



July 29, 2021

Council on Environmental Quality  
730 Jackson Place, NW  
Washington, DC 20503

**Re: Docket No. CEQ-2021-0001; Deadline for Agencies to Propose Updates to National Environmental Policy Act Procedures**

Today I respectfully offer comments on the Council on Environmental Quality's (CEQ) June 29 proposal to extend the deadline for federal agencies to implement recent updates to the National Environmental Policy Act (NEPA) by two years. **ARTBA opposes any delay to implementing these sorely needed NEPA updates.**

Introduction

ARTBA actively supported CEQ's NEPA modernization effort through both public comments and testimony. The NEPA updates have already undergone the necessary notice and comment process, where CEQ reviewed and considered more than 1.1 million public comments.

CEQ must now allow other agencies to move forward with implementing these reforms. NEPA modernization focuses the statute on its original intent – assessing environmental impacts of major projects and actions supported by the federal government – instead of being used as a mechanism for causing delays and uncertainty in planning and building projects, including those in the transportation sector

Currently, it takes an average of five to seven years to complete the environmental review process for a new federal-aid project. ARTBA has also previously provided CEQ with examples of projects with significantly longer delays--some stretching 14 years. President Biden is prioritizing transportation infrastructure as a catalyst for economic recovery, and these delays run counter to his mission.

CEQ's NEPA Reforms Will Improve the Current Process

CEQ's updates to NEPA will result in a more efficient, while still thorough, review process, without impacting existing environmental standards. The revisions to NEPA, which have been outlined in ARTBA's prior comments and testimony, will not undermine environmental stewardship in planning transportation projects, which will still need to comply with the federal Clean Air Act, Clean Water Act, Endangered Species Act and other statutes. Moreover, NEPA modernization will not—and should not—guarantee favorable decisions on projects but will greatly improve the NEPA process' reliability and timeline, which is critical to ARTBA members and their work.

According to a 2012 report by the U.S. Government Accountability Office, as many as 200 major steps were involved in developing a transportation project, from the identification of the project need to the start of construction. The same report also shows it typically takes between nine and 19 years to plan, secure approval of, and construct a new major federal-aid highway project. This process involves dozens of overlapping state and federal laws, including NEPA, state NEPA equivalents, wetland permits, endangered species implementation, and clean air conformity.

These delays often lead to demonstrable and significant costs to the taxpayers, due to continuing increases in labor and materials costs, among other factors. According to a 2016 report by the Texas A&M Transportation Institute based on example projects, delays were estimated to cost \$87,000 per month for a small project (e.g., reconstruction of a rural road), \$420,000 per month for a medium-sized project (e.g., widening of a semi-rural highway) and \$1.3 million per month for a large project (e.g., reconstruction of a highway in a large metro area)<sup>1</sup>. Because of uncertain timelines associated with the current NEPA process, project costs can increase if potential bidders incorporate “pricing risk” into proposals or forego projects entirely, thereby limiting competition.

#### NEPA Reform Will Help to “Build Back Better”

Both the Biden administration and Congress are discussing a historic investment in our nation’s infrastructure aimed at helping our nation “Build Back Better” from the COVID-19 pandemic. Part of this effort must be to ensure infrastructure improvements are delivered quickly to communities who need them most.

The nation’s transportation infrastructure needs are too pressing, and funding is too constrained, to continue wasting time and taxpayer dollars on unnecessary project delays. Updating NEPA ensures everyone involved in the process can continue to serve as good environmental stewards, while achieving the efficiencies envisioned in CEQ’s reforms.

CEQ must not unnecessarily delay these sorely needed updates to the NEPA process. Thank you for considering the viewpoint of the transportation construction industry on this important policy matter.

Sincerely,



David Bauer  
President & CEO

---

<sup>1</sup> “Assessing the Costs Attributed to Project Delay During Project Pre-Construction Stages,” Texas A&M Transportation Institute, March 2016, available at: <https://static.tti.tamu.edu/tti.tamu.edu/documents/0-6806-FY15-WR3.pdf>.