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May 1, 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-2013-0053

The Missouri Department of Transportation is pleased to provide comments on the Federal Highway Administration's NPRM for the "National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program," published January 5, 2015.

MoDOT supports the MAP-21 pavement and bridge conditions rule, as this remains a top priority for MoDOT. However, MoDOT requests FHWA address the concerns outlined below.

General Comments

1. **MoDOT recommends pavement be measured using only IRI and not include cracking, rutting and faulting.**
 - IRI is the only standardized measurement consistently used by the states. Cracking and faulting are sub-components of IRI and are represented in the current IRI measurement.
 - Use IRI based on speed, not using an urban or rural differentiation.
 - MoDOT supports the FHWA recommendation to report pavement condition in .1 miles segments.
 - MoDOT does not support including ramps for HPMS in determining the IRI.
 - MoDOT recommends that missing pavement data should not automatically revert to poor condition. Pavements may be under construction or being maintained at the time the data is collected. MoDOT recommends as an alternative having it default to the previous year's rating unless this incomplete data exists for two consecutive years. However, there should be flexibility for states already collecting data to the full extent.



- Until cracking, rutting and faulting have national standards with well-developed and verified data collection, they should not be included. Should the final rule include cracking, rutting and faulting, implementation of these measures needs to be delayed until national standards are developed and vetted through a quality control process. If the final rule goes beyond measuring just IRI, there would be additional costs to collect, analyze and manage the data for cracking, rutting and faulting.
2. **MoDOT recommends continuing to use the current NBI condition rating approach on bridges for measuring performance, which has been in place for more than three decades.**
- We do not recommend using an element-level based rating system for the NHS bridges. Collection of element data is cumbersome and results in a large amount of data, which is not meaningful and is complicated to convert to a good, fair, or poor condition rating.
 - MoDOT recommends continuing to use the term “structurally deficient” for bridges, using the historical approach for determining this item. Changing the term to only include deck, superstructure, and substructure ratings of three or less would exclude culvert structures from consideration because the suggested definition does not include the Item 62 rating. Additionally, there are many four rated structures that have very significant condition issues that need to be addressed. Removing these from the structurally deficient category would make the overall health of the bridge population appear better than it really is.
3. **MoDOT recommends the terms Good, Fair and Poor be based on objective physical attributes to be consistent throughout the system.**
- We do not recommend the measure include any additional factors as it would confuse the objective criteria. These additional factors could be used by an agency to prioritize projects. However, their inclusion as part of the performance measure would only complicate the data and evaluation.

Specific Comments

1. **Confirm State Discretion in Target Setting and Reporting:**

- MoDOT agrees with FHWA’s approach to target setting as described in the NPRM, with the following recommendations:
 - Include specific language stating target levels may call for improving, constant or declining conditions.
 - Allow annual target adjustments if critical assumptions have changed to affect target values.
 - Evaluate only the three required statewide targets for bridge and pavement conditions.

- Clarify state's responsibilities and MPOs' responsibilities on setting targets as well as reporting of targets. MoDOT recommends the reporting be done on a statewide basis and not divided out among MPO and non-MPO areas.
 - Clarify FHWA's role in target setting. MoDOT recommends FHWA allow the states flexibility in setting targets.
2. **Methodology for Determining Significant Progress:**
 - MoDOT supports the proposed requirements for determining significant progress as it is straightforward and easy to determine.
 3. **Do Not Hold States Accountable for Assets They Do Not Control:**
 - MoDOT recommends federal and tribal government assets be excluded from data collection and in the assessment of making significant progress toward a target.
 4. **Develop a Realistic Timeframe**
 - MoDOT recommends having a single reporting date of June 15 for all data submitted to FHWA. Submitting data at one time also helps in cross-checking and verifying data
 5. **HPMS and NBIS Were Not Developed to Be Regulatory Documents**
 - Currently, a mechanism does not exist for when comments on the referenced documents such as HPMS are formally filed with FHWA or clearly considered by FHWA.
 - Establish a mechanism for comments, including active consultation with State DOTs, before making future changes to the HPMS requirements. FHWA should preclude itself by rule from making changes to the HPMS or NBIS without first providing notice and opportunity for comment.
 - The pavement condition reporting requirements proposed are well beyond the current HPMS reporting requirements. It will include the full Interstate mileage every year, starting in 2016 and the full non-Interstate NHS mileage every two years, starting in 2020. States also will have to set four-year targets for the entire NHS, and each MPO will have to set four-year targets for NHS mileage within its boundaries. Either a mid-performance period report or a final performance period report will have to be submitted to the FHWA every two years. This increases the burden on states to report additional data.
 6. On page 330, third column under Pavement Condition: “an RSL based approach to performance management would help agencies determine timing and level of rehabilitation [and preservation] activities”
 - MoDOT recommends adding the term preservation, as preservation efforts are cost effective and would reduce the number of pavement sections and bridges moving into poor condition.

Subpart A: General Information

490.103 Data Requirements

1. On page 340, first column: “The State DOT submitted boundary information would be the authoritative data source for the target scope for the additional targets for urbanized and non-urbanized areas”
 - MoDOT agrees the State DOT should be the authoritative data source. Additional targets should only be considered if the MPOs desire to have a different target than the State DOT. The urbanized boundary should match the MPO boundary or another boundary already defined and used in MPO planning so as not to increase the complexity of how MPO areas are defined.

