



**VISION ZERO**

zero deaths  
zero serious injuries

**Montana Department of Transportation**

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November 6, 2017

U.S. Department of Transportation  
Docket Operations  
M-30, West Building Ground Floor, Room W12-140  
1200 New Jersey Avenue SE  
Washington, DC 20590

Subject: Docket No. FHWA-2017-0025  
National Performance Management Measures; Assessing Performance of the  
National Highway System, Freight Movement on the Interstate System, and  
Congestion Mitigation and Air Quality Improvement Program

The Montana Department of Transportation (MDT) respectfully submits the following comments in response to the Federal Highway Administration's (FHWA) proposed rule National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program. Also please note that, MDT fully endorses the comments filed jointly by the state transportation departments of Idaho, Montana, North Dakota, South Dakota, and Wyoming.

MDT supports FHWA's proposed repeal of the Greenhouse Gas (GHG) measurement and management requirements established in the January 18, 2017 final rule. MDT also supports finalizing the GHG repeal in the near future so states do not spend valuable resources establishing targets for a performance measure that may not be required and is challenging at best for rural states to implement.

MDT continues to support a rulemaking process that limits undue burden and costs on states; preserves a state administered, federally assisted program as provided thru law; and preserves state flexibility in delivering its programs, possibly reducing GHG in the process. In support of the proposed rulemaking contained in this document, MDT offers the following comments:

**Lack of Statutory Authority:**

Title 23 USC 150(c) specifically states USDOT shall "limit performance measures only to those described in this subsection." As the GHG measure is not listed in 23 USC 150, MDT supports FHWA's efforts to repeal the GHG measure established by rule with no supporting statutory authority.

**Low/No Impact on GHG Levels:**

As noted in our August 19, 2016 comment letter on the original proposed rule, Montana is a very rural, large land based, low population state. As compared to more urbanized states, congestion in Montana is generally non-existent. Given financial constraints, MDT's focus for our limited transportation dollars is on preservation and maintenance of existing facilities. These types of projects generally do not improve capacity or induce demand and have little potential impact on GHG levels.

Further, in 2016, 75% of the vehicle miles traveled (VMT) on Montana's Interstate and Non-Interstate National Highway System (NHS) occurred in rural areas. In the final rule, FHWA offered several strategies states could implement to influence GHG emissions including congestion pricing, road pricing, ramp metering, traffic signal timing, and paying fees to scrap low mileage vehicles. These strategies are more suited to densely populated urban areas and are not well suited to Montana's NHS with relatively low volumes, long travel distances between destinations, and rural character. As such, additional regulatory burden should not be placed on Montana as MDT's ability to influence GHG emissions in a quantifiable way is extremely limited.

MDT fully supports FHWA's effort to reduce regulatory burden by repealing the GHG performance measure. This will allow us and all states to more appropriately focus our efforts on program and project delivery. We appreciate the opportunity to comment on this rulemaking process.

Sincerely,



Mike Tooley  
Director