Testimony of
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Regarding
Surface Transportation Infrastructure Projects: Case Studies of the Federal Environmental Review and Permitting Process

Before the
Subcommittee on Highways and Transit

Of the
Committee on Transportation and Infrastructure

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INTRODUCTION

Chairman Petri, Ranking Member Norton, and Members of the Subcommittee, thank you for the opportunity to provide input on the federal environmental review and permitting process. My name is Carlos Braceras, I am the Executive Director of the Utah Department of Transportation (UDOT). As a registered professional engineer and a geologist I joined UDOT in 1986. Prior to my appointment last year as the Executive Director, I served as the Deputy Director for 12 years with previous experience as the chief geotechnical engineer and chief value engineer. In addition, I served four years as the team leader on Utah's Legacy Parkway project, which is nationally recognized as a new model for how government agencies can work with the public to provide balanced transportation needs while protecting quality of life and the environment. The Legacy Parkway project created a "shared solution" to address burgeoning traffic congestion while joining mass transit, unprecedented environmental mitigation, a community-based trail system and innovative aesthetics and landscaping to meet transportation, community and environmental needs. The implemented project achieved the goal of addressing the transportation need, but also improved both the community and the environment. I am also the Chair of the AASHTO Center for Environmental Excellence, which is dedicated to promote environmental stewardship and encourage innovative ways to streamline the transportation delivery process.

For more than 15 years, the State of Utah and UDOT continue to actively institutionalize context sensitive solutions into all phases of transportation planning, design, construction and maintenance. Our philosophy is to balance safety, mobility and transportation needs while

preserving and enhancing scenic, aesthetic, historic, cultural, environmental and community values. In addition, Integrated Transportation is a UDOT Emphasis Area to ensure we actively consider how to best meet the transportation needs of automobile users, mass transit riders, bicyclists, pedestrians, and freight shippers to ensure we provide Utahns with balanced transportation options while planning for the future economic needs and quality of life for our citizens. This, after all, is the purpose of our nation's transportation system.

A PERFORMANCE-BASED FEDERAL PROGRAM

The UDOT is driven in all it does by a set of strategic goals and has instilled a culture of strong performance management throughout our organization. As part of that effort, we have developed a very extensive system of metrics and tools to guide our decision making process to ensure effective use of resources and to track our progress toward achievement of our strategic goals. We know that this approach yields better outcomes for the public's investment in transportation. As such, we were pleased that as part of MAP-21 Congress embraced the federal transition to a performance and outcome-based program that tracks progress toward achieving national performance goals for federal transportation programs. Goals established by Congress to improve safety, improve infrastructure condition, reduce congestion, improve system reliability, and improve freight movement and economic vitality while protecting and enhancing the natural environment can only be achieved when we remove obstacles that inhibit our ability to deliver transportation projects that achieve those goals. Congress recognized the importance of reducing project delivery delays by including it as a national goal.

Today the subcommittee is focused on case studies of the environmental review and permitting process, providing insight on whether sufficient progress is being made toward achieving project delivery goals. From Utah's experience, certain improvements have been made but challenges continue to exist. I'll discuss how participation in the Federal Infrastructure Project Permitting Dashboard helped produce results for a local project.

MEETING TRANSPORTATION GOALS

In Utah we recognize that transportation is key to our quality of life and continued economic growth. However, as one of the fastest growing states in the nation and despite sizable state and local investment for all modes of transportation, Utah's transportation needs continue to outpace available resources. At UDOT we continue to focus on innovative project design and delivery to optimize the public dollar and minimize traveler impact by delivering projects faster, smarter and more cost effectively. That means doing things differently than we have done in the past. We explore new project designs that meet current and future transportation needs in an innovative and cost effective way, such as Diverging Diamond Interchanges and Continuous Flow Intersections. We construct projects with the goal of minimizing traveler delay, such as extensive use of Accelerated Bridge Construction. We employ innovative contracting methods to deliver projects in record time, such as the Interstate 15 reconstruction project in Utah County completed in an unprecedented 35 months, making it the fastest billion dollar project ever built in the United States.

As part of our effort to speed project delivery, UDOT secured delegation of Categorical Exclusion projects, streamlining the process to as little as 10 days for simple projects and up to 6

months for complex projects. Additionally, we are currently in discussions with the Federal Highway Administration to secure full National Environmental Policy Act (NEPA) delegation.

