

June 11, 2024

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Ave. SE, W12-140
Washington, DC 20590-0001

Subject: Docket Number DOT-OST-2024-0047
RFI on Goals, Criteria, Thresholds, and Measurable Data Sources for
Designating the National Multimodal Freight Network

The Montana Department of Transportation (MDT) takes this opportunity to provide input into U.S. Department of Transportation (USDOT)'s process for identifying critical freight facilities and corridors that will make up the National Multimodal Freight Network (NMFN), as identified in Docket Number DOT-OST-2024-0047. The integration of a designated NMFN has the power to align a national multimodal vision of freight movements into existing freight policies and goals. Therefore, MDT recognizes the value of this exercise and hopes that the USDOT takes thoughtful consideration of comments provided by states.

As a member of the American Association of State Highway and Transportation Officials (AASHTO), MDT has invested staff time into the development of the AASHTO comments filed in the docket with our broad support. In addition, MDT, with our rural state partners (Wyoming, Idaho, North Dakota, and South Dakota), has filed joint comments in the docket. The joint comments continue to reiterate state flexibility, the need for increased roadway mileage in the NMFN, and greater consideration of rural roadway networks which provide connectivity between major freight centers.

In this filing, MDT identifies specific concerns and comments for USDOT's consideration in the development of the NMFN. These comments are not duplicative, but in addition to comments filed by MDT for the 2016 Docket, DOT-OST2016-0053: *Establishment of the Interim National Multimodal Network*.

National Multimodal Freight Network Goals

49 USC §70102 outlines the requirements for a national strategic freight plan, which seeks to assess the condition and performance of the NMFN as established in 49 USC §70103. However, no reference is made to 49 USC §70102 in the Request for Information (RFI) as a means of outlining NMFN freight goals, best practices, and strategies. Recommend alignment of this effort with 49 USC §70102.

Additionally, the suggested goals (outlined in question 1) in the RFI imply a redirection of federal aid and offer additional federal assistance to planning partners in implementing their freight programs. Anything more prescriptive than what is currently in place will ultimately lead to regulatory bottlenecks that are counterproductive to ongoing efforts. It's also imperative that the designated NMFN not be used to prioritize federal investment decisions. MDT supports

maximizing distribution of formula funds to states, providing states continued flexibility in making specific project investment decisions.

When considering NMFN goals, MDT recommends that the USDOT apply the goals outlined in the current national strategic freight plan to the development of the NMFN and allow states continued flexibility to implement the freight programs.

Statutory Factors for Designation

Question 3 in the RFI seeks input on how to prioritize the 12 factors in designating route miles and facilities on the NMFN. Due to the interdependency of supply chain components, factors that support connectivity across all components and modes, whether a major freight center, or a rural highway providing access to such centers, should be prioritized. This will allow a balanced and flexible approach across all states with unique freight facilities and needs.

Factors in the RFI that ensure connectivity between NMFN highway components and roads not on the NMFN are also critical so that the NMFN can directly reach regions of agricultural, energy, and natural resources that the nation is dependent upon. This consideration should incorporate states' previous recommendations in 2016 to include the entire National Highway System (NHS) – and not require states to again endure the burdensome process of providing public comment on matters already addressed in 2016.

Measurable Thresholds, Criteria, and Data

Questions 4 and 5 in the RFI seek comment on threshold levels (volume, value, and tonnage) as well as which factors are most critical but that which may be undervalued through a quantitative assessment. Programmatically speaking, 23 USC §167 establishes national policy and goals for directing resources to the most critical parts of the highway freight network. MDT recommends that the thresholds established for the NMFN not undermine or conflict with the thresholds established for roadways in the National Highway Freight Network (NHFN).

When determining thresholds, they should not undervalue rural states by default, thereby unintentionally alienating key components of the freight network. This will help to establish a NMFN that provides a nationally connected system with critical resiliency and redundancy benefits.

