



Florida Department of Transportation

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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-2013-0053

Dear Deputy Administrator Nadeau:

The Florida Department of Transportation (FDOT) is pleased to comment on the January 5, 2015 Notice of Proposed Rulemaking (NPRM) issued by the Federal Highway Administration (FHWA) titled "National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program." Our comments are based on an extensive review of the NPRM and participation in the development of the comments offered by the American Association of State Highway and Transportation Officials (AASHTO). We were active participants in the development of the AASHTO comments and fully support them.

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. 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 considers and balances all needs and resources to identify investments and the timing of those investments.

Performance Measures Must Not be Used to Apportion Funds Among States

The federal government's focus on performance management and measurement is laudable and supported by FDOT. FDOT, however, does not support the federal government using performance measures as the basis for apportioning funds among the states. Performance measurement is far too important to distort its congressional intent and benefit through penalties, and over-regulation. Together we must take time to build the performance culture of every DOT and the associated federal-state processes. The importance of gaining practical experience with a federal-state performance measurement approach cannot be overemphasized.

FDOT Performance Reporting

FDOT has provided three annual MAP-21 Performance Reports to our Congressional Delegation, USDOT and others covering all areas of MAP-21 performance reporting. We plan to continue to do so because we believe that a single performance report is a better way of reporting our performance than through separate plans and reports. Our messages to our Congressional Delegation for Florida's pavement and bridge performance are:

- **ROADWAYS** - Over 90% of Florida Interstate roadways meet MAP-21 good condition criteria.
- **BRIDGES** – Over 95% of state-maintained bridges meet standards and all state bridges open to the public are safe.

We also produce an Annual Performance Report that extends well beyond the MAP-21 requirements. We would like to see an explicit acknowledgment that MAP-21 performance reporting is limited by law and that other performance reporting by States and MPOs to best address their unique needs and conditions is encouraged, but not required nor are there any federal requirements or guidance associated with such other performance reporting.

Our 2014 Performance Report and our MAP-21 Performance Report are available at FDOTPerforms.org

FDOT Schedule for Our Next Statewide Plan

Florida's long-range statewide transportation plan is the Florida Transportation Plan. It is a policy plan and is being updated this year. The Florida Transportation Plan adopted in 2010 includes "Indicators of Progress" for each of the six long-range goals included in the plan.

While the identification of areas where progress can be measured toward achieving long-range goals is appropriate for inclusion in a long-range plan, target setting and performance reporting is best addressed through a separate performance report. Unlike the Florida Transportation Plan, we

expect to publish a comprehensive performance report annually and a MAP-21 Performance Report that reports on the national performance measures established through rulemaking.

Collaboration with Florida MPOs

Two Florida Performance Measurement Workshops have been held on April 3, 2014 and April 15, 2015. FHWA and FTA representatives, FDOT Central Office and district staff, and staff from nearly all Florida metropolitan planning organizations (MPOs) attended. Both Workshops resulted in a rich dialogue with numerous ideas and opinions conveyed through discussion and in writing.

A Performance Measurement Collaboration Task Force has been formed to coordinate FDOT performance measurement activities with FHWA, FTA, Florida's 27 metropolitan planning organizations and the Florida Metropolitan Planning Organization Advisory Council (MPOAC). The MPOAC is a statewide transportation planning and policy organization created by the Florida Legislature nearly 30 years ago. This new Task Force will continue to be used to exchange information during the rulemaking process and the implementation of the new rules.

We will examine opportunities for data sharing, coordinated target setting and combined reporting where practical and efficient. Above all, we will look for better ways to communicate the importance of good transportation performance to our state's economy and our quality of life.

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. **Revise The Proposed Performance Measures And Thresholds For Bridges And Pavements To Use More Appropriate Approaches And Thresholds**
 - AASHTO's detailed comments make an excellent case for flexibility in the measures used by states to report on the condition of their bridges and pavements. Existing state data collection processes should be approved as variance when proven track records for historical repeatability and reliability exist.
 - 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.
 - The additional tasks and vast increase of requested information as well as the data-type requirements would put a significant strain on our limited resources and

drastically impact our current processes. This has been captured by the AASHTO comments. We would, however, add the following (at the expense of being probably redundant):

