

Designing Unified Infrastructure Review Processes: Consolidation, Closure, and Corridor-Scale Planning

Executive Summary

Connecticut often struggles to deliver major infrastructure. Transportation and energy projects routinely take years, become dramatically more expensive, or are abandoned altogether. The problem is not that the state protects the environment too much. It is that Connecticut has built a review system that often cannot produce a single, final, binding decision on projects that serve the broader public interest. Recent fights over Northeast Corridor upgrades in southeastern Connecticut, the Route 7/15 Merritt Parkway interchange in Norwalk, and contested solar siting decisions show the pattern. Too often, infrastructure review becomes a slow war of attrition rather than a legitimate way to resolve conflict and move forward.

Three institutional failures drive this problem. First, decision-making is fragmented across federal, state, and local actors, with no single body empowered to settle the core questions. Second, Connecticut's system provides too little finality. Even after years of review, opponents can often reopen disputes through overlapping legal and administrative processes. Third, the state resolves corridor-scale questions, such as whether to expand a rail line or where major transmission should run, through project-by-project and town-by-town fights rather than through a single upstream decision. These problems reinforce one another: when authority is fragmented, no decision is truly definitive; when no decision is definitive, long-term corridor plans cannot survive local opposition one segment at a time.

Peer democracies have adopted institutional designs that better reconcile public input with the ability to build. Germany consolidates environmental, land-use, and technical review into one administrative proceeding that ends in a single binding decision, subject to a short window for legal challenge. Canada pursues "one project, one review" through coordinated federal-provincial assessment. The Netherlands resolves key routing questions through binding spatial plans before project-level permitting begins. Switzerland uses referenda and legislation to lock in major infrastructure commitments before implementation. These systems differ, but they share a core insight: public participation works best when it is concentrated in one consequential process that ends in a durable decision.

Connecticut should pursue parallel reforms. First, it should build on the original anti-fragmentation logic of the Connecticut Siting Council by expanding it into a full-time Infrastructure Planning Board with consolidated jurisdiction over major transportation, energy, and other infrastructure decisions. Second, it should strengthen finality by recognizing rigorous federal NEPA review where appropriate, imposing issue-exhaustion requirements, harmonizing statutes of limitation, and adopting a harmless-error rule so that minor procedural mistakes can be corrected without vacating project approvals. Third, it should move the biggest fights upstream by using legislative key decisions, and where appropriate referenda, to preemptively settle corridor alignments for major generational investments before project-level permitting begins. Once those decisions are made, later review should focus on design, mitigation, and

implementation within the approved corridor, not on relitigating whether the project should exist at all.

Connecticut cannot fully solve these problems without federal cooperation. But it does not need to wait for Washington to act. By consolidating review, creating real legal closure, and planning at the scale of the corridor, Connecticut can reduce delay and cost, preserve meaningful public input, and make it more likely that projects the state has decided it needs can actually get built.

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I. Introduction

The United States struggles to plan and deliver major infrastructure, and Connecticut exemplifies this national failure. Current legal structures produce three interlocking design problems that undermine delivery: *fragmentation* of decision-making authority across uncoordinated agencies; *weak closure*, in which decisions are rarely final and easily reopened; and *atomization*, in which corridor-level choices are resolved seriatim through local project-level contests. These failures track three dimensions of institutional design (who decides, what a decision legally settles, and the scale at which decisions are made) corresponding to the paper's three design levers: consolidation, closure, and corridor-scale planning. Together, these breakdowns prevent government from issuing a single, final "yes" that allows a project to move forward to completion. As David Schleicher has argued in the land-use context, deciding complex questions one parcel at a time invites veto points and impedes coherent planning;¹ the same logic applies with even greater force to infrastructure corridors. Crucially, comparative experience shows that consolidation and closure do not reduce public participation or legitimacy; they relocate it upstream into a single, consequential decision, rather than dispersing it across serial litigation and procedural veto points.

Connecticut must restructure its infrastructure planning institutions and environmental laws to address these design failures. Drawing on comparative models from Canada, Germany, the Netherlands, and Switzerland, I argue that Connecticut should strengthen the administrative character of its environmental laws while narrowing litigation-oriented features. These jurisdictions employ consolidated approval procedures that channel participation into a single proceeding, integrate environmental and land-use determinations, impose short statutes of limitation, and resolve corridor-level disputes before individual permits issue. Further, they represent democratic, federalized systems that have successfully moved towards decoupling public participation from litigation, a change that directly addresses Connecticut's specific statutory bottlenecks. By contrast, California's High-Speed Rail serves as a domestic cautionary tale, illustrating that even well-funded projects remain vulnerable to these structural failures.

This paper's central claim is causal: Connecticut rarely gets legal finality because no actor issues a single decision capable of preclusive effect; and without preclusion, corridor-scale disputes recur as serial, project-by-project veto fights. Comparative systems address this by (1) consolidating decision authority (creating a single decision to which preclusion can attach), (2) making that decision legally durable through closure doctrines, and (3) attaching that durable decision to corridor-scale choices rather than isolated permits. Learning from these examples, the reforms proposed in this paper aim to create a unified approval proceeding that yields a single binding decision, then limit later challenges to timely, record-based review and mitigation within an approved corridor envelope.

While this paper focuses on transportation and environmental review, these institutional failures are general; the proposed reforms apply to major infrastructure broadly. The paper proceeds as follows. Part II diagnoses the current paralysis in Connecticut, detailing how statutes like the Connecticut Environmental Protection Act slow and prevent approvals of socially beneficial infrastructure projects. Parts III through V examine how peer jurisdictions address these failures through three linked design levers: administrative consolidation (Part III) to cure fragmentation of decision authority, legal closure (Part IV) to cure a lack of finality, and

¹ David Schleicher, *City Unplanning*, 122 Yale L.J. 1670, 1713 (2013) (discussing impact of seriatim decisionmaking on local land-use outcomes).

corridor-scale planning (Part V) to cure atomized, project-by-project review. Part VI then applies these lessons to Connecticut, proposing a legislative roadmap that replaces scattered public-feedback processes with a unified framework that decides the key questions once. Connecticut cannot fully solve these problems without federal cooperation, but it can substantially improve its own processes.² By consolidating review, strengthening closure, and planning at the scale of the corridor, Connecticut can create a state-level model that aligns with emerging federal reforms and demonstrates how participation and infrastructure delivery can reinforce one another.

II. Current Situation in Connecticut

This section traces the cascade of infrastructure failures in Connecticut, beginning with the federal procedural baseline (NEPA), moving to the fragmentation caused by state statutes, and concluding with the institutional inability to enforce corridor-level plans.

The Federal Backdrop: NEPA's Adversarial Legalism

Public feedback on infrastructure in the United States is primarily channeled through the National Environmental Policy Act (NEPA). NEPA governs federal decision-making for federal actors and is best understood as a procedural brake on federal action.³ As the Supreme Court has explained, NEPA does not impose substantive environmental obligations but “merely prohibits uninformed, rather than unwise, agency action.”⁴

NEPA and its state counterparts typically begin with a notice and scoping process, followed by either an Environmental Assessment (EA), which may end with a Finding of No Significant Impact (FONSI), or a more elaborate Environmental Impact Statement (EIS) if significant effects are likely.⁵ Draft EAs and EISs are released for public comment, during which agencies must solicit and respond to often voluminous submissions.⁶ Only after a mandatory waiting period can the agency issue a Record of Decision (ROD), which may itself trigger supplemental review if new information arises. Each stage is resource-intensive, requiring technical analyses, multiple rounds of comment and response, and repeated opportunities for delay. The Council on Environmental Quality (CEQ) estimates that the median EIS took 2.2 years to move from Notice of Intent to ROD in 2024, with 41 percent completed in two years or

² There is reason to think that gains from the state and local levels will be substantial, as there are several cases where Connecticut environmental review requires a higher level of documentation than federal review, *see infra* note 19 (Connecticut requires EIE while NEPA only requires second-tier EA), or where a lack of local-state alignment delays projects, *see, e.g., infra* note 118 (local permitting approvals required for interchange redesign and traffic signal changes).

³ Cong. Research Serv., *Judicial Review and the National Environmental Policy Act (NEPA)*, CRS Report R48717 (Sept. 19, 2025), <https://www.congress.gov/crs-product/R48717>.

⁴ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 351 (1989).

⁵ *See also* CRS Report *supra* note 4 (noting that historically 95% or more of actions subject to NEPA result in categorical exclusions (CEs)).

⁶ Even projects that do not rise to the level of an EIS may face roadblocks from the NEPA public comment process. *See, e.g.,* Public Comment Extended on Tweed Airport Environmental Assessment, *New Haven Register* (Mar. 23, 2023), <https://www.nhregister.com/news/article/public-comment-extended-tweed-airport-17855849.php> (noting that the FAA extended the public comment period for the draft Environmental Assessment of Tweed New Haven Regional Airport expansion).

less.⁷ McKinsey estimates the direct cost of the federal permitting process (including NEPA) at \$5-14 billion annually, while indirect costs from delay, idle capital, and inflation are even larger.⁸

Even after a ROD, projects remain open to challenge under the Administrative Procedure Act (APA). The possibility of litigation encourages precautionary over-documentation and prolongs timelines as agencies attempt to insulate decisions from judicial review. Between 2010 and 2018, 28 percent of projects with an EIS faced litigation.⁹ Although the government prevailed in roughly 80 percent of cases between 2013 and 2022, those lawsuits lasted an average of 4.2 years from EIS publication to resolution.¹⁰ The power of lawsuits to halt projects gives opponents little incentive to collaborate early, encouraging them to challenge from outside the process. This creates what amounts to a tax on building infrastructure: U.S. infrastructure is subject to higher costs, greater uncertainty, and difficulty aligning project timelines with financing. NEPA thus exemplifies adversarial legalism: it channels conflict into rights-based judicial review rather than administrative resolution, encouraging litigation instead of negotiation.¹¹ As later sections show, many peer countries structure public input specifically to avoid this dynamic.

The burden of NEPA cannot be measured in cost and time alone. Major projects such as California High-Speed Rail and NEC FUTURE have been stalled or reshaped at the NEPA stage, demonstrating that the process can derail projects altogether, not merely delay them. In one example in Connecticut, litigation challenging the Route 7/15 Merritt Parkway Interchange in Norwalk led the project to be halted in 2006 after construction had already started and after nearly a decade of planning.¹² The project was shelved in 2009 after funding ran out and is finally scheduled to restart construction in 2027, roughly three decades after planning began.¹³

NEPA has also struggled to achieve its informational goals. Although CEQ regulations state that EISs “shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages,” CEQ found that between 2013 and 2018 only

⁷ Council on Env’t Quality, *Environmental Impact Statement Timelines (2010–2024)* 3 (Jan. 13, 2025), https://ceq.doe.gov/docs/nepa-practice/CEQ_EIS_Timeline_Report_2025-1-13.pdf (noting improvement from 2019 median timelines and explaining methodological limits based on completed EISs); see also id. at 5; Council on Env’t Quality, *Environmental Impact Statement Timelines (2010–2018)* 4 (June 12, 2020), https://ceq.doe.gov/docs/nepa-practice/CEQ_EIS_Timeline_Report_2020-6-12.pdf (hereinafter “2020 CEQ Report”) (reporting median EIS duration of 3.5 years and a 75th percentile of 6.0 years); see also id. at 6 (showing substantially longer timelines for certain agencies, including DOT).

⁸ McKinsey & Co., *Unlocking U.S. Federal Permitting: A Sustainable Growth Imperative* (July 28, 2025), <https://www.mckinsey.com/industries/public-sector/our-insights/unlocking-us-federal-permitting-a-sustainable-growth-imperative>.

⁹ Michael Bennon and Devon Wilson, *NEPA Litigation over Large Energy and Transport Infrastructure Projects*, 53 Env’t L. Rep. 10836, 10838 (2023) (finding that approximately 89% of these lawsuits involve NEPA).

¹⁰ Josh Freed et al., *Understanding NEPA Litigation*, Breakthrough Inst. (July 11, 2024), <https://thebreakthrough.org/issues/energy/understanding-nepa-litigation>.

¹¹ Robert A. Kagan, *Adversarial Legalism: The American Way of Law* (2d ed. 2019).

¹² Conn. Dep’t of Transp., *Route 7/15 Interchange Improvements: Scoping Summary Report 1* (Jan. 2019), https://portal.ct.gov/-/media/dot/environmental/envmonitor/norwalk7-15postscoping/102-358norwalk7-15-scoping-summary_final_jan20192.pdf.

