



AMERICAN CONCRETE PAVEMENT ASSOCIATION

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December 24, 2020

U.S. Department of Transportation
Dockets Operations, M-30
West Building Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, DC 20590

**Re: Federal Docket No. FHWA-2019-0030, Design Standards for Highways
Notice of Proposed Rulemaking, Request for Comments**

Dear Sir/Madam:

The American Concrete Pavement Association (ACPA) appreciates the opportunity to provide comments on the Federal Highway Administration's (FHWA) notice and request for comment regarding the Design Standards for Highways (Docket No. FHWA-2019-0030).

ACPA is the world's largest trade association that exclusively represents the interests of those involved with the design, construction, and preservation of concrete pavements. ACPA represents these interests at the national level to Congress, FHWA, FAA, AASHTO and other organizations with common interests. ACPA supports research, deployment and education to improve the quality of concrete pavements and expand their use. ACPA provides engineering expertise, design tools, pavement specifications, construction best practices, and training to members and local and State highway agencies. ACPA represents nearly 400 member companies and 2,300 individuals across the US and abroad.

As a matter of principle, ACPA supports the view expressed by AASHTO more than 60 years ago that *all possible and proper measures be taken to ensure the tax payers of this country that they are receiving full value of every highway dollar spent.*¹ It is the concrete pavement industry's contention that this applies in the resurfacing, restoration and rehabilitation (RRR) arena as well. Although ACPA is supportive of changes in regulations that would allow State DOTs to develop RRR freeway projects using a performance-based, flexible approach, we feel it is critically important that any such approach prioritize and ensure cost effectiveness together with safety and regulatory relief.

¹ "An Informational Guide on Project Procedures," American Association of State Highway Officials (AASHTO), Nov. 26, 1960

One important way that FHWA can ensure cost effectiveness in this context is to modify the proposed language in section 625.3 (a) (1) (iii) from:

Cost savings by utilizing flexibility that exists in current design guidance and regulations; and

to:

Life-cycle cost savings by utilizing flexibility that exists in current design guidance and regulations; and

Life-cycle cost analysis (LCCA), as defined by FHWA, is the most rigorous analytical tool available to agencies for measuring the total economic worth of a project while evaluating the over-all-long-term economic efficiency between competing alternative investment options. FHWA promotes LCCA as an engineering economic analysis tool that allows transportation officials to quantify the differential costs of alternative investment options for a given project. FHWA also makes clear that LCCA can be used to study both new construction projects as well as preservation strategies for existing transportation assets.² Not only is required use of this tool consistent with good governance and stewardship, use of life-cycle cost analysis is specifically called out by Congress as part of its MAP-21 reforms as a means to *achieve and sustain a desired state of good repair over the lifecycle of the assets at minimum practicable cost.*³ In addition, adoption of ACPA's suggested modifications to the proposed language in section 625.3 (a) (1) (iii) would make the language consistent with both existing FHWA Standards and Policy as per:

23 USC 109. Standards:

(a) *In General.*—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—
(1) *adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and **economy of maintenance**; and*

and

23 CFR 625.2 Policy:

(a) *Plans and specifications for proposed National Highway System (NHS) projects shall provide for a facility that will -*

(1) *Adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability, and **economy of maintenance**;*

It is ACPA's posture that the only plausible way to ensure 'economy of maintenance' as required by the Standard in 23 USC 109(a)(1) and the Policy in 23 CFR 625.2(a)(1) is with use of life-cycle cost analysis. Without an explicit focus on life-cycle costs (or, as articulated by Congress in

²<https://www.fhwa.dot.gov/infrastructure/asstmgmt/lcca.cfm#:~:text=FHWA%20promotes%20Life%20Cycle%20Cost,options%20for%20a%20given%20project.>

³ 23 U.S.C. 119(e)(4) (MAP-21 § 1106)

Transportation Equity Act for the 21st Century, *a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, user, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment*⁴), the concept of ‘economy of maintenance’ has no meaning. Fortunately, FHWA has amassed a wealth of LCCA resources, including guidance, best practices, primers, case studies and tools on its website for use by state and local agencies.⁵

With regards to FHWA’s proposed changes in section 625.4, ACPA is fully supportive of those proposed changes’ efforts to incorporate by reference the latest versions of design standards and standard specifications that have been previously adopted.

ACPA appreciates the opportunity to submit comments and hope that you will continue to rely on ACPA as a valued partner in improving our nation’s infrastructure. We hope these comments prove helpful as the agency seeks to craft the best possible rule for America’s highways and bridges, keeping in mind the paramount importance that good stewardship and long-term cost effectiveness play in the continued health of our nation’s critical infrastructure.

Sincerely,

A handwritten signature in black ink, appearing to read "Leif Wathne". The signature is fluid and cursive, with the first name "Leif" being more prominent than the last name "Wathne".

Leif G. Wathne, P.E.
American Concrete Pavement Association

⁴ Transportation Equity Act for the 21st Century, Public Law 105-178, Section 1305(c)

⁵ <https://www.fhwa.dot.gov/infrastructure/asstmgmt/lcca.cfm>