

Second Report to the California Legislature Pursuant to Section 820.1 of the California Streets and Highways Code, January 1, 2009

Executive Summary

Background and Report Purpose

In mid-2007 the California Department of Transportation (Caltrans) assumed responsibilities under the National Environmental Policy Act (NEPA) and other federal environmental laws, pursuant to the 2005 Federal Transportation Reauthorization, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

For Caltrans to assume these responsibilities, the State was required to enact enabling legislation, AB 1039. This legislation required a comparative analysis of environmental review time frames be performed for the last 30 projects reviewed and approved by FHWA prior to enactment of this legislation, and the environmental review time frames for those projects that did not involve FHWA and were approved by Caltrans after the assumption of FHWA environmental responsibilities. AB 2650, effective January 1, 2009, expanded the comparative analysis requirements. This is the second report that Caltrans has submitted to the Legislature reporting on the progress of the assumption of FHWA environmental responsibilities, and the first with the expanded AB 2650 analysis.

Results of the Comparative Analysis

To provide a robust comparative analysis and to account for the variability in the sample sizes between pre-Pilot Program and Pilot Program projects, statistical tools were used for this evaluation. The results of this statistical analysis indicate that a statistically significant time savings has been achieved in the NEPA environmental review and approval process since initiation of the Pilot Program. Time savings in the NEPA review and approval process have been achieved through the elimination of FHWA's review and approval of NEPA documents, removal of the exchange of documents and comments between Caltrans and FHWA, consolidation of all NEPA review at Caltrans, and time savings achieved in the federal Endangered Species Act review and approval process. In summary, the following time savings were achieved for State Highway System (SHS) EAs and Findings of No Significant Impacts (FONSIs) during the Pilot Program, as compared to the time it took prior to the Pilot Program:

- **Begin Environmental Studies to Final Environmental Document (FED) Signed:** From the date of commencement of field investigations and environmental surveys to the date that the FEDs were signed, a median savings of 18.7 months and an average savings of 16.7 months were achieved.
- **Begin Quality Control (QC) of administrative Draft Environmental Document (DED) to DED Signed:** From the date the administrative DEDs were completed and the QC review

processes began to the date that the DEDs were signed, a median savings of 4.7 months and an average savings of 5.6 months were achieved.

- **Begin QC of Administrative FED to FED Signed:** From the date the administrative FEDs were completed and the QC review processes began to the date that the FEDs were signed, a median savings of 1.4 months and an average savings of 2.4 months were achieved.
- **Begin QC of Administrative DED to FED Signed:** From the date that the administrative DEDs were completed to the date that the FEDs were signed, including the QC process for the administrative DED, DED approval, DED circulation, preparation of the administrative FED, and the associated FED QC review and final approval process, a median savings of 10.9 months and an average savings of 14.3 months were achieved.

When local assistance EA/FONSI (local roadway projects funded, at least in part, with federal funding) savings were added to the SHS EAs/FONSIs, the following savings were achieved during the Pilot Program:

- **Begin Environmental Studies to FED Signed:** A median savings of 16.2 months and an average savings of 15.4 month were achieved
- **Begin QC of Administrative DED to DED Signed:** A median savings of 4.5 months and an average savings of 5.7 months were achieved.
- **Begin QC of Administrative FED to FED Signed:** A median savings of 1.7 months and an average savings of 2.3 months were achieved.
- **Begin QC of Administrative DED to FED Signed:** A median savings of 10.5 months and an average savings of 13.2 months were achieved.

The elapsed time between other environmental milestones and for other types of projects and NEPA document types were also identified for this report. In all cases save one (that represented the comparison of an elapsed time frame for one pre-Pilot Program environmental document and one Pilot Program project), the elapsed time frames decreased under the Pilot Program. However, these projects/NEPA document types did not have a large enough sample size to identify a statistically significant decrease in time for both median and average time frames.

A median savings of 4.7 months and an average savings of 6.1 months were achieved in the approvals process under Section 7 of the Endangered Species Act.

A comparison of overall project delivery times could not be evaluated for this report since the sample size of projects that have progressed beyond the environmental approval phases is too small.

This comparative analysis has a number of inherent limitations:

- There are many factors unrelated to the environmental review process and the Pilot Program that affect the time it takes for NEPA document approvals and to deliver a project to construction. These factors are unique to each project and cannot easily be isolated, quantified or controlled for in a comparative analysis.

- The relatively small sample of pre-Pilot Program and Pilot Program projects makes it difficult to reach generalized conclusions on the Pilot Program’s effect on environmental review and project delivery time frames.
- The flow of the environmental approval process makes it difficult to demarcate when FHWA involvement in NEPA documents ended for those projects that were in progress when the Pilot Program began.
- The conclusions regarding time savings achieved as a result of the Pilot Program are estimates, at best, of trends on the effect of the Pilot Program on environmental approval and broader project delivery time frames. Information on milestone dates is not complete for all projects, many of which had environmental studies initiated many years ago.

Background and Report Purpose

Caltrans has assumed the responsibilities of the U. S. Department of Transportation Secretary under NEPA and other federal environmental laws, pursuant to Sections 6004 and 6005 of the 2005 Federal Transportation Reauthorization, SAFETEA-LU. Under Section 6005, Caltrans has been participating in the Pilot Program since July 1, 2007, when Caltrans and the FHWA signed an MOU for the Secretary’s assignment and Caltrans’ assumption of EIS, EA, and some CE responsibilities. The assignment is limited to SHS and local assistance projects and excludes certain categories of projects as defined by regulation and 22 specific projects identified by Caltrans. Effective June 7, 2007, Caltrans also assumed the Secretary’s responsibilities for CE determinations under Section 6004 through an MOU signed by Caltrans and FHWA. California is the only state in the nation participating in the Pilot Program, and is one of three states participating in the Section 6004 CE assignment program.

For Caltrans to assume these responsibilities, the State was required to enact a limited waiver of its sovereign immunity under the 11th Amendment of the United States Constitution and to consent to accept the jurisdiction of the federal courts on citizens’ claims related to any state-assumed responsibilities under the Pilot Program and Section 6004 MOUs. This limited waiver was authorized by AB 1039 (Chapter 31, Statutes of 2006), enacted on May 19, 2006, and approved by the California voters on November 7, 2006, with the passage of Proposition 1B. Codified as Streets and Highways Code section 820.1, this waiver was to remain in effect until January 1, 2009. AB 2650 (Chapter 248, Statutes of 2008), enacted on August 1, 2008, extended the waiver until January 1, 2012. By extending the waiver of Caltrans sovereign immunity, this bill extends Caltrans’ participation in the Pilot Program until August 10, 2011, and Caltrans’ ability to participate in the 6004 CE assignment program until January 1, 2012.¹

To determine if the streamlining objectives of the Pilot Program are being achieved, Streets and Highways Code section 820.1, as originally codified, required that a comparative analysis of environmental review time frames be performed. The analysis was required to be undertaken for the last 30 projects reviewed and approved by FHWA prior to enactment of AB 1039 and Caltrans’ assumption of NEPA responsibilities, and the environmental review time frames for

¹ The Pilot Program expires on August 10, 2011, unless it is extended by Congress. The 6004 CE assignment program MOU is renewable every three years. The waiver of sovereign immunity is valid until January 1, 2012.

those projects that did not involve FHWA and were approved by Caltrans under its assumption of NEPA responsibilities. To fulfill that requirement, Caltrans submitted a report to the California Legislature in January 2008. As amended pursuant to AB 2650, Streets and Highways Code section 820.1 requires that a similar second report related to the Pilot Program be submitted to the Legislature on January 1, 2009, and a third report on January 1, 2011. This report fulfills this requirement.

As amended, Streets and Highways Code section 820.1 expanded the required elements of these reports. In addition to the elements required for the January 1, 2008 report, it requires the inclusion of an assessment of the overall project delivery time from the time environmental studies begin to the time the project is ready to advertise for construction. This assessment is to include the time required for each project phase and distinguish between the different types of environmental documents and between projects on the SHS versus local assistance projects. The full text of the report requirements is presented in Appendix A.

This report describes the following:

- Caltrans' project delivery process, including the NEPA document review process prior to and since initiation of the Pilot Program.
- Monitoring findings under the Pilot Program.
- Methodology used to collect information and compare the NEPA document review processes for pre-Pilot Program and Pilot Program projects.
- State and federal agencies that reviewed the pre-Pilot Program and Pilot Program project NEPA documents.
- Points in the NEPA review process where project delays occurred and the nature of those delays.
- Time saved in the NEPA review process under the Pilot Program.
- Circumstances when FHWA hindered and facilitated the project delivery process.
- Caltrans' financial costs related to the Pilot Program.
- Litigation initiated against Caltrans under the Pilot Program.
- Comparison of costs and benefits under the Pilot Program.
- Assessment of overall project delivery times.
- Evaluation of the overall success of the Pilot Program.

Caltrans Project Delivery Process

Caltrans' project delivery process includes the following phases:

- **Project Approval/Environmental Documentation (PA/ED):** During PA/ED, preliminary engineering and environmental analyses and investigations, required by NEPA and the California Environmental Quality Act (CEQA) and other federal and State environmental

regulations, are completed for the project alternatives under consideration. After receiving public comments on the project alternatives, the preferred alternative is selected and the project approved through the Project Report. This approval denotes completion of PA/ED.

