



101 Constitution Avenue, NW, Suite 375 East  
Washington, DC 20001-2179  
(800) 548.ASCE(2723) toll free (202) 789.7850  
(202) 789.7859 fax ■ www.ASCE.org

August 16, 2018

Council on Environmental Quality  
730 Jackson Place, NW  
Washington, D.C. 20503

Attention: Edward A. Boling, Associate Director for the National Environmental Policy Act

Re: ASCE Comments for Advance Notice of Proposed Rulemaking "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act"

The American Society of Civil Engineers (ASCE) is pleased to submit the following comments to the Council on Environmental Policy on its advance notice of proposed rulemaking "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," which was directed in Section 5(e) of President Trump's Executive Order 13807, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects" issued on August 15, 2017.

The ASCE was founded in 1852 and is the oldest engineering organization in the nation. The Society represents more than 150,000 civil engineers in private practice, government, industry, and academia who are dedicated to protecting the public safety and welfare of people in the U.S. and worldwide through the advancement of the science and practice of civil engineering. The members of the ASCE are dedicated professionals who design, build, construct, operate, and maintain infrastructure. For decades, the ASCE has advocated public policies that reduce risk and hold paramount public health, safety, and welfare. The ASCE has also championed efforts to streamline the permitting process, and as such, provides the following comments on the advance notice of proposed rulemaking regarding the National Environmental Policy (NEPA).

The ASCE believes that streamlining the permitting process is a critical step in helping our nation achieve an infrastructure system fit for the 21<sup>st</sup> century. In fact, the ASCE's *2017 Infrastructure Report Card*, which gave our nation's infrastructure a grade of "D+," explicitly recommends streamlining the permitting and approval process across infrastructure sectors – to provide greater clarity to regulatory requirements, bring priority projects to reality more quickly, and secure cost savings – as a critical step in raising our nation's infrastructure grade. It's important to note, however, that any such efforts must be made with safeguards in place to protect the natural environment.

In addition, the ASCE's Public Policy Statement 427 "Regulatory Process for Infrastructure Development" supports several regulatory streamlining procedures for infrastructure development, including mandating concurrent reviews; a single administrative processing/permitting agency to shorten and improve the approval process and improve inter-agency collaboration; and time limits for decisions on infrastructure projects.

The ASCE supported the permitting reforms in the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act in 2012 and the Fixing America's Surface Transportation (FAST) Act in 2015, including the use of a single NEPA document when possible; the designation of a lead agency for environmental reviews; and the creation of a publicly accessible dashboard to publish the status of NEPA. However, many of these reforms have not yet been implemented, and thus, their effect on the actual permitting process is not yet clear. Additionally, President Trump's Executive Order 13807, which focused on streamlining the decision-making process, gave the ASCE pause as it is not clear that these changes protect the environment and improve public health.

In conclusion, although the ASCE supports a shortened permitting and approval process to help address our nation's significant infrastructure needs, we believe it must be a balanced approach that protects the health, safety, and welfare of the public and environment. Improving the permitting process alone is not enough to close our nation's \$2 trillion infrastructure gap. While the ASCE supports efforts to achieve a more efficient and effective federal approval process for our infrastructure projects, long-term, sustainable investments from all levels of government and the private sector must be made if we hope to close the infrastructure gap and truly improve our nation's infrastructure systems. We urge the Council on Environmental Quality to ensure that any updates or changes to NEPA take all these interests and concerns into consideration before issuing a proposed rule.