

Washington Office
25 Massachusetts Ave. NW
Suite 500
Washington, D.C. 20001
(202) 789-7850
Fax: (202) 789-7859

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| Megan Cogburn | Carrie Abravanel |
| Program and Policy Development Team Leader | Deputy Director |
| Office of Planning, Environment, and Realty | Office of NEPA Policy and Compliance |
| Federal Highway Administration | Department of Energy |
| U.S. Department of Transportation | 1000 Independence Ave SW |
| 1200 New Jersey Ave SE | Washington, DC 20585 |
| Washington, DC 20590 | |

ATTN: Docket Nos. FHWA-2025-0007 and DOE-HQ-2025-0026

Re: Revision of National Environmental Policy Act Regulations and Procedures

The American Society of Civil Engineers (ASCE) is grateful for the opportunity to provide comments to these federal agencies on the recent interim final rule modifying the regulations and implementing procedures associated with the National Environmental Policy Act (NEPA). Efficient project delivery processes that maintain environmental safeguards are important for civil engineers, who work on every component of the nation's built environment, including the transportation network, energy sector, and water resources system. The perspective offered in this document is in response to the interim final rule issued by multiple federal agencies July 3, 2025.

Founded in 1852, ASCE is the nation's oldest engineering society. ASCE represents more than 160,000 members of the civil engineering profession in 177 countries. As the professionals who plan, design, construct, and maintain critical aspects of our nation's infrastructure, from roads, bridges, and transmission lines to dams and levees, ASCE welcomes the opportunity to offer perspective on the important subject of NEPA regulations.

Members of the civil engineering profession design, build, and operate critical infrastructure while protecting and restoring the natural environment. With these responsibilities of public service and environmental stewardship, civil engineers' work has been inextricably linked to NEPA since it was signed into law in 1970. Civil engineers are

aware of and affected by regulations that expedite or hinder efficient and environmentally responsible project development and construction.

The environmental review and permitting process contains technical and procedural steps that can delay projects, increase costs, and create uncertainty for project planners. ASCE supports a balanced approach to the NEPA process characterized by quality science, objective determinations of potential project impacts on the environment, and streamlining the permitting and approval process for infrastructure projects. However, these streamlined processes should not compromise thorough determinations of a project's potential impacts on the environment.

For this comment, ASCE would like to focus on the importance of **interagency coordination, page limits on environmental review documents, and deadlines.**

Interagency communication and coordination

The revisions related to NEPA issued by multiple agencies, including the Departments of Transportation and Energy, on July 3, 2025, may present ambiguity for civil engineers working on projects that involve more than one agency. Large-scale infrastructure projects often require a battery of permits, not only from federal agencies, but from state and local authorities as well. From a civil engineering perspective, this approach may be difficult for infrastructure owners as they navigate agency-specific procedures. Furthermore, a fragmented framework of NEPA procedures has the potential to complicate interagency coordination and may create the possibility of inconsistent interpretations and legal challenges. Such complications would delay projects.

To avoid delays due to inconsistent NEPA interpretations across federal agencies, ASCE recommends regular coordination and communication between departments, especially those that have roles in issuing approvals for the same project. Poor interagency communication can result in missed deadlines and conflicting requests. Additionally, early and effective communication between the applicant and agency partners is critical.

Page limits on environmental review documents

One common theme of federal agencies' recent NEPA revisions is page limits. For example, the interim final rule pertaining to the Federal Highway Administration (FHWA), the Federal Railroad Administration (FRA), and the Federal Transit Administration (FTA), states the text of an Environmental Impact Statement (EIS) must not exceed 200 pages, while an Environmental Assessment (EA) cannot be longer than 75 pages. Similarly, EIS documents are held at 150 pages and EAs are "strictly prohibited" from exceeding 75 pages in the Department of Energy's (DOE) notice.

As ASCE acknowledged in its surface transportation reauthorization recommendations, which were submitted to Congress and the administration, page limits can serve as a streamlining measure in the permitting process. Reducing delays in the permitting process can help our nation achieve an infrastructure system appropriate for the 21st century faster and much more efficiently. However, ASCE also recognizes that some projects require significant documentation, which can increase the length of an EIS. With consideration for these particular cases, the departments' allowance of a 300-page EIS for proposed actions "of extraordinary complexity" is a prudent addition to the interim final rule.

Deadlines and time considerations for environmental review processes

Time limits formed another connective tissue between many of the revisions announced by federal agencies. The interim final rule for FHWA, FRA, and FTA states the administration must complete an EIS no later than two years after publication of the notice of intent and an EA within one year (except for some major projects, which would be allowed two years). A parameter of two years for EIS is also included in the DOE's interim final rule.

For infrastructure construction projects, time is as critical a resource as concrete and steel. ASCE supports time limits on reviews to avoid drawn-out regulatory processes that impede projects. Project delays often lead to significant costs to taxpayers stemming from issues such as increases in labor and materials costs. Furthermore, delays in projects across every infrastructure sector impact public safety and the economy. Documentation is often part of the problem, as EIS can take years to complete. Project review times that are equal to or longer than some reauthorization bills do not facilitate the efficient delivery of infrastructure projects.

While firm deadlines can help facilitate infrastructure project development, ASCE recognizes that some EIS and EA processes take longer simply because projects can be large and complex. In those cases, ASCE would ask federal agencies to provide support to project teams to make sure these processes are conducted thoroughly and at a reasonable pace.

Additionally, the interim final rule for multiple agencies, including the Departments of Transportation, Energy, and the Interior, adds "reasonably foreseeable" as the standard for evaluating the environmental impacts of proposed projects, rather than using the term "cumulative effects." The agencies are also revising their practices so that notice and comment rulemaking procedures are no longer required. These adjustments are likely to streamline the process.

Conclusion

ASCE would like to thank DOT, DOE, and the administration as a whole for providing the opportunity to offer comments on the recent NEPA revisions. NEPA is a 55-year-old law that continues to evolve through administrative changes. As infrastructure professionals and environmental stewards, ASCE appreciates the opportunity to offer perspective on this important subject. We stand ready to answer any questions.