- **Right-of-Way (ROW) Certification:** During this phase, certification is made that all ROW Activities (appraisals, acquisitions, relocation assistance, utility coordination) have been completed in accordance with 23 Code of Federal Regulations part 635.309 (c) (1), (2), or (3).
- **Plans, Specifications, and Estimates (PS&E) Complete:** A project is PS&E complete when the plans, specifications, and estimates necessary to develop the construction contract are ready for advertisement.
- **Ready to List (RTL):** The RTL milestone is reached when all necessary components of the project are complete, including ROW certification, PS&E approval, and acquisition of all permits. When these components are complete, the project is ready to be advertised for bids from construction contractors.

Caltrans' assumption of FHWA's environmental decisions and approvals under the Pilot Program modified the environmental review and approval component of the PA/ED phase by eliminating FHWA's role in review and approval of environmental documents (described further in the following section). As a result, the time required to complete this component of the project delivery process has been affected by the Pilot Program as FHWA is no longer involved in project-specific environmental decisions. However, FHWA remains involved in certain project-specific engineering decisions; thus, subsequent project delivery phases have not been affected by the Pilot Program. The time required to complete these components of the project delivery process would not be expected to change as a result of the Pilot Program. However, these project components begin once PA/ED is complete; therefore, time savings in the environmental approval process serves to streamline overall project delivery.

Environmental Document Review Process Prior to and Since Initiation of the Pilot Program

Prior to its assignment of NEPA responsibilities under the Pilot Program, Caltrans prepared environmental documents under NEPA and other federal environmental laws on behalf of FHWA. Caltrans District staff reviewed these environmental documents consistent with Caltrans' QC review procedures, and documents were revised as necessary prior to forwarding them to FHWA for review and approval. Caltrans Headquarters and Legal staff also reviewed all EISs prior to their submittal to FHWA for their NEPA and Legal review. After incorporating FHWA's comments, Caltrans would submit the revised environmental documents back to FHWA for final approval prior to public circulation or distribution. Some documents underwent multiple revision cycles prior to FHWA's approval. For locally sponsored projects on the SHS and local assistance projects, with environmental documents prepared by local agencies and their consultants, Caltrans reviewed the consultant-prepared documents prior to submitting them to FHWA for review and approval.

Prior to the Pilot Program, FHWA, as the NEPA lead agency, was responsible for transmitting consultation documents to other federal agencies and to formally consult with the federal

resource agencies, except in certain circumstances. These exceptions included the delegation of certain approvals under Section 106 of the National Historic Preservation Act to Caltrans as allowed by the Programmatic Agreement with FHWA, the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation. Caltrans' approvals were limited to projects with no effects to historic properties or with minor effects to historic properties involving routine mitigation, while FHWA retained consultation responsibilities for projects with adverse effects requiring mitigation. Caltrans was also delegated responsibility for informal consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) under Section 7 of the federal Endangered Species Act, while FHWA retained formal consultation responsibilities under Section 7. In these limited delegated roles, Caltrans was actively engaged with its federal partners in consultation and in the development of mitigation strategies.

With the Pilot Program in place, Caltrans is now responsible for NEPA approval for all projects under the Pilot Program; FHWA is no longer involved in environmental document review and approval for these projects. Caltrans has also assumed all of FHWA's responsibilities for interagency consultation and other regulatory compliance-related actions under all applicable federal environmental laws and executive orders, such as Section 7 of the federal Endangered Species Act and Section 106 of the National Historic Preservation Act. FHWA is no longer involved in these interagency consultations or the development of project-specific mitigation measures.

To respond to its new role under the Pilot Program and to replace FHWA's former project-specific reviews, Caltrans has modified and expanded its environmental document review procedures to ensure compliance with FHWA's NEPA regulations, policies, and guidance and the requirements of all applicable federal laws, executive orders, and regulations. These expanded review procedures include:

- An additional QC review by a Caltrans NEPA QC reviewer who meets minimum qualification requirements and has completed jointly sponsored Caltrans/FHWA NEPA Compliance training.
- Caltrans Legal staff review of draft EISs and formal legal sufficiency determination of final EISs and individual Section 4(f) of the U. S. Department of Transportation Act (Section 4(f)) evaluations.
- Caltrans Headquarters review of environmental documents that Caltrans has defined as "complex EAs".
- Required completion of QC certification forms by all environmental document reviewers, including Caltrans environmental assessment, technical specialist, and environmental management staff, certifying that they have reviewed the environmental document and that it meets requirements.

Monitoring Findings under the Pilot Program

As required by the Pilot Program, Caltrans has conducted three formal process reviews or “self-assessments” of the Pilot Program to evaluate its compliance with the requirements of the Pilot Program, as specified in Caltrans’ Pilot Program application to FHWA and in the Pilot Program MOU. These self-assessments have focused on a number of areas, including a review of those elements that Caltrans has added to its environmental document QC procedures to ensure they are working as intended; the timeliness of its environmental decisions; and its progress toward meeting the performance measures identified in the Pilot Program MOU. These self-assessments also give Caltrans the opportunity to identify areas of its Pilot Program responsibilities that are working well, as well as those areas that need additional attention. The results of these reviews are summarized in self-assessment reports that are submitted to FHWA, as required by the Pilot Program MOU.

Based on these three initial self-assessments, Caltrans has found that its environmental document QC procedures are working effectively, that its staff is carrying out their responsibilities under the Pilot Program, and that its NEPA documents meet all applicable federal laws, requirements, policies, and standards. These self-assessments have identified a few areas that need improvement, including achieving 100 percent compliance on the accurate completion of the QC checklists and certification forms that are used to document the environmental document QC reviews and in properly filing all NEPA-related documentation. To improve performance in these areas, Caltrans has identified and implemented corrective actions for those isolated occurrences where these elements of the QC procedures were not precisely followed. In each case, Caltrans has also followed up on these corrective actions to determine their effectiveness and to make adjustments, as needed. As expected, compliance with QC procedures has improved over time as staff has become more proficient in using the new Pilot Program tools and implementing the new procedures.

FHWA has also conducted two formal audits of the Pilot Program, as required by the Pilot Program MOU. FHWA’s first audit report, issued in September 2008, found that Caltrans is complying with Pilot Program requirements related to establishing Pilot Program policies and procedures, revisions to interagency agreements, commitment of state staff resources, staff training, and legal sufficiency. The report called for improvements in areas related to Caltrans’ QC review procedures and documentation. It also acknowledged that Caltrans is in the earliest stages of Pilot Program implementation and that a learning curve is required for its staff. In conclusion, the report observed that “...Caltrans has been carrying out the responsibilities it has assumed in keeping with the intent of the MOU” and that “...Caltrans has made reasonable progress in implementing the start-up phase of Pilot Program operations... and is learning how to operate this new Pilot Program effectively.”

FHWA’s second audit report is expected in late January 2009.

Comparative Analysis of the Environmental Review Process under NEPA for Pre-Pilot and Pilot Program Projects

To meet the requirements of the comparative analysis required by AB 2650, Caltrans compared 39 projects with EAs and EISs reviewed and approved by FHWA prior to initiation of the Pilot Program, with 29 projects with EAs and EISs reviewed and approved by Caltrans during the first year of the Pilot Program (July 1, 2007–June 30, 2008). The 39 pre-Pilot Program projects included 32 projects² that were evaluated in the AB 1039 report and that had final environmental document approvals (FONSI or final EIS [FEIS]) immediately prior to enactment of the original waiver of sovereign immunity on May 19, 2006. To achieve a more representative mix of projects for comparison, including more complex transportation projects requiring EISs, seven additional EISs with recent pre-Pilot Program environmental document approvals by FHWA (including one draft EIS [DEIS] approval before May 19, 2006 and other EIS approvals between May 19, 2006 and July 1, 2007, when the Pilot Program began) were added to the original list of 32 projects.

The 39 pre-Pilot Program projects and 29 Pilot Program projects are identified in Table 1. The pre-Pilot Program projects include 31 SHS and 8 local assistance projects involving the approval of 31 EAs, 31 FONSI, 8 DEISs, and 5 FEISs. The 30 Pilot Program projects include 27 SHS and 8 local assistance projects involving the approval of 18 EAs, 16 FONSI, 2 DEISs, and 1 FEIS. Table 1 also provides project delivery milestone dates associated with each project (see the sections below, entitled “Time Saved in the Environmental Review Process” and “Assessment of Overall Project Delivery Times,” for more information regarding these milestone dates).

When the Pilot Program began on July 1, 2007, Caltrans immediately assumed responsibility for review and approval of all NEPA documents (with the exception of projects excluded from the Pilot Program), many of which were midstream in the NEPA process. Consequently, since July 1, 2007, Caltrans has approved draft environmental documents that were at least partially reviewed by FHWA, as well as final environmental documents for which the draft environmental documents were reviewed and approved by FHWA. As a result, the comparative analysis conducted for this report includes a number of “hybrid” environmental documents approved by Caltrans since July 1, 2007, that may have had some level of FHWA involvement during the environmental process.

