

The Arizona Department of Transportation has assumed the Federal Highway Administration's responsibilities under the National Environmental Policy Act (NEPA)

The environmental review, consultation, and other actions required by applicable Federal environmental laws for Federal-aid Highway Program projects approved with Categorical Exclusions, or CEs, are carried out by the Arizona Department of Transportation (ADOT) pursuant to 23 U.S.C. 326 and a Memorandum of Understanding (MOU) executed by the Federal highway Administration (FHWA) and ADOT. The aforementioned responsibilities for projects approved with individually documented CEs, Environmental Assessments and Environmental Impacts Statements are carried out by the Arizona Department of Transportation (ADOT) pursuant to 23 U.S.C. 327 and a Memorandum of Understanding (MOU) executed by the Federal highway Administration (FHWA) and ADOT.

If you have questions please contact:

Paul O'Brien

Environmental Planning Administrator
602.712.8669

Steve Olmsted

NEPA Assignment and
Major Projects Manager
602.712.6421

By mail:

ADOT Environmental Planning
1611 W. Jackson Street, MD EM02
Phoenix, Arizona 85007

Visit ADOT's website at:

azdot.gov/nepaassignment

Visit FHWA's website at:

environment.fhwa.dot.gov/strmlng/nepa_assignment.asp

CE Assignment and NEPA Assignment

What you need to know about ADOT's Assumption of the Federal Highway Administration's responsibilities under the National Environmental Policy Act (NEPA)



What are CE Assignment and NEPA Assignment?

The Federal government created two programs that would allow states to assume partial or full responsibility for environmental decisions made under NEPA. ADOT is pursuing both programs.

Under “Assignment,” ADOT acts as the lead federal agency and is responsible for all environmental review, consultation and other actions related to the approval of federal-aid highway projects in Arizona. The environmental review process is streamlined since documents no longer require an additional level of review and approval.

Overview

In 2005, the “Safe Affordable Flexible Efficient Transportation Equity Act – Legacy of Users” (SAFETEA-LU) established a five-state pilot program allowing the United States Department of Transportation Secretary to delegate all environmental review responsibilities to those five states for Categorical Exclusion (CE) determinations under NEPA. The pilot program was then converted into a permanent Surface Transportation Project Delivery Program (NEPA Assignment) under the “Moving

Ahead for Progress in the 21st Century Act” (MAP-21) in 2012.

To help implement the efficiencies incorporated into federal law, ADOT has sought to assume FHWA responsibility for carrying out environmental approvals under both available programs:

- Categorical Exclusions (23 U.S.C. 326), known as CE Assignment and;
- The Surface Transportation Project Delivery Program (23 U.S.C. 327), known as NEPA Assignment

With this assignment, ADOT is responsible for complying with all applicable federal environmental laws, regulations, Executive Orders and policies, and is solely responsible for environmental decisions made on all ADOT federal-aid highway projects. ADOT completed an approximately three year-long effort to assume FHWA project-level environmental review responsibility for both programs. ADOT has successfully been approving CEs under CE Assignment since January of 2018.

FHWA’s Role

FHWA retains an auditing and monitoring role following the execution of the program to ensure ADOT is complying with federal environmental

laws, regulations, Executive Orders and the requirements of the MOUs.

Benefits of NEPA Assignment

- A streamlined environmental review process means faster times for delivering projects.
- Projects can begin construction sooner, meaning the public can benefit from the safety and transportation improvements sooner.
- Lower inflation costs due to earlier construction
- Environmental coordination can be completed directly with agencies and the public in less time.
- The money saved annually can be rolled back into the transportation program in Arizona to deliver additional improvement projects.

CE and NEPA Assignment Timeline

- CE Assignment – MOU signed January 3, 2018
- NEPA Assignment – MOU signed April 16, 2019