



May 29, 2015

Docket Management Facility  
US Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Subject: FHWA Docket Number FHWA-2013-0052  
Asset Management Plan NPRM

The Montana Department of Transportation (MDT) respectfully submits the following comments in response to the Federal Highway Administration's (FHWA) Asset Management Plan Notice of proposed rulemaking (NPRM) to address provisions in the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

As a member of the American Association of State Highway and Transportation Officials (AASHTO), we have invested extensive staff time into the development of the AASHTO comments filed on the docket and provide our broad support for these comments. MDT also fully endorses the comments filed jointly by the state transportation departments of Idaho, Montana, North Dakota, South Dakota, and Wyoming. With that said, we want to ensure preservation of a state administered, federally assisted program, preservation of state flexibility in delivering its programs, and limiting burden on states as FHWA works thru the MAP-21 rulemaking process. The following comments are provided with these principles in mind.

**Clearly describe that states - not FHWA - set targets**

Consistent with MAP-21 legislation, the final rule should very clearly describe that individual states are responsible for setting their performance targets, and that these targets may reflect declining conditions. All of the rules related to national performance management should clearly describe both of these aspects of target setting.

**Limit regulation of non-NHS assets included in the plan**

MDT does not agree with the proposed rule that states "If the State DOT decides to include other such assets on the NHS in its asset management plan, or to include assets on other public roads, the State DOT shall evaluate and manage those assets consistent with the provisions of this part."

If MDT chooses to include assets beyond the MAP-21 requirements in our plan, these additional assets / roads should not be held to the same standard or expectation as the NHS assets.

**Lessen Reporting Burden**

With multiple rule makings underway, and more planned in the future, FHWA should coordinate the reporting deadlines for all of the rules that fall under this title to reduce the burden on states and allow reasonable process development timeframes.

**Ensure that State DOT's select projects**

Investment decisions and judgements made by State DOT's in the asset management plans are not within the scope of FHWA's asset management plan review. The proposed rule appears to suggest that FHWA has expanded the concept of asset management plan regulation to include Federal approval of State project selection, language to this effect should be removed.

**Life Cycle Costs Assessment/Analysis clarification**

The rule should be revised to clarify what is expected concerning LCCA. We assume that the intent is that states need to have a process to verify and consider LCCA, not that LCCA is specifically housed within the pavement management program. It's unclear as proposed.

I appreciate the opportunity to comment on this rulemaking process, and encourage FHWA to be considerate of limiting state burden and costs, preserving state flexibility and authority for administering its programs as provided in Title 23 USC; while allowing states to focus efforts on those most critical to safety management as it continues this rulemaking process.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Tooley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Director Michael Tooley  
Montana Department of Transportation

Copy:

Pat Wise, Deputy Director

Lynn Zanto, Rail, Transit & Planning Administrator