



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
Commissioner

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July 29, 2024

Docket Management Facility
U.S. Department of Transportation
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590-0001

RE: FHWA Information Collection; Risk-Based Asset Management Plans [Docket Number: FHWA-2024-0043]

Dear Sir or Madam:

The Virginia Department of Transportation (VDOT) appreciates the opportunity to provide comments on the Federal Highway Administration (FHWA) Information Collection for Risk-Based Asset Management Plans. As noted in the notice for this information collection, section 11105(3) of the Bipartisan Infrastructure Law (BIL) (Pub. L. 117-58) added the requirement in 23 U.S.C. 119(e)(4)(D) that risk management and lifecycle cost analyses in Asset Management Plans discuss extreme weather and resilience. VDOT's comments are set out below:

- VDOT estimates that in order to add a discussion regarding extreme weather and resilience, the risk-based asset management plan will require significantly more time each year than the annual burden estimated by FHWA of 884 hours for the general Transportation Asset Management Plan (TAMP) preparation, and will further increase the burden imposed by an additional 1,560 hours for any state Department of Transportation (DOT) that does not already perform extreme weather and resilience analyses.
 - Consistency Determination Document (only) – The consistency determination is required annually to ensure that the state DOT's practices/investments are consistent with the TAMP. Early on, the consistency determination consisted of VDOT submitting a letter to FHWA with attachments indicating the actual

investments vs. what was stated in the TAMP. Over time, the consistency determination evolved such that it now necessitates completion of a standalone document that requires approximately 1,500 hours per year (or 75% of the cost of an individual's time) to produce and includes the expense of a consultant to assist with any updates required by FHWA Headquarters.

- TAMP – The TAMP is due to FHWA every 4 years. Developing the TAMP takes approximately 6 to 9 months and over 4,000 to 5,000 hours. VDOT must use consultant assistance as well for the TAMP.
- Adding the resiliency data and/or other changing requirements related to risk-based asset management creates an added burden and unfunded cost to VDOT. However, the additional burden that will be incurred is difficult to determine, as the extreme weather and resilience analyses for the TAMP have yet to be articulated by FHWA in a rulemaking to implement 23 U.S.C. 119(e)(4)(D).
- VDOT has the 3rd largest state-maintained transportation system in the nation. VDOT already has a risk-based asset management plan for the entire state's program (see VDOT's Maintenance and Operations Comprehensive Review at: <https://rga.lis.virginia.gov/Published/2020/RD63/PDF>), with annual updates provided to the Commonwealth Transportation Board (see most recent update at: <https://ctb.virginia.gov/media/ctb/agendas-and-meeting-minutes/2023/oct/pres/3.pdf>).
- The federal risk-based TAMP is an added burden to VDOT due to the volume of assets and services work VDOT provides to all state roadways. As a result of the federal TAMP requirements, VDOT must perform additional work over and above what VDOT does to develop the Maintenance and Operations Comprehensive Review (i.e., the state TAMP), to meet the federal reporting requirements for the federal TAMP. Additionally, the federal TAMP is only reflective of a small fraction of VDOT's entire network, whereas the state TAMP covers the entire network. For example, VDOT's federal network only includes 18% of the statewide structure inventory and 13% of the statewide pavement.
- FHWA's new extreme weather and resilience analyses requirement for the TAMP will add an additional burden by requiring new analyses and reporting when VDOT's resilience plan should be sufficient to fulfill the requirement (see VDOT Resilience Plan: https://www.vdot.virginia.gov/doing-business/technical-guidance-and-support/location-and-design/water-resources/VDOT_Resilience_Plan_Nov_2022_FINAL_acc112222.pdf). Imposing any other requirements will cost additional manpower and represents an unfunded mandate.
- The funding used for these unfunded mandates would be better served to go to pavement and structure work that will then impact the network performance.

VDOT Comments

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- FHWA could reduce this burden for state DOTs that have responsibility for more than just the federal network by allowing those state DOTs to submit the risk-based asset management plans that these states have already prepared for the entire network in lieu of any additional/new reporting.

Again, VDOT appreciates the opportunity to provide these comments. If you have any questions regarding these comments, please contact Jennifer Ahlin, Asset Management Division Administrator, at (804) 786-6581.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen C. Brich", is written over a horizontal line.

Stephen C. Brich, P.E.
Commissioner of Highways