¹³ Jacob Waring, *Norwalk’s Route 7/15 Multi-Million-Dollar Project to Begin Construction in 2027* (July 1, 2025), <https://www.nancyonnorwalk.com/norwalks-route-7-15-multi-million-project-to-begin-construction-in-2027/>.

about 7 percent of EISs were 150 pages or shorter and 27 percent were 300 pages or shorter.¹⁴ The increasing length and technicality of these documents have made decisions less accessible and transparent, the opposite of NEPA’s stated purpose. What NEPA does generate (massive records of analysis and comments) does not translate into a single, consolidated approval, greater legitimacy, or a clear sense of finality.¹⁵ These features channel public input into lengthy, document-heavy processes that sit alongside, rather than integrate, the many permits and approvals a project must obtain. In Connecticut, state-law overlays amplify these baseline dynamics, setting the stage for the fragmented, non-preclusive review described below.

Fragmented Public Input Under Connecticut Environmental Laws

Like many states, Connecticut adopted its own “baby NEPA.” But Connecticut’s version, the Connecticut Environmental Policy Act (CEPA), is a hybrid that layers some additional substantive obligations on top of NEPA’s procedural baseline.¹⁶ CEPA requires agencies, in their state-level ROD, to explain whether they have taken “all practicable means to avoid or minimize environmental harm,” and, if not, to justify that choice.¹⁷ CEPA also lacks NEPA’s categorical exclusions, meaning project types that are automatically excluded under NEPA or that only require an EA may still require CEPA scoping or full Environmental Impact Evaluations (EIEs), the highest tier of CEPA review.¹⁸ Federal NEPA documents may satisfy CEPA only if they independently meet both CEPA’s procedural requirements and any more stringent state obligations, increasing compliance costs and expanding the opportunities for delay.¹⁹

Connecticut also enacted a separate statute, the Connecticut Environmental Protection Act (often also abbreviated CEPA, hereinafter the “Protection Act” for clarity), which serves a fundamentally different function.²⁰ Whereas the CEPA governs agency environmental review, the Protection Act creates an unusually broad private right of action to enjoin public or private

¹⁴ 2020 CEQ Report, *supra* note 8, at 2; see also *id.* (quoting CEQ regulations requiring environmental impact statements to be “concise,” “analytic rather than encyclopedic,” and proportionate to issue significance, 40 C.F.R. §§ 1502.1, 1502.2).

¹⁵ Douglas B. MacDonald and Kimberly Farley, *Perspectives from the Field: The National Environmental Policy Act Shouldn’t Make Decisions Any Harder Than They Are Already*, 18 *Env’t Prac.* 329, 336 (2015) (“I attempted to read my first EIS ... but was stopped cold: the EIS was unwieldy, written using obscure language, and devoid of meaningful graphics. I struggled to wade through it... [T]hese documents were clearly not designed actually to be read by a decision maker and certainly not designed for the public to read either.”); see also *infra* Part IV (discussing lack of finality).

¹⁶ Conn. Off. of Pol’y & Mgmt., *Overview of the Connecticut Environmental Policy Act*, <https://portal.ct.gov/opm/igpp/org/cepa/overview-of-connecticut-environmental-policy-act> (last visited Dec. 13, 2025).

¹⁷ Conn. Agencies Regs. § 22a-1a-10(b)(2); see also Council on Env’t Quality, *Federal Practitioner’s Guide to the Connecticut Environmental Policy Act* 6 (Dec. 15, 2015), https://ceq.doe.gov/docs/laws-regulations/state_information/Federal_Practitioner_Guide_to_CEPA_15Dec2015.pdf (hereinafter “Federal Practitioner’s Guide”) (describing the CEPA standard as requiring agencies to “take all feasible measures to avoid, minimize, and mitigate damage to the environment,” language not reflected in the Connecticut regulations and apparently derived from Massachusetts law).

¹⁸ See *id.* See also, e.g., Conn. Dep’t of Transp., *Route 7/15 Norwalk Interchange Project Initiation Package* (2023), https://7-15norwalk.com/documents/Rt_7_15%20Norwalk%20PIP%202023F.pdf (project required only an EA for NEPA compliance but an EIE under CEPA, a more onerous standard).

¹⁹ Conn. Off. of Pol’y & Mgmt., *Connecticut Environmental Policy Act (CEPA) Training* (Apr. 14, 2022), available at <https://portal.ct.gov/-/media/opm/igpp/org/cepa/cepa-training—dec142022.pptx>.

²⁰ Conn. Gen. Stat. §§ 22a-14–20.

conduct that risks causing “unreasonable pollution,” “impairment,” or destruction of historic resources.²¹ The statute eliminates any injury-in-fact standing requirement: under § 22a-19(a), “any person” may intervene in any administrative, judicial, or licensing proceeding by filing a verified allegation of likely unreasonable environmental harm.²² Courts have characterized this standing regime as expanding the number of potential guardians of the public interest “into the millions.”²³ When invoked, the Protection Act requires agencies to demonstrate that no “feasible or prudent alternative” exists, a demanding, non-deferential standard rarely satisfied by generalized policy balancing.²⁴

This structure creates powerful procedural leverage. Preservation Connecticut describes the Protection Act as a “bargaining chip” that enables challengers to extract concessions or delay decisions while opposition mobilizes.²⁵ The State Historic Preservation Office notes that its own review processes (including referral to the state Attorney General) may be triggered “if there is enough community outcry,” yet also acknowledges that its involvement does “not preclude any member of the public from seeking legal recourse on their own,” underscoring the breadth of parallel governmental and private enforcement avenues.²⁶

Additional state environmental statutes add further layers of review and potential vetoes.²⁷ The Inland Wetlands and Watercourses Act, for example, also includes the “no feasible

²¹ See *Office of Legislative Research*, Summary of the Connecticut Environmental Protection Act, 97-R-1481 (Dec. 20, 2024), <https://www.cga.ct.gov/PS97/rpt/olr/htm/97-R-1481.htm> (hereinafter “OLR CEPA Summary”); *Connecticut Environmental Protection Act (CEPA)*, Preservation Connecticut, <https://preservationct.org/cepa>. Unreasonable destruction of a historic building was added to the Act by amendment in 1982.

²²

See *Office of Legislative Research*, Citizen Suits Under the Connecticut Environmental Protection Act, 2000-R-0766 (July 26, 2000), <https://www.cga.ct.gov/2000/rpt/2000-R-0766.htm> (citing *Conn. Fund for the Env’t, Inc. v. Stamford*, 192 Conn. 247 (1984); *Conn. Conservation Ass’n v. Bridgeport Zoning Comm’n*, No. CV 90-0270815, 1991 WL 303649 (Conn. Super. Ct. 1991) (Lewis, J.)); Conn. Gen. Stat. § 22a-19(a)(1) (“In any administrative, licensing or other proceeding, and in any judicial review thereof made available by law, the Attorney General, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may intervene as a party on the filing of a verified pleading asserting that the proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.”), <https://law.justia.com/codes/connecticut/title-22a/chapter-439/section-22a-19/>; OLR CEPA Summary, *supra* note 22 (“Representative Papandrea summarized the bill as establishing a right of intervention for ‘any citizen of the state’ against ‘anyone else including the state and any of its subdivisions which would include any municipality or its subdivision, or any other person or legal entity who unreasonably pollutes the environment.’” (quoting floor debate)). See also *id.* (“The Senate was also concerned with harassment. It debated two amendments, one to require the courts to send citizen suits back to the administrative agencies until the administrative options were exhausted, and the other to require plaintiffs to post a \$500 bond. Both amendments were rejected.”). See also Federal Practitioner Guide, *supra* note 18 (discussing statutory and judicial pleading standards).

²³ *Town of Greenwich v. Conn. Transp. Auth.*, 166 Conn. 337, 343 (1974).

²⁴ Conn. Gen. Stat. § 22a-19(b).

²⁵ Preservation Connecticut, *supra* note 22.

²⁶ *Connecticut Environmental Protection Act Process*, Conn. State Hist. Preservation Office, https://portal.ct.gov/-/media/decd/historic-preservation/01_programs_services/environmental-review/connecticut-environmental-protection-act-shpo-process-2024-website.pdf.

²⁷ See *State and Local Preservation Laws*, Preservation Connecticut, <https://preservationct.org/preservation-toolkit/preservation-laws-state> (listing environmental and preservation statutes commonly used to challenge specific projects).

and prudent alternative” standard for covered permitting.²⁸ Each of these statutes creates another point at which project opponents may intervene or challenge agency actions.

Taken together, Connecticut’s statutes localize and extend the reach and impact of adversarial legalism. They proliferate venues for challenge, disperse environmental decision-making across multiple agencies, and dramatically broaden private enforcement. Rather than aggregating environmental and siting questions into a single coordinated determination, Connecticut distributes them across overlapping processes with no mechanism for finalization.²⁹ As a result, even after CEPA review is completed, the underlying environmental question remains open to renewed litigation. Public input therefore manifests less as participation in a unified planning proceeding and more as iterative procedural contests, litigation threats, and delays, precisely the dynamic that prevents Connecticut from reaching durable, corridor-level decisions.

Fragmented State Capacity and Responsibilities

Connecticut’s institutional structure of multiple statutes for challenging state action and dispersed permitting ensures that no single agency possesses the authority or mandate to offer a consolidated, binding determination. Different agencies have different responsibilities and roles, depending on the specific law being applied and the type of project being considered.

First, many agencies act as project sponsors, responsible for ideating, planning, and preparing environmental reviews including NEPA and CEPA documentation. Examples include the Connecticut Department of Transportation (CTDOT) for major transportation infrastructure projects and the Public Utility Regulatory Authority (PURA) and Department of Energy & Environmental Protection (DEEP) in the energy sector.³⁰

Second, agencies issue permits that enable non-governmental project sponsors to build. One of the most important actors in this space is DEEP, which has broad environmental jurisdiction and permitting authority over air, water, waste, wetlands, and other resource protection statutes, often making decisions subject to CEPA and Protection Act challenges.³¹

Finally, at least two parts of the Connecticut government perform quasi-judicial administrative functions of reviewing projects for environmental impact and balancing interests. Under CEPA, the Office of Policy and Management (OPM) reviews a project’s environmental materials and the agency’s ROD and makes a determination of adequacy that receives some deference in later judicial review.³² The adequacy determination makes the process look more

²⁸ Conn. Gen. Stat. § 22a-41. *See also* *Cohen v. Conn. Dep’t of Env’t Prot.*, 215 Conn. App. 767, 285 A.3d 760, (2022) (applying the “no feasible and prudent alternative standard in the Wetlands Act context).

²⁹ *But see infra* note 33 (discussing Office of Policy and Management determination of adequacy which provides some CEPA deference though no Protection Act closure).

³⁰ Note DEEP’s dual mandate encompassing both energy and environmental policy, which can be a source of institutional friction. *See, e.g., Enfield Railroad Station Environmental Assessment* (Conn. Dep’t of Transp. May 2024), <https://portal.ct.gov/dot/-/media/dot/environmental/enfield-rr-station-ea/env-assessment-enfield-rr-station-320-0017-may-2024.pdf> (example environmental assessment prepared by CTDOT).

³¹ *See, e.g.,* Mark Zaretsky, *Tweed New Haven files for environmental approval for runway extension, new terminal amid continued concerns*, New Haven Reg. (May 1, 2025), <https://www.nhregister.com/news/article/tweed-runway-terminal-new-haven-environment-ct-20303015.php> (describing DEEP permits required for expansion of Tweed Airport after FAA approval and completion of NEPA review).

³² Conn. Gen. Stat. § 22a-1e; *see, e.g., Record of Decision: Union Station Parking Garage* (Conn. Dep’t of Transp. Nov. 17, 2017), <https://portal.ct.gov/dot/-/media/dot/environmental/finalrevisedrounionstationoctober2017pdf.pdf> (illustrating CEPA record of decision and Office of Policy and Management adequacy determination).

centralized and administrative and, if paired with genuine closure, could theoretically support a system with greater deference and speed. Whether this posture actually constrains litigation or accelerates projects is unclear; in practice it likely slows approvals relative to NEPA alone because it creates additional compliance obligations without foreclosing subsequent Protection Act challenges.

Additionally, the Connecticut Siting Council (CSC) exercises centralized, quasi-judicial authority over major energy, telecommunications, and hazardous-waste facilities, with some administrative law deference.³³ Its jurisdiction is limited, leaving many land-use and system-planning questions outside its reach.³⁴ CSC must consult other agencies before acting, relies on limited staff, and has a limited independent long-range or corridor-level planning mandate.³⁵ Although originally envisioned as a unified “one-stop” siting authority with clear-cut approval power, it functions today as a reactive, project-by-project decision-maker rather than a preclusive statewide planning body.³⁶ In practice, the CSC has also become a frequent site of prolonged conflict and delay in the face of local opposition.³⁷

Despite their decision-making role, these bodies do not produce a final, binding determination with preclusive effect across agencies and courts. Instead, the state’s environmental and siting procedures encourage sequential and overlapping decision points without removing litigation. The result is a system that maximizes opportunities for fragmented public input but struggles to aggregate that input into legitimate, timely, democratic outcomes.

