

CONSISTENCY DETERMINATION

What is Consistency Determination?

TDOT strongly believes in operating as an open and transparent governmental body that serves the people of Tennessee in a beneficial manner to provide a safe and reliable transportation system for people, goods, and services that supports economic prosperity in Tennessee. TDOT's guiding principles - Professional, Innovative, Efficient, Responsible, Communicate, and Expeditious (PIERCE) - empower the agency to "say what you'll do, and do what you say" in meeting the transportation needs of the state. This TAMP exemplifies TDOT's commitment to plan, design, build, maintain, and manage one of the best transportation systems in the nation. The consistency determination is TDOT's proof that it is managing the state's NHS pavement and bridge assets in accordance with a strategic plan to be as efficient and effective as possible with the federal and state dollars and achieve their performance goals and objectives.

What are the MAP-21 and Final Rule requirements?

Consistency Determination requirements are identified in 23 CFR Part 515.13 (b) (2) as follows:

(b) Annual determination of consistency under 23 U.S.C. 119(e)(5). Not later than August 31, 2019, and not later than July 31 in each year thereafter, FHWA will notify the State DOT whether the State DOT has developed and implemented an asset management plan consistent with 23 U.S.C. 119. The notice will be in writing and, in the case of a negative determination, will specify the deficiencies the State DOT needs to address. In making the annual consistency determination, the FHWA will consider the most recent asset management plan submitted by the State DOT, as well as any documentation submitted by the State DOT to demonstrate implementation of the plan. The FHWA determination is only as to the consistency of the State DOT asset management plan and State DOT implementation of that plan with applicable requirements, and is not an approval or disapproval of strategies or other decisions contained in the plan. With respect to any assets the State DOT may elect to include in its plan in addition to NHS pavement and bridge assets, the FHWA consistency determination will consider only whether the State DOT has complied with § 515.9(l) with respect to such discretionary assets.

(1) Plan development. The FHWA will review the State DOT's asset management plan to ensure that it was developed with certified processes, includes the required content, and is consistent with other applicable requirements in this part.

(2) Plan implementation. The State DOT must demonstrate implementation of an asset management plan that meets the requirements of 23 U.S.C. 119 and this part. Each State DOT may determine the most suitable approach for demonstrating implementation of its asset management plan, so long as the information is current, documented, and verifiable. The submission must show the State DOT is using the investment strategies in its plan to make progress toward achievement of its targets for asset condition and performance of the NHS and to support progress toward the national goals identified in 23 U.S.C. 150(b). The State DOT must submit its implementation documentation not less than 30 days prior to the deadline for the FHWA consistency determination.

(i) FHWA considers the best evidence of plan implementation to be that, for the 12 months preceding the consistency determination, the State DOT funding allocations are reasonably consistent with the investment strategies in the State DOT's asset management plan. This demonstration takes into account the alignment between the actual and planned levels of investment for various work types (i.e., initial construction, maintenance, preservation, rehabilitation and reconstruction).

(ii) FHWA may find a State DOT has implemented its asset management plan even if the State has deviated from the investment strategies included in the asset management plan, if the State DOT shows the deviation was necessary due to extenuating circumstances beyond the State DOT's reasonable control.

What is TDOT’s Process for Documenting Consistency?

TDOT will submit to FHWA a summary of how the agency’s annual investment strategy planned allocations are in alignment are reasonably consistent with actual expenditure amounts based on the various MAP-21 work types. Should the amounts significant deviate, TDOT will provide documentation to justify the deviation.

Fiscal Year 2019	Bridges		Pavements	
Work Type	TAMP Investment (\$M)	Actual Investment (\$M)	TAMP Investment (\$M)	Actual Investment (\$M)
Maintenance	4.5	2.8	23.8	27.5
Preservation	9.4	8.9	223.5	264.9
Rehabilitation/Repair	42.3	41.0	7.3	25.0
Reconstruction	67.6	93.9	943.0	772.4
Total	123.8	143.3	1,197.6	1,089.8

Does the Actual Investment amount significantly deviate from the TAMP Investment amount? **Yes**

If yes, provide documentation below on why the deviation(s) were necessary due to extenuating circumstances beyond TDOT’s reasonable control.

Documentation: TDOT has historically adopted a “pay-as-you-go” and “fix-it-first” strategy for annual transportation budgeting. Additionally, TDOT has taken an aggressive approach when it comes to promoting the preservation for pavement and bridge assets before they deteriorate to the point where they must be reconstructed. As a result of this strategy, TDOT has been ranked nationally as one of the best transportation infrastructure networks in the country.

Although TDOT’s approach to managing its two most valuable assets has been successful to date, the approach that has been used to program budgets and to track project obligations is not consistent with the reporting requirements that have been established in 23 CFR Part 515.13(b)(2). While TDOT does execute projects which directly correlate to the four work types listed in the table above, the budgets that we establish each year have not been programmed into these specific work types and the actual investment amounts have not been tracked in that manner.

Additionally, TDOT’s PPRM system does not have the capability to easily identify specific amounts which have been budgeted or expended on the National Highway System. Therefore, attempting to provide meaningful TAMP Investment and Actual Investment amounts broken down into these categories was painstakingly difficult, and the amounts shown above are our best estimate as to how we have executed projects within each work type.

The amounts shown for Maintenance, Preservation, and Rehabilitation/Repair were the easiest to determine. Our Pavement Office and Structures Division program managers typically have these amounts readily available, and were primarily responsible for producing the investment amounts and budgets for those work types. The deviation in Rehabilitation/Repair investments for Pavements is attributed to the fact that the Pavement Management System recommended three interstate rehab projects this year instead of the typical one project.

The challenge was determining the portion of the Reconstruction projects that contribute to pavement and bridge condition. Many assumptions had to be made to split the amounts for this work type, because our system does not contain enough granularity in the data to produce these splits. That is why the deviation between the TAMP Investment and Actual Investment amounts for Reconstruction are so large.

Going forward, TDOT will work to develop new strategies to generate budget amounts which target the work types listed above for pavements and bridges. Additionally, the department will strive to split those budget amounts in a way that makes it clearer as to how much will be invested on and off the National Highway System. Likewise, TDOT will work to enable our financial and asset management systems to break down the actual investment amounts in a way that makes providing this consistency determination by work type and system much more simple and straightforward. Deviations from the budgeted TAMP investment amounts will require specific documentation to explain why they occurred; however, it will be important to recognize that project overruns and shifts in priority from year to year are inevitable.

This Consistency Determination document will be updated and posted on TDOT's website annually. It will also be referenced in the appendix of each version of TDOT's Transportation Asset Management Plan using the URL web address of the updated Consistency Determination document.