



Statement by Common Good on the White House Infrastructure Plan

Philip K. Howard, Chair of the nonpartisan reform coalition Common Good and a leading champion of streamlining infrastructure permitting, issued the following statement today on the “Legislative Outline for Rebuilding Infrastructure in America” – issued February 12th by the White House:

The infrastructure plan issued by the White House launches an essential public discussion of how to rebuild America’s crumbling infrastructure in a timely fashion. Streamlining permitting is vital, and the White House rightly features it prominently in the plan.

The challenge, as it relates to streamlining, is to align the permitting process with the need to modernize America’s decrepit infrastructure. The two can be far better balanced than is now the case, as greener countries like Germany and Canada have proven. Streamlining infrastructure permitting should benefit the environment by removing bottlenecks that produce congestion and pollution, and accelerating replacement of outdated systems with new technologies.

The White House’s 55-page plan is too detailed to be addressed briefly, but several key points can be made here; further comments will be offered in other settings as public discussion unfolds. A number of the core elements of the plan reflect proposals made by Common Good in our 2015 report Two Years, Not Ten Years: Redesigning Infrastructure Approvals.

One vital element of the White House plan is a “One Agency, One Decision” environmental review structure. Balkanized review leads to delay and confusion. But the proposal should go further and preempt state review for interstate projects (similar to the Federal Energy Regulatory Commission’s authority over new gas pipelines).

Another crucial component of the White House plan would set firm deadlines, no longer than two years, to complete environmental reviews and permits. Enforcing deadlines, however, requires clear lines of authority. Common Good proposes giving the Council on Environmental Quality responsibility over the scope and adequacy of environmental review.

The White House plan rightly directs CEQ to issue new regulations to streamline NEPA processes, which take many years longer than ever intended. The environment will be helped, not harmed, by returning to the shorter process originally created by landmark environmental protections.

Giving CEQ these new responsibilities will require adequate staffing, which will likely pay for itself with the savings from the first project. The Common Good report concluded that red tape delays often more than double the effective cost of infrastructure.

The White House plan would also make needed changes to judicial review, such as a shorter statute of limitations and a higher bar for injunctive relief. This is important to avoid a kind of

“defensive medicine” which, because of fear of legal claims over inadequate review, transforms environmental impact statements into multi-thousand-page documents.

The White House plan would also create pilot programs to explore accelerating projects that have net environmental benefits.

The White House permitting proposals are important and constructive, and provide a solid basis for public debate, improvement and action.

The funding proposal is not adequate, however. The White House plan contains many exemplary proposals to eliminate eligibility rigidities, to expand important financing programs such as TIFIA (Transportation Infrastructure Finance and Innovation Act) and to permit expanded tolling of Interstate Highways. But the total federal contribution over ten years, \$200 billion, will not stimulate \$1.5 trillion of infrastructure investment. Most transportation infrastructure projects have little or no revenue streams, and require public investment that cannot be directly repaid. It is not realistic to expect state and local governments to fund 80-90% of the cost of projects where the federal government currently provides half or more of the funding.

Legitimate concerns over increasing the federal deficit lead to one obvious conclusion: an increase in the gas tax or a “vehicle miles travelled” tax. The return on the investment will greatly outweigh the costs, as well as improve America’s environmental footprint.

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