Atomized Review in Connecticut

Connecticut’s experience with the NEC FUTURE rail corridor illustrates how the existing framework constrains compromise and encourages site-by-site atomization. When Amtrak proposed rerouting the Northeast Corridor through Old Lyme, local opposition quickly hardened into an existential fight.³⁸ In other countries, this might have prompted corridor-level bargaining (route adjustments, tunneling, or noise barriers) to balance regional benefits with local costs. In the United States, because no binding corridor plan existed, the Old Lyme proceeding was legally treated as a *de novo* adjudication of the NEC FUTURE plan’s existence, foreclosing negotiated trade-offs that could have left both Old Lyme, worried about disruption,

³³ Mary Fitzpatrick, *The Siting Council*, Office of Legal Research, 1–3 (May 3, 2021), <https://www.cga.ct.gov/2021/rpt/pdf/2021-R-0095.pdf> (hereinafter OLR Siting Council Report) (detailing the Council’s history, jurisdiction, and procedures); see also *Connecticut Siting Council Overview* (Town of East Windsor), https://www.eastwindsor-ct.gov/sites/g/files/vyhli4381/f/pages/csc_overview-solar.pdf (summarizing the Council’s statutory authority and membership).

³⁴ OLR Siting Council Report, *supra* note 34 at 2-3.

³⁵ *Id.* at 4-6.

³⁶ *Id.* at 7-8. Conn. Gen. Stat. § 16-50g (summarizing CSC decisionmaking criteria and statutory framework). *C.f. infra* Part IV (discussing effective principles for administrative review).

³⁷ See Eric Bedner, *East Windsor, lawmakers voice strong opposition to solar expansion*, CTInsider (May 15, 2025), <https://www.ctinsider.com/journalinquirer/article/ct-east-windsor-gravel-pit-solar-siting-council-20328709.php> (describing community and lawmaker objections to Connecticut Siting Council decisions on solar expansions); Cassidy Williams, *I-Team: Changes Proposed for How Connecticut Decides Solar Farms Unlikely to Become Law*, WFSB (May 13, 2025), <https://www.wfsb.com/2025/05/13/i-team-changes-proposed-how-connecticut-decides-solar-farms-unlikely-become-law/> (reporting legislative efforts to modify siting decision processes).

³⁸ Ana Radelat, *His Grassroots Rebellion Stops a Federal Railroad Plan in Its Tracks*, CT Mirror (Apr. 16, 2017), <https://ctmirror.org/2017/04/16/an-old-lyme-academic-aims-to-stop-federal-railroad-agency-in-it-tracks/> (discussing local community efforts to challenge a federal railroad agency decision under NEPA).

and Mystic, worried about service loss, better off. The failure to resolve routing questions administratively left the NEC FUTURE improvements in southeastern Connecticut vulnerable to effective cancellation. American law thus narrows the bargaining space rather than encouraging Coasean adjustments.³⁹ Similar dynamics have fueled prolonged conflict in the New England Clean Energy Connect (NECEC) transmission project and California High-Speed Rail, where disputes over routing, eminent domain, and regional equity have delayed progress.⁴⁰

What unites these examples is not simply resistance to particular alignments but the absence of a binding, preclusive mechanism to approve and protect corridor-scale plans. Each segment of a larger system (each town-level route along the NEC, each stretch of transmission line) faces its own cycle of environmental review, local challenge, and potential litigation. Because challenges are to a specific project with specific siting, opponents can oppose any given proposal on local grounds. The result is a tragedy of the NIMBY commons, in which projects that serve statewide or regional interests fail to progress because each affected community can block its own segment. Connecticut participates in this pattern: decisions about where and how to build are made in fragmented proceedings focused on individual projects or segments, rather than within binding, regional plans that could allocate burdens and benefits more coherently and then be defended against later challenge.

Although statewide planning exists in Connecticut, it lacks sufficient political salience, resources, clarity, or legal teeth to close off future challenges in a legitimate way. Connecticut's State Rail Plan, Long-Range Transportation Plan, and regional Council of Government (COG) planning are crucial for setting priorities and identifying future needs.⁴¹ However, these documents operate primarily as non-binding policy statements. They do not undergo the robust, preclusive public review that results in a final, judicially defensible decision, and may be too diffuse to be easily understandable by the public.⁴² Consequently, a transportation corridor identified in a statewide plan remains fully exposed to later challenges under the Protection Act or CEPA when an individual segment of the project reaches the implementation and permitting stage.

Limits of Existing Reform Efforts

Recognizing problems with NEPA as applied, Congress and successive administrations have attempted piecemeal reforms. Title 41 of the Fixing America's Surface Transportation Act of 2015 (FAST-41) created limited streamlining tools, including tighter statutes of limitation,

³⁹ See Ronald H. Coase, *The Problem of Social Cost*, 3 J.L. & Econ. 1 (1960).

⁴⁰ See Stephen Singer, *Delays to NECEC project in Maine will cost Massachusetts ratepayers more than \$500M*, Portland Press Herald (Jan. 27, 2025), <https://www.pressherald.com/2025/01/27/mass-regulators-say-neceec-delays-in-maine-drove-up-costs-by-more-than-500m/> (discussing increased costs attributable to permitting and litigation delays); see also *infra* Part V (discussing California HSR).

⁴¹ See Conn. Dep't of Transp., *Connecticut State Rail Plan: 2022–2026* (Nov. 2022), https://portal.ct.gov/dot/-/media/dot/plans-projects-studies/plans/state_rail_plan/ctsrp2022-2026v20221130.pdf (hereinafter “2022 State Rail Plan”); Conn. Dep't of Transp., *Connecticut's Statewide Long-Range Transportation Plan 2018-2050* (Mar. 2018), <https://portal.ct.gov/dot/-/media/dot/projects/longrangetransportationplan/finalconnecticutslrtp20180313pdf.pdf>.

⁴² See, e.g., 2022 State Rail Plan, *supra* note 42 (cataloguing numerous existing plans and planning initiatives); see *id.* at ES-14 to ES-15 (identifying *TIME for CT* as the state's principal integrative planning framework, while noting implementation challenges).

higher standing requirements, and new coordination mechanisms across permitting agencies.⁴³ Projects under FAST-41 were completed about 23 percent faster than non-FAST projects in 2024, though the statute’s effects were constrained by its narrow scope and modest procedural changes.⁴⁴

More recent reforms have been similarly limited. The 2025 “One Big Beautiful Bill” Act added an expedited review track that in practice functions as a pay-to-play prioritization mechanism, without addressing the system’s structural inefficiencies.⁴⁵ President Trump’s 2025 executive order revising CEQ regulations has not yet had time to demonstrate its effects.⁴⁶ While some evidence suggests that EIS timelines are trending downward, the collapse of projects such as NEC FUTURE’s Connecticut routing upgrades in the face of large-scale public opposition shows that speed is not the only challenge.⁴⁷ None of these reforms alter the fundamental trio of dispersed approvals, open-ended access to courts, and project-by-project decision making.

Connecticut has also seen some reform efforts. In early 2025, the legislature’s Environment Committee discussed limiting standing for Protection Act challenges to approved nonprofits and those directly impacted by projects, though this bill does not seem to have progressed.⁴⁸ In July 2025, the Governor signed different legislation aimed at improving permitting predictability.⁴⁹ The bill allows general permits to remain in effect while renewals are pending, authorizes watershed-scale compensatory mitigation for certain wetlands and water-resource permits, and narrows when DEEP petitions trigger full contested-case hearings, shifting most to informational hearings and reducing procedural burdens. Although these reforms take

⁴³ Fed. Permitting Improvement Steering Council, *FAST-41 for Infrastructure Permitting: A Coordinated Framework for Improving the Federal Environmental Review and Authorization Process* (2020), https://www.permits.performance.gov/sites/permits.dot.gov/files/2020-05/FAST_41_FS_20200325.pdf.

⁴⁴ See *infra* Section III. FAST-41 applied only to certain categories of large federal projects and excluded entire classes such as highways, where “efficient review” processes already existed.

⁴⁵ O’Melveny & Myers LLP, *The One Big Beautiful Bill Act Offers Expedited NEPA Review—For a Fee* (July 11, 2025), <https://www.omm.com/insights/alerts-publications/the-one-big-beautiful-bill-act-offers-expedited-nepa-review-for-a-fee/>.

⁴⁶ See Council on Env’t Quality, *CEQ Releases Guidance to Streamline NEPA Reviews* (Sept. 29, 2025), <https://www.whitehouse.gov/articles/2025/09/ceq-releases-guidance-to-streamline-nepa-reviews/>; *The Future of NEPA Implementation Without CEQ Regulations*, Nat’l L. Rev. (Feb. 24, 2025), <https://natlawreview.com/article/future-nepa-implementation-without-ceq-regulations>.

⁴⁷ McKinsey & Co., *Unlocking US Federal Permitting: A Sustainable Growth Imperative* (July 28, 2025), <https://www.mckinsey.com/industries/public-sector/our-insights/unlocking-us-federal-permitting-a-sustainable-growth-imperative>; Fed. R.R. Admin., *Record of Decision: NEC FUTURE 13–14* (July 2017), <https://www.fra.dot.gov/necfuture/pdfs/rod/rod.pdf> (“The FRA found a fundamental need to expand capacity, improve performance, and increase resiliency, including some sections using new rights-of-way. Due to physical constraints in the geography of the area, expanding largely within or along the existing NEC right-of-way is not possible and does not meet the NEC FUTURE Purpose and Need... Comments ... indicated that there is broad public concern regarding the impacts associated with the Old Saybrook to Kenyon new segment... At this time, there is no consensus regarding the appropriate railroad infrastructure elements in this area. Therefore, unlike the Preferred Alternative, the Selected Alternative does not include capacity-expanding infrastructure elements between New Haven, CT, and Providence, RI.”). See also C. Aylin Bilir, *Stopping the Runaway Train of CEQA Litigation: Proposals for Non-Judicial Substantive Review*, 35 ENVIRONS: ENV’T L. & POL’Y J. 145 (2012).

⁴⁸ Alexis Harrison, *A Half-Decade After Proposing Key Environmental Legislation, the State Legislature Looks to Roll it Back*, CT Examiner (Mar. 13, 2025), <https://ctexaminer.com/2025/03/13/a-half-decade-after-proposing-key-environmental-legislation-the-state-legislation-looks-to-roll-it-back/>.

⁴⁹ Governor’s Bill 6868, Gen. Assemb., Jan. Sess. (Conn. 2025), <https://www.cga.ct.gov/2025/TOB/H/PDF/2025HB-06868-R00-HB.PDF>.

steps in the right direction, they are marginal improvements that do not comprehensively address the core problems of federal-state fragmentation, weaker closure, and approval scope.

The U.S. system of public feedback thus remains dominated by the adversarial litigation model of NEPA and CEPA, which generate information but rarely produce closure or a single, binding decision. Feedback occurs primarily through technical documents and subsequent litigation rather than through a single, consolidated administrative proceeding that yields a durable decision on whether a project or corridor plan should proceed. The result is a process that illustrates this paper's core causal claim: fragmented decision-making prevents any single approval from carrying preclusive force; the absence of preclusion prevents legal closure; and without closure, corridor-scale disputes predictably recur as atomized, project-by-project fights. Compared to peer countries, the United States (and Connecticut within it) has yet to reconcile the dual goals of ensuring meaningful public input and enabling the timely delivery of infrastructure. The comparative systems examined in later sections are best understood as alternative ways of solving precisely these problems: by consolidating approvals, tightening closure, and expanding the scope of what is approved from individual projects to comprehensive plans.

III. Fragmentation: Consolidated Approval Models

Examining jurisdictions that have avoided these pitfalls can help to address the fragmentation identified in Connecticut's current framework. This section analyzes the "consolidated approval" models employed by Germany and Canada. Despite their differing legal traditions, civil law and common law, both nations use legal structures that bundle environmental review, permitting, and public participation into a unified forum. By contrasting these consolidated models with Connecticut's dispersed approach, this section illustrates how shifting from sequential, multi-agency reviews to a singular approval event can minimize veto points while maintaining democratic accountability.

Germany's Planning Approval Procedure

Germany's administrative *Planfeststellungsverfahren*, or Planning Approval Procedure, offers a useful comparative model for Connecticut and for NEPA-based systems more broadly. Its core innovation is structural rather than substantive. The Planning Approval Procedure consolidates environmental, technical, and land-use assessments into a single administrative proceeding and produces a single, binding decision that authorizes construction. In practice, this means that issues that in the United States are distributed across multiple levels of government, agencies, permits, lawsuits, and jurisdictions are resolved within one coordinated proceeding.

