

## TRANSPORTATION—Are We There Yet?

Speed Up the Delivery of  
Transportation Projects—2009

transportation

# delivery



# Speed Up the Delivery of Transportation Projects

## A Better Outcome in Half the Time through Integrated and Programmatic Approaches

A typical highway project can take from 10 to 15 years to complete—up to six years for the environmental process, and up to nine years or more for planning, design, and construction. Such delay has very real consequences for the American public: inadequate and congested highways cost drivers thousands of hours of lost time, and cost businesses millions of dollars in productivity; delayed highway safety improvements literally cost lives in crashes that could have been avoided. Unfortunately, there is no silver bullet for speeding up the delivery of transportation projects. Issues as diverse as restrictions on early right-of-way procurement, laborious environmental review and permitting processes, limitations on innovative contracting, and duplicative administrative tasks all contribute to what some have described as “death by a thousand paper cuts.”

It is time to refocus federal and state transportation agencies on improving mobility for the American public in the most expeditious way possible using approaches that protect the natural and human environment.

### RECOMMENDATIONS TO IMPROVE DELIVERY OF TRANSPORTATION PROJECTS AND PROGRAMS

#### 1. Expand State Roles in Environmental Processes

Under SAFETEA-LU, new provisions of law (Section 6004 and 6005) were enacted to help streamline the federal environmental process by allowing State DOTs to assume FHWA’s NEPA responsibilities. Currently, any State may assume full USDOT environmental review responsibilities for categorical exclusion projects. Additionally, a pilot program was created allowing five States to assume full USDOT environmental review responsibilities for all types of projects. These provisions need to be further refined and expanded to take full advantage of their potential.

- The five-state pilot program should be institutionalized as a permanent program and all States should have the option to participate.
- States should be allowed to assume USDOT responsibilities without reducing flexibility to acquire right-of-way and perform design work prior to the completion of the NEPA process.

- The program should clarify that a State can assume USDOT's responsibility for making project-level conformity determinations under the Clean Air Act, along with all other project-level environmental review responsibilities.
- A new pilot program should be established, as an alternative to Section 6005, that allows State DOTs to assume expanded responsibilities for environmental documents without waiving sovereign immunity.

## 2. Streamline the Environmental Review Process

SAFETEA-LU created new procedures for expediting the environmental review process for projects that require an environmental impact statement (EIS). The core of this new process is a higher-profile role for transportation agencies as "lead agencies" in the NEPA process. However, Section 6002 also contains new procedural requirements that have created additional burdens without providing any measurable improvement in the environmental review process. To achieve the full streamlining potential of this law, Section 6002 should be amended to eliminate unnecessary procedural requirements, provide additional streamlining benefits, and allow for one EIS rather than a draft and a final. In addition, FHWA, FTA, and EPA should be directed to commission an independent National Academy of Sciences study to evaluate the effectiveness of transportation air quality conformity requirements in meeting the goals of the Clean Air Act.

## 3. Establish an Integrated Planning Pilot Program

Under existing federal laws, environmental reviews are generally conducted on a project-by-project basis, rather than on a larger watershed/ecosystem or regional scale. This approach consumes vast amounts of time and money, but is not an effective approach for protecting or enhancing valuable resources. A more holistic approach is needed to consider natural and cultural resources while also addressing mobility needs. An "Integrated Planning Pilot Program" (IPPP) should be authorized to assess alternative approaches to evaluate natural and cultural resources in transportation planning and delivery while reducing environmental review times. The Special Experimental Project (SEP) model developed by FHWA should be used as a framework in which federal agencies could waive or modify their own requirements as part of a study that follows the principles of the federal inter-agency document Eco-Logical.

## 4. Expand Opportunities for Advanced Right-of-Way Acquisition

The ability to use Federal funds for corridor preservation is severely restricted until after the NEPA process is completed for the entire project, generally just a few years prior to construction—not nearly early enough time to take full advantage of the potential for reduced cost and reduced community disruption. In addition, obtaining right-of-way is an “environmentally neutral” event—it is simply a way of preserving options. Federal legislation and regulation should be modified to: encourage corridor preservation and advanced acquisition along existing and new alignments; separate the right-of-way acquisition process from the environmental review process; specify that entire corridors do not need to be part of a fiscally constrained long-range plan for corridor preservation funds to be used; allow concurrent construction and right-of-way acquisition; and establish a federal corridor preservation fund to encourage investment in preserving future transportation corridors.

## 5. Ease the Administrative Burden of Demonstrating Fiscal Constraint

Fiscal constraint is necessary for delivering successful transportation programs, and the States DOTs are accountable for delivering the programs promised in state transportation improvement programs (STIPs), in many cases including performance metrics to measure the delivery of their programs. However, current federal fiscal constraint requirements have morphed into an increasingly detailed accounting practice that is administratively onerous on the State DOTs and no longer adds value to the programming process. Fiscal constraint needs to be re-focused on public accountability rather than balance-sheet accounting. In addition, projects that anticipate leveraging private-sector funding need to be permitted in STIPs and long-range plans, and portions of large corridor projects should be allowed to move beyond the environmental stage even when uncertainty may exist in project costs, schedules, or public/private funding mix for the entire corridor.

## Additional Recommendations to Improve Delivery of Transportation Projects and Programs

- **Designate a single “lead agency” within US DOT** for transportation projects to reduce multiple reviews, approvals, and revision processes for each project document and decision.
- **Maintain existing relationships between states and metropolitan planning organizations (MPOs)** to continue delivering transportation programs that meet the needs of the urban areas and the states as a whole.
- **Promote Integrated Planning and Programmatic Approaches** by providing assurances that environmental decisions made in the planning process will be carried forward into the NEPA process and encourage program-level approaches rather than project-by-project reviews.
- **Increase funding for the Center for Environmental Excellence** by AASHTO to provide information sharing, technical assistance, and training services to state DOTs in improving environmental performance and program delivery.

- **Allow detailed design to proceed prior to completion of the environmental process** so that the State DOTs can continue moving forward on projects after a “preferred alternative” has been selected.
- **Allow substitution of state procedures for right-of-way acquisition and relocation** on federal projects to expedite project delivery after certification by FHWA.
- **Permit greater use of proprietary products** to help increase safety when no equally suitable alternative exists.
- **Broaden opportunities for using warranties on construction projects** to allow the option to cover entire projects, not just certain products or features.

