

TRUMP ADMINISTRATION SEEKS INPUT ON RED TAPE TO CUT TO SPEED INFRASTRUCTURE PROJECTS

Date: 13 June 2017

Public Policy and Law Alert

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The U.S. Department of Transportation ("DOT" or "Department") is seeking input from stakeholders on the regulatory and administrative burdens that impede transportation infrastructure projects. According to a notice published in the *Federal Register* last week, the DOT aims to learn about "requirements that [it] imposes through rules, or interpretations found in policy statements or guidance documents, that unjustifiably delay or prevent completion of surface, maritime, and aviation infrastructure projects." This request for input is a significant opportunity for stakeholders to highlight areas that would benefit from deregulation or streamlining. The K&L Gates transportation and infrastructure policy team is available to assist in the evaluation of current regulatory burdens and in responding to DOT's request. Responses are due by July 24, 2017.

In a blog post announcing the request for input, DOT Secretary Elaine Chao said that the Department is "requesting input because public and private project sponsors, engineering and construction professionals, related industry organizations, and other transportation stakeholders are likely to have valuable direct experience with the Department's requirements. That experience supplements the Department's employees' expertise and may help identify when a requirement has become an unnecessary obstacle." The announcement dovetailed with a week of other infrastructure-related policy announcements from the Trump administration, which also focused on ways to expedite infrastructure permitting.

Stakeholders are encouraged to submit comments that specifically identify the policy statement, guidance document, regulation, or statute at issue, as well as the obstacles it presents to infrastructure development. Submissions should also include suggestions of less burdensome alternative approaches to regulation, as well as examples of affected projects. The scope of the guidance extends to regulations, policy statements, and other guidance documents issued by the Office of the Secretary of Transportation, as well as the various modal administrations within DOT. [1] While the Department's focus is on administrative issues that can be resolved without legislation, DOT is also open to receiving suggestions as to statutory changes that could help accomplish the goals of the notice.

DOT's efforts in this area are part of the Trump administration's broader regulatory reform agenda. Consistent with the President's executive order "*Enforcing the Regulatory Reform Agenda*," the Department has also formed a Regulatory Reform Task Force led by DOT Deputy Secretary Jeff Rosen to evaluate burdensome regulations. The announcement of a parallel process focused on transportation infrastructure projects is a reflection of both the Department's desire for "real-world" input from stakeholders, as well as the priority that the administration has placed on infrastructure development.

Notes:

[1] Including, the Federal Aviation Administration ("FAA"), the Federal Highway Administration ("FHWA"), the Federal Railroad Administration ("FRA"), the Federal Transit Administration ("FTA"), the Maritime Administration ("MARAD"), and the Pipeline and Hazardous Materials Safety Administration ("PHMSA").

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