At first glance, the German process appears familiar. It contains many of the same procedural elements as NEPA-style review, but operates within a consolidated proceeding with tighter, front-loaded timelines and legal closure that NEPA and CEPA do not provide. A project sponsor submits a complete plan (*Planunterlagen*) to the competent authority, analogous to an

EIS.⁵⁰ Affected agencies comment within one to three months.⁵¹ Local governments publicly display the plan for a month followed by an objection period for the public.⁵² The authority then holds a hearing to reconcile stakeholder concerns and may revise and redisplay the plan before issuing a final decision (*Planfeststellungsbeschluss*).⁵³ Once issued, that decision binds all public actors and replaces the need for separate environmental or land-use approvals, unless invalidated for serious legal defects.⁵⁴

Rather than splintering objections across parallel approvals, sequential permits, and multiple lawsuits, the Planning Approval Procedure channels all challenges into a single proceeding and record. Judicial review then centers on that same record, reinforcing the administrative consolidation.

This institutional design produces several advantages:

1. **Comprehensive coverage.** The procedure gathers nearly all relevant environmental, land-use, safety, and technical determinations into one forum. Decisions that would be spread across NEPA, CTDOT, DEEP, local zoning bodies, OPM, and Protection Act litigation in Connecticut are addressed together.⁵⁵
2. **Efficiency.** A single procedural track, with statutory deadlines and coordinated participation, eliminates duplicative review and reduces the opportunities for serial delay. Once the approval is issued, no additional environmental or land-use proceedings are required; the underlying issues have already been decided within the unified process.
3. **Legitimacy.** Public participation occurs through a transparent, centralized process in which affected parties can identify concerns and see them seriously considered. Objections are part of a structured administrative conversation rather than dispersed through threats of litigation or fragmented local processes.

⁵⁰ Elke Pahl-Weber & Dietrich Henckel eds., *The Planning System and Planning Terms in Germany: A Glossary* 89 (Studies in Spatial Development No. 7, 2008), https://www.arl-net.de/system/files/media-shop/pdf/ssd/ssd_7.pdf (hereinafter “German Planning Glossary”); *Verwaltungsverfahrensgesetz [VwVfG] [Administrative Procedure Act]*, § 73(1) (Ger.); see, e.g., <https://bolapla-sh.de/file/cbbceb45-7549-46bc-a21f-c399f5b25e43/fdfe064b-c6e5-4b6d-a855-2e411d6562b8> (Ger.) (German-language *Planfeststellung* document).

⁵¹ VwVfG § 73(2) (Ger.).

⁵² VwVfG § 73(2)–(4) (Ger.). The full process from submission to local governments to the end of the period for filing objections is approximately 9–10 weeks (including three weeks for local government to prepare public display). There are some additional options to avoid this comment period if the group of stakeholders impacted by the project is more limited.

⁵³ VwVfG § 73(6), (9) (Ger.); *id.* § 74(1)–(3) (Ger.) (*Planfeststellungsbeschluss*).

⁵⁴ German Planning Glossary, *supra* note 51 at 90.

⁵⁵ *Id.* at 223 (“Planning approval includes all of the other required decisions by public authorities (e.g. licences, permits, concessions, consent), and regulates all public-law relationships between the developer and those affected by the project.”). See also *id.* at 90 (“The formal concentration effect means that any authorisation required under other provisions is not needed (e.g. permits under state building regulations, the Federal Water Act, or the Federal Emission Control Act).”). Other countries, like the U.K. (Development Consent Orders under the 2008 Planning Act), have also created consolidated approval processes for systemically important infrastructure projects. See Dep’t for Cmty. & Loc. Gov’t, *Planning Act 2008: Guidance Related to Procedures for the Compulsory Acquisition of Land* 13 (Sept. 2013),

https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf; Felicia Rankl, *Planning for Nationally Significant Infrastructure Projects (NSIPs)*, Research Briefing SN06881 (July 8, 2024), <https://researchbriefings.files.parliament.uk/documents/SN06881/SN06881.pdf>.

4. **Closure.** Because the Planning Approval decision is the definitive determination, contestation is concentrated in the administrative process. Later challenges are limited in both timing and scope.⁵⁶

These advantages have not insulated Germany from all delay. A Bundestag report found that many projects still take more than four years to get approval, citing documentation burdens, lengthy hearings, and cautious over-production of analysis intended to avoid reversal on review.⁵⁷ Staffing shortages among administrative bodies and judges have also contributed to delay.⁵⁸ Germany has responded with reforms that include tighter timelines, digital submissions, and opportunities for parallel rather than sequential review. These reforms echo proposals in the United States such as the federal government's FAST-41, but Germany's baseline of consolidation gives them more leverage.⁵⁹

Canada's "One Project, One Review"

Canada has pursued a similar form of consolidation within the common law tradition through the Impact Assessment Act (IAA).⁶⁰ The IAA works on the principle of "one project, one review" by coordinating federal, provincial, and Indigenous authorities. This coordination occurs through cooperation agreements, joint review panels, and, in some cases, acceptance of provincial processes in lieu of federal review. The result is a single integrated assessment that culminates in a Decision Statement that is binding on all federal regulators.⁶¹

This framework attempts to reduce duplication and encourages resolution of siting and environmental issues during the review rather than through serial litigation afterward.⁶² The

⁵⁶ Bundesverwaltungsgericht [BVerwG] [Federal Administrative Court], *Jahresbericht 2024* 15, https://www.bverwg.de/user/data/media/jahresbericht_2024.pdf (reporting 66 lawsuits challenging infrastructure projects filed in 2024).

⁵⁷ Wissenschaftliche Dienste Deutscher Bundestag, *Planfeststellungsverfahren für Infrastrukturvorhaben: Überblick über das Verfahren und die Beschleunigungsgesetzgebung*, Ausarbeitung WD 7 - 3000 - 031/24 (May 23, 2024), <https://www.bundestag.de/resource/blob/1009032/e528bd00a18ee58e64e43046b586d331/WD-7-031-24-pdf.pdf> (Ger.).

⁵⁸ *Id.*

⁵⁹ See *supra* notes 44-45.

⁶⁰ Impact Assessment Act, S.C. 2019, c. 28, s. 1 (Can.), <https://laws.justice.gc.ca/eng/acts/i-2.75/index.html>; *Reference re Impact Assessment Act*, 2023 SCC 23 (Can.), <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/20102/index.do>; Impact Assessment Agency of Can., *Amended Impact Assessment Act Now in Force* (June 21, 2024), <https://www.canada.ca/en/impact-assessment-agency/news/media-room/amended-impact-assessment-act-now-in-force.html>.

⁶¹ Impact Assessment Agency of Can., *Impact Assessments 101* (Aug. 20, 2025), <https://www.canada.ca/en/impact-assessment-agency/programs/impact-assessments-101.html> ("The Impact Assessment Act (the Act) ... facilitate[s] the sustainable development of major projects ... to support needed investment in major projects."); see also Impact Assessment Agency of Can., "One Project, One Review": *Comments Invited on the Co-operation Approach for Working with Provinces* (Oct. 21, 2025), <https://www.canada.ca/en/impact-assessment-agency/news/media-room/one-project-one-review-comments-invited-co-operation-approach-working-provinces.html>; M. Winfield-Lesk, *The Impact Assessment Act and How it Will Affect Your Project* (Sept. 2019), <https://www.hatch.com/About-Us/Publications/Technical-Papers/2019/09/The-Impact-Assessment-Act-and-How-it-Will-Affect-Your-Project> (discussing Early Planning Phase).

⁶² See Impact Assessment Agency of Can., *Impact Assessment Process* (July 10, 2025), <https://www.canada.ca/en/impact-assessment-agency/programs/impact-assessments-101/impact-assessment-process.html> (summarizing federal impact assessment process); see also Impact Assessment Agency of Can., *Guidance: Indigenous Participation in Impact Assessment* (Aug. 7, 2025), <https://www.canada.ca/en/impact->

government created a Major Projects Office (MPO) in 2025 to centralize oversight and reviews in furtherance of the goal of one project, one review.⁶³ More broadly, the IAA's design reflects a policy choice to concentrate environmental and permitting determinations into one structured administrative process. As in Germany, the Canadian system still faces delays and political controversy, especially around energy, indigenous stakeholders, and natural resources. But the architecture of consolidation gives the review process a clearer endpoint and reduces opportunities for fragmented or serial challenges.

Why Consolidation and Closure Work Together

Although German and Canadian legal traditions differ, both systems illustrate the same lesson. Consolidated decision-making combines what in the United States are sequential, duplicative, and often contradictory processes. It concentrates public input in one forum with a single decision maker, rather than scattering it across multiple agencies and courts. This consolidation addresses the problem of fragmentation (who decides), but it also performs a second, critical function: it creates the institutional precondition for legal closure.

For purposes of this paper, consolidated decision-making makes closure possible by producing a single, authoritative decision capable of being enforced and respected across agencies and courts.⁶⁴ A legal system cannot achieve meaningful finality when approvals are dispersed across multiple decisions, each of which can be litigated independently. Without consolidation, there is no decision capable of carrying preclusive effect.

In the United States and in Connecticut, fragmentation is the default. A transportation project might require a NEPA EIS, a CEPA review, multiple federal permits, state water and air permits, local zoning or permitting decisions, and parallel litigation under CEPA, the Protection Act, or the APA. Each is a potential veto point, and each action provides an entry point for litigation. Because these decisions are not consolidated, no single approval can plausibly claim to settle the matter, and closure remains elusive even after extensive review.⁶⁵

Although Germany and Canada both allow local and provincial governments to regulate land use in various ways, much like the United States, those regulations are superseded for critical projects by unified approval procedures, and lower-level plans are made to conform to higher-level decisions.⁶⁶ This institutional hierarchy explains why closure doctrines in those

[assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-indigenous-participation-ia.html](https://www.canada.ca/en/assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-indigenous-participation-ia.html); Impact Assessment Agency of Can., *Substituted Impact Assessments in Canada* (Aug. 11, 2025), <https://www.canada.ca/en/impact-assessment-agency/programs/impact-assessments-101/substituted-assessments.html> (discussing substitution and “one project, one review”); but see Torys LLP, *Challenges to Project Permits and Approvals: The Latest Word from the Courts* (Q2 2025), <https://www.torys.com/our-latest-thinking/torys-quarterly/q2-2025/challenges-to-project-permits-and-approvals> (reviewing litigation risk following permitting decisions).

⁶³ Prime Minister of Can., *Prime Minister Carney Announces First Projects to Be Reviewed Under New Major Projects Office* (Sept. 11, 2025), <https://www.pm.gc.ca/en/news/news-releases/2025/09/11/prime-minister-carney-announces-first-projects-be-reviewed-new>.

⁶⁴ See *infra* Section IV.

⁶⁵ Delays also allow governments to change their minds about the importance of a project, providing another potential point of failure. See, e.g., Angela Fortuna, *Connecticut electric vehicle charging plan put on hold after new federal administration rescinds charger funding*, NBC Connecticut (Feb. 21, 2025), <https://www.nbcconnecticut.com/news/local/ct-plan-expand-ev-infrastructure-on-hold-memo-from-feds/3505131/>.

⁶⁶ See German Planning Glossary *supra* note 51 at 105-149 (examples of various different types of plans at different levels of government); *British Columbia (Attorney General) v. Lafarge Canada Inc.*, [2007] 2 S.C.R. 86, 2007 SCC

systems can operate effectively: courts and agencies know which decision controls. Consolidation alone does not guarantee timely infrastructure, but without consolidation, the closure mechanisms examined in the next section cannot function at all.

IV. Closure: Legal Finality and Controlled Litigation

Consolidation is the procedural vehicle, but “closure” is the legal destination that enables infrastructure to be built. Even a unified administrative process fails if its outcome remains open to indefinite collateral attack. This section examines how high-functioning jurisdictions ensure that a decision, once made, remains final. It contrasts the American model of open-ended litigation with the strict doctrines of finality found in Germany and Switzerland. Specifically, these jurisdictions rely on tight statutes of limitation, strict issue exhaustion, “harmless error” rules that allow courts to cure technical defects without vacating project approvals, and strong deference rules for administrative and political decisions.

Finality in German Administrative Review

Germany’s Planning Approval process differs from NEPA not only in when participation occurs but in how the legal system structures the timing, scope, and consequences of objections. Several doctrinal and institutional features force objections into the administrative record and ensure they are resolved before construction begins.

