



SURFACE TRANSPORTATION BOARD

FOR RELEASE

03/25/2026 (Wednesday)
No. 26-06
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STB PROPOSES COMPREHENSIVE PERMITTING REFORM TO STREAMLINE ITS PROCESSES AND LOWER INFRASTRUCTURE COSTS

The Surface Transportation Board (STB or Board) today issued a unanimous decision proposing a comprehensive rule to modernize and reform its permitting process, accelerating the approval of rail infrastructure projects, cutting unnecessary burden, and lowering costs across the transportation network. Today’s decision promotes focused and efficient environmental review while ensuring the agency’s process informs the Board’s decision-making and facilitates public participation. The proposed rule, which would result in the first substantial reforms in over three decades, aligns the agency’s process with current law and practices, including guidance from the Council on Environmental Quality (CEQ) and the U.S. Supreme Court’s landmark decision in Seven County Infrastructure Coalition v. Eagle County, Colorado, 605 U.S. 168 (2025).

In Executive Order 14154, Unleashing American Energy, President Trump emphasized that burdensome regulations have impeded the development of America’s abundant resources, and he set forth that it is in the national interest to unleash the nation’s affordable and reliable energy and natural resources.

“From new transportation options for energy and agricultural producers to track upgrades for manufacturers and ports, the efficient delivery of America’s rail infrastructure projects promotes economic growth, strengthens national security, and lowers costs for consumers,” said Chairman Patrick J. Fuchs. “Today’s proposed permitting reform would lead to more expeditious and cost-effective environmental reviews by focusing on appropriate analyses rather than unnecessary paperwork.”

Key proposed changes include:

- **Expanding “categorical exclusions”** for actions that normally do not significantly affect the quality of the environment, such as construction of connecting track within an existing rail right-of-way as well as abandonments and discontinuances that do not involve salvage or substantial traffic diversions;
- **Updating procedures** for preparing Environmental Assessments and Environmental Impact Statements (EISs) to reflect current practice and statutory changes to the National Environmental Policy Act (NEPA), including providing enhanced early engagement, clarifying when the Office of Environmental Analysis (OEA) may publish draft or preliminary documents, and implementing deadlines and page limits;

- **Modernizing interagency coordination**, including updating consultation lists and procedures for designating and coordinating among lead, cooperating, and participating agencies, consistent with NEPA;
- **Increasing transparency** by clarifying the Board’s process for determining the appropriate level of NEPA review and updating the list of actions that do not require environmental review under NEPA;
- **Streamlining decision-making** by updating delegations of authority to the Director of OEA to ensure consistency and efficiency;
- **Improving applicant-prepared environmental reports** by refining information requirements and requiring earlier agency consultations to reduce delays; and
- **Addressing emergency situations** by creating transparent and fast procedures to meet the needs of the moment.

Under NEPA, the Board conducts environmental reviews to evaluate the “reasonably foreseeable” environmental effects of the Board’s major federal actions before making a final decision on an action. These reviews often involve public meetings, extensive public comment, and detailed written analyses. However, the Board’s environmental regulations have not been comprehensively revised since 1991, despite significant changes to the Board’s statutory authority and to NEPA’s legal and regulatory framework.

Congress, the White House, and the courts have reshaped NEPA and associated reviews through subsequent statutory amendments, Executive Orders, the rescission of CEQ’s NEPA implementing regulations, and numerous cases interpreting NEPA, including last year’s landmark decision involving the Board. In Seven County, the Supreme Court unanimously confirmed the broad discretion of federal agencies to determine the appropriate scope of environmental reviews and, more specifically, upheld the STB’s analysis in a multi-year environmental review of a Utah rail construction project intended to transport energy resources, among other commodities. That review involved twelve public meetings, consideration of more than 1,900 public comments, and an EIS exceeding 3,600 pages, including appendices.

The Board invites public comment on the proposed rule. Comments are due by April 24, 2026. The Notice of Proposed Rulemaking in Permitting Reform—Environmental Review Process, Docket No. EP 779, may be viewed and downloaded [here](#).

POSTED: 03/25/2026 10:10 AM