

GIIA Policy Paper

Permitting Reform: Unlocking Infrastructure Investment through Streamlined Approvals

Executive summary

The Global Infrastructure Investor Association (GIIA) urges Congress and the Administration to advance comprehensive permitting reform to address long-standing delays and inefficiencies that continue to impede infrastructure investment in the United States ahead of the Surface Transportation Reauthorization on September 30, 2026. GIJA supports full implementation and targeted amendments to Title 41 of the FAST Act (FAST-41), modernization of the National Environmental Policy Act (NEPA), and the expansion of compensatory mitigation mechanisms across federal legislation.

Delays in environmental reviews, fragmented agency coordination, and burdensome permitting processes threaten the viability of large-scale infrastructure projects and undermine investor confidence. Streamlining these processes is critical to accelerating economic growth, enhancing energy resilience, and closing the U.S. infrastructure gap—**estimated at over US\$15 trillion through 2043**.¹

GIIA recommends legislative and administrative actions to reinforce permitting deadlines, introduce clear dispute resolution mechanisms, and ensure accountability to catalyze private investment in infrastructure. These reforms will provide the certainty and speed needed to mobilize global capital toward infrastructure priorities that benefit American communities and the economy at large.

Strengthen FAST-41 implementation and oversight

Problem:

While FAST-41 introduced promising streamlining mechanisms - such as “notice of initiation” and “coordinated project plans” - lead agency delays remain pervasive, undermining the statute’s intent.

Solution:

Strengthen oversight of federal agencies, limit timeline extensions, and ensure public accountability through enhanced use of the FAST-41 Permitting Dashboard.

Recommended actions:

- The U.S. Department of Transportation (USDOT) should:
 - Expand and maintain the inventory of federal environmental review processes under § 4370m-1.
 - Enhance the Permitting Dashboard to ensure public transparency under § 4370m-2.
 - Improve interagency coordination per § 4370m-4.
- Empower the Permitting Council Executive Director to set binding deadlines for agency review.
- Supplement Infrastructure Investment and Jobs Act (IIJA) performance schedules with new accountability tools by:
 - Publishing clear start-to-end process data for all “covered projects.”

¹ [2024-Bridging-the-Gap-Economic-Study.pdf](#)

- Disclosing whether approvals were made under discretionary or objective standards.
- Holding biennial congressional oversight hearings on permitting performance.

2. Amend FAST-41 to enforce deadlines and accelerate dispute resolution

Problem:

FAST-41 lacks mechanisms to penalize agency delays or resolve interagency disputes in a timely manner.

Solution:

Introduce binding resolution timelines and fiscal penalties to promote compliance and eliminate process bottlenecks.

Recommended actions:

- Amend § 4370m-4 to include escalation procedures - first to the Permitting Council Executive Director, then to the Office of Management and Budget (OMB).
- Mandate “deemed approval” of permits if agencies fail to meet statutory deadlines.
- Impose fiscal penalties on agencies that miss completion timelines, modeled after NEPA’s § 139(h)(7).

3. Extend FAST-41 and NEPA streamlining across federal infrastructure statutes

Problem

Permitting delays are not limited to transportation and environmental projects—other sectors lack robust streamlining mechanisms.

Solution:

Apply FAST-41-style coordination, escalation, and accountability to other infrastructure legislation.

Recommended actions:

- Identify statutes (e.g., WRDA, Energy Policy Act, Federal Highway Act) lacking adequate review acceleration tools.
- Amend those laws to include:
 - Lead agency designations for federal reviews.
 - Binding escalation procedures akin to NEPA’s three-tier dispute resolution model.
 - Interagency arbitration authority to resolve conflicts efficiently.

4. Strengthen NEPA dispute resolution with binding authority

Problem:

NEPA does not provide a final resolution mechanism when Council of Environmental Quality (CEQ)-mediated disputes stall.

Solution:

Empower an arbitrating authority to resolve CEQ-referred disputes using a structured decision-making framework.

Recommended actions:

- Amend NEPA to:
 - Allow unresolved interagency disputes to be submitted to a designated arbitrator after 90 days.
 - Require CEQ to develop a multi-factor test incorporating:
 - Environmental impact
 - Economic importance
 - National security
 - Climate resilience
- Mandate public consultation in creating the test and ensure transparency in final decisions.

5. Expand compensatory mitigation frameworks across sectors

Problem:

Inconsistent application of compensatory mitigation creates regulatory complexity and investor uncertainty.

Solution:

Apply mitigation tools from Section 404 of the Clean Water Act (CWA) to a broader array of infrastructure projects.

Recommended actions:

- Amend NEPA, the Energy Policy Act, and Federal Highway Act to incorporate compensatory mitigation options similar to CWA Section 404.
- Develop standardized guidelines for mitigation activities (e.g., restoration, enhancement, preservation) that are flexible but enforceable.
- Create a predictable mitigation process that developers can plan around, encouraging early compliance while maintaining environmental integrity.

About GIIA

GIIA represents over 100 of the world's leading private investors in infrastructure, collectively managing over US\$2.04 trillion in infrastructure assets. Our members are committed to financing and delivering sustainable, long-term infrastructure projects across energy, transportation, water, and digital sectors.