

GAO Highlights

Highlights of [GAO-18-536](#), a report to congressional committees

Why GAO Did This Study

Since 2005, the federal government has enacted various statutes aimed at accelerating the environmental review process for highway and transit projects. In addition, the Clean Water Act and the Endangered Species Act may require three federal agencies—the Corps, FWS, and NMFS—to issue permits or perform consultations before a project can proceed.

GAO is required by statute to assess the extent to which statutory provisions have accelerated and improved environmental permitting and consulting processes for highway and transit projects. This report examines, among other things: 1) the impact of streamlining provisions on consulting and permitting time frames, and (2) additional actions used by federal resource agencies to streamline their reviews. GAO analyzed permitting and consulting data from the 3 federal agencies and interviewed officials from the 3 agencies, 16 agency field offices, and 7 state DOTs for their perspectives on the effect of streamlining provisions and other efforts. GAO selected these offices to include a range of locations and those with a greater number of permits and consultations, among other factors.

What GAO Recommends

GAO is making two recommendations, one to FWS and one to NMFS, to develop plans and time frames for improving their tracking systems and to develop internal controls to improve data reliability.

The Departments of Commerce and Interior concurred with our recommendations.

View [GAO-18-536](#). For more information, contact Susan Fleming at (202) 512-4431 or flemings@gao.gov.

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HIGHWAY AND TRANSIT PROJECTS

Better Data Needed to Assess Changes in the Duration of Environmental Reviews

What GAO Found

Federally funded highway and transit projects must be analyzed for their potential environmental effects, as required by the National Environmental Policy Act, and may be subject to other environmental protection laws, including the Clean Water Act and the Endangered Species Act. These laws may require the U.S. Army Corps of Engineers (Corps) to issue permit decisions and the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) to conduct consultations before a project can proceed. These three agencies are referred to as “resource agencies” for this report. The three most recent transportation reauthorization acts include provisions that are intended to streamline various aspects of the environmental review process; 18 of these provisions could potentially affect time frames for the environmental permitting and consulting processes for highway and transit projects.

While officials GAO interviewed at resource agencies and state departments of transportation (state DOT) noted that some actions called for by the 18 statutory provisions have helped streamline the consultation and permitting processes for highway and transit projects, GAO found that a lack of reliable agency data regarding permitting and consulting time frames hinders a quantitative analysis of the provisions’ impact. Officials said, for example, that a provision that allows federal liaison positions at resource agencies to focus solely on processing applications for state DOT projects has helped avoid delays in permit and consultation reviews. However, none of the three resource agencies could provide enough reliable data to analyze changes in the durations of consultations and permit reviews over time for any of the provisions. Further, GAO identified limitations, such as negative or missing values, and inconsistent data entry practices for FWS and NMFS data. FWS and NMFS have limited controls, such as electronic safeguards and other data-entry procedures, to ensure the accuracy and reliability of their data on the duration of consultations. Left unaddressed, these data quality issues may impair the agencies’ ability to accurately determine whether they are meeting their 135-day statutory and regulatory deadlines to complete consultations and provide biological opinions, and could affect their ability to provide accurate data on time frames for efforts of the Office of Management and Budget to track agencies’ performance in conducting environmental reviews. While FWS and NMFS officials stated that the agencies plan to improve their tracking systems, the agencies do not have documented plans or time frames for the improvements and it is unclear whether the efforts will include internal controls to improve data reliability.

Some federal resource agency and state DOT officials GAO interviewed identified additional actions that have been used to streamline the consultation and permitting processes to avoid delays in agency reviews. For example, 16 of the 23 resource agency and state DOT officials said that field office staff provided training to state DOT staff about the information field offices required for permit or consultation applications. Resource agency and state DOT officials also identified electronic systems with environmental data and for submitting documents as streamlining actions that have been helpful.