490.107 Reporting on Performance Targets

1. On page 346, third column: “FHWA proposes to provide an electronic template that State DOT’s would use to capture the information required in the three reports discussed.”
 - MoDOT agrees with this approach as it is the only way to ensure consistent data across all DOT and MPO systems. MoDOT encourages seeking stakeholder input of this template to ensure its usefulness and ease of use for states.
2. On pages 348 and 354, first column: “FHWA intends to publish the State DOT established targets, actual condition and progress reports on a publicly available web site.”
 - MoDOT agrees this should be public information. It also will reduce states efforts to find comparable state data.
3. On page 355, second and third columns: “FHWA proposes that significant progress could still be made in cases where the established target includes a decline from (or sustain) the baseline condition/performance” ... “significant progress is made for a target when actual condition/performance level is equal to or exceeds the target.”
 - MoDOT agrees states need the ability to reduce targets when funding declines and priorities must change.

490.109 Assessing Significant Progress toward Achieving the Performance Targets for the National Highway Performance Program

1. On page 354, first column: “FHWA seeks comment on whether it should require State DOT’s to more frequently evaluate and report the progress they have made.”
 - MoDOT believes states will have the ability to report data annually and the data should be updated in HPMS and NBI systems. However, states should not be asked to submit a report on the progress they have made.

490.111 Incorporation by Reference

1. If FHWA plans to use AASHTO standards, MoDOT recommends FHWA develop a mechanism to ensure the most recent version of AASHTO standards are appropriate and used, in coordination with AASHTO. This will ensure these standards are suitable for data collection by the states and conducted in a consistent manner.

Subpart C: National Performance Management Measures for the Assessing Pavement Condition.

490.303: Applicability

1. MoDOT recommends FHWA make the bridge and pavement sections consistent in reporting requirements. MoDOT recommends that pavement is like bridge and bridge is like pavement.

490.309 Data requirements

1. MoDOT agrees data should be reported in both directions for all divided facilities, not in both directions of travel on undivided facilities. States have already been required to update their GIS to support dual carriageways.

490.313 Calculation of Performance Management Measures

1. MoDOT believes using lane miles in the performance measure will be an issue. MoDOT recommends using directional miles; not lane miles.
2. On Page 369, first column, first paragraph below Table 5: "Overall pavement condition is derived from the policies that State DOT's use for initiation construction activities for maintenance, [preservation] and/or safety repairs"
 - o MoDOT recommends inserting the term preservation to emphasize the desire to keep good assets in good condition as preservation efforts are cost effective and would reduce the number of pavement sections and bridges moving into poor condition.

Subpart D: National Performance Management Measures for the Assessing Bridge Condition.

490.405 Definitions

1. State DOT's need to be able to calculate various items that are part of the current FHWA edit program used for NBI purposes in order to be able to track progress on these items. MoDOT recommends FHWA make the algorithms used to currently determine various calculated items for the NBI submittal available to the states for incorporation in their computer systems. More generally, FHWA should provide the states with copies of the program currently used to edit check the NBI data submittal and calculate various items (i.e. SD, Item 67-69, etc.).

490.409 Calculation of National performance management measures for assessing bridge condition

1. MoDOT agrees the definitions provided are simple and based on NBI data states already collect.
2. MoDOT recommends the width for culverts be clarified in (c) (1) and (c) (2). Is Item 32 for culvert width to be used or Item 52, when it has been coded as a value? The discussion of whether headwalls impact traffic confuses this issue. MoDOT recommends always using Item 32, or use it only when Item 52 has not been coded on a culvert.
3. MoDOT recommends using the NBI reported width when making a determination of the different categories for various measures. MoDOT does not agree with using the deck area that is reported for element level bridge data. The variable width structures are a very small percentage of the bridge inventory. Additionally, for culvert structures there is no deck area being reported for element level data, so there would not be an area to use on these.
4. On page 374, third column, FHWA proposes for each applicable bridge, the performance measures for determining condition are based on the minimum value for the following NBI Items: 58-Deck, 59-Superstructure, 60-Substructure, and 62-Culverts. The FHWA further proposes to weight this condition by the respective deck area of each bridge and express condition totals as percentage of the total deck area of bridges in the state.
 - MoDOT agrees this is an appropriate method to describe the condition of bridges. The use of deck area helps to account for the variable sizes of bridges within the system.

490.411 Establishment of minimum level for condition for bridges.

1. MoDOT recommends the width for culverts be clarified in (c) (1) and (c) (2). Is Item 32 for culvert width to be used or Item 52, when it has been coded as a value? The discussion of whether headwalls impact traffic confuses this issue. MoDOT recommends always using Item 32, or use it only when Item 52 has not been coded on a culvert.
2. MoDOT recommends the data submission remain at April 1 and not be moved up to March 15.

490.413 Penalties for not maintaining bridge condition.

1. MoDOT agrees with FHWA's approach of judging these penalties for the state as a whole, rather than looking at more detail, i.e., on an MPO-by-MPO basis.
2. MoDOT recommends the penalty would apply if the state did not meet the target for three consecutive years and would be in place until the target is met for a review year. The proposed rule states the penalty is based on looking at the previous three-year period of performance and is not clear if this is based on taking the average of those three years to determine if the penalty applies or if it was not met in any one of those years.

We appreciate the opportunity to provide these comments and look forward to working with FHWA in the implementation of final rules.

Sincerely,

A handwritten signature in blue ink that reads "Roberta Broeker". The signature is written in a cursive, flowing style.

Roberta Broeker, CPA
Interim Director