Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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Bill Number: HB411 **Patron:** Reid
Bill Title: Commissioner of Highways; certain agreements with the U.S. Department of Transportation; National Environmental Policy Act.

Bill Summary: Authorizes the Commissioner of Highways to enter into agreements for a term of five years with the U.S. Department of Transportation, as provided for in federal law, regarding state assumption of responsibility for categorical exclusions and the Surface Transportation Project Delivery Program. The bill authorizes the Department of Transportation to assume certain responsibilities of the U.S. Secretary of Transportation pursuant to such agreement. Under the bill, the Commonwealth waives its immunity from civil suit in a federal court under certain circumstances. The bill contains an expiration date of five years after the date on which the first agreement is entered into.

Budget Amendment Necessary: No **Items Impacted:** N/A
Explanation: N/A

Fiscal Summary: The fiscal impact of this legislation is indeterminate. The allowance for the Virginia Department of Transportation (VDOT) to negotiate an agreement with U.S. Department of Transportation to become the "lead agency" for the environmental review process under National Environmental Policy Act (NEPA) could result in some savings in the event that VDOT is better able to manage the work and timelines to deliver projects sooner. There may be some additional costs for any additional staff that may be needed to coordinate this process. The bill also proposes to waive, on a limited basis, Eleventh Amendment Immunity allowing suit in federal court for the specific actions that may be taken under NEPA Program Assignment. This may result in additional costs associated with potential litigation. The number of additional cases that may occur is unknown. However, VDOT indicates that litigation costs would be federally reimbursable.

Information on the fiscal impact to the Office of the Attorney General is not available at this time.

Fiscal Analysis: None

Other: This bill is identical to SB716.