

August 31, 2016

Honorable Blair Anderson
Under Secretary for Policy
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, DC 20590

Re: Docket No. OST-2016-0053

Dear Under Secretary Anderson:

The American Association of State Highway and Transportation Officials (AASHTO) is pleased to provide comments on the Interim (draft) National Multimodal Freight Network (NMFN) proposed in “Establishment of the Interim National Multimodal Freight Network (NMFN)” (Docket Number OST– 2016–0053), published in the Federal Register on June 6, 2016. Representing all 50 states, the District of Columbia, and Puerto Rico, AASHTO serves as a liaison between State departments of transportation (DOT) and the federal government.

AASHTO agrees with USDOT that the safe and efficient movement of freight by highway, by other modes, and by multiple modes (intermodal movements) is essential to a successful U.S. economy. AASHTO also agrees that the Federal government, as well as states and others, should pursue investments that enhance freight transportation. There are some recognized challenges ahead in the effort to achieve those goals and AASHTO and the State DOTs will continue to engage with USDOT to address these challenges and work together.

AASHTO supports USDOT’s effort to designate a national multimodal freight network to identify key infrastructure for the efficient movement of freight. However, the draft NMFN does not include many important freight corridors/routes that should be part of such a national system. AASHTO has heard from many different State DOTs that the draft NMFN does not include important components of the freight network in their respective states. Thus, AASHTO appreciates this opportunity for states to identify additional corridors and facilities through this notice and asks that USDOT grant, or at least substantially grant, state requests for additions to the Interim NMFN.

AASHTO’s comments are set forth in this letter and the two attachments. The first attachment, *Principal Comments*, sets forth in detail our comments in response to the notice in this docket. The second attachment, *AASHTO Response to OST Requests*, provides responses to specific questions and requests made by USDOT in the notice. Those responses are intended to be read in

the context of the overview points made in this letter and the *Principal Comments* document. Many of the State DOTs have separate and more in-depth comments and examples that have been provided to the docket and we encourage USDOT to consider those comments as well. These comments represent a substantial effort among State DOTs to thoroughly review and comment on the Interim NMFN.

We appreciate the opportunity to provide these comments but please note that the process of finalizing the NMFN would be improved if, beyond providing notice and an opportunity to comment, senior USDOT officials would actively discuss route selections with State DOTs to coordinate the designation of the NMFN with the states. AASHTO looks forward to working with USDOT in the designation of the final network. If you would like to discuss the issues raised in this letter, please contact Katelyn Dwyer, Program Manager for Freight at (202) 624-3698.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Trombino III". The signature is fluid and cursive, with a large initial "P" and a stylized "T".

Paul Trombino III, President
Director, Iowa Department of Transportation

PRINCIPAL COMMENTS

1) THE CURRENT HIGHWAY PORTION OF THE NMFN IS INSUFFICIENT, INADEQUATE, AND POORLY CONNECTED.

AASHTO's principal concern is that the final NMFN must include significantly greater highway mileage than is included in the Interim NMFN. AASHTO notes that USDOT has the authority to increase the highway miles that are part of the Interim NMFN, as it asks whether the approximately 51,000 highway miles in the Interim (draft) NMFN should be increased to 65,000 miles.¹ AASHTO submits that the final designated network should include significantly more highway mileage than the 65,000 miles, though the precise amount will depend upon suggestions from the states and others.

As explained below, the draft NMFN fails to provide for a sufficiently connected and resilient system and the highway miles included in the draft NMFN fail to capture a great deal of freight moving by highway—even though the draft NMFN does capture an extremely high percentage of freight moving by all of the other modes that are part of the NMFN.

More specifically, in the draft National Freight Strategic Plan (NFSP), published for comment in October 2015, USDOT reported that trucking (which utilizes the highway system), was the predominant freight transportation mode, accounting for 70 percent of freight shipments by tonnage and 64 percent by value; moreover, trucking was reported as expected to grow more rapidly than the other modes.²

Yet the draft NMFN includes relatively few highway miles (approximately 51,000 miles). Perhaps unintentionally, this gives the appearance that USDOT does not recognize the importance to efficient freight transportation of roads other than those 51,000 miles that are part of the roughly 227,000 miles on the National Highway System (NHS) or the roughly one million miles of Federal-aid highways, or the 4.1 million plus miles of public roads in the U.S.

In contrast, the proposal for the Interim NMFN for the non-highway modes captures 90 percent of freight movement by those modes.

For example, the draft NFSP proposed to include in a National Multimodal Freight Network 49,900 rail miles representing 35 percent of the nation's rail system and 60 percent of the rail traffic tonnage.³ Now, the Interim NMFN includes more than 104,000 rail miles representing roughly 75 percent of all rail miles (including 100 percent of Class I rail miles), even though the draft NFSP finds that rail represents only 9 percent of the nation's freight by tonnage and 3 percent by value.

