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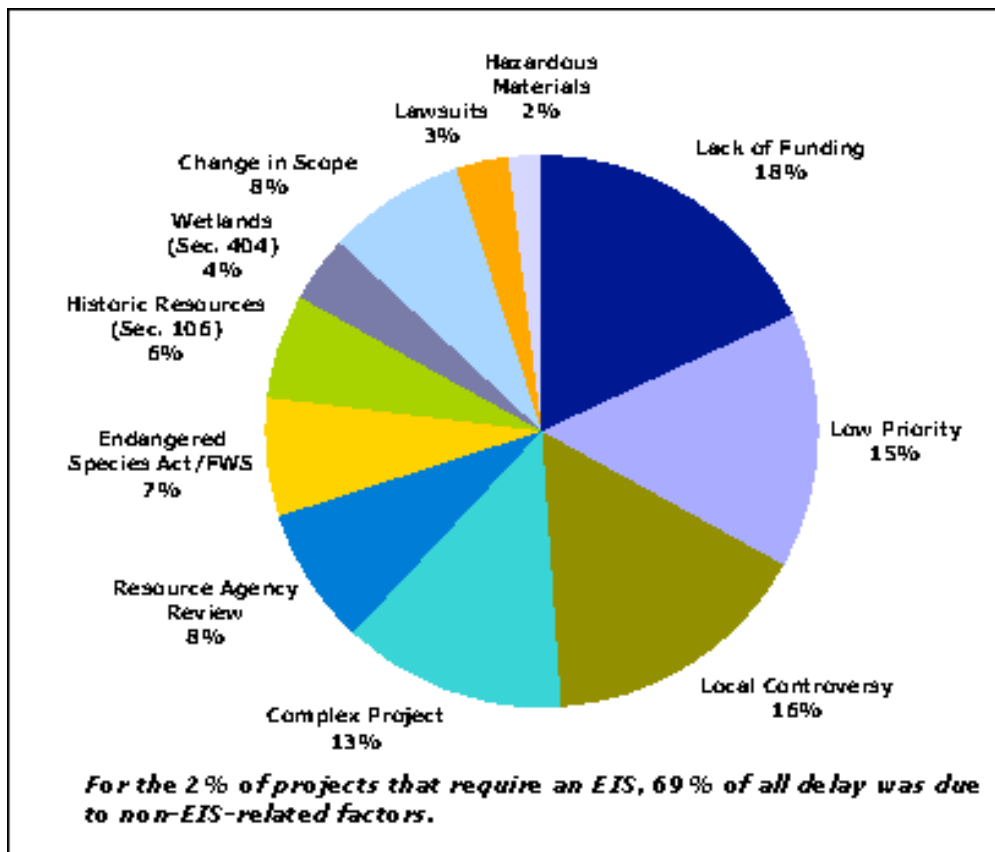
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Transportation Project Delays Why environmental streamlining won't solve the problem

Recent reports from the Federal Highway Administration and the American Association of State Highway and Transportation Officials suggest that problems with transportation project delays will not be solved by diluting widely-supported environmental laws. Instead, the studies indicate that project delivery can best be streamlined by addressing intrinsic flaws in the transportation planning process. The most effective strategy to speed project delivery is one of the fundamental principles of the very environmental regulations under attack involving stakeholders early, often and substantively.

Are Environmental Regulations the Problem?



There is no doubt that many transportation projects stretch far beyond their projected timeframe for delivery. However, there is little evidence to suggest that environmental laws are the cause of most project delays. Three new studies, from the American Association of State Highway and Transportation Officials (AASHTO) and FHWA, attempt to address this gap by quantifying the impact that the NEPA process has had on

transportation projects. These studies call into question the complaints that environmental requirements are the source of the delays, instead finding that most

delayed projects are held up by a lack of funding and/or lack of local political support, or by their controversial nature (in which case the projects may merit a go-slow approach). Other projects are held up because of the complexity of their environmental impacts, which rightfully require extensive review by the appropriate natural resource agencies.

FHWA Finds that Lack of Funding and Local Support Are Source of Delays

The Federal Highway Administrations review of transportation infrastructure projects with outstanding Environmental Impact Statements (projects that have yet to complete the review process after five or more years) contradicts many of the claims made by proponents of environmental streamlining. Most (57.5 percent) of the 89 protracted projects studied were between 5 and 7 years old, with 13 still awaiting a Record of Decision after more than 10 years. FHWA's study found that the most common reason that the projects were delayed was because of lack of funding or low priority (32 percent), local controversy (16 percent), or the inherent complexity of the project (13 percent). All of these issues, as well as changing or expanding the scope of the project (8 percent) surpass environmental factors as causes of project delay.

A second FHWA study found that these delayed projects aside, the average time required to complete the NEPA process for EIS projects was about 3.6 years. The median (which in this case is a better measure because of outliers in the sample) time required was only 3 years. It is important to note that the time required to complete the NEPA process is not necessarily additive to the project planning process, and may be coincident with other phases of the project. Regardless, the second FHWA study found that the NEPA process typically comprises only 28 percent of the entire project development process.

AASHTO Report Exposes Incorrect Project Classification as Major Cause of Delays

The AASHTO study focused not on overall project delivery, but on state DOT experiences with the environmental review process itself. According to AASHTO's survey of 32 state DOTs, the vast majority of transportation projects require only enough environmental documentation to support a Categorical Exclusion (CE) from NEPA, the lowest level of review. In fact, the AASHTO study found that fully 92 percent of environmental documents processed by state DOTs are CEs. Environmental Assessments (EA) make up seven percent, with full Environmental Impact Statements (EIS) rounding out the sample at less than 2 percent. In absolute terms, that amounts to average of only 5 EISs processed by each state in a given year. According to the AASHTO study, of states which experienced delays with CE preparation (63 percent of the surveyed states), only 31 to 48 percent of all the CEs prepared by those states were delayed. Similarly, for the 81 percent of states which experienced delays in EA preparation, 43 to 64 percent of the EAs prepared by those states were delayed. In other words, even in states which reported delays in the environmental review process, between as many as 70 percent of documents were completed without any delay at all.

Interestingly, the causes of delay cited by state DOTs indicate that the issues encountered should probably have triggered a more rigorous environmental review process. A review of the report indicates that some of the projects selected by state DOTs to typify delays were processed using lower-level documentation than was merited. Janine Bauer of the Coalition to Defend NEPA and the Tri-State Transportation Campaign has suggested that perhaps the projects processed as CEs should have been processed instead by EAs; likewise, projects processed as EAs should have been processed through a full EIS.

The bottom line is that average delays for a CE or EA process were not that burdensome. In fact, according to the AASHTO study almost 40 percent of the surveyed states did not experience delays in the CE process, and almost 20 percent experienced no delays in the EA review process. And for those projects that experienced long delays, it was likely because they merited a more rigorous environmental review.

Sources:

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The Louis Berger Group. Evaluating the Performance of Environmental Streamlining: Development of a NEPA Baseline for Measuring Continuous Performance. FHWA: 2000.

American Association of State Highway and Transportation Officials. Environmental Process Streamlining: A Report on Delays Associated with States Categorical Exclusion and Environmental Assessment Processes. October 2000.

FHWA Environmental Streamlining Website: <http://www.fhwa.dot.gov/environment/strmlng>

Defenders of Wildlife Habitat and Highways Campaign: <http://www.defenders.org/habitat/highways>

National Coalition to Defend NEPA: (212) 268-7474

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