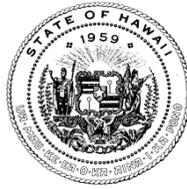


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Thursday, March 5, 2026
10:01 AM
State Capitol, 016

SB3154,SD1
RELATING TO TRANSPORTATION ENVIRONMENTAL REVIEW

Senate Committee on Judiciary

The Department of Transportation (DOT) is in strong support of SB3154 SD1, which authorizes the Department of Transportation to assume federal environmental review responsibilities under the National Environmental Policy Act of 1969 (NEPA) for transportation projects within the State. This legislation aligns with the Department's objectives to streamline project delivery while maintaining robust environmental protections.

The bill enables the Department to participate in the National Environmental Policy Act Assignment Program under 23 U.S.C. §§ 326 and 327. NEPA Assignment is a well-established federal program that allows qualified state DOTs to assume certain federal environmental review responsibilities while remaining fully accountable under federal environmental law. Multiple states already operate successfully under NEPA Assignment, including Alaska, Arizona, California, Florida, Nebraska, Ohio, Texas, and Utah.

The bill specifically provides for a limited waiver of sovereign immunity to comply with federal requirements under 23 U.S.C. § 326(b)(4) and § 327(c)(3)(B), ensuring that the Department can effectively carry out its assigned responsibilities. The limited waiver of sovereign immunity is a federal prerequisite to pursue NEPA assignment.

By assuming these federal environmental review responsibilities, the Department will gain greater control over project timelines and reduce dependency on federal agencies such as the Federal Highway Administration. This enhanced autonomy will improve the efficiency of transportation infrastructure development, particularly for highways, airports, and harbors, thereby supporting economic growth and public safety while maintaining environmental safeguards and public transparency.

Furthermore, the bill requires the Department to adopt relevant federal environmental standards as state standards, ensuring that environmental protections remain consistent with federal guidelines. The inclusion of provisions for entering into

memoranda of understanding with the U.S. Department of Transportation also facilitates clear coordination and compliance with federal mandates. Finally, these programs are not “set it and forget it.” The Federal Highway Administration monitors performance through required audits (especially in early years), and audit findings are publicly noticed and documented.

Thank you for the opportunity to testify in support of this bill.