



**Oral Testimony of Michael Replogle, Global Policy Director and Founder, ITDP<sup>1</sup>  
Before House Committee on Transportation and Infrastructure, Subcommittee on  
Highways and Transit**

**Hearing on Accelerating the Project Delivery Process: Eliminating Bureaucratic Red Tape  
and Making Every Dollar Count**

Tuesday, February 15, 2011

Chairman Duncan, Congressman De Fazio, members of the subcommittee, I'm Michael Replogle, Founder of the Institute for Transportation and Development Policy, a non-profit group that helps cities implement transportation and urban development projects worldwide. The Environmental Defense Fund, Natural Resources Defense Council, and National Recreation and Park Association have all indicated support for my testimony.

What causes federally-funded transportation projects to suffer delays? The biggest problems are usually lack of funding or a lack of consensus about what project is needed or how a project should be designed. Environmental reviews account for only a small share of transportation project delays, and in most cases are associated with a few highly controversial and complex projects entailing large adverse impacts. Typically only three percent of projects need an Environmental Impact Statement; nine of ten federally supported transportation projects undergo little or no NEPA review and are approved as "Categorical Exclusions" or "Findings of No Significant Impact".

SAFETEA-LU has begun to cut delays by ensuring environmental, land management, and natural resource agencies are routinely invited to participate in all planning studies. Early involvement and dialogue leads to earlier issue identification and discussion to resolve important issues collaboratively. Critically flawed projects are more likely to be identified and removed from consideration, cutting costs.

But cuts in resource agency budgets pose an increasing risk to progress in reducing project delays. A recent GAO report noted that funding constraints hamper the ability of resource agencies to take on extra responsibilities beyond their core regulatory duties and limit their capacity to respond to concurrent requests from multiple Metropolitan Planning Organizations and state DOTs.

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To curb project delays, Congress should **first protect resource agency budgets. Second, it should in the next transportation bill authorize a set aside of federal transportation funds to ensure land management, environmental, and resource agencies will be involved in state and metropolitan planning and project reviews.** Such funding could also ensure agencies map known environmental, historic and other sensitive areas. EPA supports such efforts with *NEPAssist*, an innovative tool that facilitates a streamlined environmental review and project planning process.

In the face of widespread budget cuts to resource agencies, Congress should not impose more stringent time limits on agency comments in transportation project reviews or fine agencies that fail arbitrary time lines.

**Third, Congress should create new incentives for timely project delivery.** Strong partnership and coordination among stakeholders, supported by financial incentives have been successful in engendering early project completion. Congress should allow DOT to reward states and metropolitan areas that consistently deliver projects on time while meeting or exceeding environmental standards.

**Fourth, Congress should create new incentives to better link transport planning and project reviews.** A voluntary pilot program should be created in which US DOT, EPA, and other agencies work with certain states or metropolitan areas to determine how to accelerate project delivery through more thorough federal review of state or metropolitan long range transportation plans, satisfying NEPA requirements through the planning process, so that fewer NEPA requirements need to be satisfied at the project review level. In this way concerted deliberations about projects might take place much earlier in the process. This might be done through new kinds of Programmatic Agreements or “Program Delivery Partnering Plans.”

**Fifth, increased use of “Mitigated Findings of No Significant Impact” and “Categorical Exclusions” under NEPA could help provide a basis for advancing some transportation projects faster.** Recent CEQ Guidance on this subject is helpful.

**Sixth, Congress should encourage greater transportation project design flexibility.** Currently the Federal Highway Administration requires all projects to meet the highest of design standards even when potential traffic volumes may never be realized. This can lead to over-design of projects and bog down projects in drawn out exceptions requests. Inflexibly applied state DOT design standards can also get in the way of project implementation.

I invite the Committee to consider the more detailed analysis in my written testimony.

Thank you for the opportunity to testify today. I would be pleased to answer any questions from the subcommittee regarding these matters.