

(i) Routinely maintaining and upgrading safety appurtenances including highway-rail crossing warning devices, signs, highway elements, and operational features where appropriate; and

(ii) Identifying and investigating hazardous or potentially hazardous transportation system safety problems, roadway locations and features, then establishing countermeasures and setting priorities to correct the identified hazards and potential hazards.

(3) A process for communication, coordination, and cooperation among the organizations responsible for the roadway, human, and vehicle safety elements; and

(4) Development and implementation of public information and education activities on safety needs, programs, and countermeasures which affect safety on the FWS transportation systems.

(f) While the SMS applies to appropriate transportation facilities serving the Refuge System funded under the FLHP, the extent of system requirements (e.g., data collection, analyses, and standards) for low volume roads may be tailored to be consistent with the functional classification of the roads. However, sufficient detail should be included for each functional classification to provide adequate information for use in making safety decisions in the RR program.

[69 FR 9487, Feb. 27, 2004, as amended at 74 FR 28442, June 16, 2009]

**§ 972.214 Federal lands congestion management system (CMS).**

(a) For purposes of this section, congestion means the level at which transportation system performance is no longer acceptable due to traffic interference. For those FWS transportation systems that require a CMS, in both metropolitan and non-metropolitan areas, consideration shall be given to strategies that reduce private automobile travel and improve existing transportation system efficiency. Approaches may include the use of alternate mode studies and implementation plans as components of the CMS. The FWS shall consider the results of the CMS when selecting the implementation of strategies that provide the most efficient and effective use of existing

and future transportation facilities, and alleviate congestion.

(b) In addition to the requirements provided in § 972.204, the CMS must meet the following requirements:

(1) For portions of the FWS transportation system within TMAs, the FWS transportation planning process shall include a CMS that meets the requirements of this section. By agreement between the TMA and the FWS, the TMA's CMS coverage may include the transportation facilities serving the Refuge System, as appropriate. Through this agreement(s), the FWS may meet the requirements of this section.

(2) If congestion exists at a FWS facility within the boundaries of a TMA, and the TMA's CMS does not provide coverage of the portions of the FWS transportation facilities experiencing congestion, the FWS shall develop a separate CMS to cover those facilities.

(3) For portions of the FWS transportation system outside the boundaries of TMAs, the FWS shall:

(i) Develop criteria to determine when a CMS is to be implemented for a specific transportation system; and

(ii) Have CMS coverage for all transportation facilities serving the Refuge System, as appropriate, funded through the FLHP that meet minimum CMS needs criteria.

(4) A CMS will:

(i) Identify and document measures for congestion (e.g., level of service);

(ii) Identify the causes of congestion;

(iii) Include processes for evaluating the cost and effectiveness of alternative strategies to manage congestion;

(iv) Identify the anticipated benefits of appropriate alternative traditional and nontraditional congestion management strategies;

(v) Determine methods to monitor and evaluate the performance of the multi-modal transportation system;

(vi) Appropriately consider the following example categories of strategies, or combinations of strategies for each area:

(A) Transportation demand management measures;

(B) Traffic operational improvements;

- (C) Public transportation improvements;
- (D) ITS technologies;
- (E) Additional system capacity; and
- (vii) Provide information supporting the implementation of actions.

**PART 973—MANAGEMENT SYSTEMS  
PERTAINING TO THE BUREAU OF  
INDIAN AFFAIRS AND THE IN-  
DIAN RESERVATION ROADS PRO-  
GRAM**

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**Subpart B—Bureau of Indian Affairs  
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973.214 Indian lands congestion manage-  
ment system (CMS).

AUTHORITY: 23 U.S.C. 204, 315, 42 U.S.C. 7410  
et seq.; 49 CFR 1.48.

SOURCE: 69 FR 9499, Feb. 27, 2004, unless  
otherwise noted.

**Subpart A—Definitions**

**§ 973.100 Purpose.**

The purpose of this subpart is to pro-  
vide definitions for terms used in this  
part.

**§ 973.102 Applicability.**

The definitions in this subpart are  
applicable to this part, except as other-  
wise provided.

**§ 973.104 Definitions.**

*Alternative transportation systems*  
means modes of transportation other  
than private vehicles, including meth-  
ods to improve system performance  
such as transportation demand man-  
agement, congestion management, and

intelligent transportation systems.  
These mechanisms help reduce the use  
of private vehicles and thus improve  
overall efficiency of transportation  
systems and facilities.

*Elements* means the components of a  
bridge important from a structural,  
user, or cost standpoint. Examples are  
decks, joints, bearings, girders, abut-  
ments, and piers.

*Federal Lands Highway Program*  
(*FLHP*) means a federally funded pro-  
gram established in 23 U.S.C. 204 to ad-  
dress transportation needs of Federal  
and Indian lands.

*Indian lands bridge management system*  
(*BMS*) means a systematic process used  
by the Bureau of Indian Affairs (BIA)  
or Indian Tribal Governments (ITGs)  
for analyzing bridge data to make fore-  
casts and recommendations, and pro-  
vides the means by which bridge main-  
tenance, rehabilitation, and replace-  
ment programs and policies may be ef-  
ficiently considered.

*Indian lands congestion management*  
*system (CMS)* means a systematic pro-  
cess used by the BIA or ITGs for man-  
aging congestion that provides infor-  
mation on transportation system per-  
formance and alternative strategies for  
alleviating congestion and enhancing  
the mobility of persons and goods to  
levels that meet Federal, State and  
local needs.

*Indian lands pavement management*  
*system (PMS)* means a systematic pro-  
cess used by the BIA or ITGs that pro-  
vides information for use in imple-  
menting cost-effective pavement recon-  
struction, rehabilitation, and preven-  
tive maintenance programs and poli-  
cies, and that results in pavement de-  
signed to accommodate current and  
forecasted traffic in a safe, durable,  
and cost-effective manner.

*Indian lands safety management system*  
(*SMS*) means a systematic process used  
by the BIA or ITGs with the goal of re-  
ducing the number and severity of traf-  
fic accidents by ensuring that all op-  
portunities to improve roadway safety  
are identified, considered, implemented  
and evaluated, as appropriate, during  
all phases of highway planning, design,  
construction, operation and mainte-  
nance by providing information for se-  
lecting and implementing effective  
highway safety strategies and projects.