

**Language in Senate Report 110-335, to accompany S. 3001
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009**

Senate Passage , Sept. 17, 2008

ITEMS OF SPECIAL INTEREST

Defense Access Roads criteria

The Department of Defense (DOD) has the responsibility to determine whether proposed improvements to roads serving military installations may be eligible for financing through the Defense Access Roads (DAR) program. Section 210 of title 23, United States Code, authorizes DOD to pay a fair share of the cost of public road improvements necessary to mitigate an unusual impact of a defense activity if the Secretary of Defense determines the requirement to be important to national defense. An unusual impact includes the establishment of a new military installation, a significant increase in assigned personnel at an existing military installation, the relocation of an access gate, compensation for a closure of a public road caused by military activities, transport of heavy equipment over a public road, or a temporary surge of military activity creating intolerable congestion.

The committee is concerned that the current DAR eligibility criteria contained in the Federal-aid Policy Guide of the Federal Highway Administration (FHWA) do not consider the full range of transportation impacts or requirements. The committee is aware that the criteria currently do not account for safety and security concerns for local roads, even though certain DAR projects have been carried out in the past 5 years in order to correct significant deficiencies threatening the safety of military personnel.

In addition, the decisions of the 2005 Defense Base Closure and Realignment process, relocations of forces from overseas, and growth in the size of the Army and Marine Corps have led to a substantial increase in the number of personnel on certain military installations over a period of just a few years. Yet the staggered nature of these basing decisions make it difficult to show that any one decision meets the strict criterion of at least doubling local traffic, or easily determine the appropriate scope of cumulative impacts. As a result, valid transportation requirements may not be considered eligible due to a strict interpretation of the Adoubling@ criterion, despite a significant expansion of the installation's population.

The committee notes that the Transportation Research Board, which serves as an independent adviser to the President, Congress, and federal agencies on scientific and technical questions, has published a Highway Capacity Manual, which contains state-of-the-art techniques for estimating road

capacity and determining levels of service for transportation facilities and modes. These techniques have been adopted by the Federal Highway Administration as a basis for assessment of road requirements based on current congestion and saturation levels for traffic flows on public roads.

The DAR criteria were developed to assess the relative impact of military activities on public roads. Therefore, the committee directs the Secretary of Defense, working with the Secretary of Transportation, to review the current DAR eligibility requirements and to submit a report to Congress, not later than September 30, 2008, that includes the following:

- (1) a description of the current DAR criteria, including the statutory, regulatory, or policy basis for each of them;
- (2) the procedures in place to assist installation commanders in understanding the DAR criteria and submitting requests for DAR projects;
- (3) an assessment of whether each DAR project carried out in the past 10 years has specifically met the current criteria;
- (4) an analysis of whether a separate military construction account for DAR projects is in the best interest of the Department;
- (5) a review of the best practices and techniques used by the FHWA to assess road capacity requirements, and whether these techniques and measurement tools would be appropriate for assessing eligibility for DAR projects; and
- (6) any recommendations for changes in the criteria.