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U. S. Department of Transportation  
Dockets Management Facility  
Room PL-401  
400 Seventh Street SW  
Washington, DC 20590-0001

Re: Docket No. FHWA-FHWA-2006-23552 - 8  
Commentary on 23 CFR part 635 subpart D

As a retired Hydraulic Engineer with the Ohio Department of Transportation I read with great interest the proposed rule changes in Docket No. FHWA-FHWA-2006-23552. While at ODOT I coordinated research of various pipe products and developed pipe policy and specifications for the Department. Since my retirement I worked in private industry for five years and am now a private consultant. I have served on several ASTM, AASHTO, and TRB pipe and pipe related committees and have authored numerous papers on pipe performance.

The Ohio Department of Transportation has a long and successful history of specifying alternate pipe materials for drainage conduits dating back prior to publication of the current FHWA regulations. ODOT has been the first state to evaluate many new pipe products and specify them as alternates for drainage conduits when they became commercially available. The significant reduction in bid prices for drainage conduits achieved by this policy of open competition has been of great benefit to the taxpayers by stretching the highway construction funds.

I applaud FHWA for initiating the proposed rule change in 23 CFR part 635 subpart D to insure that alternate pipe materials are specified on all Federal Aid Highway Projects. The current version of Appendix A allows agencies to circumvent the intent of the rules to encourage competition and specify only one pipe material if they so choose. I am absolutely befuddled by the number of states and local agencies that take advantage of that loophole and still specify only one or two types of pipe material for drainage conduits while choosing to ignore the benefits of open competition to the detriment of the taxpaying public. I, therefore, hope that the rule changes when adopted will be enforced to comply with their intent.

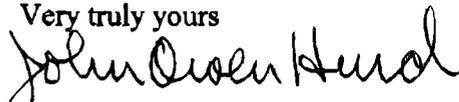
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I am sure that FHWA will be bombarded with negative comments on the proposed change from individuals and companies with a vested interest in keeping the status quo. I hope that FHWA will consider the source and not modify the proposed change.

Thank you for considering my comments. If you have any questions please feel free to contact me at your convenience.

Very truly yours

A handwritten signature in black ink that reads "John Owen Hurd". The signature is written in a cursive, flowing style.

John Owen Hurd, MS, PE