¹ Federal Register Vol. 81, No. 108, 36384

² Draft National Freight Strategic Plan, pages 19-24

³ Draft National Freight Strategic Plan, page 140

Similarly, USDOT stated in the Federal Register notice in this docket that ports included in the Interim NMFN handle more than 95 percent of U.S. domestic and foreign cargo routed through ports.⁴ The Interim NMFN's airports handle 90 percent of the landed weight of all air cargo at U.S. airports.⁵ For waterways, the entire marine highway system is included as well as the full list of certain inland waterways specified by Congress.

While the proposals for the Interim NMFN for the non-highway modes capture 90 percent of movement by those modes, it does not mean that there should be a reduction in the portion of those non-highway modes included in the final NMFN compared to the Interim NMFN. Instead, highway mileage should be substantially increased in the final NMFN, so that highways would receive comparable recognition and proper emphasis. Not only do highways carry more freight than the other modes, they provide much of the connectivity, resilience and flexibility for the overall NMFN, not just for its highway component.

Unlike the proposals regarding the extent of the systems included in the draft NMFN for the other modes, the draft NMFN's highway component does not approach 90 percent of freight traffic moved on highways; nor does it represent a significant portion of the highway network.

USDOT's Freight Facts and Figures 2009 reported that 49 percent of truck vehicle miles traveled (VMT) is on the Interstate and an additional 26 percent of truck VMT is on other NHS miles.⁶ It is further reported there that 75 percent of VMT of freight hauling trucks serving places at least 50 miles apart is on the Interstate System and an additional 20% of such truck traffic VMT is on other NHS routes.

As USDOT has noted that 64 percent of the value of freight is moved by truck, if the truck freight is, for purposes of discussion only, limited to those carrying cargo at least 50 miles as in the above-referenced USDOT data, 20 percent of non-Interstate NHS traffic represents approximately 13 percent of the national freight value. This represents a much higher share of the total freight value than the separate shares for rail, air, and water modes. Yet those non-Interstate NHS miles are substantially excluded from the draft NMFN, in strong contrast to the very substantial inclusion in the draft NMFN of the other modes' overall systems. Highway Statistics 2014 reported that roughly 88 billion of 170 billion VMT of combination trucks are on the Interstate, a 52 percent share.⁷ Clearly, when the highway component of the draft NMFN consists of little more than the Interstate System, it leaves out a great deal of freight movement – especially when the proposed NMFN components for the other modes capture at least 90 percent of freight movement by those modes.

Further, Congress has recognized the importance of the entire NHS to freight movement. In the statute authorizing what USDOT has named the FASTLANE program, 23 USC 117, the entire NHS system is eligible for funding—approximately 227,000 center line miles. Moreover, at least in some states, Longer Combination Vehicle (LCV) network miles, many of which are NHS miles, clearly are important to freight movement. Inclusion of a route on a state's LCV network

⁴ 81 Federal Register at 36382 (June 6, 2016)

⁵ Draft National Freight Strategic Plan, pages 96 and 143

⁶ Freight Facts and Figures 2009, Table 3-5

⁷ Highway Statistics 2014, Table VM-1

represents another indicator of a route's significance to freight movement that USDOT should take into account if such a route is proposed by a state for inclusion on the NMFN. Status of a route as all or part of a congressionally designated High Priority Corridor would be another indicator.

Note that various statutory provisions regarding the designation of critical corridors are not a sufficient means of filling the vast gaps in highway mileage in the draft NMFN (or, for that matter, the gaps in the National Highway Freight Network (NHFN) established by 23 USC 167). The incorporation of the NHFN into the Interim NMFN, includes, we submit, as a matter of law, all Critical Rural Freight Corridors and Critical Urban Freight Corridors that will be designated by states and metropolitan planning organizations (MPOs) pursuant to 23 USC 167. However, there are severe restrictions on the amount of highway miles that may be added as corridors under 23 USC 167. So, even if all corridors designated under 23 USC 167 are carried forward by reference into the final NMFN, gaps in the highway component of the draft NMFN that should be filled would not be close to being filled. And because the gaps in the draft NMFN are substantial, certainly there should be no subtractions from a state's NMFN interim network except upon the request of the state.

As to language in 49 USC 70103(c) that some may argue limits additions to the Interim NMFN, we disagree. USDOT can and should recognize that any such restrictions apply only to the NMFN that is "designated" by the Under Secretary pursuant to 49 USC 70103(c). At this stage of the implementation of the FAST Act, the NMFN has not been "designated" by USDOT. The Interim NMFN is "established" under 49 USC 70103(b) and consists virtually entirely of elements specified by Congress in 49 USC 70103(b)(2)(A)-(F).⁸ So, the public is now, in this docket, commenting for the first time on how it would change that established Interim NMFN before USDOT designates it. Therefore, we see that USDOT can greatly add highway (or other) miles at this stage of the process and USDOT should find that the percentage limitation on miles added under 49 USC 70103(c)(4) does not apply until after the system is "designated" by USDOT after receiving comment.

