Caltrans Realizes “Huge Benefits” from Assuming Federal Environmental Reviews

As the first state transportation agency to assume Federal authority for environmental reviews of highway projects, the California Department of Transportation (Caltrans) has shaved more than a year off the median timeframe for its review process. Through its participation in the National Environmental Policy Act (NEPA) assignment program, Caltrans is saving money, protecting the environment, and getting vital projects to construction sooner.

Caltrans took on the Federal Highway Administration’s (FHWA) environmental review authority for transportation projects in 2007 as part of a pilot project. Today, it is one of eight states that are authorized to act in place of the Federal government in reviewing environmental impacts of highway projects under the NEPA assignment program. As such, Caltrans is responsible for ensuring compliance with all applicable Federal environmental laws, as well as FHWA’s NEPA regulations, policies, and guidance. Caltrans is also legally responsible and liable for the environmental decisions made on projects for which it has assumed NEPA review authority.

As of April 30, 2019, Caltrans’ 700 environmental practitioners have approved 12,744 categorical exclusions (CEs), 249 draft environmental assessments, 212 findings of no significant impact, 22 draft environmental impact statements (EISs), 19 final EISs, and 15 records of decision. These practitioners work on both state highway systems and local-assistance, Federal-aid highway projects.

NEPA Assignment allowed Caltrans to consult with both state and federal agencies as the federal lead agency for impacts to salmonids, critical fish habitat, and water quality on the Seiad River bridge replacement project, on Route 96, in Siskiyou County.

Photo: Caltrans
Caltrans is authorized to assume Federal authority for the full NEPA program (under 23 USC 327), as well as for CE determinations (under 23 USC 326). For NEPA assignment, the agency is currently operating under a five-year agreement that expires on December 21, 2021. The CE assignment agreement was renewed in April 2019 for a three-year term. The vast majority of projects, around 95 percent, are processed as CEs. Projects with greater potential for environmental impacts require a full environmental impact assessment under NEPA and are covered under the full NEPA assignment program.

**Process Improvements**

In addition to the estimated 13.8-month time savings for projects with an environmental document, improvements in Caltrans’ environmental review process have been a major benefit of the NEPA assignment program, according to Tammy Massengale, who heads the NEPA assignment program for the state.

To implement the stringent program requirements as outlined in the official memorandum of understanding (MOU) with FHWA, Caltrans revised its environmental policies and procedures as well as updated the Caltrans Standard Environmental Reference. The reference includes a chapter on addressing NEPA Assignment that must be followed by all Caltrans districts, regions, and by all agencies and consultants preparing environmental documents for approval by the department.

Massengale explained that even before NEPA assignment, the Standard Environmental Reference was very comprehensive, but it has been made more robust. The updated reference provides step-by-step instructions and analysis tools for practitioners, and it has been used as a model for other states. As a result, Caltrans staff have become expert NEPA practitioners, and the program has achieved more consistency and additional quality control for its environmental documents, she said. Implementation is facilitated by district-level NEPA coordinators that act as liaisons with Caltrans headquarters and help educate staff.

Although Caltrans no longer is subject to FHWA audits, the state agency continues to self-monitor annually, documenting ongoing compliance with the MOU and all relevant environmental requirements.

**Cost Savings, Other Benefits**

Although Caltrans has not been required to calculate cost savings for the NEPA assignment program overall, the department has saved time by conducting its own reviews and has saved money by reducing project delays. An analysis done for the 2017–2018 fiscal year showed a savings of $13.4 million attributed
to Caltrans leading its own streamlined environmental reviews.

According to Massengale, the agency also has improved its working relationships, holding quarterly meetings with resource agencies responsible for signing off on its projects, as well as local agency partners. For example, the agency has reduced its timeframes for obtaining a biological opinion related to endangered species impacts by five months.

Caltrans’ use of interagency liaisons, which are dedicated positions that it funds at resource agencies, has also helped expedite project decisions, she said.

**Lessons Learned**

When asked about lessons learned and advice for other state DOTs considering NEPA assignment, Massengale urged states to work closely with their FHWA division offices. Once a state decides to take on full NEPA assignment, she said, FHWA provides staff and technical support to help states develop their programs.

She also advises that state DOTs reach out to other NEPA assignment states (Alaska, Arizona, Florida, Ohio, Texas, Utah; Nebraska DOT has CE assignment and is in the process of applying for full NEPA assignment). These states have a wealth of knowledge to pass on, Massengale said, and they continue to support each other and other states interested in the program.

Massengale urged states to practice patience. It took two years for Caltrans to get its program up and running, she said, and several more years to refine it in alignment with FHWA’s audits and Caltrans’ self-assessments.

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**NEPA Assignment Resources**

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**Lessons Learned from State DOT NEPA Assignment**

*(National Cooperative Highway Research Program)*
Looking back on the agency’s years of NEPA assignment, Massengale said, she does not see any downsides. “It really has been so beneficial for Caltrans, for our local partners, and for the environment, too,” she said.

As for next steps, Caltrans also is considering taking on additional authority that would allow it to substitute state environmental requirements under the California Environmental Quality Act (CEQA) for Federal NEPA requirements. This authority was established as pilot program under the Fixing America’s Surface Transportation (FAST) Act and is available for up to five NEPA assignment states. Implementation of the authority, known as the Program for Eliminating Duplication of Environmental Reviews, is awaiting final authorization by FHWA. The FHWA regulations will provide application requirements and criteria necessary to determine whether state laws and regulations are at least as stringent as the Federal law. For California, this so-called CEQA-NEPA reciprocity would give the state even more autonomy in environmental compliance for transportation projects.

Meanwhile, Caltrans continues to reap the benefits of NEPA assignment. “I think it’s wonderful,” Massengale said. “I’m happy not only to work with the program but I’m happy to be a citizen of the state and see the great things that Caltrans is doing for the environment.”

For more information, link to the Caltrans NEPA Assignment web page or contact Tammy Massengale at tammy.massengale@dot.ca.gov.

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**About the Center**

In partnership with the Federal Highway Administration, AASHTO’s Center for Environmental Excellence promotes environmental stewardship by exploring new methodologies to enhance and streamline the transportation delivery process. It serves as a resource for transportation professionals pursuing partnership-building opportunities, technical assistance, training, information exchange, and reliable environmental tools.

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