The time it takes to obtain approvals under other federal environmental laws was also evaluated since those approvals affect NEPA approval time frames. The primary federal laws that affect NEPA approval times include Section 7 of the federal Endangered Species Act, Section 4(f) of the U.S. Department of Transportation Act, and Section 106 of the National Historic Preservation Act. As noted in the AB 1039 report, complete Section 4(f) time frame information was only available for two pre-Pilot Program projects, and complete Section 106 time frame information was only available for one pre-Pilot Program project. Therefore, comparisons of

² Of the 35 pre-Pilot Program projects that were evaluated in the AB 1039 report, three EAs were removed from this analysis since it was discovered that they were actually completed prior to the time frame in which the last 35 environmental approvals occurred.

Section 4(f) and Section 106 approvals are not possible, and this comparative analysis of other federal approvals focuses on Section 7.

Each pre-Pilot Program and Pilot Program project has a unique set of project factors that affect its complexity and, in turn, the time required to achieve NEPA approval; acquire ROW, if necessary; develop and approve PS&E; and reach the RTL milestone. Some of the factors that affect the project delivery process include:

- Funding sources and their volatility.
- Size and location of the project.
- Environmental sensitivity of the project site (such as the presence of wetlands, endangered species, archaeological sites, and historic properties).
- Environmental issues related to the project site's human-made environment (such as hazardous waste, noise, air quality and community impacts).
- Regulatory requirements (such as obtaining approvals under the federal Endangered Species Act and Section 106 of the National Historic Preservation Act and negotiating appropriate avoidance, minimization, mitigation and compensation measures).
- Agency interest and involvement (such as by resource agencies like the USFWS, local agencies that are affected by the project, and land management agencies whose land the project traverses).
- Level of public interest and controversy.
- Amount of ROW to be acquired.
- Coordination with affected landowners and willingness of the landowners to sell their land.
- Environmental and encroachment permits/approvals that are needed (such as Section 404 permits under the federal Clean Water Act, California Coastal Commission coastal development permits, and railroad encroachment permits).
- Complexities of project design.
- Complexities related to the design of mitigation features (such as noise walls and detention basins).

Due to the unique characteristics and relatively small sample size of the pre-Pilot Program and Pilot Program projects, this comparative analysis of the environmental review process and of the project delivery process as a whole can only suggest possible trends on the effect of the Pilot Program on environmental approval and broader project delivery time frames. Many of these projects also had environmental studies initiated many years ago before there was detailed tracking of environmental information, and therefore complete information on environmental review time frames and project delivery issues was not available.

Methodology

To collect environmental review and approval dates for the pre-Pilot Program projects, Caltrans environmental assessment staff for these projects was contacted. Milestone dates for the Pilot Program projects were gathered from spreadsheets and databases that have been used since initiation of the Pilot Program to track environmental milestone dates on every project. The data obtained from these spreadsheets and databases were supplemented with interviews with environmental assessment staff, as needed. Caltrans' SHS and local assistance project management databases were used to identify the ROW certification, PS&E approval, and RTL dates for both pre-Pilot and Pilot Program projects. Information regarding project delays was obtained through a combination of interviews with environmental staff and managers who worked on these projects and completion of a questionnaire by environmental staff and managers.

Based on the data gathered, the elapsed time frames were calculated for each of the following milestones for both pre-Pilot Program and Pilot Program projects. As noted earlier, the pre-Pilot Program milestones are based on an environmental review process in which FHWA was responsible for reviewing and approving environmental documents and handling all formal interagency consultations and reviews, whereas with the Pilot Program milestones, the FHWA review and approval of environmental and consultation documents has been eliminated and Caltrans has taken on these responsibilities.

Environmental Review and Approval Process Elapsed Time frames

- **Begin Environmental Studies to DED Signed:** Measured from the date of commencement of field investigations and environmental surveys to the date that the DED is signed, including the time needed for data analysis, preparation of the administrative DED, QC of the administrative DED, incorporation of QC comments into the document, and DED approval. For EISs, the date in which the Notice of Intent (NOI) to prepare an EIS was published in the Federal Register was used as the Begin Environmental Studies date.
- **Begin Environmental Studies to FED Signed:** Measured from the date of the commencement of field investigations and environmental surveys to the date that the FED is signed, including the time needed for data analysis, preparation of the administrative DED and associated QC review process, and preparation of the administrative FED and associated QC review and final approval process. As noted above for EISs, the NOI date was used for Begin Environmental Studies.
- **Begin QC of Administrative DED to DED Signed:** Measured from the date the administrative DED is completed and the QC review process begins to the date that the DED is signed.
- **Begin QC of Administrative FED to FED Signed:** Measured from the date the administrative FED is completed and the QC review process begins to the date that the FED is signed.
- **Begin QC of Administrative DED to FED Signed:** Measured from the date that the administrative DED is completed to the date that the FED is signed, including the QC process for the administrative DED, DED approval, DED circulation, preparation of the administrative FED (including responding to comments and reaching agreements with

resource agencies on impacts and avoidance, minimization, and mitigation/compensation measures), and the associated FED QC review and final approval process.

Project Delivery Process Elapsed Time frames

- Begin Environmental Studies to RTL
- PA/ED Complete to ROW Certification
- PA/ED Complete to PS&E Complete
- PA/ED Complete to RTL
- PS&E Complete to RTL

After elapsed time frames were calculated for each of the milestones described above, the median and average for each of these time frames was calculated by type of project and type of environmental document, as follows:

- SHS EA/FONSI
- Local assistance EA/FONSI
- SHS DEIS/FEIS
- Local assistance DEIS/FEIS

The cumulative median and average time frames were also calculated for SHS and local assistance projects.

Table 2 presents the calculated medians and averages for each elapsed time frame. This information was used to compare the time frames of the environmental review process and the overall project delivery process for pre-Pilot Program and Pilot Program projects. The findings are summarized in the “Time Saved in the Environmental Review Process” and “Overall Project Delivery Time frames” sections.

A similar approach was used to compare pre-Pilot Program and Pilot Program approvals under Section 7 of the federal Endangered Species Act (Section 7). The pre-Pilot Program Section 7 approval dates were obtained by contacting environmental staff associated with these projects. The Pilot Program NEPA tracking spreadsheets were used to identify Biological Opinions (BOs) received from USFWS and NMFS between July 1, 2007, and June 30, 2008. Table 3 presents the dates on which Section 7 consultation documents were submitted to USFWS/NMFS for review and on which BOs were approved. It also depicts the medians and averages for these elapsed time frames. The pre-Pilot Program Section 7 approvals included 21 BOs from USFWS and 4 BOs from NMFS. The Section 7 approvals since initiation of the Pilot Program included 6 BOs from USFWS and 2 BOs from NMFS.

State and Federal Agencies that Reviewed Environmental Documents

Table 4 provides a list of the State and federal agencies that commented on the 39 pre-Pilot Program and 29 Pilot Program project draft environmental documents. This list was generated based on the comment letters received on the draft environmental documents for these projects. Because State and federal agencies review the environmental document during the public review period, the time that each agency took to review each environmental document is unknown. However, their comment letters were received during the draft environmental document public review period of 30–60 days. Table 4 also identifies those projects for which the USFWS and/or NMFS reviewed Section 7 consultation documents and those for which the SHPO reviewed documents under Section 106 of the National Historic Preservation Act (Section 106) as required by the Section 106 Programmatic Agreement, and time frames for the Section 106 reviews. Table 3 depicts time frames for Section 7 consultation reviews.

Points in the Environmental Review Process When Project Delays Occurred and the Nature of Delays

Information regarding project delays was obtained through a combination of interviews with environmental staff and managers who worked on these projects and completion of a questionnaire by environmental managers. Table 5 briefly summarizes the reasons for project delays during the environmental review and approval process for each project. For projects that have proceeded to ROW certification, PS&E approval, and/or RTL, the reasons for delays are also provided, as appropriate.

As shown in Table 5, a wide variety of factors contributed to the time it took to complete and approve the pre-Pilot Program and Pilot Program environmental documents. The most common factors include (in descending order of frequency):

- Lengthy Section 7 federal Endangered Species Act consultation processes and/or extensive coordination with the resource agencies on required mitigation.
- Modifications to project designs or other design-related delays.
- Extensive revisions or coordination required on consultant-prepared environmental documents and/or technical studies.
- Funding-related delays.
- Lengthy Section 404 of the Clean Water Act (Section 404)/NEPA integration processes and/or consultations related to determining the Least Environmentally Damaging Practicable Alternative under Section 404.
- Change in the type of NEPA document to be prepared.
- Lengthy Section 106 consultation processes.
- Amendment required to the Regional Transportation Plan and/or Transportation Improvement Program to include the project for air quality conformity requirements.

Time Saved in the Environmental Review Process

As required by AB 2650, this comparative analysis assesses the time saved in the environmental review process of Pilot Program projects, where FHWA was not involved in document review and approval, as compared to pre-Pilot Program projects with FHWA involvement.³ In addition to removing the layer of environmental document and consultation reviews by FHWA, the differences in time frames may also be caused by factors unrelated to the Pilot Program, including those unique project-specific factors listed in the section entitled “Comparative Analysis of the Environmental Review Process under NEPA for Pre-Pilot and Pilot Program Projects.” These factors encompass a wide variety of issues ranging from environmental sensitivity of the project site and environmental permit and interagency consultation and coordination requirements to public acceptance of the project, issues related to ROW acquisition, complexity of the project design, overall size of the project, and funding stability.