Moreover, since USDOT has not yet designated the NMFN, it is not appropriate to apply to the Interim ("established") NMFN the language in 49 USC 70103(c)(4)(C), that a state may propose additions of not more than 20 percent of the amount of mileage "designated" by USDOT. At this stage of the process there is no indication that the public is limited in what it can propose. And USDOT advised during the August 17 webinar on this docket that there is no mileage cap on the NMFN. So, USDOT should not construe the statute so as to single out states as being limited in what they can propose to add to the Interim NMFN. Further, mileage caps may well result in adding incomplete freight corridors resulting in an unconnected freight system.

More specifically, increased highway mileage is needed to ensure a connected system, particularly west of the Mississippi River. With vast distances between highways in the west that are on the Interim NMFN, USDOT must add route miles to the national system for connectivity. Highways in and across rural areas provide essential connections for freight between major

⁸ Under 49 USC 70103(b)(2)(G) USDOT "designated a few "other assets", not described by 49 USC 70103(B)(2)(A)-(F) but that did not prevent Congress from specifying that the overall Interim NMFN in 49 USC 70103(b) was "established" not "designated".

metropolitan areas. The Interim NMFN fails to recognize critical non- interstate north-south corridors, bi-state highways, and border crossings, resulting in a fragmented and incomplete national freight network. For example, on the Interim NMFN between where I-29 meets the Canadian border in eastern North Dakota and where I-5 meets the Canadian border in western Washington – a distance of roughly 1,500 miles—there is only one North-South transnational route, I-15. It also appears that some bi-state Interstates, throughout the U.S. (e.g. continuation of primary Interstate or other routes), were not considered, or not considered sufficiently, leaving gaps in travel patterns related to the movement of goods. These gaps should be closed upon request by states. For example, US-81 runs north from I-70 in Kansas to I-80 in Nebraska; I-40 also runs south from Central Kansas, and connects to I-35 (Kansas Turnpike from Wichita to the Kansas/Oklahoma border) that runs through Oklahoma and Texas to the Texas/Mexico border; yet, US 81 is not included on the NMFN.

Similarly, increased highway mileage would provide critical landside connections to ports, resulting in improved network and intermodal connectivity. The Port of Beaumont, the fourth largest port in the U.S. by total trade, is located near I-10 in Texas. However, it lacks connector routes to the Port of Houston and other ports along the highway portion of the NMFN. Moreover, several other Gulf Coast ports, including Freeport, Victoria, and Calhoun/Port Lavaca, are located up to 90 miles from the highway network. The addition of these first mile/last mile highway connections are crucial to moving freight and the inclusion is consistent with the Final NMFN’s goal of improving network and intermodal connectivity.

Additional highway system mileage must be added to the draft NMFN to provide an adequately connected system—one of the specific goals for the NMFN.⁹ Additional mileage is also essential to achieving other freight policy goals set forth in 49 USC 70101(b), which are referenced in 49 USC 70103: namely, system resiliency and improving the short and long distance movement of goods between population centers across rural areas or between rural areas and population centers.

Further, additional highway mileage on the NMFN will help provide access to agricultural production areas and energy producing areas, factors specified in 49 USC 70103(c). Agriculture is the only one of the major categories of trade in goods classified by the U.S. Department of Commerce, Census Bureau that is not in a significant negative trade balance. Ensuring that the transportation network is well suited to serve agriculture helps improve the trade balance. Similarly, an expanded highway network on the NMFN will improve access to energy producing areas, facilitate effective domestic production and help limit any trade deficits related to energy. AASHTO recognizes that agriculture and energy production are largely distributed activities. We believe that it is imperative for USDOT to work in coordination with states and regions to capture the key “backbone” routes that serve such regions.

In short, the Interim (draft) NMFN includes inadequate highway mileage. The current highway portion of the draft NMFN does not give enough recognition to the national interest in connectivity provided by highways throughout the U.S. Accordingly, for at least the above reasons, in finalizing the NMFN, USDOT **must** grant requests by states for additional highway

⁹ 49 USC 70103(c).

mileage to be included so that the final NMFN totals far more miles than the 51,000 miles included in the draft NMFN (and far more than the 65,000 highway miles outlined by USDOT in October 2015). Assuming that states make requests for considerable added highway mileage, the highway portion of the final NMFN could approach the size of the NHS (including its full Interstate System). Selections by states of critical rural corridors or critical urban corridors will not sufficiently fill the above-described huge connectivity gap in the Interim NMFN map as they are mileage restricted. Considerable additional highway mileage must be added to the Interim NMFN by USDOT before the states add critical corridors pursuant to 23 USC 167 and 49 USC 70103(c)(4).¹⁰

AASHTO recommends the following:

- To improve the network's overall connectivity throughout the country, the final designated network should include significantly more highway mileage than the 65,000 miles referenced by USDOT in the Federal Register notice.
- USDOT should grant the requests by states for additional mileage to be designated as part of the NMFN, particularly including highway mileage. This step should occur before also granting state requests for designations of critical rural freight facilities or corridors. USDOT must incorporate significant additional mileage in the final highway portion of the NMFN, more than can be added as critical corridors.
- USDOT must be predisposed to accept, in whole or substantial part, requests by states to add to the NMFN corridors previously designated as Congressional High Priority Corridors on the NHS, STRAHNET, other NHS routes, and National Freight Network routes.

