



ODOT'S NEPA ASSIGNMENT PROGRAM

May 2019

What is NEPA Assignment?

- Official Name: Surface Transportation Project Delivery Program
- Formal Assignment of FHWA's responsibilities under the National Environmental Policy Act to a State DOT who would assume responsibility for:
 - All NEPA classes of action (Categorical Exclusions, Environmental Assessments, Environmental Impact Statements)
 - All federal environmental laws, rules and orders

Goals of NEPA Assignment

- Streamline the Environmental Process while still meeting environmental protection standards
- Save costs to the Department
- More efficient project delivery program

About the NEPA Assignment program

- ODOT is deemed to be a Federal Agency [FHWA]
- ODOT assumes legal responsibility and liabilities to ensure compliance with all environmental requirements (limited waiver of sovereign immunity allowing the State to be sued in Federal court for environmental matters)
- Current legal requirements still apply
- Cost and time savings are from reduced reviews - not shortcutting processes or legal requirements

NEPA Assignment in Ohio

The NEPA Assignment Memorandum of Understanding between ODOT and FHWA was executed December 11, 2015 with an effective date of December 28, 2015. The MOU was amended June 6, 2018. Under this program, ODOT is deemed to act as FHWA for environmental matters on all its projects. Specifically, ODOT has formally accepted assignment of the USDOT Secretary's responsibilities for review, approval and responsibility for all environmental regulations, laws, rules, and orders (Section 4(f), Section 106, etc.) for all NEPA document types (CE, EA and EIS). The exception to this is projects that cross state lines, such as Brent Spence Bridge.

ODOT NEPA Assignment Web Site: www.dot.state.oh.us/NEPA-Assignment

SAVINGS TO DATE

ODOT continues to see both cost and time savings from participating in the NEPA Assignment program. Thus far, ODOT has saved over \$32 million dollars (12/28/2015 through 03/31/2019) in construction delays/inflation costs. The savings each year is dependent of the size and complexity of ODOT's program. As FHWA would have spent more time reviewing ODOT's largest and most complex projects, ODOT would receive the most cost/time savings from those projects. Consequently, higher savings are therefore realized in years with more large/complex projects as opposed to years with more smaller maintenance type projects.

SAVINGS PER AUDIT PERIOD

Audit 1 Review Period 12/28/2015 through 03/31/2016

Project Size	Total # Days Saved	Amount Saved (Millions)
Small	1245	\$ 5.26
Medium	360	\$ 0.55
Large	270	\$ 3.84
TOTAL SAVINGS	1875	\$ 9.65

Audit 2 Review Period 04/01/2016 through 03/31/2017

Project Size	Total # Days Saved	Amount Saved (Millions)
Small	1350	\$ 5.70
Medium	1230	\$ 1.87
Large	390	\$ 5.55
TOTAL SAVINGS	2970	\$ 13.12

Audit 3 Review Period 04/01/2017 through 03/31/2018

Project Size	Total # Days Saved	Amount Saved (Millions)
Small	1485	\$ 2.54
Medium	525	\$ 1.67
Large	345	\$ 1.40
TOTAL SAVINGS	2355	\$ 5.61

Audit 4 Review Period 04/01/2018 through 03/31/2019

Project Size	Total # Days Saved	Amount Saved (Millions)
Small	555	\$ 1.04
Medium	555	\$ 1.93
Large	240	\$ 1.07
TOTAL SAVINGS	1350	\$ 4.04