



June 30, 2014

Docket Clerk
U.S. DOT Dockets Management Facility
1200 New Jersey Avenue, SE
Washington, DC 20590

Subject: **FHWA Docket Number FHWA-2013-0019**
Proposed modifications to rules governing the Highway Safety
Improvement Program (HSIP), 23 CFR 924

The Montana Department of Transportation (MDT) respectfully submits the following comments in response to the Federal Highway Administration's (FHWA) proposed rules to revise the Highway Safety Improvement Program (HSIP) regulations to address provisions in the Moving Ahead for Progress in the 21st Century Act (MAP-21). As the Director of the Montana Department of Transportation (MDT) and former Colonel of the Montana Highway Patrol, I care deeply about the highway safety measure components of MAP-21. Safety is a foundational element of MDT's mission and my agency, working closely with our safety partners, is committed to improving highway safety by reducing fatal and serious injury crashes to work toward our goal of ensuring that all highway users arrive at their destinations safely.

As a member of the American Association of State Highway and Transportation Officials (AASHTO), we have invested extensive staff time into the development of the AASHTO comments filed to the docket and provide our broad support for these comments. MDT also fully endorses the comments filed jointly by the state transportation departments of Idaho, Montana, North Dakota, South Dakota, and Wyoming. With that said, we want to ensure preservation of a state administered, federally assisted program, preservation of state flexibility in delivering its programs, and limiting burden on states as FHWA works thru the MAP 21 rulemaking process. The following comments are provided with these principles in mind:

1. MIRE FDE & All Public Roads

MAP-21 requires the Secretary to establish a subset of the MIRE elements on all public roads.

All public roads encompasses a significant amount of roadway miles including lightly traveled gravel county roads of all conditions, local streets within neighborhoods that are generally low speed and low volume, tribal roads for which states struggle to acquire data, as well as forest service roads that may only be accessible for a few months out of the year creating an extra data burden and resource investment for States. The all Public Roads criteria is a significant cost and resource burden on states as demonstrated by AASHTO's estimate of over \$2 billion dollars in data collection costs to states over a multi-year period under the rule as proposed. We strongly urge FHWA to reduce this burden in the final rule specifically by eliminating requirements for gravel roads and either eliminating or significantly reducing requirements of states for low volume roads as well as for roads maintained by others.

To ensure scarce state resources focus on efforts critical to overall safety management FHWA should eliminate or at least limit the FDE's required on low volume roads to the basic route location and crash data elements. Median type, intersection type, traffic control type, junction data, and date open to traffic should be optional for these routes as the effort to acquire such data would be a significant burden on states and would likely contribute minimally toward helping states make better decisions on expenditure of limited safety funds.

In addition, staffing and resource constraints make it unrealistic to expect states to conduct actual traffic counts on every road. Traffic data estimates for lower level roads should be allowable due to the short counting season and vast geographic landscape in states like Montana and many of the western states. States should be allowed to determine an appropriate estimating methodology suitable to their roadway network and then use the documented estimating methods on any uncounted roads to demonstrate reasonableness of the estimating process.

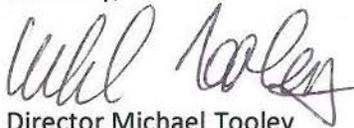
2. **Rate of Return and Project Selection:**

In the interest of limiting costs and burden to the states related to rate of return and project selection criteria in the proposed rule, we strongly urge that FHWA accept AASHTO's proposed revisions as follows:

- a. **Revise 924.9(a)(3)(vii)** regarding "rate of return as follows: *"Identify key emphasis areas and strategies that significantly reduce highway fatalities and serious injuries, focus resources on areas of greatest need ~~and possess the greatest potential for a high rate of return on safety investments as determined by the State DOT;~~"*
- b. **Revise 924.5(b)** regarding use of HSIP funds as follows: *"HSIP funds shall be used for highway safety improvement projects ~~that maximize opportunities to advance safety consistent with the State's SHSP and have the greatest potential to reduce the State's fatality and serious injuries.~~ consistent with the State's SHSP provided that the State shall have considered which projects maximize opportunities for safety and considered which areas are in greatest need for safety improvement investment."*

MDT appreciates the opportunity to comment on this rulemaking process. Thru Montana's *Vision Zero* goal, we remain committed to a drastic reduction in fatal and serious injuries moving toward zero and creating an environment where all highway users in Montana arrive at their destination safely. Therefore, we encourage FHWA to be considerate of limiting state burden and costs, preserving state flexibility and authority for administering its programs as provided in Title 23 USC, and allowing states to focus efforts on those most critical to safety management as it continues this rulemaking process.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Tooley". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Tooley".

Director Michael Tooley

Montana Department of Transportation