2) MULTIPLE ANNOUNCEMENTS ON THE FREIGHT NETWORK HAVE BEEN CONFUSING AND HAMPERED THE PLANNING OF STATES AND OTHER STAKEHOLDERS.

There have been numerous announcements of draft, final or interim freight networks. Both AASHTO and states have submitted numerous comment letters on this subject, including on the draft Primary Highway Freight Network (released in November 2013), on the draft Multimodal Freight Network part of the draft National Freight Strategic Plan (released in October 2015), and now on the Interim NMFN. The continued efforts to define freight systems and their components have all significantly shortchanged highway system mileage, have been inconsistent, and have confused states and other stakeholders. There should be a clearly defined freight network. Its purpose should be made clear, and that network, along with other routes designated as critical to freight in state freight plans, should be eligible for any future freight funding.

¹⁰ 49 USC 70103(c).

AASHTO recommends the following:

- USDOT should consider updating the FHWA Office of Planning, Environment, and Realty's Geographic Information Systems (HEPGIS) online mapping service to include all freight networks, not only National Network of Truck Routes and National Primary Freight Network. Include all networks on one map as individual layers to be toggled on and off, with notes on the purpose and requirements for each network. This would serve both to clarify the roles of each network, and help decision makers recognize the issue of having multiple freight-specific networks with their own requirements and benefits.

3) BY USING THE FLEXIBILITY IN THE STATUTE TO OVERCOME THE MILEAGE RESTRICTION ON THE ADDITION OF CORRIDORS, USDOT MUST PROVIDE STATES WITH THE FLEXIBILITY TO DESIGNATE FACILITIES AND/OR ADD SIGNIFICANT MILEAGE.

The 20 percent total mileage limitation on what can be added to the “designated” NMFN, unless combined with a designated NMFN that is much more extensive (especially as to highways) than the Interim NMFN. As proposed states will be unable to designate a NMFN within their respective border that is of sufficient length and sufficiently inclusive of intermodal and other facilities to reflect the national interest. Many important routes that have been excluded from the Interim NMFN would exceed or at least take up the majority of the 20 percent limit if included in state designations. The draft NMFN plus 20 percent will result in a NMFN that remains too limited and will constrain the development of the overall freight network and, more generally, the larger transportation system.

AASHTO recommends USDOT enable State DOTs to add facilities and/or corridors to the NMFN. As noted above, at this stage of the process of finalizing the NMFN, an interim (draft) network has been “established” under subsection 49 USC 70103 but comment is sought prior to “designation.” Thus, the 20 percent limit on what can be added to the “designated” system does not yet apply. At this point USDOT should be extremely flexible in responding to requests from states to add miles to the draft system. States have the flexibility to propose added facilities and corridors to the network that serve a national interest, including promoting a truly multimodal network – and USDOT has the flexibility to accept such proposed additions. Then, states can designate additional corridors at a time when 20 percent will represent 20 percent of a properly much larger NMFN. In short, AASHTO urges USDOT to be flexible in increasing the size of the NMFN in every way possible, as seen in our comments throughout the letter. In that regard, we were pleased that, during the August 17 webinar regarding this docket, USDOT stated that commenters are free to recommend additions to the NMFN that exceed 20 percent. States will make any such recommendations responsibly, consistent with their interest in improving freight transportation.

AASHTO recommends the following:

- USDOT should grant state requests to add facilities and/or corridors to the Interim NMFN. This is permitted because the Interim NMFN has not been “designated” but only “established.” Thus, at this point the 20 percent cap on additional designations does not apply – it will apply only after the NMFN is “designated,” which will be after the comment period closes in this docket.¹¹

4) THE NATIONAL MULTIMODAL FREIGHT NETWORKS MUST REMAIN FLEXIBLE TO ADDRESS EMERGING NEEDS.

Similar to AASHTO’s comments on the draft NFSP, AASHTO suggests that the NMFN remain flexible to address emerging needs in the future. Freight movements and facilities often change rapidly. For example, there are significant questions yet to be answered concerning the Panama Canal expansion and the impact it will have on West and East Coast ports as well as railroad and trucking enterprises. In addition, the States of North Dakota and Minnesota have seen significant increases and decreases in railroad demand as oil production in the Bakken has fluctuated over the course of 15 years (2000 to 2015). In short, volatility in demand on the freight network can be significant and it is important that the designation of the NMFN remain flexible and be adaptable as freight needs change. AASHTO suggests that the NMFN remain flexible to address emerging needs in the future. It is further recommended that accommodations be made for new facilities that are in development and but not operational until after the final network is identified. USDOT should initiate a NMFN redesignation process within less than the five year maximum time period for redesignation. An additional way to maximize flexibility under the statute might be to declare that intermodal facilities, as opposed to highway or other route miles, have zero mileage. Then, states could always be free to add such facilities (e.g., a grain elevator on a rail line) to the NMFN as any mileage cap could not be broken by adding a facility that counts as zero miles. AASHTO supports any determination by USDOT to waive the mileage caps for adding to the NMFN under 49 USC 70103 or to the NHFN under 23 USC 167, whether generally or on a case by case basis.

