



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

July 17, 2025

Dear Governor:

Driving project delivery efficiencies through regulatory streamlining is one of the top priorities of the U.S. Department of Transportation (DOT). As Governor, you know your local roads and community needs, and you are best positioned to coordinate highway infrastructure planning and project delivery. Similarly, you are also incentivized to reduce project costs, shorten project timelines, lead public engagement, and resolve administrative hurdles. That is why I am writing to encourage your State to take advantage of unique statutory authority and assume the Federal environmental review process under the National Environmental Policy Act (NEPA).

Congress recognized that States are uniquely positioned to optimize project delivery improvements while meeting Federal requirements. It was in this spirit that Congress allows DOT to assign, and States to assume, the Federal NEPA review responsibility through two programs: 23 U.S.C. 326 – State assumption for categorical exclusions (CE) – “CE Assignment”; and 23 U.S.C. 327 – Surface Transportation Project Delivery Program – “Program Assignment” – both commonly referred to as NEPA Assignment. Under these programs, a State Department of Transportation (State DOT) serves as the lead Federal agency for environmental reviews and approvals on assigned projects. Once a State has an assignment for one or more highway projects, it can also assume Federal NEPA and certain related environmental review responsibilities for one or more railroad, public transportation, or multimodal projects.

By assuming Federal responsibilities through NEPA Assignment, State DOTs are subject to the same procedural and substantive requirements that apply to DOT, including consent to Federal court jurisdiction and sole responsibility for compliance if project NEPA litigation ensues. However, this increased responsibility creates extensive benefits for the States, including:

- Increased control over and responsibility for environmental reviews and NEPA decisions on assigned projects.
- Shortened project delivery timelines.
- Decreased cost of project development.
- State capacity building.
- More direct and stronger relationships with stakeholders and public agencies.
- More ownership and flexibility of decision making.

If you are interested in more information regarding NEPA Assignment, please contact your State’s Federal Highway Administration (FHWA) Division Office. FHWA can provide more detailed information regarding the assignment process, how to become a NEPA Assignment

State, and the success other States have had under the programs. If you would like to expand your existing NEPA Assignment to other DOT modes, please work with the Federal Transit Administration or the Federal Railroad Administration, depending on the type of projects for which you would like to assume NEPA responsibility. For both existing NEPA Assignment States and those considering NEPA Assignment, we look forward to working with you on this opportunity to improve the efficient implementation of the Federal environmental review process.

Sincerely,



Sean P. Duffy

cc:

State DOT Chief Executives

State Attorneys General

FHWA Division Administrators