

Pennsylvania Senate Transportation Committee
Senator John C. Rafferty, Majority Chairman
Senator John P. Sabatina, Minority Chairman

Innovative Transportation Project Delivery Alternatives
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Testimony by:
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Chairman Rafferty and Chairman Sabatina, thank you for the opportunity to provide testimony regarding innovative transportation project delivery alternatives. I am Eric Madden, Executive Vice President of the American Council of Engineering Companies of Pennsylvania (ACEC/PA). ACEC/PA is a state-wide trade association with more than 125 member firms, representing over 10,000 individual employees, including consulting engineering, construction inspection and surveying firms. While our members provide a wide range of professional engineering services, our membership has a very keen interest in civil engineering and the design of the public's water and transportation infrastructure. The association has been serving the industry for nearly 60 years.

ACEC/PA, as part of the Keystone Transportation Funding Coalition, played a very active role in the passage of what is now Act 89 of 2013. Through the Act, Pennsylvanians will benefit from an additional \$2.3 billion annual investment that improves our highways, bridges, transit systems, airports, freight railroads, ports, bicycle and pedestrian projects throughout the entire Commonwealth. Act 89 was a true game-changer and quickly drew national attention not only for the size of the program, but also the manner in which it was passed. It was a bi-partisan approach that has led to a long-term, multi-modal program with sustainable growth. Many of you voted and supported Act 89 and I believe you are seeing the immediate effects of transportation improvements that are currently underway in your districts. The industry thanks you for your support in this success.

Our industry views ourselves as an extension of the Commonwealth. We partner closely with the Departments of Environmental Protection, General Services, Transportation and the Pennsylvania Turnpike Commission to deliver projects and facilities that benefit the citizens of Pennsylvania, our visitors and economic commerce. One important aspect of ultimately providing these needed services is the timely review of environmental permits, particularly for transportation projects.

It is critical that reviews occur on a consistent and predictable timeline. As projects are held in abeyance during review, there are costs that are associated which impact a project's overall budget. Extended time for review also impacts the available season in which a project may be built. The typical Pennsylvania climate only avails the months of April through October for construction. Thus timeliness of environmental review and clearances are critical to build within this finite window.

Given the fiscal and human resource challenges that face the Department of Environmental Protection, it is understandable the monumental task before the Department in processing permits. Perhaps now is an opportunity for creative brainstorming ideas to compliment the Department's services. Listed below are options for consideration which may be considered cumulatively or stand independently.

Additional Fees to Supplement Staff: The industry would be willing to pay additional money on the existing permit fees with the sole purpose of those proceeds funding dedicated staff at the Department to process expedited reviews.

Project-Specific Expedited Reviews: The Department and industry may jointly develop guidelines and identify strict project parameters that may require expedited review.

Third-Party Reviews: The Department may contract-out services for a third-party(ies) to act on behalf of the agency to conduct time-specific environmental reviews. However, this option is only beneficial if the Department extends its final approval authority to the third-party reviewer and unequivocally accepts the findings. Without that authority, the issue still remains for awaiting the Department to issue final approval regardless of the expedited review by the third-party.

Permit Application Submission Quality Control: If there are instances where there are wide-scale submissions that are of sub-standard quality, it may be fruitful for the Department and the industry to jointly meet and establish levels of expectation and quality control measures. This effort will go towards ensuring higher standards before submission.

Overall Regulatory Review: For a longer-term solution, a task force may be necessary to review the entire environmental permitting process to determine levels of relevancy and modernization. As the design of transportation projects and good environmental stewardship continues to evolve, perhaps it is time to re-evaluate the permitting regulations in place to ascertain which are most germane to the environment of today.

In conclusion, Pennsylvania has proven time and again that we can indeed deliver projects timely and effectively. However, there are always challenges. None of them are insurmountable as long as all parties are interested in the common goal of working together and providing the services that are expected by our citizens. ACEC/PA will always be a willing partner at the table.

Again, thank you for this opportunity and I welcome any comments or questions from the Committee.