1. Cracking (asphalt) – Cracking reported in MAP-21 is based on a percentage of the area that exhibits cracking. However, neither AASHTO Test Method R55 nor PP67 are based on determining cracking percent. R55 uses feet of cracking over square feet of surface area and PP67 is based solely on length of cracking. R55-10 is not intended for HPMS purposes and PP67 is provisional and will likely change. Discrepancies in the percent cracking calculation methods of HPMS and the NPRM should be clarified. HPMS limits measurement to fatigue cracking only. In addition, both methods rate the severity levels of cracks, yet MAP-21 reports only one percentage value for the entire section with no direction on how to account for different severity levels. The crack condition rating threshold seems severe (e.g., pavements with more than 10% cracking are rated as poor regardless of the severity level).
2. Cracking (concrete) – No standard currently exists to measure cracking of concrete pavements. Neither AASHTO R55 nor PP 67 address concrete. NPRM specifies including any crack present in a concrete slab to compute related amount of cracking without consideration of the severity level.
3. Rutting – Either 5-point data collection or automated transverse profile data collection is proposed. There is a significant difference between the two as the 5 point system underestimates rutting measurements compared to the transverse profile method. FDOT uses the three-point data collection system. While neither the 5- nor 3-point data collection system compare favorably with the automated transverse profile method, there is not enough evidence to show that the 5-point system is more appropriate or accurate than the 3-point system.

In addition, the subject rulemakings are designed to support a data-driven decision-making process within FHWA, the DOTs, and Congress. They are also intended to address quality data collection and reporting to enhance the value of the information to providers and customers alike. However, it is known and recognized that, presently there is no general consensus or agreement regarding the appropriate data collection and analysis techniques, methods, protocols, and/or standards as these are still on-going national-level investigative efforts. As such, and considering the lack of data collection equipment/operators certification and calibration facilities, to develop a national pavement condition picture based on the proposed plans may not be appropriate.

2. Confirm State Discretion In Target Setting And Reporting
 - The proposed rule should be modified to ensure State discretion in target setting, in accord with 23 USC 150.
3. Methodology For Determining Significant Progress
 - Florida has been exceeding the pavement and bridge performance targets established in Florida Statutes. Even though continued population and economic growth will lead to growing needs in other areas such as capacity improvements, we expect to continue to meet our pavement and bridge targets as an appropriate performance metric.
9. HPMS and NBIS are Important to the Proposed Regulation But They Were Not Developed to be Regulatory Documents
 - We strongly agree with the AASHTO comments in this area especially the concern that changes are made in a directive manner rather than in full cooperation with the states.
 - The HPMS Field Manual included in the rulemaking has changes in data collection extent, methodology and new requirements that have not been included in the previous reassessment.
 - Specific changes to require all roads (including non-federal-aid roads) with data and GIS alignment provides NO added benefit to the federal, state or local governments or the public.
 - Florida has submitted comments on changes to the HPMS but has not seen many of these comments incorporated into revisions or updates.
 - The change from sampling techniques to full coverage for Rutting, Faulting and Cracking will mean a dramatic increase from approximately 4,100 miles of sampling to approximately 12,445 miles of coverage – at a significant additional cost.
 - While not specified herein, there are additional changes in the HPMS Field Manual to the data collection requirements that will have significant impacts on data collection and reporting workloads.

Additional FDOT Comments

FDOT offers the following comments regarding target setting and reporting:

Does the State have to report performance by urbanized area boundaries?

490.105(d)(3) – State shall declare and describe NHS limits and urbanized area boundaries in the Baseline Performance Period Report

- Why “shall” if “may” report (see 490.107(e)(3) below)
- Potential confusion is likely over Census boundaries, adjusted/approved boundaries, and Metropolitan Planning Area

490.107(b)(1)(ii)(D) – in each Baseline Report, state shall document boundary extent of all applicable urbanized areas and latest Census data

- Is “applicable” the key word? i.e., if no targets are established for “portions”, there is no need to send FHWA any information on urbanized area boundaries and population?
- If this is the case, clarification is needed that this information must be sent only if targets have been set for portion(s) of the state.

490.107(e)(3) – State may establish additional targets for portions of the state

- If the state doesn’t establish additional targets for portions why “shall” in 450.105(d)(3)?
- Is it MPA? “Urbanized area”? “adjusted urbanized area”?

490.105(f)(4) – MPO can either commit to support state targets or establish targets for its Metropolitan Planning Area (MPA)

- MPA is not the same as “Census urbanized area” or, at least in most cases, the same as Metropolitan Planning Area (MPA). If the state “shall” or even “wants to” establish targets for portions of the state, and if those “shall” be “urbanized area boundaries” or “adjusted urbanized area boundaries” then there will be two sets of boundaries for each “applicable” MPO area; we recommend flexibility to select either boundary but not both.

We commend the Federal Highway Administration for its extensive stakeholder engagement and outreach in implementing the performance measure 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,



Jim Boxold
Secretary

JB/dl