

**Western Association of State Highway
and Transportation Officials**

Resolution 11-04

**Flexibility and Implementation of Environmental and Planning Rules and Regulations for
Transportation Projects and Facilities**

Whereas, the WASHTO member states promote environmental quality and delivery of transportation projects and programs in an environmentally responsible manner; and

Whereas, the WASHTO member states conform with numerous environmental acts and requirements including but not limited to:

- Clean Air Act,
- Clean Water Act,
- Emergency Wetlands Resources Act,
- Endangered Species Act,
- The Historic Preservation Act
- The Wild and Scenic Rivers Act
- National Pollution Discharge System; and

Whereas, divergent interpretations by Federal agencies of these acts and requirements result in delays in delivering transportation projects which have adverse impacts on cost, safety, timeliness, and environmental quality; and

Whereas, the WASHTO states are concerned with the significant time, cost, and impact of Federal regulations associated with delivering transportation projects.

Now, therefore be it resolved, by the WASHTO member states that:

When the U.S. Department of Transportation develops regulations and other implementing actions for transportation projects and facilities, it should:

- Adopt only those options or proposals which streamline the process, preserve or enhance State flexibility, and protect the environment;
- Not adopt options or proposals which impose new requirements, whether procedural or substantive, unless strictly required by statute; and
- Continue the balance (in terms of transportation planning and programming authority) among Federal, State, MPOs and other implementing agencies established in ISTEA

That, the appropriate Congressional committees:

- Consider the economic cost of regulatory expansion and permitting, in addition to the expected benefit, and seek relief where and when possible; and
- Incorporate programmatic mitigation and documentation into the project development process to decrease delays and increase predictability in program delivery;

That, AASHTO embark on a course to ensure that rules and regulations promulgated by the USDOT and other regulatory agencies are consistent with the intent of the law, and applied uniformly by Federal agencies at headquarters and field levels.

Adopted by the WASHTO Board of Directors on July 21, 2004

Attest:

Secretary-Treasurer