

## **RESOLUTION 1-99**

### **RESOLUTION OF THE WESTERN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS**

#### **Regarding**

#### **US DOT PLANNING AND ENVIRONMENTAL RULES SHOULD INCREASE STATE FLEXIBILITY AND STREAMLINE PLANNING AND ENVIRONMENTAL REVIEW PROCESSES**

Whereas, the Congress in passing the Transportation Equity Act for the 21st Century (TEA-21) adopted a number of reforms which streamlined the planning and environmental review processes for transportation projects, including provisions:

- directing US DOT to streamline the environmental review process;
- reducing the number of planning factors to be considered;
- abolishing a separate requirement for so-called major investment studies; and
- specifying that the National Environmental Policy Act (NEPA) does not apply to the Federal transportation planning process; and

Whereas, the United States Department of Transportation (US DOT) has commenced the process of revising its planning and environmental rules and processes to ensure consistency with TEA-21 without apparent consideration of AASHTO's comments; and

Whereas, the American Association of State Highway and Transportation Officials (AASHTO) wrote to US DOT in November 1998 on the development of such rules and asked that:

- the project delivery process be streamlined and simplified while maintaining substantive environmental protections;
- regulations not be promulgated or continued unless required by statute;
- the balance (in terms of planning and programming authority) between State and local units of Government be maintained; and
- any required regulations to be as flexible as possible; and

Whereas, as part of the process leading towards the development of revised rules, US DOT has released for comment, a paper entitled, "Federal Highway Administration and Federal Transit Administration TEA-21 Planning and Environmental Provisions: Options For Discussion" that has become known as the "options paper," and

Whereas, a significant number of the options on planning and environmental rules and processes identified in that "options paper" appear to increase rather than streamline Federal regulatory processes and requirements, and would restrict State authority, contrary to the direction taken by Congress in its actions in TEA-21 regarding planning and environmental issues and without apparent consideration of AASHTO's November comments; and



Whereas, among the options noted of particular concern are options which would appear to require:

- a new substantive approval of transportation projects by the Federal Government under NEPA;
- a new specific requirement as to how States must consult with rural local officials; and
- imposition of various NEPA review requirements at the planning stage which are contrary to either the letter or spirit of TEA-2 1; and

Whereas, if US DOT were to adopt every specific recommendation made by AASHTO with respect to planning and environmental rules, the resulting Federal process would be streamlined and more flexible but would still be extremely thorough and, moreover, such process would still be supplemented by various requirements imposed by State and local governments, and

Whereas, the planning and environmental white papers adopted by AASHTO and forwarded to US DOT in November, 1998, recognized an approach which would continue a very thorough planning and environmental review process, but would improve that process by enhancing the ability of State officials to proceed with the prompt delivery of plans and projects at the significantly higher TEA-21 investment levels.

Now therefore be it resolved, by the Western Association of State Highway and Transportation Officials (WASHTO) that:

When the U.S. Department of Transportation proceeds to develop revised rules and other implementing actions concerning Federal planning and environmental review processes for transportation projects, it should:

- adopt only those options or proposals which would streamline process and preserve or enhance State flexibility;
- not adopt options or proposals which would impose new requirements, whether procedural or substantive, unless strictly required by statute;
- continue the balance (in terms of transportation planning and programming authority) among Federal, State, MPO's and other implementing agencies that was established in ISTEA; and

Be it further resolved, that WASHTO requests the opportunity to engage the Federal Highway Administrator and Federal Transit Administrator in a dialogue concerning the specific issues of the "options paper" prior to formal initiation of the rule making process,

Be it further resolved, that this resolution shall be distributed to the Secretary of Transportation, the Federal Highway Administrator, the Federal Transit Administrator, appropriate Members and staff of the Congress, AASHTO, and the Western Governors' Association.

Approved March 27, 1999  
WASHTO Board of Directors  
Attest

\_\_\_\_\_  
Secretary-Treasurer

This Resolution was Signed by ??,  
Date unknown