



Testimony of
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Pennsylvania Department of Transportation
Informational Meeting on Third Party Permit Review
Senate Environmental Resources and Energy Committee
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Chairman Yaw, Chairman Yudichak, and Members of the Committee, thank you for the opportunity to update you on permit-related issues that are crucial to the operation of the Pennsylvania Department of Transportation (PennDOT). There are several updates that I will relay to the committee that have transpired since my last testimony in February of 2017.

It is PennDOT practice to prepare environmental documents required by the National Environmental Policy Act and Section 2002 of the Administrative Code of 1929 as part of preliminary engineering during project delivery. Federal and state law requires that PennDOT evaluate and document the relevant environmental impacts from projects.

PennDOT currently has seven memorandums of understanding (MOU) with state and federal agencies wherein PennDOT and the Federal Highway Administration (FHWA) pay salary and benefits for staff in those agencies who dedicate their time to PennDOT project reviews:

- US Army Corps of Engineers
- US Fish & Wildlife Service
- PA Department of Environmental Protection (DEP)
- PA Fish & Boat Commission
- PA Game Commission

- PA Department of Community and Natural Resources, and
- PA Historical and Museum Commission.

This arrangement has been hailed as a national best practice. Although these come at a cost of \$3 million to PennDOT and FHWA for the 26 individuals representing these agencies, these positions are key in expediting PennDOT projects by having the means for cooperative collaboration and agency reviewers focused on PennDOT projects.

Nearly all PennDOT permits are processed by DEP (a few are authorizations from the Army Corps of Engineers). Last year DEP approved 264 permits for PennDOT projects, noting that just over half of those were for maintenance projects and the majority of the remainder were general waterway permits.

PennDOT and DEP renewed their MOU in 2014. The current MOU expires in October of this year and a new MOU is currently being developed. Under the MOU, PennDOT funds DEP engineer and biologist reviewers in each of the six DEP regions, plus one central office liaison. In addition to dedicated reviewers, the MOU also sets review timeframes. In order to maintain FHWA support for the funded positions, DEP must review permits in a timely manner. For PennDOT's most common environmental permits, waterway permits known as a GP-11s, the established review time is 35 working days. This alone greatly reduces the time needed to secure the necessary permits.

Although each agency continues to maintain their independent missions and service to the public, the funded positions at DEP provide a framework that allows both agencies to work together in a collaborative manner. PennDOT is still fully responsible for preparing all the required permit packages and submissions, but they have direct access to DEP's reviewers. The MOU also includes an escalation process to resolve issues which cannot be addressed at the local level. In 2017, when we recognized a backlog of permits and workload in some regions, PennDOT worked with DEP in securing another full time DEP position to help alleviate the

backlog. This was a completed goal since the last hearing. In addition, allowing non-funded reviewers to utilize overtime and charge time to the MOU, as well as work sharing between DEP regions has greatly improved our review times and addressed backlogs.

PennDOT and DEP continue to work together to collaboratively address issues and make improvements, evidenced by our collective efforts to modernize how permits are processed. PennDOT has worked with DEP and the Army Corps of Engineers to redesign and replace the Joint Permit Applications System (JPA), which will provide the means of processing all General [Waterway] Permits (Chapter 105 Permits) as well as all Erosion and Sedimentation Control Permits (Chapter 102 permits). I am pleased to relay that the old JPA system has been replaced by the enhanced Keystone Environmental ePermitting System (KEES), which was brought online June 26, 2017. It is a highly intelligent system that is functioning extremely well, and improvements are continuously being developed. KEES was conceived and funded by PennDOT, for the benefit of both agencies. KEES has system validation and human verification aspects that has greatly reduced omissions and consistency errors, thus streamlining the permitting process by eliminating back and forth submissions and reviews due to missing information.

At this time, all of DEP's general permits are submitted through the new KEES system. The old JPA system only had the capacity to accept submissions of a limited number of permits. Currently, there are approximately 457 permits authorized in KEES, and roughly 85 percent of permits are administratively complete on the first submission – a vast improvement over previous years. Additionally, the development process to add DEP Chapter 102 permits is currently underway. KEES was anticipated to be used by all commonwealth entities, both private and public, but at this time it is only being utilized by PennDOT.

In addition to permits related to PennDOT's typical program, most of the bridges in PennDOT's Rapid Bridge Replacement (RBR) P3 program also required the issuance of permits from DEP. DEP processed approximately 557 permits related to the RBR program. The permits for the RBR

program were submitted by the RBR contracting entity, known as Developmental Entity (DE) and were reviewed by DEP's general permit staff, not under the MOU process. The Department would like to acknowledge and thank DEP for their dedication and cooperation in the Rapid Bridge Replacement Program.

PennDOT continuously looks for tools and opportunities to improve project delivery and expedite the completion of our transportation projects while being good stewards of the environment. The interagency MOUs, process improvements, the development of KEES and additional dedicated review staff are crucial in delivering a timely program. We will continue to look for opportunities to streamline transportation delivery, improve efficiencies for both agencies and utilize taxpayer's dollars efficiently.