AASHTO recommends the following:

- USDOT should clarify how and when states can update, revise and expand the NMFN, including “point” facilities that do not add mileage to the network.

¹¹ If contrary to our very strong recommendation, USDOT chooses limit additions to the Interim NMFN to less than states propose, USDOT should then reach out and work closely with each affected state to address specifics of designation in the state.

5) THE NMFN SHOULD INCLUDE ADDITIONAL SHORT LINE MILEAGE, AMTRAK RAIL LINES AND INTERNATIONAL RAIL BORDER CROSSINGS.

AASHTO is concerned that the Interim NMFN does not adequately take into account short line railroads. The Interim NMFN includes 100 percent of Class I railroads but only 6 percent of short line railroad mileage, even though USDOT notes that some Class II and III systems can handle more traffic than some Class I railroads.¹² Short line railroads can be important to providing rail service as they link and connect to the nation's Class I network while reducing truck trips and highway maintenance. Additionally, short line railroads connect rural parts of the U.S. and serve multiple industries like mineral extraction, agriculture and forestry, all of which are qualifications for critical rural freight corridors or facilities. Short lines form an important link between manufacturers/exporters based in rural areas to their markets within and outside United States, and hence USDOT should be flexible and accommodating in response to state requests to add short line mileage to the NMFN. Further, in some cases, Class I railroads have trackage rights over short-line railroads. Thus, limiting inclusion to the lines owned by Class I railroads removes many route miles that are also significant to Class I traffic. For example, in New York, the draft Multimodal Freight Network contained in the USDOT's Draft Strategic Plan included 3,914 miles of rail, whereas the "expanded" network in the Interim network, based on an ownership rather than a volume definition, included only 1,949 route miles. The change to the definition removed many significant routes throughout the United States.

In addition to AASHTO's concern regarding short line railroads, the Interim NMFN is missing an important portion of rail freight movement by not including Amtrak lines. While the Amtrak lines are primarily used for passenger rail, freight often moves on these lines. Amtrak's Northeast Corridor is a good example of the magnitude of the volume of freight running on Amtrak lines. Every day, over 50 Class I and regional freight trains use Amtrak's Northeast Corridor to serve the Northeast and Midwest.¹³ The Northeast Corridor carries over 14 million car miles of freight every year.¹³ By providing freight the ability to travel on Amtrak lines, it provides a critical connection and continues to support economic growth throughout the U.S. AASHTO recommends adding Amtrak lines to the final NMFN.

AASHTO notes that while highway border crossings are included in the Interim NMFN, there is no consideration for where freight railroads cross international borders. Places where the highway portion of the Interim NMFN cross an international border are designed as "border crossings", however, there is not enough consideration made for where NMFN-designated rail lines cross an international border. For example, the list of border crossings to the Interim NMFN includes "El Paso;" yet within El Paso there are seven border crossings (or ports-of-entry) to Mexico, including two rail bridges. The map provided by USDOT on the Interim NMFN indicates that only the Bridge of the Americas is included in the NMFN. Therefore, AASHTO recommends that "border crossing" be separated into two categories: "highway border crossing" and "rail border crossing," and we encourage the Under Secretary to include in the Final NMFN every location where a NMFN-designated rail line crosses an international border. For those locations where a highway and rail border crossing exist in the same place, we suggest identifying them separately.

¹² Federal Register, Vo. 81 No 108, 36384

¹³ The Northeast Corridor Infrastructure Master Plan, May 2010

AASHTO recommends the following:

- USDOT should add additional short line railroads to the NMFN in response to state requests to help ensure important interstate, regional, and local connections, as well as connections to industries and rural areas.
- USDOT should add Amtrak lines to the NMFN as a result of heavy freight usage along those lines.
- USDOT should add all rail international border crossings to the Final NMFN.

6) TO ACCOMPLISH THE NMFN’S GOAL OF NETWORK AND INTERMODAL CONNECTIVITY IT IS ESSENTIAL THAT INTERMODAL FACILITIES ARE INCLUDED ON THE NMFN.

In the Interim NMFN intermodal road and rail connections are included; however, the intermodal facilities themselves are not. AASHTO proposes that intermodal facilities be included in the NMFN. If intermodal facilities are excluded, the NMFN would not sufficiently address multimodal freight movement and the NMFN’s goal of improving network and intermodal connectivity. Intermodal facilities are critical to the connectivity of the entire system across the various modes. Considering the amount of investment that is required to construct these facilities, making them a part of the NMFN will help promote their continued upkeep and maintenance. The addition of intermodal facilities will prevent any potential disruption of freight movements due to any of these facilities going offline.

