planning process.

Section 973.206 Funds for Establishment, Development, and Implementation of the Systems

This section provides that the funds available for the IRR program can be used for development, establishment, and implementation of the nationwide and required congestion management systems in accordance with legislative provisions for the funds.

Section 973.208 Indian Lands Pavement Management System (PMS)

Paragraph (a) defines the applicability of the PMS. Paragraph (b) requires Tribes that collect data for a PMS to provide the data to the BIA to be used in the nationwide PMS. Paragraph (c) recommends the use of the American Association of State Highway and Transportation Officials' (AASHTO) "Pavement Management Guide"⁴ as a guide for the development of the PMS.

⁴ "Pavement Management Guide," AASHTO, 2001, is available for inspection as prescribed at 49 CFR part 7. It may be purchased online at <http://www.transportation.org/publications/bookstore.nsf> or mail addressed to the American Association of State Highway and Transportation Officials (AASHTO), Publication Order Dept., P.O. Box 96716, Washington, DC 20090-6716.

Paragraph (d) provides flexibility for the development of the PMS.

This section further sets forth processes and procedures that must be included in a PMS. They include requirements for a basic framework composed of data collection and maintenance, network level analysis, and reporting procedures.

Section 973.210 Indian Lands Bridge Management System (BMS)

Paragraph (a) defines the applicability of the BMS. Paragraph (b) requires Tribes that collect data for a BMS to provide the data to the BIA to be used in the nationwide BMS. Paragraph (c) recommends the use of the AASHTO's "Guidelines for Bridge Management Systems"⁵ as a guide for the development of BMS.

The section sets forth components that must be included in a BMS. They consist of data collection and maintenance, analysis procedures, and reporting procedures.

Section 973.212 Indian Lands Safety Management System (SMS)

Paragraph (a) defines the applicability of the SMS. Paragraph (b) requires Tribes that collect data for a SMS to provide the data to the BIA to be used in the nationwide SMS. Paragraph (c) encourages the use of the FHWA publication entitled "Safety Management Systems: Good Practices for Development and Implementation."⁶

Because of the strong emphasis the TEA-21 has on safety, paragraph (d) requires the SMS to be used to ensure that safety is considered and implemented as appropriate in all phases of transportation planning, programming and project implementation. Paragraph (e) states that the level of complexity of the nationwide and Tribal SMS's depends on the nature of the facilities involved.

The section sets forth the components that must be included in a SMS. They include data collection and maintenance, identification and

⁵ "Guidelines for Bridge Management Systems," AASHTO, 1993, is available for inspection as prescribed at 49 CFR part 7. It may be purchased on line at <http://www.transportation.org/publications/bookstore.nsf> or mail addressed to the American Association of State Highway and Transportation Officials (AASHTO), Publication Order Dept., P.O. Box 96716, Washington, DC 20090-6716.

⁶ "Safety Management Systems: Good Practices for Development and Implementation," FHWA and NHTSA, May 1996, may be obtained at the FHWA, Office of Safety, Room 3407, 400 Seventh St., SW., Washington, DC 20590, or electronically at <http://safety.fhwa.dot.gov/media/documents.htm>. It is available for inspection and copying as prescribed at 49 CFR part 7.