

December 16, 2016

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-2016-0019, Renewal Package from the State of California to the Surface Transportation Project Delivery Program and Proposed Memorandum of Understanding (MOU) Assigning Environmental Review Responsibilities to the State**

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

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 21<sup>st</sup> Century" (MAP-21) reauthorization law. ARTBA has specifically supported the efforts of California, as well as Texas, Ohio, Florida and Utah to participate in FHWA's delegation program allowing states to assume responsibility for federal environmental review of transportation projects.

As the first state to participate in the NEPA delegation program, California has demonstrated impressive results. According to an October 30, 2015, fact sheet published by the California



Department of Transportation, there have been significant reductions in delay preparing environmental review documents. Specifically, when compared to documents prepared prior to the delegation program:

- 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 years<sup>1</sup>!

The significant reduction in delay demonstrated by California is an example of how well NEPA delegation can work. The time and resources saved by the state allow both state and federal transportation resources to be used more effectively. The California NEPA delegation program should be renewed and continue to serve as an example to other states considering NEPA.

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 allow delegation of the environmental review process to interested states like California will help NEPA to achieve this balance.

Sincerely,



T. Peter Ruane  
President & C.E.O

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<sup>1</sup> Available at [http://www.dot.ca.gov/hq/env/nepa/pdf/nepa\\_assignment\\_fact\\_sheet\\_q33\\_oct2015\\_rev.pdf](http://www.dot.ca.gov/hq/env/nepa/pdf/nepa_assignment_fact_sheet_q33_oct2015_rev.pdf).