To provide a robust comparative analysis and to account for the variability in the sample sizes between pre-Pilot Program and Pilot Program projects, statistical tools were used for this evaluation. Ideally, to isolate the effects of the Pilot Program on environmental review and approval time frames, the statistical study design would control for the types of confounding factors, described in the section entitled “Comparative Analysis of the Environmental Review Process under NEPA for Pre-Pilot and Pilot Program Projects,” by stratifying a random sample of pre-Pilot Program and Pilot Program projects according to the most important of these factors. This approach is not applicable here since AB 2650 specifies which pre-Pilot Program projects to include in the comparison. Furthermore, the Pilot Program has not been in existence long enough to generate an adequate sample of random projects. Therefore, this analysis assumes that the identified set of 39 pre-Pilot Program projects is a random sample of all such projects, and that the 29 Pilot Program projects are a random sample of potential Pilot Program projects. These and other assumptions that were made to apply the statistical tests are approximations, thereby affecting the statistical soundness of this analysis.

The small sample sizes of pre-Pilot Program and Pilot Program projects also limit the statistical inferences that can be made. With small sample sizes, only relatively large differences in pre-Pilot Program and Pilot Program time frames are likely to be determined to be statistically significant. With small sample sizes, it is also not feasible to control for the types of confounding factors by grouping projects for comparison according to these factors (for example, grouping projects that have similar environmental permitting needs or that have similar ROW acquisition needs).

Figures 1–4 graphically compare those environmental review and approval milestones that demonstrated statistically significant changes⁴ in the median and/or average elapsed time frames during the Pilot Program, as compared to pre-Pilot Program time frames (All median and

³ As noted in the Comparative Analysis of the Environmental Review Process under NEPA for Pre-Pilot and Pilot Program Projects section, the demarcation of pre-Pilot Program and Pilot Program projects and FHWA’s involvement in projects is not absolute. For example, on some projects FHWA reviewed and approved the draft environmental document before the Pilot Program began, then Caltrans became responsible for review and approval of the final environmental document under the Pilot Program.

⁴ Whether the time frame changes are statistically significant depends on the sample sizes, the variability of the time frames, and the size of the difference in median and average time frames.

average time savings for all elapsed time frames described below demonstrated statistically significant changes with the exception of the average savings in time for Begin Environmental Studies to FED signed.).⁵ The dates for a number of other time frames are also shown in Table 2. The changes in those time frames that were determined not to be statistically significant at the 5 percent level for both the average and median are not evaluated in this report.

The time frames with statistically significant changes are summarized in the following paragraphs (time frame information for every parameter was not always available for all pre-Pilot Program and Pilot Program environmental documents. Therefore, the time frame information was based on the number of environmental documents identified in each figure, and as noted below).

SHS EAs/FONSIs

- **Begin Environmental Studies to FED Signed (Figure 1):** During the first year of the Pilot Program, the median time frame was 40.4 months (for 6 FONSIs), as compared to 59.1 months prior to the Pilot Program (24 FONSIs), a median savings of 18.7 months. The average time frame decreased from 58.7 to 42.0 months, an average savings of 16.7 months. Eighty-three percent of the Pilot Program projects (5 of 6) had FONSIs signed in 48 months or less from Begin Environmental Studies, as compared to 29 percent of pre-Pilot Program projects (7 of 24). The Pilot Program project with the longest time frame took 83.2 months, as compared to 94.9 months for the pre-Pilot Program project with the longest time frame.
- **Begin QC of Administrative DED to DED Signed (Figure 2):** Under the Pilot Program, the median time frame was 1.2 months (16 EAs), as compared to 5.9 months prior to the Pilot Program (22 EAs), a median savings of 4.7 months. The average time frame decreased from 7.8 to 2.2 months, an average savings of 5.6 months. Seventy-five percent of the Pilot Program EAs (12 of 16) were signed in 3 months or less from the start of the administrative draft EA QC process, as compared to 23 percent of pre-Pilot Program projects (5 of 22). The Pilot Program project with the longest review and approval time frame took 6.6 months, as compared to 27.0 months for the pre-Pilot Program project with the longest time frame.
- **Begin QC of Administrative FED to FED Signed (Figure 3):** During the first year of the Pilot Program, the median time frame was 0.8 months (for 13 FONSIs), as compared to 2.0

⁵ The averages were statistically compared using the t-test. This test assumes that the projects were randomly selected and that their time frames are normally distributed. The Smith-Satterthwaite approximation was used to account for possible differences in the variances of the time frames for the pre-Pilot Program and Pilot Program projects. For example, for SHS EAs/FONSIs, the Begin QC of administrative DED to DED signed time frames had a variance of 45.5 months squared for pre-Pilot Program projects and a variance of 4.5 months squared for Pilot Program projects, showing that the variances are quite different for that case. In fact an F test shows that the variances were statistically significantly different at the 0.01 percent level. For some cases, the variances were different and for other cases, the variances were similar. This Smith-Satterthwaite version of the t test is at best, an approximation, especially since the pre-Pilot Program and Pilot Program projects were not randomly selected. The medians were statistically compared using the Wilcoxon test. This test assumes that the projects were randomly selected and that their time frames have distributions with the same shape and scale, but possibly different medians. This test is, at best, an approximation since the projects were not randomly selected. The Wilcoxon test is more generally applicable than the t-test but is less likely to detect an effect when the distributions are normal. Both statistical tests were applied at the 5 percent significance level.

months prior to the Pilot Program (for 19 FONSI), a median time savings of 1.4 months. The average time frame decreased from 3.6 to 1.2 months, an average savings of 2.4 months. Ninety-two percent of Pilot Program projects (12 of 13) took 2 months or less to complete the administrative FED QC review process and to sign the FONSI, as compared to 53 percent for pre-Pilot Program projects (10 of 19). One pre-Pilot Program project took more than 12 months from the beginning of QC of FED to FED approval, whereas the Pilot Program project with the longest time frame took 5.6 months.

- **Begin QC of Administrative DED to FED Signed (Figure 4):** Under the Pilot Program, the median time frame was 5.4 months (for 6 FONSI), as compared to 16.3 months prior to the Pilot Program (for 22 FONSI), a median time savings of 10.9 months. The average time frame decreased from 20.2 to 5.9 months, an average savings of 14.3 months. All six Pilot Program projects had approved FONSI in 12.0 months or less from beginning the DED QC review process, as compared to 32 percent of pre-Pilot Program FONSI (7 of 22). Two pre-Pilot Program projects took over 50 months for FONSI approval from beginning the DED QC process.

SHS and Local Assistance EAs/FONSI

- **Begin Environmental Studies to FED Signed (Figure 1):** Under the Pilot Program, the median time frame was 36.0 months (for 8 FONSI), as compared to 52.2 months prior to the Pilot Program (for 31 FONSI), a median savings of 16.2 months. The average time frame decreased from 54.6 to 39.2 months, an average savings of 15.4 months. With the addition of 7 pre-Pilot Program and 2 Pilot Program local assistance FONSI to the SHS projects, the distribution of time frames remains the same (and the time savings achieved for Pilot Program projects, as compared to pre-Pilot Program projects, remains the same), but the median and average time frames slightly dropped, as compared to the time frames for SHS projects alone.
- **Begin QC of Administrative DED to DED Signed (Figure 2):** Under the Pilot Program, the median time frame was 1.2 months (for 18 EAs), as compared to 5.7 months prior to the Pilot Program (for 29 EAs), a median savings of 4.5 months. The average time frame decreased from 8.2 to 2.5 months, an average savings of 5.7 months. With the addition of 7 pre-Pilot Program and 2 Pilot Program local assistance EAs to the SHS EAs, the distribution of time frames remains similar. The addition of local assistance projects had no effect or slightly decreased the median for this time frame, but slightly increased the average time frame.
- **Begin QC of Administrative FED to FED Signed (Figure 3):** Under the Pilot Program, the median time frame was 0.8 months (for 15 FONSI), as compared to 2.5 months prior to the Pilot Program (for 22 FONSI), a median savings of 1.7 months. The average time frame decreased from 3.7 to 1.4 months, an average savings of 2.3 months. With the addition of 3 pre-Pilot Program and 2 Pilot Program local assistance FONSI, the distribution of time frames remains similar. The addition of local assistance projects to the SHS projects slightly increased the median and average time frames.
- **Begin QC of Administrative DED to FED Signed (Figure 4):** Under the Pilot Program, the median time frame was 5.8 months (for 8 FONSI), as compared to 16.3 months prior to

the Pilot Program (for 29 FONSIIs), a median savings of 10.5 months. The average time frame decreased from 20.1 to 6.9 months, an average savings of 13.2 months. With the addition of 7 pre-Pilot Program and 2 Pilot Program local assistance FONSIIs to the SHS projects, the distribution of time frames remains similar. The addition of local assistance projects to the SHS projects slightly increased the median and average time frames.

