



July 24, 2020

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

Re: Docket No. FHWA-2020-0009, Renewal Package from the State of Ohio to the Surface Transportation Project Delivery Program and Proposed Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State.

On behalf of the more than 8,000 members of the American Road & Transportation Builders Association (ARTBA), I respectfully offer comments on the June 24 Renewal Package from the State of Ohio to the Surface Transportation Project Delivery Program.

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 \$500 billion annually in U.S. economic activity and sustains more than 4 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" (SAFTEA-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 the efforts of Utah, California, Alaska, Arizona, Texas, Florida and Nebraska to participate in the Federal Highway Administration's (FHWA) delegation program to assume responsibility for federal environmental review of transportation projects. ARTBA appreciates this opportunity to similarly offer our continued 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. National Environmental Policy Act (NEPA) delegation is currently yielding impressive results in Ohio. Specifically, The Ohio Department of Transportation (ODOT) has noted a \$17 million savings in the first two years of the delegation program¹.

¹ Available at *Transportation Point, The Resource for Transportation Professionals*, p. 12 (Summer 2018).

Other states in the program have also realized impressive benefits. An Oct. 30, 2015, fact sheet published by the California Department of Transportation (Caltrans) demonstrates the following significant reductions in delay preparing environmental review documents:

- Draft environmental assessments (EA) 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!²

Additional benefits to states in the program include:

- The Texas Department of Transportation (TxDOT) has reduced the amount of time for an environmental assessment (EA) by 30 percent, from 30 to 18 months.³
- The Florida Department of Transportation (FDOT) has noted “the state will save \$22 million annually and approximately 25 percent of scheduled time during the project development and environmental phase.”⁴

Put succinctly, National Environmental Policy Act (NEPA) delegation works. As FHWA stated on Dec. 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.”⁵

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,



David Bauer
President & C.E.O

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

³ Available at *Transportation Point, The Resource for Transportation Professionals*, p. 3 (Summer 2018).

⁴ *Id.*, p. 6.

⁵ Available at <https://www.transportation.gov/fastlane/fhwa%E2%80%99s-%E2%80%98every-day-counts%E2%80%99-initiative-empowering-states>.