

Memorandum

TO: Joint MTC Legislation Committee and
ABAG Legislation Committee

DATE: February 1, 2019

FR: Executive Director

RE: AB 252 (Daly): Delegation of Federal Environmental Review to Caltrans

Background

Assembly Bill 252 would indefinitely extend the ability for California to assume responsibility for federal environmental review and approval of highway projects under the National Environmental Policy Act (NEPA). This option, established in federal law as the Surface Transportation Project Delivery Program (Section 327 of Title 23 of United States Code), was established in 2005 as a pilot effort to streamline federal environmental processes but was subsequently made permanent. Caltrans became the first state department of transportation to participate in 2007 and reports time savings averaging between 5 months to over 10 years, depending on the type of document under review.

Recommendation: Support

Discussion

According to Assembly Member Daly's office, over the course of the program, Caltrans has reported significant reductions in NEPA processing times, including an average time savings of 20 percent to complete final Environmental Assessments (12 months savings) and an average time savings of 72 percent to complete final Environmental Impact Statements (over 10 years!). These time savings are associated with millions of dollars in project cost savings while significantly speeding the delivery of major transportation projects. MTC supported AB 28 (Frazier) in 2017 to extend the program, but unfortunately it was only extended for two years, so another extension is needed.

Environmental clearances subject to the NEPA delegation include both NEPA-only requirements and concurrent NEPA/California Environmental Quality Act requirements. California's NEPA assignment currently applies only to Federal Highway Administration-administered projects so does not affect projects funded solely with Federal Transit Administration funds. Given the program's success in shortening the environmental review process and the fact that the program is now authorized on a long-term basis under federal law, staff recommends a support position on SB 252.

Bill Positions

Support: Self Help Counties Coalition (sponsor)

Oppose: None on file



Steve Heminger

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