



December 5, 2022

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

Re: Docket No. FHWA-2021-0019, Surface Transportation Project Delivery Program: Alaska Department of Transportation Fourth Audit Report;

Re: Docket No. FHWA-2021-0020, Surface Transportation Project Delivery Program: Arizona Department of Transportation Draft FHWA Audit Report;

Today I respectfully offer comments on the Federal Highway Administration's (FHWA) Nov. 3 notices of draft audit reports from the Alaska Department of Transportation and the Arizona Department of Transportation as part of the 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 21st 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 California, Florida, Ohio, Nebraska, Texas and Utah 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 Alaska and Arizona delegation programs.

NEPA delegation is currently benefitting multiple states. In the words of the California Department of Transportation (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."¹ A 2019 Caltrans report shows draft EA and EIS approvals are completed 12 to 24 months faster as a result of NEPA delegation.²

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

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

Additional benefits to other states include:

- The Florida Department of Transportation (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.”³
- The Texas Department of Transportation has reduced the amount of time for an EA by 30 percent, from 30 to 18 months.⁴
- The Ohio Department of Transportation has saved \$17 million in the first two years of the delegation program.⁵
- The Utah Department of Transportation has saved an average of 9 months for completing an environmental assessment (EA) and 12 months for completing an environmental impact statement (EIS).⁶

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.”⁷

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 Alaska and Arizona 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

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

⁴ Available at *Transportation Point, The Resource for Transportation Professionals*, p. 3 (Summer 2018).

⁵ *Id.*, p. 12.

⁶ See <https://drive.google.com/file/d/10QlgX9n3ga-egSSo-KToHgLiTkaVSKiT/view?usp=sharing>, p. 12.

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