



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION**: State Asset
Management Plan Under BIL

Date: May 5, 2022

From: Hari Kalla
Associate Administrator for Infrastructure

In Reply Refer To:
HISM-30

To: Division Administrators
Directors of Field Services

State departments of transportation (State DOT) are required to consider extreme weather and resilience as part of the life-cycle planning and risk management analyses within a State asset management plan (TAMP) resulting from Section 11105 of the Bipartisan Infrastructure Law (BIL) changes to Title 23, United States Code (U.S.C.), Section 119(e)(4) that took effect on October 1, 2021. This change is important because it supports the priorities of the Administration as reflected in the Fiscal Years 2022-2026 [U.S. DOT Strategic Plan](#) and in the [Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America](#), dated December 16, 2021. They serve as an overarching framework to prioritize the use of BIL resources on projects that will Build a Better America, informing the decision-making of State DOTs and other Federal-aid recipients who ultimately select projects in which to invest, consistent with 23 U.S.C. 145. In 2022, State DOTs will be updating their TAMP development processes and TAMPs based on the 4-year cycle in Title 23, Code of Federal Regulations (CFR), Part 515.13(c). I am providing this memorandum to assist the Division Offices in working with the State DOTs on this effort.

The Federal Highway Administration (FHWA) will be making both process recertifications and consistency determinations for the 2022 updates. Given the timing of the BIL amendment and the logistics of State DOTs having to prepare BIL-compliant TAMPs that fully consider and incorporate extreme weather and resilience in their life-cycle planning and risk management processes and analyses, it is unlikely that State DOTs will be able to meet the current submission deadlines for the 2022 process updates and the annual TAMP consistency determination.

After considering the timing and logistics of making these FHWA determinations in accordance with BIL, FHWA is taking the following actions to implement the new requirements.

2022 Process Recertifications

Pursuant to BIL, all State DOTs must have TAMP development processes and TAMP evaluations that include consideration of extreme weather and resilience in life-cycle planning and risk management. Most State DOTs are scheduled for their 4-year process recertification in 2022, with deadlines that range from March 2022 through December 2022. Understanding that State DOTs need a reasonable amount of time to fully incorporate the requirements of the BIL amendment, all State DOTs will have until **December 31, 2022**, to fully address the BIL amendment in their TAMP development processes and TAMP analyses. This flexibility applies only to the incorporation of extreme weather and resilience into their life-cycle planning and risk management processes and related analyses.

State DOTs are already encouraged to consider “extreme weather events” in the development of their life-cycle planning processes (23 CFR 515.7(b)) and as a risk associated with current and future environmental conditions in their risk management plans (23 CFR 515.7(c)(1)). This flexibility in timing should better enable States to fully consider resilience in their life-cycle planning and risk management processes and related analyses, and potentially additional factors related to extreme weather.

The existing recertification deadlines remain in effect for all other purposes. State DOTs with recertifications due in 2022 are expected to submit their TAMP development processes, excluding only revisions to comply with the BIL amendment, by their established deadlines (for list of deadlines, see attachment to this memo).

State DOTs that elect to use this flexibility must submit their BIL-compliant processes and updated TAMPs on or before December 31, 2022. The FHWA expects such documents will:

1. Clearly explain the processes used to develop the extreme weather and resilience portions of the risk management and life-cycle planning sections of the TAMP,
2. Include discussions of extreme weather and resilience in the risk management and life-cycle planning sections of the TAMP, and
3. Discuss how their investment strategies are influenced by the results of their risk management and life-cycle planning analyses, as provided in 23 CFR 515.7(e).

If FHWA finds the State DOT’s submission has addressed BIL requirements, FHWA will recertify the State DOT’s processes and provide the State DOT with a determination on whether the accompanying TAMP meets the plan development requirements in 23 CFR 515.13(b)(1). If FHWA finds deficiencies, the State DOT will have an opportunity to cure those deficiencies in accordance with 23 CFR 515.13(a).

The FHWA can work with State DOTs now so they understand how they can meet the BIL requirements. The FHWA expects to issue guidance to assist State DOTs in this work.

