



Russell R. McMurry, P.E.,
Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

October 24, 2025

Ms. Sabrina David, AICP
Division Administrator
Federal Highway Administration
75 Ted Turner Drive
Suite 1000
Atlanta, GA 30303

RE: Statement of Intent Pursuant to the Surface Transportation Project Delivery Program, 23 U.S.C. §327

Dear Mrs. David:

Pursuant to the letter provided on July 17, 2025, from the Secretary of Transportation, the Georgia Department of Transportation (GDOT) understands and agrees that driving project delivery efficiencies through regulatory streamlining is one of the top priorities of the U.S. Department of Transportation.

Congress recognized that States are uniquely positioned to optimize project delivery improvements while meeting Federal requirements. It was in this spirit that Congress enacted legislation to allow the U.S. DOT to assign, and States to assume, the [National Environmental Policy Act](#) (NEPA) review responsibility.

Therefore, in accordance with 23 CFR 773.105, GDOT declares its interest in the Surface Transportation Project Delivery Program as referenced in 23 U.S.C § 327. Under this program, GDOT will apply to assume responsibilities for compliance with NEPA and all other Federal environmental laws pertaining to the review or approval of GDOT's transportation program. Under this program, GDOT will be responsible for complying with all applicable federal environmental laws and complying with FHWA environmental regulations and policies.

This letter serves as GDOT's declaration that it intends to apply to participate in the Surface Transportation Project Delivery Program. As such, find attached the waiver statement from the Georgia Department of Law.

Under this program, GDOT will assume sole responsibility and liability for GDOT NEPA actions and decisions and will be subject to Federal court jurisdiction. We acknowledge that we will actively work to submit a draft application and meet all applicable program criteria in a timely manner. GDOT desires and will be ready to receive full assignment authority by the fourth quarter of 2026.

Mrs. Sabrina David

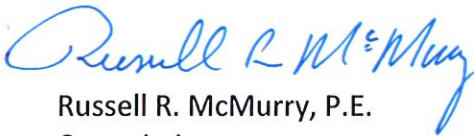
Statement of Intent to Pursuant to the Surface Transportation Project Delivery Program, 23 U.S.C. §327

October 24, 2025

Page 2 of 2

GDOT looks forward to working closely with FHWA during the application process and implementation of this program. GDOT's main point of contact will be Ms. Amber Phillips, State Environmental Administrator, who can be reached at 404-631-1117 or aphillips@dot.ga.gov.

Sincerely,



Russell R. McMurry, P.E.
Commissioner

RRM:CR:as:fs:jw

Encls.

cc: Honorable Brian Kemp, Governor
Chris Carr, Attorney General
Jamie Boswell, State Transportation Board, Chairman
Annette Simelaro, GDOT General Counsel
Meg Pirkle, P.E., Chief Engineer



GEORGIA DEPARTMENT OF LAW

CHRISTOPHER M. CARR
ATTORNEY GENERAL

40 Capitol Square SW
Atlanta, Georgia 30334-1300

www.law.ga.gov
(404) 656-3300

WRITER'S DIRECT DIAL
(404) 458-3236
lwinkles@law.ga.gov

October 17, 2025

The Honorable Sean P. Duffy
Secretary
United States Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

The Honorable Sean McMaster
Administrator
Federal Highway Administration
1200 New Jersey Ave., S.E.
Washington, D.C. 20590

Re: State of Georgia's application for NEPA delegation of responsibility

Dear Secretary Duffy and Administrator McMaster,

I represent the Georgia Department of Transportation ("GDOT"), which seeks your approval to participate in the Surface Transportation Project Delivery Program (the "Program"). GDOT further requests that you assign GDOT responsibility under the National Environmental Policy Act of 1969 ("NEPA") under 23 U.S.C. § 327. As part of that application process, I am providing the information required by the regulations at 23 C.F.R. § 773.109(a)(6)-(7).

The Georgia Attorney General is the legal advisor to the executive branch. GA. CONST. ART. V. SEC. III, PARA. IV. The Department of Law, which he leads, "is vested with complete and exclusive authority and jurisdiction in all matters of law relating to the executive branch of the government and every department . . . thereof." O.C.G.A. § 45-15-34. With that background, I provide the following as required by 23 C.F.R. § 773.109(a).

First, with respect to subpart (a)(6), GDOT has the statutory authority to assume the responsibilities of the Secretary for the Federal environmental laws and projects requested. Under Georgia law, GDOT has the “authority to accept and use federal funds; *to enter into any contracts or agreements with the United States . . . relating to the planning, financing, construction, improvement, operation, and maintenance of any public road or other mode or system of transportation; and to do all things necessary, proper, or expedient to achieve compliance with the provisions and requirements of all applicable federal-aid acts and programs.*” O.C.G.A. § 32-2-2(a)(7).

Additionally, under O.C.G.A. § 32-8-6(b), GDOT is “authorized to take necessary steps to secure the full benefits of any federal-aid program and to meet any contingencies not provided for in this chapter, abiding at all times by a fundamental purpose to plan, construct, reconstruct, and maintain, as economically as possible, the public roads and other major transportation facilities of Georgia which will best promote the interest, welfare, and progress of the citizens of Georgia.” GDOT has determined that the assumption of responsibility of the NEPA delegation is in the best interest of the State and citizens of Georgia, and it has the authority to enter a contract for the assumption of such responsibilities as set forth in 23 U.S.C. § 327(c).

Consistent with the Congressional requirements for participating in the Program, GDOT further agrees that any such written agreement will require GDOT to “accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State.” *See* 23 U.S.C. § 327(c)(3)(A); 23 C.F.R. § 773.109(a)(6). GDOT recognizes and accepts that this is an express condition imposed by Congress for allowing GDOT to participate in the Program. *See Garrett v. University of Alabama at Birmingham*, 344 F.3d 1288, 1293 (11th Cir. 2003) (state university waives Eleventh Amendment immunity where grant of federal funds is expressly conditioned on such waiver); *Diaz-Fonseca v. Puerto Rico*, 451 F.3d 13, 33 (1st Cir. 2006) (noting that state agency can waive Eleventh Amendment immunity where Congress expressly conditions participation on such waiver).

Second, with respect to 23 C.F.R. § 773.109(a)(7), the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.*, is comparable to FOIA. Among other things, the Georgia Open Records Act provides that “[a]ll public records shall be open for personal inspection and copying . . .” O.C.G.A. § 50-18-71(a)(1). Additionally, any person seeking public records under the Open Records Act is permitted to challenge decisions regarding the availability of such records or documents in Georgia courts. O.C.G.A. § 50-18-73. The Georgia Supreme Court has expressly held that the Open Records Act “creates a private right of action to enforce the obligations imposed on persons or agencies having custody of records open to the public under the Act.” *Blalock v. Cartwright*, 300 Ga. 884, 887-88 (2017). Thus, the Georgia Open Records Act is comparable to FOIA and provides adequate legal remedy for anyone challenging a decision to withhold public records.

I trust this satisfies the requirements contained in 23 C.F.R. § 773.109(a)(6) and (7).

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'L' followed by a long, sweeping horizontal line.

Logan B. Winkles
Deputy Attorney General