

Administration of Barack Obama, 2011

Memorandum on Speeding Infrastructure Development Through More Efficient and Effective Permitting and Environmental Review

August 31, 2011

Memorandum for the Heads of Executive Departments and Agencies

Subject: Speeding Infrastructure Development through More Efficient and Effective Permitting and Environmental Review

To maintain our Nation's competitive edge, we must ensure that the United States has fast, reliable ways to move people, goods, energy, and information. In a global economy, where businesses are making investment choices between countries, we will compete for the world's investments based in part on the quality of our infrastructure.

Investing in the Nation's infrastructure brings both immediate and long-term economic benefits—benefits that can accrue not only where the infrastructure is located, but also to communities all across the country. And at a time when job growth must be a top priority, well-targeted investment in infrastructure can be an engine of job creation and economic growth.

In partnership with State, local, and tribal agencies, the Federal Government has a central role to play in ensuring that smart infrastructure projects move as quickly as possible from the drawing board to completion. Through permitting processes, Federal executive departments and agencies (agencies) ensure that projects are designed and constructed consistent with core protections for public health, safety, and the environment. Additionally, the environmental review process requires agencies to consider alternatives and public input, which helps agencies identify project designs that are safe and cost-effective, and that enjoy public support.

In the current economic climate it is critical that agencies take steps to expedite permitting and review, through such strategies as integrating planning and environmental reviews; coordinating multi-agency or multi-governmental reviews and approvals to run concurrently; setting clear schedules for completing steps in the environmental review and permitting process; and utilizing information technologies to inform the public about the progress of environmental reviews as well as the progress of Federal permitting and review processes. Of course, the Federal Government is only one actor in the multifaceted permitting and review processes. Infrastructure projects can be delayed due to project design or uncertain funding, or while awaiting reviews or approvals required by State, local, tribal, or other jurisdictions beyond the control or authority of the Federal Government. Nevertheless, agencies must do everything in their control to ensure that their processes for reviewing infrastructure proposals work efficiently to protect our environment, provide for public participation and certainty of process, ensure safety, and support vital economic growth.

As an immediate step to improve the effectiveness and efficiency of Federal permitting and review processes, this memorandum instructs agencies to (1) identify and work to expedite permitting and environmental reviews for high-priority infrastructure projects with significant potential for job creation; and (2) implement new measures designed to improve accountability, transparency, and efficiency through the use of modern information technology. Relevant agencies should monitor the progress of priority projects; coordinate and resolve issues arising during permitting and environmental review; and develop best practices for

expediting these decisions that may be instituted on a wider scale, consistent with applicable law.

Section 1. Expedited Review of High-Priority Infrastructure Projects. (a) Within 30 days of the date of this memorandum, the Secretaries of Agriculture, Commerce, Housing and Urban Development, the Interior, and Transportation shall each select up to three high-priority infrastructure projects subject to review by their respective departments for expedited review based on the criteria outlined in subsection (b) of this section, and shall submit their selections to the Chief Performance Officer, who also serves as the Deputy Director for Management of the Office of Management and Budget.

(b) The secretaries identified in subsection (a) of this section shall select high-priority projects, in consultation with heads of other relevant agencies, based on the following criteria:

(i) the project will create jobs, with consideration given to the magnitude and timing of the direct and indirect employment impacts;

(ii) all necessary funding to implement the project has been identified and is reasonably expected to be secured within 6 months of completion of the Federal permitting and review processes; and

(iii) the significant remaining permit decisions, environmental reviews, consultations, or other actions required before construction can commence on the project are within the control and jurisdiction of the executive branch of the Federal Government and can be efficiently and effectively completed within 18 months of the date of this memorandum, with priority given to projects for which required Federal actions can be completed within 12 months of the date of this memorandum.

(c) All agencies rendering permitting decisions, conducting environmental reviews, completing consultations, or taking other actions related to the high-priority projects selected pursuant to this memorandum shall, consistent with applicable law and to the maximum extent practicable, expedite and coordinate their reviews, decisions, consultations, or other actions, and take related actions as necessary, consistent with available resources, including those actions relating to safety, public health, environmental protection, and public participation.

(d) Agencies, consistent with applicable law, shall use the experience gained from expediting the high-priority projects selected under this memorandum, and from reviewing other projects throughout the permitting process, to identify and implement administrative, policy, technological, and procedural best practices that will improve the efficiency and effectiveness of Federal permitting and environmental review for infrastructure projects, while providing for public participation and protecting public health, safety, and the environment.

Sec. 2. Improving Accountability, Transparency, and Efficiency through Information Technology. To improve the accountability, transparency, and efficiency of Federal permitting and review processes, each agency rendering permitting decisions, conducting environmental reviews, completing consultations, or taking other actions related to any of the projects selected under section 1 of this memorandum shall, consistent with applicable law, make relevant information readily available to the public. To this end:

(a) For each selected high-priority project, within 60 days of the date of this memorandum and on a regular basis thereafter, agencies shall track, and make available to the public on agency websites, information related to the actions required to complete Federal permitting, reviews, and other actions required to proceed with the priority project, including:

- (i) a list of all the actions required by each applicable agency to complete Federal permitting, reviews, and other actions necessary to proceed with the project;
- (ii) the expected completion date for each such action;
- (iii) a point of contact at the agency accountable for each such action; and
- (iv) in the event that an action is still pending as of the expected date of completion, a brief explanation of the reasons for the delay.

(b) Within 90 days of the date of this memorandum, the Chief Information Officer (CIO) and the Chief Technology Officer (CTO) shall work with appropriate counterparts at agencies to launch the pilot phase of a centralized, online tool that aggregates the information for each of the priority projects described under section 1 of this memorandum, in a manner that facilitates easy access, enables the public to assess the status of permits required for infrastructure projects, and engages the public in new and creative ways of using the information.

(c) Within 120 days of the date of this memorandum, the Chair of the Council on Environmental Quality, in coordination with the CIO and the CTO, shall work with appropriate counterparts at agencies to deploy in one or more agencies information technology tools with significant potential to reduce the time and cost required to complete permitting and environmental reviews, such as by enabling online submission and processing of public comments, or by allowing personnel from different agencies or jurisdictions to coordinate review timelines, share data, and review documents through a common, internet-based platform.

Agencies shall provide all support, documentation, and assistance necessary to implement these directives.

Sec. 3. General Provisions. (a) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, and legislative proposals.

(c) Independent agencies are strongly encouraged to comply with this memorandum.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

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Categories: Communications to Federal Agencies : Infrastructure development, permitting and review.

Subjects: Government organization and employees : Federal regulations :: Review; Transportation : Infrastructure, national, improvement efforts.

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