- **Strict statute of limitations.** Court challenges to a Planning Approval decision must be filed within one month.⁶⁷ By comparison, NEPA suits can be filed up to two or six years after the relevant federal action.
- **Issue exhaustion.** Germany bars litigation of most objections that were not raised during the Planning Approval procedure. This rule, known as *Ausschlusswirkung*, channels concerns into the administrative process and prevents litigants from holding issues in reserve until after a final decision. It also ensures a complete administrative record before decisions are made or construction begins.⁶⁸
- **Centralized jurisdiction.** Appeals of Planning Approval decisions go to specialized administrative courts. For major rail, highway, waterway, and airport projects, the Federal Administrative Court (*Bundesverwaltungsgericht*) acts as both the court of first and final instance.⁶⁹ This structure produces faster and more consistent outcomes and avoids the multi-tiered and multi-venue litigation common in the United States.

23 (Supreme Court of Canada holding municipal land-use bylaws, generally allowed, cannot impair the core of a federal undertaking under the principle of federal supremacy); *Canada (National Energy Board) v. Westcoast Energy*, [1998] 1 SCR 322 (federal power over inter-province projects). *See also infra* Part V: Establishing Corridor Intent Through Spatial or Political Frameworks (comparative discussion of multi-level spatial planning).

⁶⁷ German Planning Glossary *supra* note 51 at 67.

⁶⁸ *Id.* at 89. *See also id.* at 65 (“An application by a natural or legal person with respect to a binding land-use plan or a statute... is inadmissible if the applicant raises objections that were not raised, or not raised in due time, in the context of public display... or of public participation... but which could have been raised on these occasions, and where attention was drawn to this legal consequence in the context of participation.”).

⁶⁹ Presumably this allows for no further appeal beyond collaterally attacking the judgment. *Id.* at 63-64 (“The Federal Administrative Court rules in first and final instance on the disputes and actions [including] all disputes

- **Procedural style and standard of review.** German administrative courts use the principle of official investigation, in which judges examine the facts directly rather than relying solely on adversarial briefing.⁷⁰ Their standard of review is deferential to prior administrative decisions. Courts ask whether the authority lawfully balanced the competing interests and followed proper procedures.⁷¹ This approach treats approval with respect and limits the disruptive effect of litigation.⁷²

Together, these rules create true closure: a single, comprehensive proceeding, tightly time-limited judicial review, and decisions that remain binding rather than reopening through sequential litigation.⁷³ Connecticut offers no such shield; with parallel avenues for CEPA and NEPA litigation and a Protection Act that allows intervention whenever unreasonable pollution is alleged, a project effectively operates without a statute of limitations, remaining vulnerable to injunctive relief years after initial “approval.”

Harmless Error Rules (Planerhaltung)

Germany’s Planning Approval system builds flexibility into the back end of the process without reopening the underlying decision. Authorities may issue Subsequent Orders to adjust mitigation measures, impose new conditions, or correct minor procedural defects within the bounds of the approved plan, rather than restarting the entire proceeding.⁷⁴ The doctrine of Plan Maintenance (*Planerhaltung*) reinforces this structure by directing courts to preserve a plan unless an error is material to the outcome.⁷⁵ Minor or technical flaws are corrected rather than used to vacate an approval. This system treats Planning Approval as a durable commitment that can evolve in its implementation while keeping the foundational authorization intact.⁷⁶ It protects reliance interests, preserves stability for project sponsors and regulators, and avoids the disruptive cycle of reopening decisions once they have already undergone comprehensive review.

Connecticut has no comparable doctrine. Under CEPA, if OPM issues a finding of inadequacy on an EIE, the sponsoring agency must revise and resubmit the EIE until OPM deems it adequate, effectively restarting review.⁷⁷ And under the Protection Act, courts may enjoin a project upon a showing of unreasonable environmental harm, but they lack authority to issue narrow corrective conditions that would allow the project to proceed while addressing deficiencies. Neither statute provides a mechanism for harmless-error correction or for maintaining an approval while refining its implementation. The result is a system in which even

affecting planning approval and permission proceedings for projects enumerated in the General Railway Act, the Federal Highways Act, the Federal Waterways Act, or the Magnetic Levitation Railway Planning Act.”).

⁷⁰ *Id.* at 63 (*Amtsermittlungsgrundsatz*).

⁷¹ The relevant balancing of public and private interests is called *Abwägungsgebot*. *Id.* at 271.

⁷² *See supra* note 56.

⁷³ German Planning Glossary *supra* note 51 at 223.

⁷⁴ Bundes-Immissionsschutzgesetz [Federal Immission Control Act] § 17 (Ger.) (Nachträgliche Anordnungen).

⁷⁵ German Planning Glossary *supra* note 51 at 66.

⁷⁶ *See supra* note 65. But note that this is in tension with closure and consolidation principles.

⁷⁷ Conn. Agencies Regs. § 22a-1a-10(e) (Record of decision and determination of adequacy of an environmental impact evaluation), <https://portal.ct.gov/ceq/environmental-monitor/cepa-regulations> (“If the Office of Policy and Management determines that the environmental impact evaluation and the associated process is inadequate, it shall specify the areas of inadequacy with reference to the Act or the CEPA regulations and notify the sponsoring agency and specify the corrective action required.”).

minor defects can force repeated procedural rounds, underscoring the absence of meaningful closure.

Swiss Referenda and Constitutional Closure

Switzerland's method of securing public approval and closure rests on the country's strong culture of direct democracy and referenda but pursues the same goal: once a project has been publicly vetted and approved, its legitimacy and authority are not revisited. This does not necessarily mean that infrastructure planners avoid a long planning process, but it does create finality around whatever decision comes out of that process, once approved.

The New Rail Link through the Alps (NRLA) provides the clearest example.⁷⁸ The project advanced through three national referenda that collectively authorized its alignments, established constitutional commitments, and approved long-term funding:

- **The 1992 Alptransit decree** endorsed construction of new tunnels on specified routes.⁷⁹
- **The 1994 Alpine Initiative**⁸⁰ added a constitutional commitment to shift freight from road to rail.⁸¹
- **The 1998 FinöV decision** established a temporary constitutional funding mechanism to finance the NRLA, including the Gotthard Base Tunnel.⁸²

These votes created binding constitutional obligations tied to specific transportation goals, starting with agreement on a specific goal (transalpine rail connection along specific axes) and then agreeing to sufficient funding to complete the project.⁸³ Their success was possible

⁷⁸See also *The Zürich Transport Network: History*, <https://www.zvv.ch/en/about-us/zurich-transport-network/history.html> (discussing the role that cantonal referenda in Zurich in 1973 (rejecting combined U-Bahn and S-Bahn) and 1981 (approving standalone S-Bahn) played in the development of the city's public transit infrastructure) for an example of the Swiss referendum system in action at the canton level (equivalent to the state level).

⁷⁹ AlpTransit Portal, *Yes to the NRLA*, <https://www.alptransit-portal.ch/en/overview/politics/events/ereignis/yes-to-the-nrla/> (noting approval by 64 percent of voters).

⁸⁰ Also known as the Alps Initiative.

⁸¹ AlpTransit Portal, *Yes to the Alps Initiative*, <https://www.alptransit-portal.ch/en/events/ereignis/yes-to-the-alps-initiative/> (describing a citizen-initiated constitutional amendment supported by 52 percent of voters and a majority of cantons); Heinz Ehrbar, *Lessons Learnt from the AlpTransit Tunnels (CH)*, ITACET Found., at 32 (May 2019), https://www.researchgate.net/publication/350214467_Lessons_learnt_from_the_Alps_Transit_Tunnels_CH (hereinafter "AlpTransit Lessons Learnt") (translating new art. 84 of the Swiss Constitution as providing: "The Confederation shall protect the Alpine region from the negative effects of transit traffic ... Transalpine goods traffic shall be transported from border to border by rail ... The capacity of the transit routes in the Alpine region may not be increased ... The transfer of freight transit traffic from road to rail must be completed ten years after the adoption of the popular initiative for the protection of the alpine regions from transit traffic.").

⁸² The 1998 FinöV referendum also approved a temporary increase in the value-added tax to finance rail infrastructure, creating a dedicated constitutional funding stream insulated from annual budget fights. AlpTransit Portal, *Yes to Public Transport Funding*, <https://www.alptransit-portal.ch/en/overview/politics/events/ereignis/yes-to-public-transport-funding> (Approved by 64 percent of voters and a majority of cantons); Heinz Ehrbar and Peter Zbinden, "Financing and Cost Management" in *TUNNELING THE GOTTHARD*, 615 (2016).

⁸³ See, e.g., Bundesbeschluss über den Bau der schweizerischen Eisenbahn-Alpentransversale (NEAT) art. 4 (Switz.) (stating that "the concerns of the affected cantons regarding careful route alignment shall be adequately taken into account in the planning and realization of the works" (translated from the original German)), in *Erläuterungen des Bundesrates*, Volksabstimmung vom 27. September 1992, at 32 (1992), <https://www.alptransit->

because the project had been developed for decades through federal commissions, feasibility studies, and sustained coordination with cantonal governments (further evidence of the model's potential effectiveness within a federated governing structure).⁸⁴ By the time voters considered the plan, it had already achieved broad political and technical consensus.⁸⁵

Once approved, these constitutional provisions shielded the project from further legal challenge.⁸⁶ Swiss courts cannot invalidate or reinterpret voter-approved constitutional text.⁸⁷ As a result, the NRLA proceeded through cost increases, design changes, and long construction timelines without reopening the underlying political decision.⁸⁸ The system provides both democratic legitimacy and finality. Voters sometimes reject projects, as they did in a 2024 national highway expansion proposal, but approved projects benefit from lasting protection.⁸⁹ Swiss practice reflects the same insight as Germany's system: legitimacy and closure reinforce each other when public input is concentrated at a single, authoritative stage.

This stands in sharp contrast to Connecticut. While Connecticut frequently utilizes referenda outside the infrastructure context,⁹⁰ it has not applied popular votes to major state projects. Furthermore, while the legislature frequently authorizes and funds major projects, these endorsements do not preclude collateral attack under the Protection Act or CEPA. Consequently, a project like the extension of Route 11 can receive repeated legislative approval and funding yet remain tied up in litigation for decades. The Swiss model demonstrates that for closure to be effective, the political decision to build must legally settle the question of *whether* the project should exist, narrowing future review to technical implementation.

V. Atomization: Federated Corridor Planning

The Netherlands, Germany, and Switzerland demonstrate that federated systems can achieve corridor-scale alignment by resolving major siting questions upstream. Despite

[portal.ch/Storages/User/Meilensteine/Pin_018%20\(27.9.1992\)/Dokumente_018/018-Erlaeuterungen_Bundesrat.pdf](https://portal.ch/Storages/User/Meilensteine/Pin_018%20(27.9.1992)/Dokumente_018/018-Erlaeuterungen_Bundesrat.pdf). Cf. *infra* notes 120-122 (discussing California HSR's funding and planning failures).

⁸⁴ The Gotthard concept originated with engineer Carl Eduard Gruner's 1947 proposal, followed by a 1963 feasibility study and successive federal commission reports in 1971, 1979, and 1987. AlpTransit Lessons Learnt *supra* note 82 at 14-15; Swiss Fed. Archives, [*Railway Tunnel Through the Alps—Federal Commission Materials*], CH-BAR E8100C/1999/365/295/1 (Switz.) (German-language document), https://www.alptransit-portal.ch/Storages/User/Meilensteine/Pin_058/Dokumente_058/CH-BAR_E8100C_1999-365_295_1.pdf; Swiss Fed. Dep't of Transp. & Energy, *Entscheidungsgrundlagen für eine Neue Eisenbahn-Alpentransversale (NEAT): Bericht und weiteres Vorgehen* (Dec. 7, 1987) (Aussprachepapier an den Bundesrat) (Ger.), CH-BAR E8100C/1999/140/284/1, [https://www.alptransit-portal.ch/Storages/User/Meilensteine/Pin_014%20\(12.7.1988\)/Dokumente_014/014-CH-BAR_NEAT_E8100C_1999-140_284_1-lowres.pdf](https://www.alptransit-portal.ch/Storages/User/Meilensteine/Pin_014%20(12.7.1988)/Dokumente_014/014-CH-BAR_NEAT_E8100C_1999-140_284_1-lowres.pdf).

⁸⁵ See generally AlpTransit Lessons Learnt *supra* note 82.

⁸⁶ See, e.g., AlpTransit Portal, *Yes to the Alps Initiative*, *supra* note 82 (“In 1994, 52 per cent of voters back[ed] the Alps Initiative. It call[ed] for the Federal Constitution to protect the Alpine region from the negative impact of traffic and forbid the expansion of through roads. Additionally, traffic [was] to be shifted from road to rail.” (emphasis added)).

