

Comments of the Transportation Departments of  
Idaho, Montana, North Dakota, South Dakota, and Wyoming  
to the  
Federal Highway Administration  
Docket No. FHWA-2020-0010  
Re-Designation of the Primary Highway Freight System (PHFS)  
December 5, 2021

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The transportation departments of Idaho, Montana, North Dakota, South Dakota, and Wyoming (“we” or “our”) respectfully submit these joint comments in response to the notice and request for comment in this docket published by the Federal Highway Administration (FHWA) at 86 Federal Register 47707 *et seq.* (August 26, 2021).<sup>1</sup>

In this docket FHWA has invited comment on the re-designation of the Primary Highway Freight System (PHFS).

The re-designation of the PHFS, including any increase of PHFS mileage, should give greater emphasis than did the initial designation to the national importance of arterial highways that cross rural states. Arterial routes, particularly including but not limited to Interstate System routes, in states such as ours enable rural areas and the agricultural and natural resource products that originate in rural areas to connect to America’s major metro areas and onward to world markets. Rural arterial routes, including Interstate System routes, also ensure connectivity between major population centers, across rural areas, for both people and freight.

We consider the current PHFS mileage (41,518), even with the three percent increase in that system permitted under 23 USC 167(d), to be too limited. That mileage does not provide for a sufficiently connected and resilient system. That limited system does not capture a significant portion of freight moving by highway, omitting even significant stretches of the Interstate System.

Accordingly, the re-designation should add the maximum three percent of current mileage permitted under 23 USC 167(d). Further, the miles to be added (three percent equals 1,246 miles) should not be based on the approach used by FHWA in the initial designation, but should emphasize adding Interstate System miles to corridors that have gaps under the current PHFS. Examples include but are not limited to the I-29 Corridor (gap from I-94 intersection to Kansas City); Seattle to Minneapolis (gap of I-94 from I-29 intersection to I-90 intersection). Closing such gaps would increase the connectivity and resilience of the PHFS as well as include additional freight movement on the PHFS.

Moreover, adding PHFS centerline miles in our states (and other rural areas) is consistent with the redesignation factors listed in 23 USC 167(d)(2)(E).

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<sup>1</sup> By subsequent Federal Register notice, FHWA extended the comment period in this docket to December 15, 2021. 86 Federal Register 58998 (October 25, 2021).

For example, there is great concern today about freight bottlenecks and the vulnerability of America's supply chains.

One of the ways to address bottlenecks, improve network connectivity, and strengthen America's supply chains is to make the highway network more resilient. This can mean facilitating investments in arterials that are not the bottlenecks – but alternates to the bottlenecks, including strengthened rural routings. America needs secure and functioning supply chains, with connected networks, that can result from having alternative routings to today's bottlenecks.

In addition to adding rural arterial mileage, FHWA should add last-mile connections to inland processing, transload, and intermodal facilities. While the total traffic volume to and from such facilities in rural areas may be less than to freight centers in urban areas, these rural freight facilities are vital to the nation's ability to export U.S.-origin globally-traded freight, such as agricultural and natural resource materials and products. Investing in such routes and last miles – whether to improve reliability and road conditions through resurfacing, or reconstruction or through other improvements to enable heavier or wider loads that are often permitted in rural states and areas – can increase productivity, enhance U.S. competitiveness, and reduce emissions.

Adding rural mileage to the PHFS would help address those concerns and further statutory factors (viii) (addressing bottlenecks), (ix) (supply chain concerns) and (xi) (furthering network connectivity) of 23 USC 167(d)(2)(E) and likely additional factors.

We also recommend that FHWA use care in its consideration of the value of goods moved by highway, one of the factors to be considered by FHWA in the redesignation process. We suggest that a simple estimate of the value of goods fails to give sufficient weight to the movement of goods that reduce the nation's trade deficit. Agricultural products and natural resource products, moved by truck from the field to markets, either directly or via railheads, help hold down the deficit in the U.S. balance of trade. Moving them should be given more importance (considered as having higher value) than moving imported goods that increase the trade deficit.

So, FHWA should look for opportunities to support or develop a freight system that incentivizes Federal highway investments in areas that facilitate growth in U.S. industrial and agricultural output rather than encourage designations and investments that would aid the flow of imported goods that compete with the output of the U.S. industrial and agricultural economy. Given large import volumes passing through some locations, overreliance on freight volume as a factor in FHWA decisionmaking risks literally paving the way to an increased U.S. trade deficit and reduced opportunities in the U.S. manufacturing and agricultural economy for business and workers.

For such reasons, FHWA's assignment of additional miles to the PHFS should include assignment of additional miles to our states above a pro-rata share of the additional 1,246 miles to be added, particularly in order to close gaps in Interstate mileage on the PHFS and for rural last mile investments.

Before closing, we also note that, in the Federal Register notices in this docket, FHWA has stated its interest in the views of State Freight Advisory Committees, consistent with statute. In this regard we note that State Freight Advisory Committees are created to advise States. It is likely that the views of a State and any freight advisory committee it may have will be the same or very similar. However, to the extent that they are not, we do not believe that Congress intended FHWA to give equal or greater weight to the views of an advisory committee than to the State itself, or that FHWA could not take that position, particularly as there is no statutory requirement for States to have a freight advisory committee. The statutory provision, 49 USC 70201, “encourages” a State to establish a freight advisory committee but does not require a State to establish one. Therefore, in appraising comments to the docket, great weight should be given to the views of States.

### Conclusion

The transportation departments of Idaho, Montana, North Dakota, South Dakota, and Wyoming thank FHWA for its consideration and recommend that further action regarding the subject matter of this docket be in accord with our comments.

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