

April 17, 2017

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Ave. SE
West Building
Ground Floor
Room W12-140
Washington, DC 20590-0001

Re: Docket No. FHWA-2016-0034, Surface Transportation Project Delivery Program; Ohio Department of Transportation Audit Report

On behalf of the 6,000 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer comments on the Federal Highway Administration's (FHWA) Audit Report for the Ohio Department of Transportation (ODOT) assigning FHWA's environmental responsibilities to the state of Ohio under the National Environmental Policy Act (NEPA).

ARTBA's membership includes private and public sector members that are involved in the planning, designing, construction and maintenance of the nation's roadways, waterways, bridges, ports, airports, rail and transit systems. Our industry generates more than \$380 billion annually in U.S. economic activity and sustains more than 3.3 million American jobs.

ARTBA members undertake a variety of activities that are subject to the environmental review and approval process in the normal course of their business operations. ARTBA's public sector members adopt, approve, or fund transportation plans, programs, or projects. ARTBA's private sector members plan, design, construct and provide supplies for these federal transportation improvement projects. This document represents the collective views of our 6,000 member companies and organizations.

ARTBA has consistently supported the concept of state delegation of federal environmental review responsibilities since it was first introduced as a five-state pilot program in the "Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users" (SAFTE-LU). ARTBA reiterated this support when the pilot program was expanded to include all states in the "Moving Ahead for Progress in the 21st Century" (MAP-21) reauthorization law. ARTBA supported the initial efforts of the state of Ohio as well as those of California, Texas, Florida and Utah to participate in FHWA's delegation program to assume responsibility for federal environmental review of transportation projects. ARTBA appreciates this opportunity to reiterate our support for the Ohio delegation program.

Allowing Ohio and other states to assume responsibility for environmental reviews rather than provide information to federal agencies on a case-by-case basis reduces the amount of time involved in the environmental review and approval process by lessening the burden on federal agencies. Indeed, states currently participating in the delegation program are beginning to



demonstrate impressive results. NEPA delegation in Ohio offers the state a chance to improve the project delivery process by reducing delays and decreasing costs without sacrificing necessary environmental protections. Allowing the Ohio delegation program to continue will continue the progress towards the benefits the state hopes to realize from the program. Specifically, ODOT estimates a cost savings of \$45 million once the Ohio delegation program is fully established¹.

FHWA needs only to look to California and Texas—the two states which have the longest running NEPA delegation programs—to see what continued use of the delegation program can achieve. Specifically, an October 30, 2015, fact sheet published by the California Department of Transportation demonstrates the following significant reductions in delay preparing environmental review documents:

- Draft environmental assessments (EAs) have seen a median time savings of 10.7 months;
- Final EAs and Findings of No Significant Impact (FONSI) have seen a median time savings of 11.5 months;
- Draft environmental impact statements (EISs) have seen a median time savings of 22.9 months, and;
- Final EISs have seen a median time savings of 130.8 months—nearly 11 years²!

Similarly, the Texas Department of transportation has credited NEPA delegation with increased time savings, a more organized internal project delivery program and greater predictability.³

Put succinctly, NEPA delegation works. As FHWA stated on December 22, “The NEPA Assignment Program reduces duplication, saves time and resources, and avoids compromising our high standards for protecting the human and natural environment. Empowering states in this way saves time and money, making it good government AND good business.”⁴

NEPA was never meant to be a statute enabling delay, but rather a vehicle to promote balance. While the centerpiece of this balancing is the environmental impacts of a project, other factors must be considered as well, such as the economic, safety, and mobility needs of the affected area and how a transportation project or any identified alternative will address those needs. Continuing to foster delegation of the environmental review process in Ohio will help NEPA to achieve this balance.

Sincerely,



T. Peter Ruane
President & C.E.O

¹ Available at https://www.dot.state.oh.us/NEPA-Assignment/Pages/NEPA_Assignment_History.aspx.

² Available at http://www.dot.ca.gov/hq/env/nepa/pdf/nepa_assignment_fact_sheet_q33_oct2015_rev.pdf.

³ See December 8, 2015 testimony of Carlos Swonke, Director of Environmental Affairs, Texas Department of Transportation before the House Committee on Oversight and Government Reform Subcommittee on Transportation and Public Assets, available at: <https://oversight.house.gov/wp-content/uploads/2015/12/12-8-2015-Transportation-Subcommittee-Hearing-on-MAP21-Swonke-TX-DOT-Testimony.pdf>.

⁴ Available at <https://www.transportation.gov/fastlane/fhwa%E2%80%99s-%E2%80%98every-day-counts%E2%80%99-initiative-empowering-states>.