As shown in Table 2, several other environmental review time frames showed decreases in the median and/or average, but the decreases were not statistically significant at the 5 percent level. The median and average time frames for Begin Environmental Studies to DED signed decreased for each project and NEPA document type, when comparing Pilot Program to pre-Pilot Program projects. Similarly, the median and average time frames associated with pre-Pilot Program local assistance EAs/FONSIIs and SHS EISs, projects also decreased, when compared to the same types of projects and document types under the Pilot Program. However, because the observed differences in averages for these time frames, divided by their standard deviations, were smaller than those comparisons of time frames that resulted in statistically significant decreases, these project/NEPA document types did not have a large enough sample size to identify a statistically significant decrease in the average time. Although the Wilcoxon test statistic applied for comparing the medians is more complicated than the difference in medians divided by its standard deviation, statistical analyses also showed that these project/NEPA document types did not have a large enough sample size to identify a statistically significant decrease in the median time.⁶

Figure 5 compares the average and median time frames for Section 7 approvals for the pre-Pilot Program projects and those Section 7 BOs approved between July 1, 2007, and June 30, 2008, under the Pilot Program. During the first year of the Pilot Program, the median time frame for Section 7 BOs was 6.3 months, as compared to 11.0 months for the pre-Pilot Program projects with Section 7 approvals, a median savings of 4.7 months. The average time frame decreased from 12.6 to 6.5 months, an average savings of 6.1 months. During the first year of the Pilot Program, the project with longest Section 7 approval time frame took 10.5 months to obtain a BO from the NMFS, whereas 40 percent of pre-Pilot Program projects had Section 7 approvals that took at least 12 months. As these Section 7 approvals must be obtained prior to NEPA approval, these approval time frames affect the overall NEPA approval time frames.⁷

In conclusion, environmental process review and approval time savings occurred by eliminating one layer of government review, removing the exchange of documents and comments between Caltrans and FHWA, and consolidating all NEPA review at Caltrans. Time savings were also achieved by eliminating FHWA's review of federal consultation documents, such as those related to Section 7 of the Endangered Species act and Section 106 of the National Historic Preservation Act. These data indicate that the streamlining objectives of the Pilot Program have been met in the first year of the Pilot Program.

⁶ The test statistic will be smaller and have a stronger tendency to result in a change that is not statistically significant if the difference in medians/averages is smaller, the variance of the time frame is larger, or the sample size is smaller.

⁷ Although the time frame statutorily provided to the USFWS and NMFS for issuing BOs is 135 days, these resource agencies typically exceed this time frame. Of the 25 pre-Pilot Program projects that had BO time frame information, only four (16 percent) met this statutory time frame; none of the Pilot Program projects met this statutory time frame.

Circumstances when FHWA Hindered and Facilitated Project Delivery⁸

In general, as noted in the first legislative report, Caltrans staff for the pre-Pilot Program projects stated that in conducting its required reviews of NEPA documents and consultation documents and in performing legal sufficiency reviews of FEISs and individual Section 4(f) evaluations, FHWA attempted to work efficiently to facilitate the environmental review process and did not hinder it. Staff noted that FHWA was willing to expedite its reviews when needed by:

- Agreeing to meet in person or talk by phone to discuss comments and approve document revisions.
- Providing informal, interim reviews of revisions.
- Providing e-mail approval on editorial revisions.
- Quickly turning around documents.

Caltrans' Financial Costs Related to the Pilot Program

Caltrans' Pilot Program financial costs to date are limited to personnel resources to plan for and implement the Pilot Program. Just under three Capital Outlay Support Personnel Years (PYs) were expended from October 2005 through June of 2007 in planning, applying for, and preparing to implement the Pilot Program. The local assistance Program expended 1.3 PYs in fiscal year 2006/2007 preparing for Pilot Program implementation. Approximately \$300,000 was expended on consultant support in preparing for the Pilot Program.

Based on Pilot Program expenditure data, 7.25 Capital Outlay Support PYs were expended during the first year of the Pilot Program, from July 2007 through June 2008, for SHS projects. Caltrans Headquarters Division of Environmental Analysis expended two of these PYs in overall management of the Pilot Program, including managing the program, planning and execution of self-assessments, mandatory reporting, statewide preparation for FHWA audits, updating environmental documentation guidance, and Pilot Program training. The remaining PYs were expended in the Caltrans districts/regions for SHS project NEPA QC, managing documentation and records, participating in self-assessments, preparing for FHWA audits, and Pilot Program training. The local assistance program expended the 5.7 PYs it was authorized in fiscal year 2007/2008 for the Pilot Program. One PY was expended in Headquarters Division of Local Programs; the remainder was expended in the districts, on the same tasks as the Capital Outlay Support PYs. During this same time frame, consultant support totaled \$250,000 for assisting with Pilot Program implementation.

No legal costs were incurred in the first year of the Pilot Program.

Litigation Initiated Against Caltrans under the Pilot Program

There has been no litigation initiated against Caltrans on Pilot Program projects.

⁸ A discussion of this topic is required by AB 2650.

Comparison of Costs and Benefits under the Pilot Program

Costs for the first year of the Pilot Program, including staff salaries, benefits and operating expenses, and consultant support, totaled approximately 1.8 million dollars.

The median time frame for environmental document approval (measured from begin environmental studies) for the 8 Pilot Program projects (6 SHS and 2 local assistance EA/FONSI) where Caltrans was responsible for both DED approval and FED approval was 36 months, as compared with 52.2 months prior to the Pilot Program, a median time savings of 16.2 months. The average environmental document approval time frame for the same projects decreased from 54.6 months prior to the Pilot Program to 39.2 months for Pilot Program projects, an average time savings of 15.4 months. While these 8 environmental documents may not be a representative sample of Pilot Program projects, and the baseline pre-Pilot Program projects may not be a representative sample of projects involving FHWA in the environmental process, the results indicate that substantial environmental process time savings are achievable under the Pilot Program.

As described above in “Time Saved in the Environmental Review Process” and depicted in Tables 1 and 2, time frames for smaller elements of the environmental review and approval process, with the exception of the local assistance EIS time frame, consistently show time savings for Pilot Program projects as compared with pre-Pilot Program projects.

To the extent that these environmental approval process time savings translate into time savings in the overall project delivery process, there is potential for a considerable time savings in the overall project delivery process related to the Pilot Program. The public benefits from earlier delivery of needed transportation improvements, project-related cost escalation is reduced, and the economic stimulus benefits of project construction occur earlier.

Due to the limited number of Pilot Program projects that have completed the environmental process and moved into later phases of the project delivery process, the benefits of the Pilot Program cannot yet be fully and reasonably quantified and evaluated against costs. It will likely be another 1–2 years before a meaningful cost-benefit analysis of the Pilot Program can be conducted.

Assessment of Overall Project Delivery Time Frames

As shown in Table 2, only three Pilot Program projects have completed their ROW certifications; these same three projects also have approved PS&Es. One of the three projects has reached the RTL milestone. Due to this extremely small sample size, a comparison of overall project delivery times is not included in this report. It will likely take at least 1–2 years before a reasonable Pilot Program project sample size is achieved, and overall project delivery times can be compared. As noted earlier, there are many factors unrelated to the Pilot Program that affect the timing of the project delivery process for any specific project. These factors will have a large effect on the ROW certification, PS&E approval, and RTL time frames for pre-Pilot

Program and Pilot Program projects. These factors will also affect whether any meaningful findings can be made regarding the effect of the Pilot Program on project delivery time frames.

Pilot Program Progress

During the first year of the Pilot Program, Caltrans has been successful in assuming FHWA's NEPA approval and interagency consultation responsibilities, as evidenced by FHWA's Pilot Program audit findings and Caltrans' preparation and approval of NEPA documents that meet federal regulations, policies, guidance, and standards. The results of the comparative analysis conducted for this report also indicate that the streamlining objectives of the Pilot Program have been met in the first year of the Pilot Program. These streamlining objectives have been met by eliminating FHWA's review of project environmental documents, removing the exchange of documents and comments between Caltrans and FHWA, and consolidating all NEPA reviews at Caltrans. Time savings are attributable to the ability to better control the time frame of the environmental approval process when it is consolidated within Caltrans than when review and approval activities moved between Caltrans and FHWA.

Caltrans acknowledges that there has been a learning curve for its staff to become proficient in using new environmental document QC tools and in implementing new QC procedures under the Pilot Program. As noted earlier, compliance in accurately using these tools and implementing these procedures has improved over time, as staff has gained more experience in their use and implementation.

The streamlining objectives of the Pilot Program are important to Caltrans in being able to better meet its mission of improving mobility across California. To the extent that time savings in the environmental approval process translates to overall time savings in the project delivery process, participation in the Pilot Program serves to more quickly deliver needed transportation projects to the public and to stimulate the economy.

This report has attempted to convey some of the limitations in assessing and expressing the time savings that have been achieved in the environmental review and approval process since initiation of the Pilot Program, as well as translating time savings in the environmental approval process into time savings in the overall project delivery process. The conclusions of this report can only provide estimates of how the environmental review and approval time frames were affected by removing FHWA's involvement from the environmental approval process. There are many factors unrelated to the environmental process and the Pilot Program that affect the time it takes for NEPA document approvals and to deliver a project to construction. The environmental time frames for more recent projects also coincide with a heightened emphasis on project delivery at Caltrans, and improved environmental time frames may not be solely due to the effects of the Pilot Program.

It is difficult to isolate the reasons that contribute to the project delivery time frame for any specific project and to characterize overall changes in project delivery time frames as being strictly related to the environmental review process or to factors outside of the environmental process. Each project is unique and its project delivery schedule is affected by project-specific factors in different, complex ways. Table 1 clearly shows that it still takes considerable time to

complete the environmental process for many projects under the Pilot Program. Some of the long environmental review time frames likely reflect the influence of these complex factors.

