

United States Senate
WASHINGTON, DC 20510

May 17th, 2023

Chair Tom Carper
United States Senate
Committee on Environment & Public Works
Washington, DC 20510

Ranking Member Shelley Moore Capito
United States Senate
Committee on Environment & Public Works
Washington, DC 20510

Dear Chair Carper and Ranking Member Capito,

I write to you today as discussions around the urgent need to reform the permitting process in the United States gain momentum. I support environmentally focused, comprehensive reforms to assist in the vital goal of achieving the Biden Administration's emissions reduction and climate goals. The Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) provide the resources and policy grounding to achieve these goals. However, without significant reform to the permitting process, our nation will not be able to realize the promise of these once-in-a-generation legislative achievements. I urge you to take two key factors into consideration as these conversation continue.

First, any conversation around permitting reform would be incomplete without a reimagining of the role of litigation. While judicial review is an important tool, the delays caused by unnecessary or frivolous legal challenges have slowed critical clean energy and transportation projects. Some large scale solar and offshore wind projects have been tied up in courts for a decade or more, putting key financing in jeopardy and risking the viability of the projects. As any climate scientist would attest, we can't afford to wait decades to bring emissions reducing technologies online. We must find a way to preserve the right to judicial review without allowing unnecessary judicial delay on urgently needed projects.

Second, clean transportation infrastructure must be given equal importance to clean energy infrastructure as you consider legislative pathways to improve the permitting process. According to the Environmental Protection Agency, transportation sector emissions outpaced energy sector emissions as a percentage of total U.S. greenhouse gas emissions in 2021¹.

We know that to meet our nation's decarbonization goals, we must reduce the number of cars on the road. To accomplish this, we have to offer travelers clean, efficient, consumer friendly transportation alternatives—particularly in densely populated areas like those along Amtrak's Northeast Corridor. This requires investments in critical transportation infrastructure like passenger rail, public transit, dedicated bus lanes, and transit-oriented development. While the

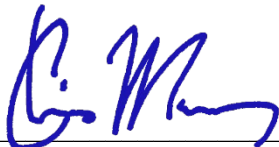
¹ <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions>

BIL represents an historic investment in these goals, the current permitting process can be a bigger than necessary obstacle to moving forward quickly on this essential work.

The process of permitting for beneficial transportation projects is subject to many of the same delays and inefficiencies that slow energy projects. These shared issues include uncertain timelines, significant backlogs, and the perpetual threat of time-consuming lawsuits. The solutions must be shared as well.

I urge you, as discussions progress on legislation to improve the process, to give due consideration and inclusion to solutions that will help facilitate clean transportation projects and address the harmful delays caused by needless litigation. I look forward to supporting these efforts as they move forward.

Sincerely,



Christopher Murphy
United States Senate