⁸⁷ See https://link.springer.com/content/pdf/10.1007/978-3-319-92381-9_8.pdf; <https://www.fedlex.admin.ch/eli/cc/1999/404/en>

⁸⁸ See Heinz Ehrbar and Peter Zbinden, “Financing and Cost Management” in *Tunneling the Gotthard* (2016).

⁸⁹ <https://www.admin.ch/gov/en/start/documentation/votes/20241124/expansion-programme-for-the-national-highways.html>. Proposals also have the visibility and salience that is needed to make political approval sticky under the referendum system. Cf. *supra* note 43 (discussing diffuse nature of Connecticut infrastructure planning).

⁹⁰ See Brandon McCauley, *Connecticut Has Decided on 85 Ballot Measures Since 1845* (Oct. 1, 2025), <https://news.ballotpedia.org/2025/10/01/connecticut-has-decided-on-85-ballot-measures-since-1845/>.

institutional differences, each establishes binding spatial frameworks early, limiting downstream processes to design and mitigation rather than rerunning the alignment debate. This section examines how these nations solve the “where to build” question, analyzing the Dutch spatial hierarchy and Swiss political mandates before contrasting them with the U.S. practice of attempting to solve corridor questions through project-level permits.

Establishing Corridor Intent Through Spatial or Political Frameworks

The Netherlands offers one of the clearest examples of a planning system intentionally structured to suppress fragmentation by resolving corridor-scale conflicts once, in one place. Dutch practice follows a straightforward institutional sequence: (1) adopt spatial frameworks that identify where infrastructure and major land uses will go; (2) translate those frameworks, when necessary, into a single corridor-level zoning instrument; and (3) negotiate mitigation and cost-sharing within that unified structure rather than through scattered parcel-by-parcel processes. Early political alignment produces downstream closure, leaving little room for the sequential veto points that dominate U.S. practice.

Under the Spatial Planning Act (now consolidated into the 2024 *Omgevingswet*),⁹¹ national, provincial, and municipal governments prepare spatial plans in a coordinated hierarchy.⁹² These documents are not engineering-level alignments, but they establish the spatial structures (transport corridors, ecological networks, energy routes, development zones) within which future infrastructure must fit.⁹³ A distinctive feature of Dutch law is that not all plans bind to the same degree.⁹⁴ Strategic plans at the national (*planologische kernbeslissing* or “key decision”) and provincial levels (regional plans, *streekplan*) can bind lower authorities but do not bind private parties.⁹⁵ The municipal land-use plan (*bestemmingsplan*, now the *omgevingsplan*) is the only plan binding on citizens, and building permits must conform to it.⁹⁶ Higher-order

⁹¹ See Gov’t of the Neth., *Revision of Environment & Planning Laws*, <https://www.government.nl/topics/spatial-planning-and-infrastructure/revision-of-environment-planning-laws/>.

⁹² See Akad. für Raumforschung & Landesplanung (ARL), *National Spatial Vision on Infrastructure and Spatial Planning* (2012), 1-2, <https://www.arl-international.com/sites/default/files/2022-05/Planning%20level%20Country.pdf> (highlighting the hierarchy of spatial plans as well as functions of national interest, including energy and defense).

⁹³ Indeed, the Dutch government revised the Spatial Planning Act in 2008 with the goal of strengthening the binding power of spatial plans. See D. Barrie Needham, *The New Spatial Planning Act* (Nov. 2004), at 4, <https://repository.uhn.ru.nl/bitstream/handle/2066/67037/67037.pdf> (describing the first rationale of the revision and noting that the land-use plan (*bestemmingsplan*) had become so weak that its supposed legal binding force was referred to as “the big lie” (*de grote leugen*)); Meijers, E.; Stead, D.; Bouwmeester, J., *Country Profile: Netherlands* (accessed Dec. 16, 2025), <https://www.arl-international.com/knowledge/country-profiles/netherlands> (noting that the 2008 reform aimed to strengthen the binding role of land-use plans).

⁹⁴ Marjolein Spaans, *Regional Area Development in the Netherlands*, ISOCARP, at 7, https://www.isocarp.net/Data/case_studies/935.pdf (“Elements of each plan can be binding on lower authorities. The main national government planning instrument is the spatial planning key decision (*planologische kernbeslissing*). This document may contain strategic planning issues of national importance. At the provincial level, the regional plan (*streekplan*) is the main instrument and contains strategic planning issues relevant for provincial policy. At the local level municipalities can make a strategic plan (*structuurplan*) and a local land-use plan (*bestemmingsplan*). The land-use plan is the only plan that is legally binding on citizens through the regulation of land use and prescriptions related to land use. A building permit can only be granted if the proposal conforms to the land use and building prescriptions in the land-use plan. Besides this, local authorities can also formulate a project decision for individual projects.”).

⁹⁵ *Id.*

⁹⁶ *Id.*

plans shape and constrain municipal discretion, while municipalities retain flexibility over local land-use requirements, subject to checks from above.

Germany relies on a similar hierarchy. German spatial planning aims to “coordinate all spatially relevant interests, functions, programs and projects,” going well beyond land-use decisions.⁹⁷ Multiple levels of plans (national, regional, local) carry varying legal force.⁹⁸ The federal government establishes spatial planning principles, which states and regions inherit in their plans, which in turn constrain municipal decisions.⁹⁹ Like the Netherlands, Germany blends top-down priority-setting with decentralized implementation, but within a clear structure that orients local planning around corridor-level goals.

Switzerland likewise begins with top-level political alignment. Large projects are approved as components of a national transportation strategy and often authorized through national or cantonal referenda. The NRLA sequence¹⁰⁰ illustrates the approach: a political decision that a transalpine rail project was necessary; evaluation of several corridors; development of corridor-level design specifications; selection of the main routes; and only then detailed design, approval, and construction.¹⁰¹ Here, too, the point is that the major alignment choices are made once, prior to major investment, and publicly.

Germany, Switzerland, and the Netherlands all also work within the broader corridor framework created by the European Union,¹⁰² a further example of how federalism with different levels of fragmented planning can be aligned around a top-level vision for infrastructure connectivity so long as the commitments to a planned corridor goal are sufficiently strong. For example, the Gotthard Base Tunnel and Lötschberg Tunnel (another part of the NRLA) were part of a broader EU-level Rhine-Alpine Core Network Corridor,¹⁰³ one of nine network corridors adopted by the EU for funding in 2016.¹⁰⁴ This adds an additional layer of top-level alignment, further reducing fragmentation across borders and stabilizing long-term investment decisions.

Translating Alignment into a Single Binding Corridor Decision

⁹⁷ See International Seminar on Urban Form, *Spatial Planning in Germany*,

<https://internationalplanninglaw.net.technion.ac.il/files/2013/09/ISW-Spatial-Planning-Germany.pdf>.

⁹⁸ See Muentert, A.; Reimer, M., *Country Profile: Germany* (accessed Dec. 16, 2025), <https://www.arl-international.com/knowledge/country-profiles/germany/rev/3175>. See German Planning Glossary *supra* note 51 at 105-149 (Examples of various different types of German plans covering different levels of government and planning goals. Note the consistency of format and included detail.).

⁹⁹ Ludwig Scharmann, *Spatial Planning in Germany*, 7 (June 30, 2020), https://rainman-toolbox.eu/wp-content/uploads/2020/06/RAINMAN_Spatial-Planning_Germany.pdf (“The goals and principles defined by the federal level constitute a framework for the 16 states which in turn specify spatial development aims for state and regional planning. These in turn obtain a legally binding status as well. To ensure the compliance of local plans, state administration and dependent regional authorities have the prerogative to approve land use plans drawn up by local authorities. The states also engage in the coordination and approval of public and private infrastructure of some spatial relevance.”).

¹⁰⁰ See *supra* Part IV: Swiss Referenda and Constitutional Closure, notes 80-83.

¹⁰¹ See *AlpTransit Lessons Learnt supra* note 82 at 12-28.

¹⁰² Eur. Comm’n, *TEN-T Core Network Corridors*, https://transport.ec.europa.eu/other-pages/transport-basic-page/corridors_en.

¹⁰³ https://transport.ec.europa.eu/other-pages/transport-basic-page/rhine-alpine-core-network-corridor_en

¹⁰⁴ Eur. Comm’n, *TEN-T Core Network Corridors*, *supra* note 102.

As of 2024, the *projectbesluit* (project decision) is the Dutch tool for consolidating corridor-scale decisions for projects of national or regional significance.¹⁰⁵ The *projectbesluit* replaces earlier instruments such as the *inpassingsplan* but performs the same core function: centralizing all approvals for a major infrastructure project into a single integrated decision taken by the national government (for national or EU projects) or by the provincial government (for regional projects).¹⁰⁶ In one action, the project decision resolves inconsistencies among spatial plans, overrides conflicting municipal zoning, and incorporates environmental review, land-use conformity, and route approval. Downstream permits become implementational rather than opportunities to relitigate siting. Much like Germany’s Planning Approval Process,¹⁰⁷ the *projectbesluit* eliminates the dispersed, sequential veto points that characterize U.S. practice and instead organizes corridor routing decisions in one binding proceeding. In contrast to a NEPA or CEPA ROD, which is a retrospective record of analysis, a *projectbesluit* is a prospective, binding legal instrument.

In Switzerland, the binding act is political rather than administrative. Corridor choices fixed by statute or referendum cannot be reopened by courts, especially in cases where decisions are given binding constitutional force.¹⁰⁸ Political decisions about network alignments are made once and carried forward consistently even as detailed design evolves. This is corridor-scale closure through democratic authorization rather than administrative consolidation, but the effect is the same: alignment settled upfront, design and mitigation negotiated later.¹⁰⁹

Mitigation Within a Project Envelope

Once the corridor is established, the Netherlands uses “project envelope” decision-making in spatial plans and amendments. Instead of evaluating each parcel or design element in isolation, impacts are assessed across the overall envelope of the adopted spatial plan.¹¹⁰ Gains and losses across the area as a whole (for example, infrastructure or open space in one part of the

¹⁰⁵ See Rut Molenaar-Wingens et al., *The Project Decision*, Stibbe (Oct. 6, 2023), <https://www.stibbe.com/publications-and-insights/the-project-decision>.

¹⁰⁶ See *id.*; *Guide to the Permit Granting Process for Projects of Common Interest* 17 (RVO 2016), <https://www.rvo.nl/sites/default/files/2017/12/Handleiding%20PCI%202016%20engels.pdf>.

¹⁰⁷ See *supra* notes 51-57. Germany also engages in long-term national decision-making through infrastructure strategies such as the Bundesverkehrswegeplan 2030 (Federal Transport Infrastructure Plan). See *The 2030 Federal Transport Infrastructure Plan*, BMV (June 15, 2017), <https://www.bmv.de/SharedDocs/EN/Articles/G/federal-transport-infrastructure-plan-2030.html> (describing the plan as Germany’s central long-term federal transport infrastructure planning tool, with substantial investment prioritization through 2030); *Methodology Manual for the Federal Transport Infrastructure Plan 2030*, <https://www.bmv.de/SharedDocs/EN/Documents/G/federal-transport-infrastructure-plan-2030-en.pdf> (providing planning and investment context for the plan). Although some analyses criticize these plans for being overly optimistic or underfunded, their core function is to establish a corridor-level vision that downstream processes must follow. See Frank Fichert, *Transport Policy Planning in Germany – An Analysis of Political Programs and Investment Masterplans*, https://www.researchgate.net/publication/317236400_Transport_policy_planning_in_Germany-_An_analysis_of_political_programs_and_investment_masterplans.

¹⁰⁸ See *supra* notes 87-88.

¹⁰⁹ This paper argues that both political and administrative closure can be useful tools in the Connecticut infrastructure policymaker’s toolkit. See *infra* Recommendations: Scale.

¹¹⁰ In the Dutch case the project envelope approach seems to relate first to plan finances but can also be thought of in other cases. Spaans, *supra* note 95, at 3 (“The area-based comprehensive approach to spatial problems focuses far more than before on the quality of a larger project envelope as a whole rather than on various individual objectives.”).

corridor balanced by development or mitigation in another) make it easier to accommodate concerns without reopening the underlying siting decision.¹¹¹ Utrecht's decision to underground the A2 through Leidsche Rijn is an example of this adaptive flexibility inside a firm corridor commitment.¹¹² In both Germany and Switzerland, corridor commitments similarly do not eliminate local objections, but they confine them to mitigation, design refinement, and compensation.¹¹³ This preserves meaningful local participation while preventing siting disputes from destabilizing the larger public interest.