The relatively small sample size of Pilot Program projects has also affected this analysis; it is difficult to reach generalized conclusions on the Pilot Program's overall effect on project delivery time frames given the small sample sizes involved and the unique nature of each project. Finally, the flow of the environmental approval process itself makes it difficult to clearly demarcate the effect of removing one layer of government review in the time frames being evaluated.

Even recognizing the limitations of the findings of this report, Caltrans believes that the Pilot Program is resulting in project time savings and that the time savings objective of the Pilot Programs is being achieved.

The Pilot Program benefits Caltrans in less tangible ways as well. Before the Pilot Program began, both Caltrans (under CEQA) and FHWA (under NEPA) had responsibility for project-specific environmental decision-making. Under the Pilot Program, Caltrans is responsible for making independent environmental decisions and is fully accountable for these decisions under NEPA, as well as CEQA. This consolidation of environmental decision-making at Caltrans provides clarity in decision-making for project stakeholders and the public, as well as efficiency. Furthermore, with Caltrans now as lead agency under both federal and state environmental regulations, and working directly with both state and federal resource agencies, Caltrans is better able to integrate its regulatory approach to satisfy both State and federal requirements. This results in better and more efficient environmental compliance and more proactive, innovative and responsive environmental stewardship at Caltrans.

Appendix A. California's Street and Highways Code Section 820.1⁹

Section 820.1(d)(1) of California's Street and Highways Code requires the following:

- (d) The department shall, no later than January 1, 2009, and again, no later than January 1, 2011, submit a report to the Legislature that includes the following:
 - (1) A comparative analysis of the environmental review process under the National Environmental Policy Act (Chapter 55 (commencing with Section 4321) of Title 42 of the United States Code) for the 30 projects, excluding those projects categorically excluded from environmental review, undertaken immediately preceding the enactment of this section that involved the Federal Highway Administration and the environmental review process for all projects, excluding those projects categorically excluded from environmental review, undertaken following enactment of this section that did not involve the Federal Highway Administration. This analysis should address the following:
 - (A) For each project included in the analysis, the environmental review process under the National Environmental Policy Act, including which state and federal agencies reviewed the environmental documents and the amount of time the documents were reviewed by each agency, shall be described.
 - (B) The points in the environmental review process under the National Environmental Policy Act when project delays occurred and the nature of the delays.
 - (C) The time saved in the environmental review process for projects undertaken following enactment of this section in comparison to the review process for projects undertaken prior to the enactment of this section. The points in the review process when time was saved.
 - (D) The circumstances when the Federal Highway Administration hindered and facilitated project delivery.
 - (2) All financial costs incurred by the department to assume the responsibilities pursuant to Section 326 of, and subsection (a) of Section 327 of, Title 23 of the United States Code, including, but not limited to, the following:
 - (A) Personnel to conduct and review environmental documents and to manage litigation.
 - (B) Administrative costs.
 - (C) Litigation.
 - (3) An explanation of all litigation initiated against the department for the responsibilities assumed pursuant to Section 326 of, and subsection (a) of Section 327 of, Title 23 of the United States Code.

⁹ This appendix contains the text of California's Streets and Highways Code 820.1 as of January 1, 2009.

- (4) A comparison of all costs and benefits of assuming these responsibilities.
- (5) An assessment of overall project delivery time from the time environmental studies begin to the time the project is ready to advertise for construction, including the time required for each project phase and distinguishing between different types of environmental documents and between projects on the state highway system and local assistance projects. The department may also include other variables that it determines may be useful in the assessment.

Table 1. Pre-Pilot Program and Pilot Program Projects: Project Delivery Milestone Dates

District	County	SHS Route	Project Name	NEPA Doc. Type	PA/ED Dates							ROW Certification	PS&E Complete	RTL
					Begin Environ. Studies ^a	Begin QC of Admin. DED	DED Signed	Begin QC of Admin. FED	FED Signed	PA/ED Complete	ROD Signed			
Pre-Pilot Program Projects														
State Highway System EA/FONSI														
1	Mendocino	101	Confusion Hill	FONSI	10/1/2003	2/22/2005	4/25/2005	10/25/2005	12/20/2005	12/20/2005	NA	2/10/2006	12/21/2005	4/21/2006
1	Humboldt	101	Alton Interchange	FONSI	8/4/1998	8/4/2004	2/10/2005	5/2/2005	6/28/2005	6/29/2005	NA	4/15/2008	10/4/2007	6/30/2008
1	Mendocino	128/ 253	269 Culverts	FONSI	7/1/1999	11/22/2004	4/11/2005	5/18/2005	6/29/2005	6/27/2005	NA	Not reached	Not reached	Not reached
3	Yolo/ Sacramento	275	Tower Bridge Sidewalks	FONSI	8/1/2000	1/15/2004	6/17/2004	11/15/2004	6/29/2005	6/27/2005	NA	7/24/2006	4/1/2006	7/24/2006
3	Colusa	20	Moonbend	FONSI	9/3/1999	4/25/2003	6/30/2003	8/29/2005	9/30/2005	10/31/2005	NA	6/1/2006	3/3/2006	6/6/2006
3	Placer	28	Tahoe City-Kings Beach-State Line	FONSI	12/1/2001	12/3/2003	4/25/2005	–	10/21/2005	11/1/2005	NA	4/30/2007	1/22/2007	5/11/2007
3	Butte	70	Ophir Road Interchange	FONSI	2/1/1999	3/24/2003	10/31/2003	9/1/2005	12/7/2005	12/30/2005	NA	10/20/2008	10/31/2007	11/3/2008
4	Solano	12	Jameson Canyon Truck Climbing Lane	FONSI	7/24/2002	7/1/2003	1/13/2004	–	6/30/2005	6/30/2005	NA	6/14/2007	3/5/2007	6/20/2007
4	Santa Clara/ San Benito	152	State Route 152/State Route 156 Improvement Project	FONSI	7/1/2003	2/28/2005	6/16/2005	9/1/2005	12/27/2005	5/29/2006	NA	10/30/2006	11/1/2006	10/30/2006
4	Contra Costa	4	Loveridge Road Interchange Loveridge-Somersville- Route 60	FONSI	10/1/2002	6/3/2004	8/27/2004	2/7/2005	7/21/2005	7/6/2006	NA	Not reached	Not reached	Not reached
4	San Mateo	92	Route 92 Curve Correction	FONSI	5/1/2000	–	7/26/2001	11/1/2004	6/28/2005	Not reached	NA	Not reached	Not reached	Not reached
4	Alameda/ Santa Clara	680	Sunol Grade High-Occupancy Vehicle and Auxiliary Lanes	FONSI	12/20/2000	6/1/2004	6/30/2004	–	6/30/2005	6/30/2005	NA	Not reached	Not reached	Not reached
5	Monterey	101	Prunedale Improvement Project	FONSI	1/1/2003	6/30/2004	5/6/2005	8/1/2005	3/13/2006	3/22/2006	NA	Not reached	Not reached	Not reached
5	San Luis Obispo	46	State Route 46 Improvements	FONSI	8/1/1998	1/1/2002	2/25/2003	1/1/2006	5/19/2006	5/19/2006	NA	Not reached	Not reached	Not reached
5	Monterey	101	Airport Boulevard Interchange	FONSI	8/1/2001	11/1/2004	5/16/2005	–	11/14/2005	11/23/2005	NA	Not reached	Not reached	Not reached
6	Kern	184	Weedpatch	FONSI	7/1/1999	4/17/2003	11/25/2003	6/8/2004	6/8/2005	6/8/2005	NA	Not reached	Not reached	Not reached
6	Tulare	65	Terra Bella Expressway	FONSI	1/27/2000	3/2/2004	9/1/2004	5/2/2005	6/30/2005	7/5/2005	NA	Not reached	Not reached	Not reached
6	Fresno	41	State Route 41 Excelsior Expressway	FONSI	10/1/2001	7/20/2004	12/21/2004	8/25/2005	11/22/2005	12/15/2005	NA	Not reached	Not reached	Not reached
8	San Bernardino	15	Commercial Vehicle Enforcement Facility	FONSI	4/8/1999	–	1/12/2006	3/28/2006	3/31/2006	3/31/2006	NA	Not reached	Not reached	Not reached
8	Riverside	10	Palm Drive/Gene Austry Trail Interchange	FONSI	11/14/2001	3/1/2002	5/18/2004	–	4/26/2006	5/25/2007	NA	Not reached	Not reached	Not reached
8	San Bernardino	10	Construct New Overcrossing and Widen Cypress Road	FONSI	2/29/2000	9/2/2005	1/23/2006	3/3/2006	3/28/2006	5/10/2007	NA	Not reached	6/17/2008	Not reached
10	Merced	59	16th Street/Olive Avenue Widening	FONSI	5/1/2000	4/5/2005	9/24/2005	11/30/2005	1/12/2006	1/31/2006	NA	Not reached	Not reached	Not reached
10	Merced	140	Bradley Overhead	FONSI	7/1/2001	12/1/2003	10/20/2005	2/24/2006	4/20/2006	4/28/2006	NA	Not reached	Not reached	Not reached

