



Florida Department of Transportation

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JIM BOXOLD
SECRETARY

May 28, 2015

Gregory G. Nadeau
Deputy Administrator, Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, DC 20590

Re: Docket No. FHWA-2013-0052

Dear Deputy Administrator Nadeau:

The Florida Department of Transportation (FDOT) is pleased to comment on the February 20, 2015 Notice of Proposed Rulemaking (NPRM) issued by the Federal Highway Administration (FHWA) titled "Asset Management Plan." Our comments are based on an extensive review of the NPRM and active participation in the development of the American Association of State Highway and Transportation Officials (AASHTO) comments. We fully support the AASHTO comments.

Federal Role

The USDOT, FHWA, and FTA have an important role supporting the overall transportation goals we share. That federal-state partnership should have reasonable and constructive boundaries with respect to appropriate roles and responsibilities. Together we must communicate and collaborate well in striving to achieve the proper boundaries and a balanced approach. The federal government sets broad national policy goals and performs broad oversight to ensure that federal dollars are properly expended. Our federal partners can also be most effective through technical assistance, research and dissemination of applied best practice information.

State Role

The federal role however should not extend to asset management, investment planning and programming. For our intergovernmental system to work well, asset management, investment planning and programming must be the focus of state DOTs with input from those stakeholders closer to the actual transportation needs and concerns. This includes MPOs, modal operators and our citizens. The best return on federal, state, local and private resources can be achieved through an approach that is only manageable at the state level. State level asset management and performance management consider and balance all needs and resources to identify investments and the timing of those investments.

Florida's Transportation Asset Management Plan

Florida has a well-established history of maintaining our highways and bridges. We consistently rank at or near the top in state rankings for infrastructure condition. In 2014, 93% of the state highway system's pavements were in good or excellent condition. More than 99% of our bridges on the SHS have no posted weight restrictions.

This performance is not merely happenstance. Our statutory guidance to maintain pavement and bridge condition, coupled with good use of analytical tools and formal policies allows the state to continue meeting targets for performance and infrastructure condition.

Our soon-to-be-completed Transportation Asset Management Plan establishes the formal approaches to meeting evolving federal guidance with respect to National Highway System pavements and bridges. The Plan demonstrates the clear linkages between maintenance and planning efforts, capturing our financial planning, risk management, inspection, and budgeting processes in a clear manner. This plan will also assist our agency in making the right decisions about where and when to invest funds in infrastructure improvements to sustain the system we have invested in over the years. Maintaining a state of good repair over the life cycle of the assets at the minimum practicable cost makes solid business sense and helps our state attract new investment and economic growth.

One Size Should Not Fit All

Florida's State Highway System, which comprises 94% of the National Highway System centerline miles in Florida, is universally recognized for its excellent pavement and bridge conditions. This excellence is attributable to strong state laws and FDOT policies that have been in place for decades, along with numerous analysis "processes" that lead to sufficient and efficient investments to meet clear objectives for pavement and bridge conditions.

FDOT believes that, while there is always room for improvement in managing Florida's highway assets, federal regulations and their implementation by Division Offices should allow for sufficient flexibility in how decision-making "processes" and tools are used. The goal, after all, is to "maintain the highway infrastructure asset system in a state of good repair." There are many "processes" that could lead to attaining the goal, including those perfected by FDOT.

Selected AASHTO Comments Reinforced by FDOT

The following recommendations from the AASHTO comments are of particular interest to FDOT and we take this opportunity to affirm our support for the AASHTO position. Detailed explanations of these issues are contained in the Principal Comments section of the AASHTO comments.

1. The Proposed Rule Rests on a Foundation that Greatly Overestimates Its Benefits and Greatly Understates Its Costs
 - While FDOT would appreciate more flexibility and time to implement the asset management plan requirements, FDOT believes that sufficient flexibility is much more important than more time, at least for States already keeping its highway assets “in a state of good repair,” however that is defined.
 - Reduce the number and extent of proposed requirements, as recommended by AASHTO.
2. Ensure the prerogative of State DOT’s to Select Projects
 - Add language to make clear that project selection and target setting are not within FHWA authority.
 - Make additional provisions to the proposed rule as necessary or appropriate to make clear that the investment decisions and judgments made by State DOTs in their asset management plan are not within the scope of the FHWA asset management plan review.
3. Improve Linkage Between the Transportation Asset Management Plan and Other Planning Documents
 - The STIP should continue to be the singular document where individual projects are identified and described. FHWA should remove all references to the asset management plan containing individual projects.
4. Keep the Evaluation of Emergency Induced Damage Simple and Limited to the NHS
 - Ensure the asset management plan is only required to include a summary.
 - Limit the evaluation period to less than 40 years.
 - Limit the assets to be included in the periodic evaluations to NHS routes.
5. Specific Section-by-Section Comments
 - s. 515.007: Strike section 515.007(a)(1)(ii) that may require an open ended needs analysis that is not fiscally constrained.
 - s. 515.013(c): The reporting of achieving the targets established by the State DOT as part of CFR 490 should be sufficient to demonstrate successful implementation of the asset management plan. FHWA should have no role in approval of project selection from the STIP.
 - s. 515.017: Delete this entire section to avoid uneven application across Division Offices. FHWA may wish to issue this information as “guidance” with the stated understanding that the information is not, nor will it become, required unless codified in subsequent federal law.

We commend the Federal Highway Administration for its extensive stakeholder engagement and outreach in implementing the asset management plan requirements of MAP-21. We appreciate

the opportunity to provide these comments and look forward to working with FHWA in the implementation of final rules that are in accord with FDOT and AASHTO recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Boxold". The signature is fluid and cursive, with a large initial "J" and "B".

Jim Boxold
Secretary

JB/dl