Within this stabilized spatial and legal envelope, Dutch area-development arrangements (*gebiedsontwikkeling*) play a complementary role. Municipalities and developers negotiate anterior agreements (*anterieure overeenkomsten*) that allocate costs, mitigation responsibilities, and land-value-capture contributions proportionally to the benefits each party receives from new infrastructure.¹¹⁴ Because the corridor alignment has already been resolved through the spatial plan and *projectbesluit*, these agreements focus on distribution and mitigation rather than siting, converting potential conflict into structured bargaining inside a shared framework. Canada's Impact Benefit Agreements operate similarly.¹¹⁵

Project-Level Atomization and Misaligned Corridor Planning

U.S. infrastructure planning fails to achieve the stability seen in the Netherlands or Switzerland because it systematically decouples political mandates from technical realities. While successful jurisdictions settle the "whether" and "where" questions in a binding corridor plan before permitting begins, U.S. processes attempt to solve vision, alignment, and detailed design simultaneously within the NEPA process. This mirrors the dynamic David Schleicher

¹¹¹ See Jelle van der Heijden et al., *The Dutch Planning Tradition: Retrospect and Prospect* 364 (2018), <https://www.tandfonline.com/doi/full/10.1080/14649357.2018.1478117> (noting that the traditional comprehensive approach in Dutch planning has become more rigidly procedural over time); *but see id.* ("However, recent analyses signal that this description of Dutch planning no longer holds," suggesting increasing procedural rigidity).

¹¹² See *Leidsche Rijntunnel (A2)*, Rijkswaterstaat, <https://www.rijkswaterstaat.nl/wegen/wegenoverzicht/a2/leidsche-rijntunnel-a2> (Neth.) (describing the tunnel constructed below the A2 motorway near Utrecht as part of local development and integration into surrounding neighborhoods); see also Frank van der Hoeven, *Landtunnel Utrecht at Leidsche Rijn: The conceptualisation of the Dutch multifunctional tunnel*, 25(5) TUNNELING AND UNDERGROUND SPACE TECHNOLOGY, <https://www.sciencedirect.com/science/article/pii/S0886779810000568#aep-section-id23> ("For the first time, the extending city and the expanding motorway were at odds with each other ... the city of Utrecht proposed its Master Plan Leidsche Rijn to contain the noise and air pollution of the A2 motorway with a 2-km tunnel").

¹¹³ See, e.g., *Germany Proposes Rhine Valley Rail Alternative; Will It Follow Through?*, RailFreight.com (Aug. 11, 2023), <https://www.railfreight.com/railfreight/2023/08/11/germany-proposes-rhine-valley-rail-alternative-will-it-follow-through/> (discussing alternative routing for a new Rhine Valley freight rail line); AlpTransit Lessons Learnt, *supra* note 82, at 36 (noting that 7% of FinöV funding went toward noise abatement); Urs Walker, *The Swiss Way to Silent Roads 2* (Inter-Noise 2014), https://www.acoustics.asn.au/conference_proceedings/INTERNOISE2014/papers/p343.pdf.

¹¹⁴ See *Platform International Experts in Planning Law, NL Case 2* (TU Delft), https://pure.tudelft.nl/ws/portalfiles/portal/71070548/Platform_International_Experts_in_Planning_Law_NL_case_1_8.11.2019.pdf.

¹¹⁵ See Irene Sosa & Karyn Keenan, *Impact Benefit Agreements Between Aboriginal Communities and Mining Companies: Their Use in Canada* (Can. Env't L. Ass'n Oct. 2001), <https://cela.ca/wp-content/uploads/2019/03/IBAeng.pdf>.

identifies in land use: a preference for *seriatim* project-level decisions that invites veto points and precludes coherent planning.¹¹⁶

This conflation of planning and permitting produces two distinct failure modes, illustrated by California's High-Speed Rail and Connecticut's NEC FUTURE corridor. In California, the state secured a political mandate without a defined technical envelope, leaving the actual alignment vulnerable to decades of litigation. Conversely, in the NEC FUTURE proceeding, federal planners produced a detailed technical alignment without securing a binding political mandate, allowing local opposition in towns like Old Lyme to shatter the corridor concept.¹¹⁷ These opposite errors confirm the same lesson: without a binding corridor-level decision that fuses political legitimacy with spatial specificity, infrastructure projects remain permanently vulnerable to fragmentation.

California's Proposition 1A demonstrates the fragility of political mandates that lack spatial specificity.¹¹⁸ Voters were asked to approve a high-speed rail concept before the state had settled the precise alignment,¹¹⁹ environmental record,¹²⁰ or funding.¹²¹ Consequently, the referendum provided neither spatial closure nor legal finality. Key portions of the system

¹¹⁶ Roderick M. Hills, Jr. & David N. Schleicher, *Balancing the "Zoning Budget"*, 62 CASE W. RESV. L. REV. 81 (2011) (proposing potential solution of zoning budgets). See also *supra* note 2.

¹¹⁷ See, e.g., Mary Ellen Godin, *CT DOT pushes back Middletown Route 9 signal project timeline, with end date set for 2032*, Middletown Press (Oct. 2, 2025) (describing local Chamber of Commerce opposition and project timeline extensions), <https://www.middletownpress.com/news/article/middletown-route-9-traffic-signal-project-delays-21075560.php>; see also Mary Ellen Godin, *Middletown mayor wants forum on Route 9 signal removal. DOT says not until late 2026*, Middletown Press (Oct. 11, 2025) (reporting continuing local debate over CT DOT's project), <https://www.middletownpress.com/news/article/middletown-route-9-traffic-signal-replacement-21088413.php>.

¹¹⁸ *C.f.* *Second Avenue Subway Phase 1*, MTA, <https://www.mta.info/project/second-avenue-subway-phase-1> (describing the completed Phase 1 extension of the Q line up to 96th Street as part of ongoing subway expansion work in New York City); see also *History Lesson: The Last Piece of the Interstate Highway System May Have Been the Toughest*, ASCE (Civil Eng'g Mag. Mar. 3, 2021), <https://www.asce.org/publications-and-news/civil-engineering-source/civil-engineering-magazine/issues/magazine-issue/article/2021/03/the-last-piece-of-the-interstate-highway-system-may-have-been-the-toughest> (noting the Interstate Highway System was declared complete in 1992, 36 years after initial 1956 approval).

¹¹⁹ The statute expressed "the intent of the Legislature ... and of the people ... to initiate the construction of a high-speed train system," but stopped short of committing to completion, limiting funds primarily to planning and engineering. See § 2704.04 ("It is the intent of the Legislature by enacting this chapter and of the people of California by approving the bond measure pursuant to this chapter to initiate the construction of a high-speed train system that connects the San Francisco Transbay Terminal to Los Angeles Union Station and Anaheim, and links the state's major population centers, including Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego consistent with the authority's certified environmental impact reports of November 2005 and July 9, 2008." "Net proceeds received from the sale of... bonds authorized pursuant to this chapter... shall be used for... planning and engineering for the high-speed train system.").

¹²⁰ See Tim Sheehan, *California high-speed rail: Why 2025 could make or break embattled bullet train project*, *The Fresno Bee* (Jan. 21, 2025) (providing an overview of the California high-speed rail process, challenges, funding issues, and current status), <https://www.fresnobee.com/news/local/high-speed-rail/article298478383.html>.

¹²¹ Bond proceeds covered roughly one-third of projected costs (\$9.95 billion of \$33 billion projected at the time, now a significant underestimate), and each segment could receive no more than 50 percent of its funding from state bonds, forcing reliance on uncertain federal and private partners. *Id.* See also *Proposition 1A: Safe, Reliable High-Speed Passenger Train Bond Act of 2008*, Cal. Sts. & High. Code § 2704.08(a) ("Proceeds of bonds... shall not be used for more than 50 percent of the total cost of construction of each corridor or usable segment thereof of the high-speed train system..."); Lee Ohanian, *California's High-Speed Rail Was a Fantasy From Its Inception*, Hoover Inst. (Mar. 8, 2023), <https://www.hoover.org/research/californias-high-speed-rail-was-fantasy-its-inception> (criticizing proposal as unrealistic). *C.f.* Swiss FinöV funding mechanism which occurred both later in the process (following completion of detailed plan and routing decisions) and was sufficient to fund the project. Scoping efforts prior to FinöV measure were out of general funds. See *supra* note 83.

remained open to CEQA¹²² and NEPA litigation because the specific route had never been legally fixed. Unlike the Swiss NRLA referenda, which were held only after decades of corridor planning had generated a settled alignment, California’s political approval preceded technical planning. This gap allowed opponents to argue that the project had changed or exceeded voter intent,¹²³ leaving the corridor vulnerable to the exact fragmentation the referendum was meant to avoid.¹²⁴ The result is a “plan” that remains mired in environmental clearance and litigation seventeen years after voters approved it.¹²⁵

If California illustrates the failure of a mandate without a plan, Connecticut’s NEC FUTURE experience illustrates the failure of a plan without a mandate. Here, the Federal Railroad Administration produced detailed technical planning, but political actors never endorsed a specific corridor strategy. Without a ratified corridor vision to shield the alignment, the technical plan proved unable to survive sustained local opposition.¹²⁶ Comparable patterns have slowed progress on the New England Clean Energy Connect (NECEC) transmission project and other multi-jurisdictional projects.¹²⁷ Without a corridor framework, disputes over siting, eminent domain, and regional equity become zero-sum contests rather than opportunities for negotiated resolution.

Ultimately, the U.S. approach relies on the hope that a corridor will emerge from a pile of independent project approval decisions. The comparative evidence suggests the inverse is required: approvals will most effectively emerge from a binding corridor plan.

VI. Recommendations

The comparative analysis indicates that jurisdictions with effective infrastructure review systems rely on fundamentally different institutional designs than the United States or states like Connecticut. Marginal adjustments will not solve Connecticut’s infrastructure crisis; the state needs a structural shift from adversarial fragmentation to administrative consolidation. That shift

¹²² A parallel, stronger “baby NEPA” statute to Connecticut’s CEPA.

¹²³ See *California Proposition 1A, High-Speed Rail Bond Measure (2008)*, *Ballotpedia*, [https://ballotpedia.org/California_Proposition_1A.High-Speed_Rail_Bond_Measure\(2008\)](https://ballotpedia.org/California_Proposition_1A.High-Speed_Rail_Bond_Measure(2008)) (showing the measure passed narrowly 52.6 % to 47.4 %).

¹²⁴ See, e.g., *Town of Atherton v. Cal. High-Speed Rail Auth.*, 228 Cal. App. 4th 314 (2014) (litigation over the routing of HSR through Pacheco Pass versus Altamont Pass); Kate Talerico, *CEQA Has a History of Derailing California’s High-Speed Rail*, *The Mercury News* (Apr. 20, 2025), <https://www.mercurynews.com/2025/04/20/ceqa-california-high-speed-rail/> (discussing CEQA litigation delaying the project).

¹²⁵ In contrast to the NRLA, which took approximately twenty-three years from funding approval to completion, California voters approved Proposition 1A more than twenty-three years ago, yet only 119 miles (approximately 24 percent) of the planned 494-mile Phase 1 route between San Francisco and Los Angeles are currently under construction, with an additional 31 miles still awaiting environmental clearance. See Sheehan, *supra* note 121; Cal. High-Speed Rail Auth., *2024 Draft Business Plan XII* (Feb. 2024), <https://hsr.ca.gov/wp-content/uploads/2024/02/2024-Draft-Business-Plan-020724-A11Y.pdf>.

¹²⁶ See Ana Radelat, *Amtrak Favors One Rail Overhaul Plan; Old Lyme Pans Another*, *CT Mirror* (July 28, 2016), <https://ctmirror.org/2016/07/28/amtrak-favors-one-rail-overhaul-plan-old-lyme-pans-another/>; Kyle Constable, *Opponents Organizing to Derail New Route for High-Speed Trains*, *CT Mirror* (Aug. 12, 2016), <https://ctmirror.org/2016/08/12/opponents-organizing-to-derail-new-route-for-high-speed-trains/>; Radelat, *supra* note 39, *His Grassroots Rebellion Stops a Federal Railroad Plan in Its Tracks*.

¹²⁷ See Stephen Singer, *Mass. Regulators Say NECEC Delays in Maine Drove Up Costs by More Than \$500 Million*, *Portland Press Herald* (Jan. 27, 2025), <https://www.pressherald.com/2025/01/27/mass-regulators-say-neccec-delays-in-maine-drove-up-costs-by-more-than-500m/> (discussing costs of NECEC delays in Maine).

can be guided by lessons from abroad and from the federal government's FAST-41 reforms.¹²⁸ The following recommendations are structured to address three dimensions of the current failure: *consolidation* (who decides?), *closure* (how and when is conflict resolved?), and *scale* (what is covered by the decision?).