However, while UDOT continues to assertively innovate and streamline project delivery, we do not seek to truncate environmental review. As transportation providers, we must avoid thinking of NEPA as an inconvenient process to get through, but instead think of it as a decision-making tool that brings interested, concerned, and potentially impacted citizens to actively participate in the process. A properly administered process yields better results. At the same time, we need our federal partners to recognize that NEPA shouldn't be wielded as an instrument to block infrastructure improvements necessary to meet national, state and local needs. Streamlining federal environmental review and permitting processes for infrastructure projects means that we need to approach challenges creatively and implement solutions that don't create negative consequences elsewhere.

SILO MENTALITY

A significant challenge associated with the current process is the propensity to work in silos. In the business world, a Silo Mentality is a mindset when sectors do not share information within the same company, reducing efficiency and undermining company goals. The Silo Mentality also exists within government. At the federal level, each agency has its own mission and goals. Success within each agency is measured by achieving the goals of that individual agency, which fosters exclusive focus on an agency's internal mission. Instead, federal agencies need to understand and support the goals and mission of their sister agencies, thereby engendering action to benefit the whole. In other words, the Corp of Engineers can support their mission to protect and manage the natural environment while, at the same time, support the mission of the Federal Highway Administration to improve mobility on our Nation's highways. Consideration of the mission and goals of sister agencies requires systemic thinking to ensure the success of all agencies and the nation as a whole.

To think systemically, we need agencies to work together for a win-win outcome, not a win-lose. Often, this requires agencies to move out of their comfort zone. It's easier to say "no" and maintain the status quo, whereas getting to "yes" requires a paradigm shift in agency thinking and decision making. As a state agency, we face similar challenges. However, I can attest that within the framework of rules and regulations it is possible to solve challenges and create solutions. It is possible to get to "yes".

CASE STUDY: PROVO WESTSIDE CONNECTOR

An example of getting to "yes" within existing rules and regulations is demonstrated by a study of the Provo Westside Connector project (Project). The Project is sponsored by City of Provo with a population of approximately120,000 and located about 45 miles south of Salt Lake City. The Project sought to provide a new, direct link between the Provo Airport and Interstate 15 to support recent and planned development at the airport and supporting commercial and industrial development, and also provide a connection to the existing arterial network and freeway system for planned residential and commercial development and land use changes. A transportation system that supports local, regional and state growth is crucial to our fast-growing state. It took Utah 150 years to reach a population of 3 million. It will take only another 36 years for us to

almost double that population, with most of that growth occurring within existing urban populations including the Provo region.

Throughout the Project environmental process, significant effort was made to communicate and coordinate with federal, state and local partners. However, environmental reviews and permitting became mired down, creating an impassable obstruction to meaningful action on the Project. Eventually, the Project was selected as one of 14 infrastructure projects nationwide that would be expedited through permitting and environmental review processes with inclusion on the Federal Infrastructure Project Permitting Dashboard (Dashboard). While a need for increased coordination among federal and state agencies was cited as the reason for including the Project on the Dashboard, in reality, a fundamental disagreement with federal resource agencies on the need for the roadway was the cause of the impasse.

The heightened commitment by the Obama Administration to improve efficiency of environmental reviews needed to help job-creating infrastructure projects move quickly from the drawing board to completion provided the impetus to overcome the impasse. With encouragement from the Dashboard process, our federal partners were able to get to "yes" within the framework of federal rules and regulations allowing the project to secure the required permits and environmental reviews needed to move to construction. Importantly, multiple local, state and federal goals were met, including improvement to local and regional transportation systems necessary to support land use planning, economic growth and jobs while still protecting the natural environmental. Today, the Project is under construction funded primarily with state funds.

While the Dashboard process provided the critical link needed to nudge the project past an impasse and create the framework to find a solution, it came with a price: a permitting requirement for increased mitigation for indirect impacts caused by the preferred alternative, which set a concerning precedent, and an unfortunate erosion of relationships with local regulatory agencies.

LESSONS LEARNED

Regardless of the challenges associated with the Dashboard process and outcome, the larger goal was achieved to ensure agencies are actively engaged in the decision making process and focused on finding solutions. I believe the Provo Westside Connector would not have progressed to construction without a Dashboard process.

To ensure our Nation can continue to succeed in the global economy, we must have the infrastructure that allows people and goods to move freely and reliably. I'm confident that federal, state and local entities can work together to find solutions that help us individually and collectively achieve our missions and goals. The success of our Nation is measured when progress is made toward all agency goals, not just individual agency goals. When that expectation becomes the norm, then I am confident we would see better outcomes for transportation, communities and the environment. Congress and the Highways and Transit Subcommittee can help ensure that we continue to make progress toward more efficient project delivery while ensuring resources are properly considered and impacts minimized.