2022 Consistency Determinations

State DOTs must submit their TAMPs and TAMP implementation documentation no later than July 1, 2022, for the annual consistency determination. Any State DOT that wishes to use the above-described flexibility to extend the deadline for compliance with the BIL amendment must submit the following items to the FHWA Division Office by the July 1 deadline:

1. The State DOT's TAMP that has most recently received an annual consistency determination as well as processes certification. This may be the State DOT's version in effect prior to the passage of BIL, or an updated version that excludes the BIL requirements.
2. Any additional documentation demonstrating TAMP implementation as provided in 23 CFR 515.13(b)(2).
3. A statement to the FHWA Division that no later than December 31, 2022, the State DOT will submit updated TAMP development processes and an updated TAMP that comply with the BIL amendment.

Based on these three submissions, FHWA will make its 2022 consistency determinations under 23 CFR 515.13(b) using pre-BIL TAMP requirements. Those requirements are described in 23 CFR Part 515 (including the pre-existing requirement for addressing extreme weather and climate change in the risk management analysis).

If you have any questions about this information, please contact Tashia Clemons at 202-366-2171 or Tashia.Clemons@dot.gov.

Attachment

TAMP Certification Dates 2018 - 2022

| Division Office | Date Last TAMP Certified | Date Next TAMP Update Due |
|----------------------|--------------------------|---------------------------|
| California | March 15, 2018 | March 15, 2022 |
| Pennsylvania | May 11, 2018 | May 11, 2022 |
| Mississippi | May 14, 2018 | May 14, 2022 |
| Washington | May 18, 2018 | May 18, 2022 |
| Nevada | May 30, 2018 | May 30, 2022 |
| Indiana | June 28, 2018 | June 28, 2022 |
| Georgia | June 29, 2018 | June 29, 2022 |
| New Mexico | June 29, 2018 | June 29, 2022 |
| Oregon | June 29, 2018 | June 29, 2022 |
| Utah | June 29, 2018 | June 29, 2022 |
| New Hampshire | July 3, 2018 | July 3, 2022 |
| South Dakota | July 6, 2018 | July 6, 2022 |
| Alabama | July 9, 2018 | July 9, 2022 |
| North Carolina | July 11, 2018 | July 11, 2022 |
| Michigan | July 16, 2018 | July 16, 2022 |
| Wyoming | July 16, 2018 | July 16, 2022 |
| Tennessee | July 19, 2018 | July 19, 2022 |
| Connecticut | July 24, 2018 | July 24, 2022 |
| District of Columbia | July 24, 2018 | July 24, 2022 |
| New Jersey | July 25, 2018 | July 25, 2022 |
| Texas | July 25, 2018 | July 25, 2022 |
| Iowa | July 26, 2018 | July 26, 2022 |
| Kentucky | July 26, 2018 | July 26, 2022 |
| Maine | July 26, 2018 | July 26, 2022 |
| Minnesota | July 26, 2018 | July 26, 2022 |
| New York | July 26, 2018 | July 26, 2022 |
| South Carolina | July 26, 2018 | July 26, 2022 |
| Arkansas | July 27, 2018 | July 27, 2022 |
| Montana | July 27, 2018 | July 27, 2022 |
| Virginia | July 27, 2018 | July 27, 2022 |
| Hawaii | July 30, 2018 | July 30, 2022 |
| Massachusetts | July 30, 2018 | July 30, 2022 |
| Ohio | July 30, 2018 | July 30, 2022 |

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| Oklahoma | July 30, 2018 | July 30, 2022 |
| Colorado | July 31, 2018 | July 31, 2022 |
| North Dakota | August 21, 2018 | August 21, 2022 |
| Alaska | August 26, 2018 | August 26, 2022 |
| Nebraska | August 28, 2018 | August 28, 2022 |
| Vermont | October 1, 2018 | October 1, 2022 |
| Maryland | October 9, 2018 | October 9, 2022 |
| West Virginia | October 10, 2018 | October 10, 2022 |
| Arizona | October 16, 2018 | October 16, 2022 |
| Missouri | October 23, 2018 | October 23, 2022 |
| Wisconsin | October 25, 2018 | October 25, 2022 |
| Kansas | October 26, 2018 | October 26, 2022 |
| Rhode Island | October 29, 2018 | October 29, 2022 |
| Louisiana | October 30, 2018 | October 30, 2022 |
| Florida | November 1, 2018 | November 1, 2022 |
| Illinois | November 1, 2018 | November 1, 2022 |
| Idaho | November 8, 2018 | November 8, 2022 |
| Puerto Rico | November 19, 2018 | November 19, 2022 |
| Delaware | December 20, 2018 | December 20, 2022 |