



## *Florida Department of Transportation*

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SECRETARY

August 18, 2014

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-2013-0037

Dear Deputy Administrator Nadeau:

The Florida Department of Transportation (FDOT) is pleased to comment on the Federal Highway Administration's (FHWA) "Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning; Proposed Rule" (NPRM), published in the Federal Register on June 2, 2014. Our comments are based on an extensive review of the NPRM and participation in the development of the American Association of State Highway and Transportation Officials (AASHTO) comments. We were active participants in the development of the AASHTO comments and fully support them.

### **Federal Role**

The USDOT, FHWA, and FTA carry out an important role supporting the overall transportation planning 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. Clearly, the federal government has the sole role of setting broad national policy goals and a 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 investment planning and programming. For our intergovernmental system to work well, 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 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 two 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.

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.

## **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 scheduled to be updated in 2015. Our current 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 performance report annually.

## **Collaboration with Florida MPOs**

A Florida Performance Measurement Workshop was held on April 3, 2014 in Jacksonville, Florida. FHWA and FTA representatives, FDOT Central Office and district staff, and staff from all 26 Florida MPOs attended. The Workshop resulted in a rich dialogue with numerous ideas and opinions conveyed through discussion and in writing. At a very high level at least five overarching conclusions were drawn from the workshop results:

1. FDOT-MPO collaboration is essential and opportune, particularly in terms of ensuring an efficiency and effectiveness of effort

2. MPOs are concerned about the resources required to comply with pending federal reporting requirements specifically and an expanded focus on performance measurement in general – as such, a collaborative approach to be truly innovative must consider ways to share best practices, share data, and other resources
3. There are many data issues related to performance measurement that need to be sorted out and prioritized by FDOT and the MPOs
4. Performance measurement should be multimodal with a focus on intended outcomes that ties it to planning – there should also be an opportunity to collaborate with modal operators including those related to freight, public transportation, bicycle pedestrian, etc.
5. Performance measurement, if properly deployed, provides an opportunity for greater communication and engagement with the public and other transportation stakeholders

A Performance Measurement Collaboration Task Force has been formed to coordinate FDOT performance measurement activities with FHWA, FTA, Florida’s 26 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 be used to exchange information during the rulemaking process and the implementation of the new rules.

In addition, FDOT and the MPOAC are holding statewide Webinars to share our analyses of the federal performance NPRMs and how we can best implement the new requirements. 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. 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.
2. Clarify and Emphasize Key Terms
  - The final rule should provide additional clarity in key areas to reduce confusion, misinterpretations, and potential delays in key decisions during implementation of MAP-21 by State and Federal managers and staff. Two areas of particular concern to FDOT are:

- The difference between “shall” and “should”. Generally, FDOT prefers such language as “may, but is not required to...” compared to “should” and urges the rule use “shall” only where required by law; and
  - Further clarity on the role of Appendix A to reduce mis-interpretations in some States and/or Division Offices.
3. Clarify the Relationship of Performance Management to the STIP
- Florida's State Transportation Improvement Program (STIP) is a readily accessible listing of all projects planned with federal participation in the next four fiscal years. We strongly believe that a discussion of the anticipated effect of the statewide transportation improvement **program** toward achieving performance targets is appropriate but a project-by-project discussion is unnecessary and would be overwhelmingly burdensome for the 1,000's of projects and project phases in a typical Florida STIP.
4. Ensure Flexibility in Metropolitan Planning Agreements and Metropolitan Planning Organizations
- Changes to section 450.314 in this proposed rule are overly prescriptive, particularly in respect to detailed requirements related to performance management.
  - Proposed language related to periodic reviews which could be interpreted by States, MPOs or Division Offices as an added requirement; rather, periodic review and updating should occur only as appropriate.
  - Like AASHTO, FDOT also recommends that MPOs have maximum flexibility in determining how they are constituted and how they operate.

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,



Ananth Prasad, P.E.  
Secretary

AP/dl