



June 16, 2017

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Re: Docket No. FHWA-2017-0009, Proposed Third Renewed Memorandum of Understanding (MOU) Assigning Certain Federal Environmental Responsibilities to the State of Utah, Including National Environmental Policy Act (NEPA) Authority for Certain Categorical Exclusions (CEs)

On behalf of the more than 7,500 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer comments on the Federal Highway Administration's (FHWA) proposed third MOU assigning certain federal responsibilities to the State of Utah, including NEPA authority for certain CEs.

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.

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 has supported delegation efforts Utah as well as those of California, Texas, Florida and Ohio to participate in FHWA's program to assume responsibility for federal environmental review of transportation projects. ARTBA appreciates this opportunity to reiterate our support for the Utah CE delegation program.

Allowing Utah 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 for CEs in Utah offers the state a chance to improve the project delivery process by reducing delays and decreasing costs without sacrificing necessary environmental protections.

Allowing the Utah CE delegation program to continue will continue the progress towards the benefits the state hopes to realize from the program

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 years!¹

Similarly, the Texas Department of transportation has credited NEPA delegation with increased time savings, a more organized internal project delivery program and greater predictability.²

Put succinctly, NEPA delegation works. As FHWA stated on December 22, 2016, “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.”³

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 Utah will help NEPA to achieve this balance.

Sincerely,



T. Peter Ruane
President & C.E.O

¹ Available at http://www.dot.ca.gov/hq/env/nepa/pdf/nepa_assignment_fact_sheet_q33_oct2015_rev.pdf.

² 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>.

³ Available at <https://www.transportation.gov/fastlane/fhwa%E2%80%99s-%E2%80%98every-day-counts%E2%80%99-initiative-empowering-states>.