Table 1. Continued

District	County	SHS Route	Project Name	NEPA Doc. Type	PA/ED Dates							ROW Certification	PS&E Complete	RTL
					Begin Environ. Studies ^a	Begin QC of Admin. DED	DED Signed	Begin QC of Admin. FED	FED Signed	PA/ED Complete	ROD Signed			
12	Orange	74	State Route 74 Safety Improvement Project	FONSI	10/1/2003	12/15/2004	2/25/2005	9/20/2005	11/1/2005	10/31/2005	NA	2/27/2006	3/1/2006	5/31/2006
Local Assistance EA/FONSI														
2	Shasta	-	Cypress Avenue Bridge Replacement, Redding	FONSI	11/9/2001	11/1/2004	2/1/2005	-	9/29/2005	9/29/2005	NA	11/28/2006	12/20/2006	12/20/2006
3	Butte	-	Skyway Widening Project	FONSI	7/17/2001	11/4/2003	4/14/2004	-	6/30/2005	6/30/2005	NA	Not reached	Not reached	Not reached
6	Kern	-	Coffee Road to Santa Fe Way Road Widening	FONSI	10/9/2002	5/11/2005	2/1/2006	-	5/19/2006	5/19/2006	NA	9/30/2008	4/16/2008	10/14/2008
7	Los Angeles	-	Gap Closure Project	FONSI	12/10/2002	12/1/2003	11/22/2004	2/5/2005	5/24/2005	8/23/2005	NA	8/23/2005	8/23/2005	6/26/2007
7	Los Angeles	-	Beverly Boulevard over Rio Hondo Channel Bridge Replacement	FONSI	9/10/2002	6/20/2003	12/8/2003	12/7/2004	7/18/2005	7/18/2005	NA	09/06/2005	9/08/2005	12/21/2005
8	Riverside	-	River Road Bridge Replacement	FONSI	1/11/2002	4/20/2004	6/23/2004	-	7/14/2005	-	NA	3/2/2008	4/2/2008	Not reached
8	Riverside	-	Jurupa Avenue Underpass Grade Separation at Union Pacific Railroad	FONSI	7/25/2002	10/1/2002	3/29/2005	7/13/2005	8/15/2005	8/15/2005	NA	11/8/2006	2/21/2007	2/21/2007
State Highway System DEIS/FEIS														
1	Humboldt	101	Eureka-Arcata	DEIS	8/31/2001	6/20/2006	6/20/2007	Not reached	Not reached	Not reached	Not reached	Not reached	Not reached	Not reached
1	Mendocino	101	Willits Bypass	FEIS	7/1/1989	6/1/2001	5/1/2002	5/1/2006	10/25/2006	12/18/2006	12/18/2006	Not reached	Not reached	Not reached
3	Placer	65	Lincoln Bypass	FEIS	6/20/1990	4/4/2001	11/14/2001	4/1/2005	5/25/2006	5/25/2006	7/18/2006	2/14/2008	8/10/2007	2/22/2008
4	San Francisco	101	Doyle Drive	DEIS	2/10/2000	4/1/2005	12/21/2005	Not reached	Not reached	Not reached	Not reached	Not reached	Not reached	Not reached
7	Los Angeles	405	Sepulveda Pass 405	DEIS	1/7/2002	11/3/2006	5/22/2007	Not reached	Not reached	Not reached	Not reached	Not reached	Not reached	Not reached
8	San Bernardino	18	Big Bear Bridge Replacement	FEIS	8/30/1990	7/16/2004	1/31/2006	1/31/2007	3/30/2007	3/30/2007	7/26/2007	2/11/2008	1/18/2008	5/29/2008
10	Merced	152	Los Banos Bypass	FEIS	4/4/2001	8/2/2004	2/17/2005	10/6/2005	6/25/2007	6/25/2007	Not reached	Not reached	Not reached	Not reached
Local Assistance DEIS/FEIS														
7	Los Angeles	-	First Street over Los Angeles River Viaduct and Street Widening	FEIS	6/5/2003	11/1/2003	2/8/2005	-	11/30/2005	2/22/2006	2/22/2006	8/6/2007	8/27/2007	8/27/2007
Pilot Program Projects (Year 1)														
State Highway System EA/FONSI														
3	Sacramento	5	Sacramento 5 Bus/Carpool Lane	EA	6/22/2006	6/19/2008	6/30/2008	Not reached	Not reached	Not reached	NA	Not reached	Not reached	Not reached
3	Nevada	49	La Barr Meadows Widening	FONSI	Pre-PP	Pre-PP	Pre-PP	9/17/2007	10/1/2007	10/1/2007	NA	Not reached	Not reached	Not reached
3	Sacramento	80	Across Top Bus/High-Occupancy Vehicle	FONSI	Pre-PP	Pre-PP	Pre-PP	8/16/2007	1/31/2008	2/11/2008	NA	Not reached	Not reached	Not reached
4	Sonoma	101	Widen for High-Occupancy Vehicle Lanes and Auxiliary Lanes	FONSI	Pre-PP	Pre-PP	Pre-PP	8/30/2007	10/24/2007	10/24/2007	NA	2/29/2008	10/11/2007	6/13/2008
4	Alameda	580	Construct New Interchange	FONSI	Pre-PP	Pre-PP	Pre-PP	7/26/2007	8/15/2007	8/15/2007	NA	7/24/2008	4/14/2008	Not reached

Table 1. Continued

District	County	SHS Route	Project Name	NEPA Doc. Type	PA/ED Dates							ROW Certification	PS&E Complete	RTL
					Begin Environ. Studies ^a	Begin QC of Admin. DED	DED Signed	Begin QC of Admin. FED	FED Signed	PA/ED Complete	ROD Signed			
7	Los Angeles	405	Widen for High-Occupancy Vehicle Lanes (Sepulveda Pass 405)	FEIS	Pre-PP	Pre-PP	Pre-PP	1/2/2008	2/29/2008	2/29/2008	5/8/2008	Not reached	Not reached	Not reached
11	San Diego	76	Highway Improvements	DEIS	11/14/2005	7/10/2007	9/25/2007	Not reached	Not reached	Not reached	Not reached	Not reached	Not reached	Not reached
Local Assistance DEIS/FEIS														
4	Solano	-	Jepson, Interstate 80 Reliever Route	DEIS	8/4/2000	7/12/2007	5/27/2008	Not reached	Not reached	Not reached	Not reached	Not reached	Not reached	Not reached

Notes: - = no evidence of date; in the SHS Route column, indicates a Local Assistance project.

FHWA = FHWA involved in review of environmental document.

NA = milestone not applicable.

Not reached = milestone not yet reached.

Pre-PP = approval made before Pilot Program.

^a For EIS projects, the date that the NOI was issued in the Federal Register was used for the Begin Environmental Studies date.

Table 2. Pre-Pilot Program and Pilot Program Projects: Average and Median Time Frames for Project Delivery Milestones

Time Frame	Pre-Pilot Program Projects		Pilot Program Projects	
	Average (months)	Median (months)	Average (months)	Median (months)
State Highway System EAs/FONSIs				
Begin Environmental Studies to DED Signed	45.2	46.3	36.1	33.8
Begin Environmental Studies to FED Signed	58.7	59.1	42.0	40.4
Begin Environmental Studies to RTL	69.4	66.2	–	–
Begin QC of Administrative DED to DED Signed	7.8	5.9	2.2	1.2
Begin QC of Administrative FED to FED Signed	3.6	2.0	1.2	0.7
Begin QC of Administrative DED to FED Signed	20.2	16.3	5.9	5.4
DED Signed to FED Signed	13.5	10.2	4.5	4.5
PA/ED Complete to ROW Certification	15.7	13.1	7.9	7.9
PA/ED Complete PS&E Complete	12.1	11.4	3.8	3.8
PS&E Complete to RTL	4.7	3.6	8.2	8.2
Local Assistance EAs/FONSIs				
Begin Environmental Studies to DED Signed	30.6	32.6	25.8	25.8
Begin Environmental Studies to FED Signed	40.6	42.7	30.9	30.9
Begin Environmental Studies to RTL	57.3	55.7	–	–
Begin QC of Administrative DED to DED Signed	9.6	5.7	5.0	5.0
Begin QC of Administrative FED to FED Signed	4.0	3.6	2.3	2.3
Begin QC of Administrative DED to FED Signed	19.6	18.0	10.1	10.1
DED Signed to FED Signed	9.9	8.0	5.1	5.1
PA/ED Complete to ROW Certification	11.9	14.2	0.7	0.7
PA/ED Complete PS&E Complete	11.7	14.9	0.4	0.4
PS&E Complete to RTL	6.4	3.5	–	–
State Highway System and Local Assistance EAs/FONSIs				
Begin Environmental Studies to DED Signed	41.9	40.4	34.9	30.9
Begin Environmental Studies to FED Signed	54.6	52.2	39.2	36.0
Begin Environmental Studies to RTL	65.1	61.0	–	–
Begin QC of Administrative DED to DED Signed	8.2	5.7	2.5	1.2
Begin QC of Administrative FED to FED Signed	3.7	2.5	1.3	0.8
Begin QC of Administrative DED to FED Signed	20.1	16.3	6.9	5.8
DED Signed to FED Signed	12.7	10.1	4.6	5.1
PA/ED Complete to ROW Certification	14.3	13.6	5.5	4.3
PA/ED Complete PS&E Complete	12.0	13.5	2.7	0.4
PS&E Complete to RTL	5.3	3.6	8.2	8.2
State Highway System DEISs/FEISs				
Begin Environmental Studies to DED Signed ^a	105.3	71.4	22.7	22.7
Begin Environmental Studies to FED Signed ^a	170.6	197.9	–	–
Begin Environmental Studies to ROD ^a	204.7	205.8	–	–
Begin Environmental Studies to RTL ^a	215.6	215.6	–	–
Begin QC of Administrative DED to DED Signed	10.2	8.8	2.6	2.6
Begin QC of Administrative FED to FED Signed	10.7	9.9	1.9	1.9
Begin QC of Administrative DED to FED Signed	49.1	48.9	–	–
DED Signed to FED Signed	38.1	41.6	–	–
PA/ED Complete to ROW Certification	15.8	15.8	–	–
PA/ED Complete PS&E Complete	12.3	12.3	–	–
PS&E Complete to RTL	5.5	5.5	–	–