AASHTO recommends the following:

- USDOT should include intermodal facilities in the NMFN. The inclusion of intermodal facilities is essential to the NMFN’s goal of improving network and intermodal connectivity.

7) THE MOST CURRENTLY AVAILABLE DATA SHOULD BE CONSIDERED IN DEVELOPING THE FINAL NMFN; ADDITIONAL DATA MEASURES SHOULD BE CONSIDERED.

The draft NMFN resulted from a number of data sources including the Freight Analysis Framework, version 3 and 2010 data collection profiles. It is apparent that, in some states, significant changes, including new port terminals, strategic inland port locations and other intermodal facilities, have been developed within the past few years which were not in operation in 2010. Before designating the NMFN, USDOT should work more closely with the states and check for more current data if available. Most importantly, USDOT should accept, or at least substantially accept additions to the Interim NMFN that are proposed by states. It is not clear what sources for data sets/years were used to define this Interim NMFN. In any event:

- a. It appears that numerous non-Interstate principal arterial routes are not adequately represented within the Interim NMFN.
- b. It appears that some significant Intermodal Connectors are not represented in the Interim NMFN.

Additionally, USDOT should consider data measures in addition to volume for rail routes and airport locations on the NMFN. USDOT's focus should also consider the economic impact of the goods. The movement of high-value and time-sensitive commodities varies greatly from the movement of bulk commodities. In order to have a 21st century freight system, the NMFN must address these goods. Currently, USDOT is utilizing the Air Carrier Activity Information Systems (ACAIS) and the 2013 Surface Transportation Board Carload Waybill Sample dataset for airport locations and rail connections, respectively, on the NMFN. The ACAIS reflects only a volume measure, the certified maximum gross landed weight of all-cargo aircrafts. USDOT does state some of the limitations of ACAIS including the exclusion of belly cargo on passenger operations, which is a significant source of freight movement. The 2013 Surface Transportation Board Carload Waybill Sample only identifies rail connections by bulk origin/destination markets and the top intermodal origin/destination markets. This ignores that while some locations, for both rail and aviation, carry a higher volume of freight, other locations carry important time-sensitive items, such as organ donations. USDOT needs to look beyond the ACAIS and beyond the 2013 Surface Transportation Board Carload Waybill Sample, for both aviation and rail modes, to account for time-sensitive and high-value commodities.

USDOT identifies six additional airports, not included on the ACAIS, and identifies them as "other strategic freight assets". There are many airports that serve as key connections for freight movement that are not identified on either list (e.g., St. Louis). While these airports do not fall under the volume measure, they provide an essential aviation connection. AASHTO urges USDOT to consider the addition of airports that serve as key connections for the freight system.

AASHTO recommends the following:

- USDOT should use the most currently available data in developing the NMFN.
- USDOT should defer to state recommendations for additions to the NMFN, especially when the state is using current data resources for those state recommendations.
- In addition to volume, USDOT should include a time-sensitivity and freight value measure as bases for adding to the Interim NMFN.
- USDOT should consider the addition of airports that serve as key connections for the freight system.

8) A DISCREPANCY BETWEEN MAPS SHOULD NOT IMPACT USE OF FREIGHT FUNDS; PROVIDE ADDITIONAL RESOURCES TO IMPROVE MAPPING AND DESCRIPTION OF NMFN AND NMFN.

AASHTO appreciates that USDOT has done more than provide a list of routes to describe the Interim NMFN. The Interim NMFN Data Catalog and individual draft state networks (with maps

and tables) has been extremely helpful when reviewing this notice. However, in many cases, USDOT and State DOTs maps do not align. A discrepancy between the USDOT's GIS map of the Primary Highway Freight Systems routes and the states GIS map of those same routes should not impact where a state could use its highway freight formula funds. In addition to the resources already provided, AASHTO strongly suggests that USDOT disseminate to states for review GIS versions of the highway component of the Interim NMFN and the 65,000-mile highway network referenced in the Federal Register notice. In making this request, however, AASHTO in no way retreats from its position that the final NMFN must include a far more extensive highway network.

AASHTO recommends the following:

- Any discrepancy between the USDOT's GIS map of the Primary Highway Freight Systems routes and the states' GIS maps of those same routes should not impact where a state could use its National Highway Freight Program funds.
- USDOT should disseminate a GIS version of the 65,000-mile highway network referenced in the Federal Register notice for states' information.

9) USDOT SHOULD ALLOW MORE TIME FOR CONSULTATION BETWEEN STATES AND STAKEHOLDERS, INCLUDING ANY STAKEHOLDERS THAT NOMINATE CORRIDORS OR FACILITIES TO BE ADDED TO THE INTERIM NMFN.

AASHTO appreciates that the statutory deadline for designation of the NMFN constrains the time USDOT can provide for comment to this docket. However, the 90 day period provided is particularly challenging given that many Freight Advisory Committees do not meet within a 90 day period. Freight Advisory Committee meetings are often scheduled very far in advance. Consultation with a variety of stakeholders (local, business, industry, and internal government) is very important to States. It is difficult to achieve informal consultation between states and stakeholders during a 90 day comment period. We believe that USDOT should value efforts by states and others to consult in developing comments to this docket and find a way to allow more time for comment.

