



Modernizing America's Infrastructure

U.S. Chamber of Commerce



NONE OF THIS CAN HAPPEN UNLESS AMERICA'S PERMITTING PROCESS IS STREAMLINED

The permitting process for major infrastructure projects is broken. It can take longer to get government permits than it takes to construct a project. It takes on average approximately five years to complete an environmental impact statement, a federal requirement for many projects. And depending on the type of project, permitting can involve state and local approvals in addition; to a myriad of federal permits.

The Association of General Contractors of America described the current situation well in testimony before the Senate stating:

“These processes are bureaucratic, lengthy, complex, and duplicative. They involve multiple interrelated approvals within a labyrinth of numerous agencies. Throughout these processes, too often, litigation abounds. Delays deny the public the substantial benefits that come from a construction project: improving our economy, our competitiveness, and our quality of life.”

To their credit, Congress and the administration in recent years have taken steps to improve the federal permitting process. Title 41 of the Fixing America's Surface Transportation Act (FAST-41) established a process for environmental review that caps the amount of time for reviews, places a statute of limitations on lawsuits on reviews, and designates a lead agency that coordinates concurrent reviews among all reviewing agencies. This is a great start, but more must be done not only to expand these streamlining steps for environmental reviews, but to take additional steps to speed up final permit decisions.

It should never take more than two years to complete all federal permits required for an infrastructure project.

And this is an imminently achievable goal. Many of our global economic competitors, including Germany, Canada, and Australia, complete environmental permitting reviews in under 2 years—all while providing environmental protections equaling or exceeding those in the U.S.

It is critical that any infrastructure package include meaningful reforms to the federal environmental review and permitting processes.

The Chamber recommends the following common sense reforms:

- Merge sequential and duplicative federal environmental reviews;
- End duplication of previously completed environmental reviews and studies;
- Implement citizen suit reform to prevent misuse of environmental laws and ensure that post-approval lawsuits do not needlessly delay projects; and
- Codify the “One Federal Decision” approach so there is a single agency responsible for shepherding a project through the approval process.

In addition, projects that benefit from federal funding or financing should be subject to a similar requirement with respect to state and local permits: as a condition of receiving federal funds, states must agree to ensure the process should never take more than two years and should run concurrently with the federal permitting process.