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TMAW

August 17, 2026

VIA ELECTRONIC SUBMISSION

Mr. Daniel Suarez
Acting Division Administrator
Virginia Division
Federal Highway Administration
400 North 8th Street, Suite 750
Richmond, VA 23219

RE: Support for Application for Virginia Department of Transportation (VDOT) to Participate in the Surface Transportation Project Delivery Program under 23 U.S.C. § 327.

Dear Mr. Suarez:

The American Road & Transportation Builders Association (ARTBA) respectfully offers the following letter **strongly supporting** the Virginia Department of Transportation's (VDOT) application for National Environmental Policy Act (NEPA) assignment authority. ARTBA urges the Federal Highway Administration (FHWA) to advance the application expeditiously.

Background

ARTBA represents over 8,000 members across all sectors and sizes of the transportation construction industry, including contractors, planning and design firms, state and local transportation agencies, materials suppliers, and safety and equipment manufacturers. Our members plan, design, build, and maintain the nation's highways, bridges, rail systems, airports, and other critical transportation infrastructure.

Today, ARTBA writes specifically on behalf of its Virginia-based member firms and agencies.[1] These entities are responsible for delivering and maintaining the infrastructure that supports the daily movement of goods and people throughout the Commonwealth. Many of these projects undergo reviews at every stage of the NEPA process. This bureaucratic transformation from "thorough" to "excessive" can result in significant uncertainty and delays for projects.

Given this experience, ARTBA has long supported the assignment of federal environmental review responsibilities to states—a concept introduced through a five-state pilot in the "Safe, Accountable,

[1] Besides numerous individual companies based or operating in Virginia, ARTBA's unique membership structure includes VDOT and a longtime affiliation with the Virginia Transportation Construction Alliance (VTCA), the Commonwealth's leading organization for contractors and related industry interests.

Flexible, Efficient Transportation Equity Act – A Legacy for Users" (SAFETEA-LU)[2] and expanded nationwide in "Moving Ahead for Progress in the 21st Century" (MAP-21).[3] More recently, the Infrastructure Investment and Jobs Act (IIJA)[4] established a goal of completing environmental reviews for major projects within two years. Continued implementation and expansion of NEPA assignment authority is critical to achieving this objective. Currently, nine states have delegated NEPA responsibilities, with more indicating their intent to apply, including Virginia. In that spirit, ARTBA offers the following comments on VDOT's application.

ARTBA's Comments on the Application

I. NEPA assignment expedites review timelines and reduces costs.

ARTBA has consistently highlighted examples where state assumption of NEPA responsibilities has led to measurable improvements in review timelines.[5] According to a recent TxDOT self-assessment, the median time to complete an environmental review was nearly 18 percent longer prior to the state's NEPA assignment.[6] California and Ohio have similarly reported significant reductions in environmental review timelines.[7] Beyond shorter review timelines, participating states have also reported reduced costs as a benefit of participation.[8] These results demonstrate the practical benefits of placing federal environmental review responsibilities with qualified state transportation agencies.

FHWA itself has also recognized that states participating in the program have improved their environmental review processes through more effective and efficient decision-making. Since early 2025, the agency has undertaken a series of executive actions encouraging additional states to apply.[9]

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[2] Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), Pub. L. No. 109–59, 119 Stat. 1144 (2005).
[3] Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. No. 112–141, 126 Stat. 405 (2012).
[4] Infrastructure Investment and Jobs Act, Pub. L. No. 117–58, 135 Stat. 429 (2021).
[5] Tex. Dep't of Transp., *NEPA Assignment Program Self-Assessment Report: January 1, 2023 – December 31, 2023* (Jan. 31, 2025).
[6] *Id.*
[7] *See e.g.,* Cal. Dep't of Transp., *NEPA Assignment Fact Sheet: Approvals and Time Savings* (Apr. 2026) (reporting median time savings under NEPA assignment of 14.4 months for final Environmental Assessments/Findings of No Significant Impact and 124 months for final Environmental Impact Statements), https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/nepa-factsheet-a11y.pdf ; Ohio Department of Transportation, *ODOT/FHWA NEPA Assignment 2025 Self-Assessment Report* (Nov. 18, 2025), https://dam.assets.ohio.gov/image/upload/transportation.ohio.gov/environmental-services/nepa/2025FHWANEPAAssignmentSelfAssessment.pdf.
[8] *See, e.g.*, Alaska Dep't of Transp. & Pub. Facilities, *Alaska Welcomes U.S. Transportation Secretary Sean Duffy: Visit Highlights Shared Priorities in Safety, Project Delivery, and Infrastructure Investment* (2025) (noting that NEPA assignment has allowed the state to streamline reviews, shorten project timelines, and reduce costs), https://dot.alaska.gov/comm/pressbox/arch2025/PR25-0030.shtml, Ohio Dep't of Transp., *ODOT/FHWA NEPA Assignment 2025 Self-Assessment Report* (Nov. 18, 2025), https://dam.assets.ohio.gov/image/upload/transportation.ohio.gov/environmental-services/nepa/2025FHWANEPAAssignmentSelfAssessment.pdf.
[9] *See e.g.,* Letter from Sean P. Duffy, Sec'y, U.S. Dep't of Transp., to State Governors (July 17, 2025), https://www.environment.fhwa.dot.gov/nepa/documents/HEP-250612-001_Signed_Letter.pdf

II. States have the expertise and experience to make informed decisions.

Of the nine states with NEPA assignment authority, seven have operated under the program for approximately seven to nineteen years. NEPA assignment is therefore no longer an experimental initiative. Rather, the experience of longtime participating states demonstrates measurable project-delivery benefits and the improved ability of state transportation agencies to make timely, informed environmental decisions.

Importantly, NEPA assignment does not lessen applicable federal environmental requirements or eliminate federal oversight. States assume the same procedural and substantive requirements that would otherwise apply to federal agencies, while FHWA retains responsibility for auditing and monitoring state performance. This framework allows qualified state transportation agencies to assume greater responsibility for project delivery while maintaining accountability for compliance with federal environmental law.

Conclusion

ARTBA strongly supports VDOT's application for NEPA assignment authority and appreciates the opportunity to offer its support through this communication. The experience of states already participating in the program demonstrates that assignment can improve environmental review timelines, reduce costs, and provide greater control and accountability over project delivery, while maintaining federal environmental requirements and oversight. Virginia is well positioned to build on this experience. ARTBA encourages FHWA to advance VDOT's application expeditiously and take the necessary steps to complete the assignment process.

ARTBA remains available to engage further on this or other matters affecting transportation project delivery. For additional information, please contact Prianka Sharma at psharma@artba.org.

Sincerely,

Prianka Sharma

Prianka P. Sharma
Deputy General Counsel and Vice President for Regulatory Affairs