AASHTO recommends the following:

- In order to facilitate and encourage consultation, USDOT should publish a notice stating that it will accept as timely comments from states for up to 60 days after the current September 6 comment deadline, provided that to be considered timely. If comments are filed after September 6, the state must certify that it engaged in discussions or consultation with stakeholders regarding the subject matter of this docket during the period between September 6 and the date the comment is filed.

AASHTO RESPONSE TO OST REQUESTS

1. **DOT seeks comments on corridors or facilities (across all modes) not included in the Interim NMFN that address one or more of the 12 factors noted above, including a discussion of why additional components should be considered for inclusion on the Final NMFN.**

AASHTO defers to the comments of individual agencies regarding specific corridors and facilities to include in the NMFN. AASHTO has explained above why the Interim NMFN **must** be greatly expanded, especially as to the highway component of the NMFN.

AASHTO has also explained above that additional miles must be added to the “established” Interim NMFN before the final NMFN is “designated”, especially to reflect the large volume and value of freight carried on the non-Interstate portion of the NHS. Upon designation of a hopefully much, much larger network, states can add 20 percent to that larger network.

2. **DOT seeks public comment on intermodal facilities and border crossings that are not included on the Interim NMFN.**

AASHTO defers to the comments of individual agencies but emphasizes that USDOT should liberally grant requests by states to add such facilities to the NMFN. AASHTO notes that while highway border crossings are included in the Interim NMFN, there is no consideration for where freight railroads cross international borders. We encourage the Under Secretary to include in the Final NMFN every location where a NMFN-designated rail line crosses an international border.

3. **Highways: DOT seeks input on both the size and composition of the highway portion of the Final NMFN.**

AASHTO believes that the size and composition of the highway portion of the Interim NMFN is insufficient and inadequate (for more information read AASHTO’s Principal Comment #1). The final NMFN **must** include significantly greater highway mileage than is included in the Interim NMFN. The draft NMFN fails to provide for a sufficiently connected and resilient system and the highway miles included in the draft NMFN fail to capture a great deal of freight moving by highway. The current highway portion of the draft NMFN does not give enough recognition to the national interest in connectivity provided by highways throughout the U.S. Accordingly, for at least the above reasons, in finalizing the NMFN, USDOT **must** grant requests by states for additional highway mileage to be included so that the final NMFN totals far more miles than the 51,000 miles included in the draft National Multimodal Freight Network (and far more than the 65,000 highway miles outlined by USDOT in October 2015).

AASHTO very strongly recommends:

- The final designated network should include significantly more mileage than the 65,000 miles referenced in the Federal Register notice to improve the NMFN's overall connectivity. State corridor designations would be added to that longer network.
- To better reflect true volume movements, increase system resiliency, and support multimodal capacity and coordination, USDOT should define "route" as a single modal path with bi-directional movement, and define "corridor" as any number of modal routes that run parallel within 1 mile of the corridor centerline in urban areas or 10 miles of the corridor centerline in rural areas, where "urban" and "rural" are designated by the U.S. Census.
- USDOT should grant requests by states for additional miles and facilities to be added to the NMFN when the final designation is made. Then, they should accept additional designations by the states of critical facilities or corridors. The overall result would be a substantially more comprehensive and connected NMFN with a particular increase in the highway component compared to the Interim NMFN. USDOT should grant, or at least substantially grant, requests by states to add to the Interim NMFN, particularly including requests to add corridors previously designated as Congressional High Priority Corridors on the NHS, other NHS routes, and National Network routes.

- 4. *Highways:* DOT is also looking for input on what should be the relevant factors for including a land border crossing and roads at the crossing; on whether to include the entire Strategic Highway Network (STRAHNET) or some subset of its routes, such as STRAHNET connectors; and which specific roadway segments (including intermodal connectors and border crossings) should be added to or deleted from the Interim NMFN, with a fact-based or data-driven rationale.**

USDOT should give considerable deference to state judgment and expertise in considering state recommendations for additions to the NMFN, whether as to roads, border crossings, or other components. State recommendations should be approved, or at least substantially approved. AASHTO has no objection to including any STRAHNET mileage on the NMFN but notes that the mileage on the NHS and National Network are generally important to freight and should be included as well.

- 5. *Highways:* DOT also seeks input on whether the 65,000-mile highway network included in the draft MFN released in October 2015 (as part of the NFSP)—with or without additional modification for STRAHNET, border crossings, urban or rural connectors, etc. – should be designated as the Final highway portion of the NMFN instead of the highway portion of the Interim NMFN.**

The final NMFN must include significantly greater highway mileage than is included in the Interim NMFN. AASHTO notes that USDOT has the authority to increase the

highway miles that are part of the Interim NMFN, as it asks whether the approximately 51,000 highway miles in the interim (draft) network should be increased to 65,000 miles.¹⁴ AASHTO submits that the final designated network should include significantly more mileage than the 65,000 miles, though the precise amount will depend upon suggestions from the states and others. AASHTO has discussed these points in greater detail, in its principal comments.

