



May 19, 2022

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

**Re: Dockets No. FHWA-2022-0005, FHWA-2022-0006, and FHWA-2022-0007, Renewal Packages from the States of Florida, Utah and California to the Surface Transportation Project Delivery Program and Proposed Memorandum of Understanding (MOU) Assigning Environmental Responsibilities to the State.**

Today I respectfully offer comments on the Federal Highway Administration's (FHWA) April 19 notices of the proposed renewal packages from the Florida Department of Transportation (FDOT), Utah Department of Transportation (UDOT) and California Department of Transportation (Caltrans) requesting renewed participation in the Surface Transportation Project Delivery Program assigning National Environmental Policy Act (NEPA) responsibilities to the states.

ARTBA members design and construct projects which undergo all levels of NEPA review. Accordingly, we have 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 21<sup>st</sup> Century" (MAP-21) reauthorization law. Last year the historic Infrastructure Investment and Jobs Act (IIJA) set a bipartisan goal of completing the NEPA review process in two years. Continued use of the NEPA delegation program will be an important tool in meeting that goal.

ARTBA has supported the efforts of Ohio, Nebraska, Alaska, Texas and Arizona to participate in the FHWA's delegation program to assume responsibility for federal environmental review of transportation projects. ARTBA appreciates this opportunity to similarly offer our continued support for the Florida, Utah and California delegation programs.

In the words of Caltrans, NEPA delegation "has resulted in documents being approved in less time; improved the efficiency in which Caltrans prepares, reviews, and approves environmental documents; improved the quality of documents; and provides for greater accountability through monitoring."<sup>1</sup>

---

<sup>1</sup> Available at <https://dot.ca.gov/programs/environmental-analysis/nepa-assignment>.

NEPA delegation is currently yielding impressive results in California. A 2019 Caltrans report shows draft environmental assessment (EA) and environmental impact statement (EIS) approvals are completed 12 to 24 months faster as a result of NEPA delegation.<sup>2</sup> Additionally, in Florida, FDOT has noted that NEPA delegation will save the state “\$22 million annually and approximately 25 percent of scheduled time during the project development and environmental phase.”<sup>3</sup> In Utah, UDOT has saved an average of 9 months for completing an EA and 12 months for completing an EIS.<sup>4</sup>

Additional benefits to other states include:

- The Texas Department of Transportation has reduced the amount of time for an EA by 30 percent, from 30 to 18 months.<sup>5</sup>
- The Ohio Department of Transportation has saved \$17 million in the first two years of the delegation program.<sup>6</sup>

Put succinctly, 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.”<sup>7</sup>

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 NEPA delegation in Florida, Utah and California will help NEPA to achieve this balance and help FHWA deliver on the IIJA’s promise of a two-year environmental review and approval process.

Sincerely,



David Bauer  
President & C.E.O

---

<sup>2</sup> Available at <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/327-monitor-report-fy-18-19-a11y.pdf>, p. 22

<sup>3</sup> Available at *Transportation Point, The Resource for Transportation Professionals*, p. 6. (Summer 2018).

<sup>4</sup> See <https://drive.google.com/file/d/10QlgX9n3ga-egS5o-KToHgLiTKaVSKiT/view?usp=sharing>, p. 12.

<sup>5</sup> Available at *Transportation Point, The Resource for Transportation Professionals*, p. 3 (Summer 2018).

<sup>6</sup> *Id.*, p. 12.

<sup>7</sup> Available at <https://www.transportation.gov/fastlane/fhwa%E2%80%99s-%E2%80%98every-day-counts%E2%80%99-initiative-empowering-states>.