



October 30, 2014

Docket Management Facility
US Department of Transportation
1200 New Jersey Avenue, SE
West Building Ground Floor Room W12-140
Washington, DC 20590

Subject: FHWA Docket Number FHWA-2014-0031
Additional Authorities for Planning and Environmental Linkages (PEL) NPRM

The Montana Department of Transportation (MDT) respectfully submits the following comments in response to the Federal Highway Administration's (FHWA) notice of proposed rulemaking, Additional Authorities for Planning and Environmental Linkages, which addresses provisions in the Moving Ahead for Progress in the 21st Century Act (MAP-21).

As a member of the American Association of State Highway and Transportation Officials (AASHTO), MDT has invested extensive staff time in the development of the AASHTO comments filed in this docket, and we provide our broad support for those comments.

However, considering the MAP-21 provisions regarding the PEL process, we find those provisions and the proposed regulations to implement them to be much more restrictive and burdensome than the PEL process that has been in place since prior to MAP-21. This new proposed process does not include streamlining benefits provided by the pre-MAP-21 process and, if it is construed or implemented as superseding the PEL process currently in place, it will almost certainly result in fewer states pursuing the use of PEL.

Foreseeing this negative outcome, I strongly recommend that FHWA suspend the MAP-21 PEL rulemaking process until Congress has an opportunity to revisit 23 USC Section 168 in the surface transportation program reauthorization bill.

If FHWA chooses to move forward with this rule making process, the final rule must clearly confirm that the MAP-21 process is optional, at the state's discretion, and that states can continue to decide to use the more beneficial PEL process established before MAP-21.

MDT appreciates the opportunity to comment on this proposed rulemaking, and strongly encourages FHWA to suspend this effort.

Sincerely,

Director Michael Tooley
Montana Department of Transportation