6. *Rail:* DOT specifically requests comments related to the proposed rail network.

In expanding the rail network to include all Class I mileage, it appears that many important short line connections, and including those used by Class I railroads were eliminated. USDOT should consider the recommendations of states to expand the rail mileage to bring back those significant connections, and add other important connectors, as necessary. Designation of rail segments is complicated by the rate structure connected to ownership and operation. Proximity of rail to other “nearby” rail carriers, if the rail has different ownership or operation, should not exclude the inclusion of rail segments to preserve or create competition.

7. *Rail:* DOT is seeking public comments on any other key factors that should be considered to better capture and identify freight moving on multiple modes.

AASHTO believes that DOT should consider other key factors such as time-sensitivity, value of commodity, and economic impact to better capture and identify freight moving on multiple modes. The 2013 Surface Transportation Board Carload Waybill Sample only identifies rail connections by bulk origination/destination markets and the top intermodal origin/destination markets. This ignores that while some locations carry a higher volume of freight, other locations carry important time-sensitive items. . USDOT needs to look beyond the 2013 Surface Transportation Board Carload Waybill Sample to account for time-sensitive and high-value commodities.

8. *Rail:* DOT seeks public input on FRA’s methodology to structure the rail component of the Final NMFN.

As noted above, USDOT should add important missing components to the rail network to ensure the inclusion of important network connections. By focusing on ownership rather than volume and connectivity, significant connections have been missed.

9. *Rail:* Commenters should also address what density levels should be used to determine those lines which should be included in the network.

AASHTO has no comments.

¹⁴ Federal Register Vol. 81, No. 108, 36384

- 10. Rail: Commenters should also consider Class II and Class III lines with particular attention focused on the statutory language identifying those lines that are critical to interstate commerce.**

AASHTO is concerned that the Interim NMFN does not adequately take into account short line railroads. Short line railroads are important to providing rail service as they link and connect to the nation's Class I network while reducing truck trips and highway maintenance. Additionally, short line railroads connect rural parts of the U.S. and serve multiple industries like minerals, agriculture and forestry, both of which are qualifications for critical rural freight corridors or facilities. Short lines form an important link between the manufacturers/exporters based in rural areas and their markets within and outside United States, and hence should be added to the NMFN.

- 11. Rail: Commenters should also note what criteria are used for determining critical to interstate commerce.**

AASHTO has no comments.

- 12. Rail: Finally, DOT requests alternative methodologies and/or datasets to identify rail lines and the rail connection locations to construct a more robust rail component of the NMFN.**

AASHTO notes with interest USDOT's expression here of affirmative interest in constructing a more "robust" rail component of the NMFN. AASHTO is supportive of additions to the Interim NMFN recommended by the states in all modes.

- 13. Maritime: DOT requests public comment on the maritime component of the Interim NMFN.**

AASHTO has no comments.

- 14. Maritime: DOT seeks public input regarding the 2,000,000 short ton and strategic port standards that DOT was required to use as the selection criteria for U.S. ports in the Interim NMFN. Specifically, DOT requests comment on whether this standard should be maintained in the Final NMFN or if there are other selection criteria that would more appropriately identify commercial ports that are critical to the NMFN.**

AASHTO has no comments.

- 15. Maritime: DOT requests assistance in identifying any ports that are unique in handling specialty cargoes critical to economic competitiveness and resilience.**

AASHTO defers to the comments of individual agencies.

- 16. *Maritime:* Further, DOT request public input as to whether navigable waterways included in the Interim NMFN sufficiently depict routes along which domestic waterborne freight is commonly transported.**

AASHTO has no comments.

- 17. *Aviation:* DOT requests feedback regarding the most appropriate data to use when determining which airports to include in the Final NMFN.**

AASHTO recommends that, before designating the NMFN, USDOT work more closely with the states and check more current data if available. Additionally, AASHTO believes that USDOT should consider measures in addition to volume for rail routes and airport locations on the NMFN. USDOT's focus should also consider the economic impact of the goods. The movement of high-value and time-sensitive commodities varies greatly from the movement of bulk commodities. In order to have a 21st century freight system, the NMFN must address these goods.

- 18. *Aviation:* Considering the data sources used to determine the interim network, DOT seeks public input regarding what data specifically should be considered for the Final NMFN. Should DOT use only the BTS data? Should DOT continue to combine the BTS data with the ACAIS data? DOT also requests comment on additional methodologies and data sources that have not been considered for the Interim NMFN.**

AASHTO recommends that, before designating the NMFN, USDOT work more closely with the states and check more current data if available. Additionally, AASHTO believes that USDOT should consider measures in addition to volume for rail routes and airport locations on the NMFN. USDOT's focus should also consider the economic impact of the goods. The movement of high-value and time-sensitive commodities varies greatly from the movement of bulk commodities. In order to have a 21st century freight system, the NMFN must address these goods.