Table 2. Continued

Time Frame	Pre-Pilot Program Projects		Pilot Program Projects	
	Average (months)	Median (months)	Average (months)	Median (months)
Local Assistance DEISs/FEISs				
Begin Environmental Studies to DED Signed ^a	20.5	20.5	95.1	95.1 ^b
Begin Environmental Studies to FED Signed ^a	30.3	30.3	–	–
Begin Environmental Studies to ROD ^a	33.1	33.1	–	–
Begin Environmental Studies to RTL ^a	51.5	51.5	–	–
Begin QC of Administrative DED to DED Signed	15.5	15.5	10.7	10.7
Begin QC of Administrative FED to FED Signed	–	–	–	–
Begin QC of Administrative DED to FED Signed	25.3	25.3	–	–
DED Signed to FED Signed	9.8	9.8	–	–
PA/ED Complete to ROW Certification	17.7	17.7	–	–
PA/ED Complete PS&E Complete	18.4	18.4	–	–
PS&E Complete to RTL	0.0	0.0	–	–
State Highway System and Local Assistance DEISs/FEISs				
Begin Environmental Studies to DED Signed ^a	94.7	71.0	58.9	58.9
Begin Environmental Studies to FED Signed ^a	142.5	193.9	–	–
Begin Environmental Studies to ROD ^a	161.8	200.8	–	–
Begin Environmental Studies to RTL ^a	160.9	215.2	–	–
Begin QC of Administrative DED to DED Signed	10.9	10.0	6.6	6.6
Begin QC of Administrative FED to FED Signed	10.7	9.9	1.9	1.9
Begin QC of Administrative DED to FED Signed	44.4	35.2	–	–
DED Signed to FED Signed	32.4	28.6	–	–
PA/ED Complete to ROW Certification	16.4	17.7	–	–
PA/ED Complete PS&E Complete	14.3	14.7	–	–
PS&E Complete to RTL	3.6	4.4	–	–

Note: – = no evidence of date(s) for this timeframe.

^a The date that the NOI was issued in the Federal Register was used for Begin Environmental Studies date.

^b See Delay Table. There was only one Local Assistance DEIS prior to assumption and one DEIS completed after. Delay for DEIS after assumption includes time prior to Pilot Program. Project had extensive period of inactivity.

Table 3. USFWS and NMFS Section 7 Approval Time Frames: Pre-Pilot Program Projects and Projects with Section 7 Approvals During Year 1 of Pilot Program

District	County	SHS Route	Project Name	NEPA Document Type	U.S. Fish and Wildlife Service			National Marine Fisheries Service		
					Submission Date	Approval Date	Type of Approval	Submission Date	Approval Date	Type of Approval
Pre-Pilot Program Projects with Section 7 Approvals										
1	Mendocino	101	Confusion Hill Realignment Project	FONSI	6/1/2005	11/15/2005	BO	6/20/2005	11/4/2005	BO
1	Mendocino	101	Willits Bypass	FEIS	9/7/2005	3/30/2006	BO	10/17/2005	9/11/2006	BO
2	Shasta	–	Cypress Avenue, Bridge 06C0108 L&R and Phase A—Bridge Widening, Modify Approaches	FONSI	NA	NA	NA	2/1/2003	3/1/2004	BO
3	Butte	70	Ophir Road Interchange—Widen to 4 Lanes, Extend, Construct Interchange	FONSI	3/25/2005	7/1/2005	BO	NA	NA	NA
3	Colusa	20	Moonbend—Rehab Pavement	FONSI	3/23/2003	10/4/2004	BO	NA	NA	NA
3	Placer	65	Lincoln Bypass	FEIS	5/10/2004	2/2/2005	BO	NA	NA	NA
4	Santa Clara/ San Benito	152	State Route 152/State Route 156 Improvement Project—Construct Flyover Interchange	FONSI	11/18/2005	12/12/2005	BO	NA	NA	NA
4	Contra Costa	4	Construct Loveridge Road I/C and Widen Roadway	FONSI	4/28/2004	6/13/2005	BO	NA	NA	NA
4	Alameda/ Santa Clara	680	Sunol Grade Northbound—Construct High-Occupancy Vehicle and Auxiliary Lanes; Ramp Metering and Widening	FONSI	–	–	BO	NA	NA	NA
4	Solano	12	Construct Jameson Road Truck Climbing Lane	FONSI	2/13/2004	1/7/2007	BO, Amended BO	NA	NA	NA
4	San Mateo	92	State Route 92 Curve Correction: Operational and Safety Improvements to Eliminate Sharp Curves, Widen Shoulders	FONSI	4/1/2001	7/12/2002	BO	11/20/2003	11/1/2004	BO
5	San Luis Obispo	46	State Route Corridor Improvements—Shannon and Wye	FONSI	6/27/2003	12/12/2005	BO	NA	NA	NA
5	Mono	101	Prunedale Improvement Project—Construct Interchanges and Operational Improvements	FONSI	4/19/2005	10/17/2005	BO	NA	NA	NA
6	Kern	0	7th Standard Road Widening—Coffee Road to Santa Fe Way	FONSI	5/13/2004	1/23/2006	BO	NA	NA	NA
6	Fresno	41	State Route 41 Excelsior Expressway—Widen Excelsior Avenue (County Line) to Elkhorn from 2 to 4 Lanes	FONSI	2/7/2005	10/17/2005	BO	NA	NA	NA
6	Tulare	65	Terra Bella Expressway—Change 2-Lane Conventional to 4-Lane Expressway	FONSI	4/7/2004	9/13/2004	BO	NA	NA	NA
6	Kern	184	Weedpatch—Widen from 2-Lane Conventional to 4-Lane Conventional	FONSI	5/1/2004	4/1/2005	BO	NA	NA	NA
8	Riverside	10	Interstate 10/Palm Drive—Gene Autry Trail Interchange	FONSI	2/23/2004	9/23/2004	Programmatic BO	NA	NA	NA
8	San Bernardino	15	Construct Commercial Vehicle Enforcement Facility/Interstate 15 Joint Port of Entry	FONSI	3/28/2005	3/31/2006	BO	NA	NA	NA
8	Riverside	000L	River Road Bridge Replacement Project	FONSI	12/3/2004	3/11/2005	BO	NA	NA	NA
10	Merced	140	Bradley Overhead—Replace Bridge/Widen from 2 to 4 Lanes	FONSI	12/31/2002	11/12/2005	BO	NA	NA	NA
10	Merced	152	Los Banos	FEIS	8/18/2005	6/18/2007	BO	NA	NA	NA
12	Orange	74	State Route 74 Safety Improvement Project—Widen Lanes to Standard Widths, Add Shoulders, Improve Drainage Facilities, add Turnout Rock Catchment Areas	FONSI	5/24/2005	9/30/2005	BO	NA	NA	NA
Average, Biological Opinions = 12.6 months Median, Biological Opinions = 11.0 months										

Table 3. Continued

District	County	SHS Route	Project Name	NEPA Document Type	U.S. Fish and Wildlife Service			National Marine Fisheries Service		
					Submission Date	Approval Date	Type of Approval	Submission Date	Approval Date	Type of Approval
Projects with Section 7 Approvals During Year 1 of Pilot Program										
4	Sonoma	101	Sonoma U.S. Highway 101 High-Occupancy Vehicle Lane Widening—North	FONSI	NA	NA	NA	8/13/2007	12/28/2007	BO
4	Alameda	84	Upgrade and Widen Expressway	EA	9/11/2007	2/4/2008	BO	NA	NA	NA
5	San Benito	156	San Benito State Route 156 Improvement Project	EA	2/21/2008	9/19/2008	BO	NA	NA	NA
6	Tulare	99	Tulare to Goshen, 6-Lane	EA	8/10/2007	2/21/2008	BO	NA	NA	NA
8	San Bernardino	395	Widening Roadbed to Install Rumble Strips on Median and Outside Shoulders, Roadway Resurfacing in Both Directions and Pavement of Intersections to Accommodate the New Width of U.S. Highway 395	FONSI	10/22/2007	4/21/2008	BO	NA	NA	NA
10	San Joaquin	–	Bridge Replacement	FONSI	10/01/2007	5/13/2008	BO	10/3/2007	8/12/2008	BO
12/8	Orange/Riverside	91	Construct Eastbound Mixed-Flow Lane in Orange and Riverside Counties on State Route 91 between State Routes 241 and 71	FONSI	7/12/2007	11/29/2007	BO	NA	NA	NA
Average, Biological Opinions = 6.5 months Median, Biological Opinions = 6.3 months										

Notes: – = no evidence of date; in the SHS Route column, indicates a Local Assistance project.
 NA = Section 7 approval is not applicable.