Additionally, it is recommended that the USDOT not be overly dependent on the use of measurable thresholds and criteria as this has the potential to further exclude critical components essential to a functioning interconnected NMFN. No less valuable are qualitative criteria for designating roadways and facilities as part of the NMFN. For instance, all international borders and ports, independent of tonnage and AADT are critical to the economic vitality of the nation (currently only the top border crossings and ports are included in the NMFN). While some ports and border crossings may be smaller, they offer access to international points of entry and provide an essential redundancy in a system that is quite vulnerable to delay, by their very nature (border/port closures, threats to national security, bottlenecks, vehicular delays, catastrophic events which forces freight to be redirected, etc.). Volume and tonnage thresholds also understate the value of roads that carry less volume except in harvest or planting seasons. Adequate roadway systems, including NHS routes, during harvest and planting seasons are of strategic economic importance, for domestic food consumption, and facilitate agricultural exports.

Additional Factors for Consideration

Question 7 in the RFI asks what additional statutory factors listed should USDOT consider when designating the NMFN.

The currently designated NHS is based on data-driven factors such as volumes of freight and passenger traffic, and highway and multimodal connectivity and should be considered. Also, the Strategic Highway Network (STRAHNET) should be included in the NMFN designation, as it has been deemed essential to national defense.

Role of the NHFN in the NMFN

The RFI seeks comments regarding whether the final NMFN should continue to include the full NHFN in the NMFN. Unequivocally yes. The NHFN was included in the Interim NMFN and includes the most critical roadways for freight movements. It would undermine the purpose of the NHFN to not include it in the NMFN when federal policy already defines this network as critical to freight. Establishing networks with duplicative priorities will only lead to unnecessary redundancies and conflicts in implementing federal programs.

Additionally, by ensuring the inclusion of the NHFN, critical rural and urban freight corridors will be included by default. State designated critical freight corridors help to ensure a flexible and dynamic approach for ensuring that freight centric regions and roadways have the opportunity to be included in the NMFN.

Considerations of the National Highway Freight Program (NHFP), State Freight Plans, and National Performance Management Measures

Although MDT supports consistency between the NMFN and NHFN networks, MDT recommends the USDOT not establish additional NMFN criteria/requirements for states in implementing their NHFP programs. These dollars are very limited, and additional requirements would only burden the program and delay implementation of capital projects. USDOT should allow states continued flexibility in implementing NHFP funds in areas states determine to be the greatest need, pursuant to existing federal code.

MDT also recommends the USDOT not expand the requirements for the reporting of National Performance Management Measures (Title 23 Part 490) to include expanded components of the NMFN as this exercise was previously considered in the Request for Information included in Docket Number FHWA-2023-0014, earlier this year.

Additional Considerations

MDT is concerned that an additional freight network designation may complicate and undermine existing freight-related policies and expand performance reporting requirements yet yield no benefit to the improvement and connectivity of roadways and multimodal freight centers.

Rural does not mean less meaningful when considering the national supply chain, given that the nation's road networks travel across all types of landscapes and regions. If the USDOT seeks to ensure an efficient and connected multimodal supply chain, then all parts of the supply chain need to be considered equally, including the NHFN and NHS. MDT therefore recommends that the USDOT take into consideration not just quantitative thresholds, but qualifiable criteria for determining what facilities to include in the NMFN. This will help to ensure connectivity and redundancy in a system vulnerable to threats. Establishing qualitative criteria will be helpful in determining additional facilities that help to serve the supply chain in a meaningful way beyond the quantitative factors identified.

In closing, MDT encourages the USDOT to consider state input in the designation of the NMFN, given that states are one of the core resources for implementing USDOT federal programs and policies. Ultimately, MDT hopes that a designated NMFN will not further complicate or conflict with existing federal freight programs but seek to coordinate and align the myriad of federally designated networks/corridors that define such networks as freight critical. Lastly, the interim NMFN fails to recognize the essential role of roadways in the movement of goods. MDT strongly

recommends that the USDOT greatly expand the highway component of the NMFN to minimally include the NHFN, but preferably include all NHS mileage.

We thank USDOT for its consideration of Montana's comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lawrence J. Flynn', with a long horizontal flourish extending to the right.

Lawrence J. Flynn
Interim Director
Montana Department of Transportation

copies: Rob Stapley, Rail Transit & Planning Administrator
Carol Strizich, Multimodal Planning Bureau Chief