

January 6, 2017

The Honorable Jim Frazier
California State Assembly
State Capitol, Room 3091
Sacramento, CA 95814

Re: Support AB 28

Dear Assemblyman Frazier;

I am writing you on behalf of the Fresno Council of Governments (Fresno COG) in support of AB 28. We are pleased to see that you continue to actively take an important role in transportation issues that affect our local agencies and the overall project delivery of this State and we thank you for authoring this important legislation. Fresno COG strongly supports this bill which is a key element of Caltrans' continuing efforts to streamline the environmental review process for critical transportation projects. This bill, which would repeal the January 1, 2017 sunset date on the State of California's existing limited waiver of its sovereign immunity, is necessary to allow the California Department of Transportation (Caltrans) to continue its assumption of National Environmental Policy Act (NEPA) responsibilities. Known as NEPA Assignment, the program was first offered as a pilot program, which was later made permanent by the "Moving Ahead for Progress in the 21st Century Act" (MAP-21). It is essential that the Legislature act expeditiously to extend the waiver so the improved environmental process allowed by the NEPA Assignment program can continue without interruption.

To assume federal responsibilities under the NEPA Assignment program, Caltrans was required to accept the jurisdiction of the federal courts, necessitating the limited waiver of sovereign immunity. The program streamlines the process for approving transportation projects by allowing Caltrans to assume the Federal Highway Administration's (FHWA) responsibility for approvals and consultations under NEPA and other federal laws, and requires Caltrans to comply with all FHWA NEPA regulations, environmental policies and formal guidance. The program removes a layer of bureaucracy in the review of environmental documents, thereby decreasing the time required for approvals while maintaining NEPA protections for California's natural resources and environment.

Caltrans has reported that having NEPA delegation has allowed them to have significant median time savings in preparing and approving routine environmental documents for projects requiring full Environmental Impact Statements and regulatory coordination and approval with federal agencies. In addition to expediting state projects undertaken by Caltrans, these improvements facilitate the completion of local projects that include federal funding and require NEPA review.

We are urging the Legislature to take this bill up as soon as possible, to ensure environmental protection while also moving crucial projects forward in a safe, expedited process and in order to continue experiencing substantial time and cost savings. We are hopeful that the legislature will take action well before the 90-day suspension expires to avoid delays in project delivery.

Again, thank you for your leadership and attention to local and state transportation issues. Please feel free to contact me with any questions or concerns at 559-233-4148 or by email at tboren@fresnocog.org

Sincerely,

A handwritten signature in blue ink that reads "Tony Boren". The signature is written in a cursive style and is positioned to the left of a faint, dotted rectangular box.

Tony Boren
Executive Director