

November 1, 2017

Ms. Brandye Hendrickson  
Acting Administrator  
Federal Highway Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue S.E.  
Washington, DC 20590

Re: Docket No. FHWA-2017-0025-0007

Dear Acting Administrator Hendrickson:

The American Association of State Highway and Transportation Officials (AASHTO) is pleased to provide comments on the Federal Highway Administration's (FHWA) "National Performance Management Measures; Assessing the Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program" proposed rule (Docket Number FHWA-2017-0025-0007), published in the Federal Register on October 5, 2017. Representing all 50 states, the District of Columbia, and Puerto Rico, AASHTO serves as a liaison between state departments of transportation and the federal government.

AASHTO and the State DOTs remain supportive of the federal performance management provisions enacted into law under the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act and the Fixing America's Surface Transportation (FAST) Act, and believe that they can be implemented in a manner that advances a safer and more efficient transportation system without imposing undue regulatory burdens on States. There are some recognized challenges ahead in the effort to achieve those goals and AASHTO and the State DOTs will continue to engage with FHWA to address these challenges together.

Regarding the notice of proposed rulemaking, AASHTO continues to strongly recommend that FHWA not establish national-level performance measures beyond those explicitly required by Federal statute<sup>1</sup>. As such, AASHTO supports FHWA's decision to repeal the greenhouse gas (GHG) performance measure established in the third performance measure rule (PM3). However, it is critical to note that AASHTO is not judging the merits of requiring a GHG measure nor the usefulness and applicability of the GHG measure included in the PM3 regulation. Rather, AASHTO believes that the state DOTs, metropolitan planning organizations

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<sup>1</sup> AASHTO's comments on the original proposed rule, dated August 15, 2016, can be found here: <https://www.regulations.gov/contentStreamer?documentId=FHWA-2013-0054-7955&attachmentNumber=1&contentType=pdf>.

(MPOs), and US Department of Transportation (USDOT) need both time and experience to successfully implement the seventeen new national-level measures that are currently required by regulations (in addition to those required by National Highway Traffic Safety Administration and the Federal Transit Administration) before more measures are added.

It should be recognized that any new national-level measures added will require further implementation and evaluation, which may translate to less adequate resources and data to ensure effective implementation of existing measures. Also, some state DOTs have chosen and may expand their efforts to adopt their own state level performance measures in a variety of areas, such as statewide measures on greenhouse gas. State DOTs have been leading the way in the adoption of individual measures in specific areas and each state's experience will continue to inform the national performance framework going forward.

As this is a key rule arising from MAP-21, AASHTO strongly recommends that a decision by FHWA is made as soon as possible. State DOTs need certainty regarding which performance measures they must calculate, establish targets for, and incorporate into their required performance reports and planning documents.

We appreciate the opportunity to provide these comments and look forward to working with FHWA in the implementation of the final rules. If you would like to discuss the issues raised in this letter, please contact Matthew Hardy, Ph.D., AASHTO's Program Director for Planning and Performance Management at (202) 624-3625.

Sincerely,



John Schroer  
President, American Association of State Highway and Transportation Officials  
Commissioner, Tennessee Department of Transportation