These levers are complementary and target the breakdowns in Connecticut's current process. Consolidation creates a single record and decision to which preclusion can attach; closure makes that decision durable; corridor-scale planning ensures the durable decision is made at the corridor level rather than through serial permits. Connecticut could adopt elements incrementally, but the largest gains come from applying the full package to a defined set of major projects.

Permitting reforms often become politically viable when they are attached to highly salient infrastructure needs rather than defended as abstract process reform. FAST-41, one of the most important recent federal procedural reforms, was enacted in 2015 as part of the Fixing America's Surface Transportation Act, a broader transportation funding bill whose primary function was the multi-year authorization of highway and transit spending.¹²⁹ By embedding permitting reforms in a broader infrastructure package, Congress reduced the political salience of procedural reform as a standalone fight. FAST-41 was also framed in terms that made opposition more difficult: it did not repeal NEPA, but instead created coordination, transparency, and timetable-management tools for covered infrastructure projects. Governor Josh Shapiro's emergency response to the 2023 I-95 collapse illustrates a related dynamic: crisis conditions can justify temporary procedural acceleration, and visible success can then be used to argue for making some of those practices permanent.¹³⁰ International reforms reflect a similar pattern, with Canada and the United Kingdom both creating special processes for nationally significant or national-interest projects.¹³¹ For Connecticut, the most plausible transition path may therefore be to begin with a narrow category of state-critical infrastructure projects, apply consolidated review and closure rules to those projects first, and use successful delivery as a demonstration case for broader reform. That sequencing would also make the legal tradeoff more defensible: covered projects would receive more structured and visible public participation at the front end in exchange for greater finality once the state has made a decision.

¹²⁸ See *supra* notes 44-45.

¹²⁹ See Fixing America's Surface Transportation Act, Pub. L. No. 114-94, 129 Stat. 1312 (2015), <https://www.congress.gov/bill/114th-congress/house-bill/22>; FAST-41 Program, Fed. Permitting Improvement Steering Council, <https://www.permittting.gov/projects/title-41-fixing-americas-surface-transportation-act-fast-41> (describing FAST-41 as a process for improving federal agency coordination and timeliness without changing statutory or regulatory requirements, environmental law, review processes, or public-involvement procedures).

¹³⁰ See Josh Shapiro, We Fixed I-95 in 12 Days. Here Are Our Lessons for U.S. Infrastructure, *Wash. Post* (July 16, 2023), <https://www.washingtonpost.com/opinions/2023/07/17/interstate-95-repair-infrastructure-shapiro-pennsylvania/>; ICYMI: Governor Shapiro Highlights Lessons From I-95 Collapse, Vision for Rebuilding America's Infrastructure in New Op-Ed in The Washington Post, Commonwealth of Pa. (July 17, 2023), <https://www.pa.gov/governor/newsroom/2023-press-releases/icymi--governor-shapiro-highlights-lessons-from-i-95-collapse--v>.

¹³¹ See Building Canada Act, S.C. 2025, c. 2; Bill C-5, One Canadian Economy Act, 45th Parl., 1st Sess. (Can. 2025), <https://www.parl.ca/legisinfo/en/bill/45-1/c-5>; Building Canada Act – Projects of National Interest, Gov't of Can., <https://www.canada.ca/en/one-canadian-economy/services/building-canada-act-projects-national-interest.html>; Planning Act 2008, c. 29, pt. 3 (UK); *Planning for Nationally Significant Infrastructure Projects*, House of Commons Libr. (July 8, 2024), <https://commonslibrary.parliament.uk/research-briefings/sn06881/>; *c.f.* Revision of Environment and Planning Laws, Gov't of the Neth., <https://www.government.nl/topics/spatial-planning-and-infrastructure/revision-of-environment-planning-laws/>.

Consolidation: Who Decides?

Infrastructure projects in Connecticut face a challenge answering the question of "who decides," with scattered authority shared by a variety of federal, state, and local agencies. This gives opponents many levers for attacking a given project and requires more time and energy focused on complying with a broader range of laws and regulations. To resolve this, Connecticut can start to consolidate authority into a single forum that can issue a binding determination, at least for state and local approvals.

To operationalize consolidation, Connecticut should transform the CSC into a true "Infrastructure Planning Board" of first instance, modeled on the German Planning Approval Procedure.¹³² This requires expanding the CSC's jurisdiction beyond energy and telecommunications to encompass all major infrastructure of statewide or national significance. Crucially, the legislature must mandate a consolidated docket: all state and local environmental permits should be processed concurrently within a single CSC proceeding.¹³³ This ensures that technical and environmental trade-offs are weighed in a comprehensive decision rather than litigated sequentially. Such a mandate requires capacity; the state must transition the CSC from a part-time board to a body of full-time, paid professionals with the in-house environmental, engineering, and planning expertise necessary to manage complex adjudications without becoming a bottleneck.¹³⁴

Connecticut reforms must operate against an often-duplicative federal backdrop. For projects that undergo rigorous federal NEPA review, Connecticut must eliminate duplicative state hurdles through legislative amendment of CEPA to grant reciprocity to federal reviews.¹³⁵ Specifically, if a project receives a federal ROD and meets state technical standards, Connecticut should deem its own environmental impact review requirements satisfied. To address the incremental challenges of ultra-broad Protection Act standing, the legislature should establish that a federal ROD or state adequacy determination creates a rebuttable presumption that the project causes no "unreasonable pollution, impairment or destruction" under § 22a-19. Additionally, the Governor should be empowered to designate specific projects as "Critical State Infrastructure," a status that suspends private rights of action under the Protection Act and limits enforcement exclusively to the Attorney General and regulatory agencies.¹³⁶

Closure: How and When is Conflict Resolved?

The incremental lack of finality in Connecticut is driven primarily by the open-ended intervention allowed by the Protection Act.¹³⁷ To achieve the stability seen in Germany and

¹³² See *supra* notes 51-57. This sounds in the CSC's original purpose. See *supra* notes 34, 37.

¹³³ Note that while Connecticut has a relatively strong culture of *de facto* local autonomy, Connecticut law provides much less *de jure* protection for municipal autonomy. This proposal might trigger political pushback but is relatively consistent with current law. See generally Conn. Advisory Comm'n on Intergovernmental Relations, *Home Rule and Local Control in Connecticut* (Jan. 2022), https://portal.ct.gov/-/media/acir/misc_reports/2022/home_rule_and_local_control_in_ct_2022-02-04.pdf.

¹³⁴ See *supra* note 36 (discussing limited CSC resources). See also *supra* notes 8-9 (discussing resource constraints as limiting federal government throughput for NEPA review).

¹³⁵ This could apply to all NEPA projects or only those requiring a full EIS.

¹³⁶ *C.f.* Ken Knickerbocker, *I-95: What We Learned*, MONTCO.Today (July 24, 2023), <https://montco.today/2023/07/josh-shapiro-i-95-what-we-learned/>.

¹³⁷ See *supra* Part II: Fragmented Public Input Under Connecticut Environmental Laws.

Canada, Connecticut must channel dissent into the administrative phase. The state should adopt a strict issue exhaustion rule akin to the German *Ausschlusswirkung*.¹³⁸ If a plaintiff-intervenor failed to raise a specific objection during the administrative public comment period, they should be barred from raising it in subsequent litigation. Furthermore, while CEPA appeals have a 45-day statute of limitations,¹³⁹ the Protection Act effectively has none as challenges can be raised as long as unreasonable environmental harm can be alleged. These should be harmonized: after the 45-day window closes, compliance with the administrative approval should operate as a bar to Protection Act suits, preventing opponents from holding legal challenges in reserve to delay construction.

Currently, minor procedural defects can be weaponized to vacate entire approvals. The legislature should codify an optional “harmless error” or “remand without vacatur” standard for infrastructure litigation. Courts should be empowered to order specific mitigation or additional analysis for identified flaws without vacating the project approval or halting construction. This mirrors the German doctrine of *Planerhaltung* (plan maintenance), treating the approval as a durable framework that can be corrected rather than a fragile permit that must be perfect to survive. This shift creates incentives for parties to voice concerns early in the administrative forum, making the final outcome more legitimate, in sharp contrast to the current dynamic where minority interest groups, such as the residents of Old Lyme, can hold socially beneficial projects hostage through procedural attrition.

Scale: What is Covered by the Decision?

Finally, to solve the problem of atomization, Connecticut must move political conflict upstream, resolving the “whether” and “where” questions at the corridor level before individual segments are permitted. For generational investments like the Northeast Corridor or the state’s plan to reduce rail travel times in southwestern Connecticut,¹⁴⁰ the state should utilize legislative “Key Decisions” or referenda to fix route alignments.¹⁴¹ Once a corridor is ratified by the General Assembly or voters, the alignment itself should be legally immune from site-specific challenges.¹⁴² Future review must be limited to design refinement and mitigation within this approved planning “envelope.”¹⁴³ This aligns with the Dutch model, where the spatial planning governs and informs downstream permitting.

The state should give more weight and deference to approved corridor level plans once they have received a political commitment (either statutory or via referendum), even if precise details were not included, as a way of allowing the state to agree on principles. This power could be extended to regional plans created by Councils of Governments (COGs) or other groups of state actors or agencies. If a project conforms to an adopted corridor plan, then it could get some

¹³⁸ See *supra* note 69.

¹³⁹ Conn. Gen. Stat. § 4-183 (Uniform Administrative Procedure Act).

¹⁴⁰ See *Time for Connecticut*, <https://timefortct.com/>; *NEC FUTURE: The Future of the Northeast Corridor*, Fed. R.R. Admin., <https://www.fra.dot.gov/necfuture/>.

¹⁴¹ See Terry Adams, *Connecticut Referenda Law*, Conn. Gen. Assemb. Rsch. Rep. No. 2019-R-0151 (Sept. 18, 2019), <https://www.cga.ct.gov/2019/rpt/pdf/2019-R-0151.pdf> (summarizing that Connecticut permits advisory and constitutional referenda but not binding statutory referenda).

¹⁴² See generally *Regulatory Takings: General Doctrine*, U.S. Const. Annotated (Cornell L. Sch. Legal Info. Inst.), <https://www.law.cornell.edu/constitution-conan/amendment-5/regulatory-takings-general-doctrine>.

¹⁴³ *C.f.* discussion of David Schleicher’s work on zoning budgets, *supra* notes 2, 117.

higher level of deference, giving reviewers only the power to condition it on reasonable design modifications rather than fully reject the project, barring some failure in the overall plan.

Going It Alone?

Reforming Connecticut's internal processes is necessary, but likely insufficient to achieve more than incremental improvement without federal cooperation. Given the supremacy of NEPA in major infrastructure projects, no state can solve American regulatory fragmentation on its own. Indeed, as long as Connecticut and the federal government maintain separate environmental rules, fragmentation is inherent, in addition to any internal fragmentation in federal law that Connecticut has no control over. However, because the reforms proposed here are designed to interface cleanly with emerging federal trends they are worth pursuing ahead of federal reform or even in its absence.

Federal initiatives like FAST-41 have already begun to move toward the types of consolidation and timeline management identified in this paper. By creating a robust "Planning Approval Procedure" and "Critical Infrastructure" designation, Connecticut positions itself to take full advantage of federal streamlining. Furthermore, by establishing clear corridor plans (like a revisited NEC FUTURE) through a multi-step process of political consensus followed by protected implementation, the state can provide the certainty that federal partners require.¹⁴⁴

Regardless, Connecticut cannot wait for Congress to fix the American infrastructure crisis. By consolidating its own bureaucracy, closing the door on open-ended litigation, and planning at the scale of the corridor, the state can make incremental improvements to infrastructure outcomes while generating institutional models and political precedents that provide a template for future federal reform.

VII. Conclusion

State and national infrastructure approval procedures impose major costs on building infrastructure in Connecticut due to fragmentation, insufficient closure, and atomization. By drawing on lessons from abroad, Connecticut can enable better, fairer, and faster decisions on key infrastructure projects, as well as housing and other areas plagued by similar issues. The transition to that system need not happen all at once: Connecticut can begin with a narrow class of state-critical projects, prove that consolidated review can improve delivery while preserving meaningful participation, and then expand from that foundation. State laws that enshrine adversarial legalism and enable multi-dimensional delay require rationalization, with the goal of creating a system where the public is heard meaningfully, the state decides once, and the infrastructure necessary for the future gets built.

¹⁴⁴ Cf. Roderick M. Hills, Jr., *The Political Economy of Cooperative Federalism: Why State Autonomy Makes Sense and "Dual Sovereignty" Doesn't*, 96 MICH. L. REV. 813 (1998). Stability may also help Connecticut secure more federal funding for infrastructure.