



DATE: DECEMBER 15, 2016

MEMO TO: TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

FROM: PETER DE HAAN, PROGRAMMING DIRECTOR

SUBJECT: STATUS OF DELEGATION TO CALTRANS OF NEPA APPROVAL

RECOMMENDATION:

- Receive and file.

DISCUSSION:

On December 31st, the legislative authority for the delegation of NEPA approval authority to Caltrans, will expire. Although a bill had been introduced in the Legislature to make this approval authority permanent, that bill was not passed due to the incorporation of the bill into a larger package of transportation finance legislation which did not move forward. FHWA and Caltrans have posted a MOU to extend the NEPA delegation but this MOU cannot become effective until the Legislature acts.

FHWA has indicated that although years ago it approved all California NEPA documents it is no longer staffed for that purpose and therefore will be unable to certify any documents after it is given that responsibility on January 1st. Since the Legislature will not meet until after that date, any Caltrans NEPA document not certified by Caltrans by December 31st, will not get certified until there has been legislative action to address the issue.

Assembly Transportation Chair Jim Frazier (D-Oakley) has introduced a new bill, AB 28, to provide the required legislative authorization to extend the NEPA delegation. Caltrans executive staff has expressed confidence that this bill will be moved through the Legislature quickly enough to minimize project delays.