

Report to Congress
on
Implementation of the Expanded
Defense Access Roads Program



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The estimated cost of this report or study for the Department of Defense is approximately \$7,720 for the 2020 Fiscal Year. This includes \$100 in expenses and \$7,620 in DoD labor.

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Request

This report is provided in response to House Report 116-120, page 327, accompanying H.R. 2500, the National Defense Authorization Act for Fiscal Year 2020.

The committee notes that section 2865 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) expanded the types of projects eligible for funding under the Defense Access Roads program to include construction, repair, and mitigation projects related to sea-level rise and recurrent flooding. While the committee recognizes this expanded list of project categories was enacted too late to inform project planning and design or submission for the fiscal year 2020 budget request, the committee does expect the Department of Defense to consider the use of this expanded authority for defense access roads going forward. Therefore, the committee directs the Secretary of Defense to provide a report to the House Committee on Armed Services not later than March 1, 2020, regarding the implementation of the expanded Defense Access Roads program. The report should address the process and the criteria that will be used for selecting projects and a list of projects that have been identified as being eligible for consideration at the time the report is submitted. The list of eligible projects should include the geographic description, impacted military installation, road name or description, purpose, cost, scope, and Department of Defense Form 1391 for each project.

Background

The Defense Access Road (DAR) Program is authorized by title 23, United States Code, section 210 (23 U.S.C. §210). This statute gives the Secretary of Transportation the authority to expend funds appropriated for defense access roads. Public roadways may become eligible for defense funding under the DAR Program when the required improvements are a result of:

- a. Doubling of public roadway traffic, in a short period of time, due to establishment of a new installation, or expansion/movement of personnel to an installation;
- b. New access road or gate/entrance requirement;
- c. New mission requiring heavy and damaging vehicle traffic on low-grade roads;

- d. Closing public roadways permanently due to military necessity; or
- e. Recurrent flooding and sea-level fluctuation.

Defense access roads are public roads that the Commander, Military Surface Deployment and Distribution Command (SDDC), on behalf of the Secretary of Defense, certifies as important to the national defense in accordance with 23 U.S.C. §210.

Not every public roadway that provides access to a military reservation is classified as a defense access road. State and local transportation authorities are responsible for building and maintaining public roadways to all permanent traffic generators, including defense installations. The DAR Program is the method for the Department of Defense (DoD) to pay for public roadway improvements or repairs because of DoD-generated traffic impacts or requirements. The DAR Program is not a source of funding; it is a mechanism for DoD to request defense funds for mission-critical, off-base transportation improvements.

Process

The Installation Commander works with local transportation officials to identify access road deficiencies under the criteria listed above, and submits a request for support through their respective Military Department headquarters to SDDC. SDDC then validates whether the deficiencies have the potential to meet the DAR Program eligibility criteria, including the new flooding and sea-level rise criteria included in section 2865 of the John S. McCain National Defense Authorization Act for Fiscal Year (FY) 2019 (Public Law 115-232). After preliminary validation, SDDC requests the Federal Highway Administration (FHWA) to evaluate the roadway, determine the scope-of-work and develop a cost estimate in accordance with title 23, Code of Federal Regulations, Part 660E. The FHWA submits their evaluation to SDDC, who then uses the evaluation to determine if the project is eligible for the DAR Program. If so, the DAR Program office prepares a certification package, making the project eligible for DoD funding.

The Installation Commander is responsible for budgeting the project through its normal planning, programming, and budgeting process. Each service submits their DAR projects, along

with the rest of their military construction projects, to Congress for approval. DAR projects compete for funding with all of that Service's military construction projects. If Congress authorizes the project and appropriates the funds, DoD transfers the funds to FHWA, who then allocates the funding to the appropriate agency (Federal, state, county or local transportation authority) to execute the project. Upon completion of the project the owning transportation authority becomes responsible for long-term maintenance. This process is outlined in Army Regulation 55-80, DoD Transportation Engineering Program, which is the governing regulation for the DAR Program. To date, the Military Departments have not submitted any transportation requirements exercising the new DAR recurrent flooding and sea-level fluctuation criterion.

Flooding

While important for national defense, DAR roads are public roadways under the jurisdiction of state and local transportation agencies. State and local transportation agencies are responsible for maintaining public roadways and addressing any needed repairs or improvements, including those that arise from flooding, in their transportation improvement plans.

If installation leadership identify potential issues on public access roads, they first request state and local transportation agencies, as the roadway owner, to evaluate the problem and address the situation. In most situations, military facilities have multiple access points and can temporarily divert traffic during a flood event. If the flooding is on a primary or sole access to the military installation, the installation will evaluate whether the mission impact created by the flooding justifies seeking defense appropriations to fix the roadway. The installation will then submit requirements due to flooding in the same manner described in the process section of this report.

Criteria

When DAR projects are submitted under the expanded flooding criteria, SDDC evaluates the impact of that flood event in relation to its impact on the access to the installation. Projects on roadways providing sole or primary access to the installation are more likely candidates for certification under this criteria. Installations document these impacts and provide justification for using defense funds on public roadway improvements. Analysis of roadway volume and capacity, alternative routes, hydrology, as well as military usage, impacts to mission readiness,

and duration and frequency of the flood event(s) are all be factors to determine whether the road is important to national defense.

The Department issued new policy guidance to the Military Services expanding the DAR certification eligibility by adding a criterion that includes the “repair damage to and/or improve primary access roads that have experienced recurrent flooding impacting the military’s mission for five consecutive days or more than five separate times in a 12-month period.”

Conclusion

The Office of the Secretary of Defense (OSD) is not aware of any recurrent flooding or sea-level fluctuation at defense facilities that impedes transportation access and national security missions. Upon issuing the new policy guidance to the Military Departments, OSD directed SDDC to update the governing regulation for the DAR Program.