

13 June 2017

Practice Groups:

Public Policy and Law

Construction and Engineering

Infrastructure

Energy & Infrastructure Projects and Transactions

Projects/Public Private Partnerships

Transportation Finance

Trump Administration Seeks Input on Red Tape to Cut to Speed Infrastructure Projects

By Stephen A. Martinko, Frank L. Bigelis, and Peter V. Nelson

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

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”).

Trump Administration Seeks Input on Red Tape to Cut to Speed Infrastructure Projects

Department's desire for "real-world" input from stakeholders, as well as the priority that the administration has placed on infrastructure development.

Authors:

Stephen A. Martinko

stephen.martinko@klgates.com
+1.202.778.9320 (Washington)
+1.412.355.6206 (Pittsburgh)

Frank L. Bigelis

frank.bigelis@klgates.com
+1.305.539.3320

Peter V. Nelson

peter.nelson@klgates.com
+1.202.778.9358

K&L GATES

Anchorage Austin Beijing Berlin Boston Brisbane Brussels Charleston Charlotte Chicago Dallas Doha Dubai
Fort Worth Frankfurt Harrisburg Hong Kong Houston London Los Angeles Melbourne Miami Milan Munich Newark New York
Orange County Palo Alto Paris Perth Pittsburgh Portland Raleigh Research Triangle Park San Francisco São Paulo Seattle
Seoul Shanghai Singapore Sydney Taipei Tokyo Warsaw Washington, D.C. Wilmington

K&L Gates comprises approximately 2,000 lawyers globally who practice in fully integrated offices located on five continents. The firm represents leading multinational corporations, growth and middle-market companies, capital markets participants and entrepreneurs in every major industry group as well as public sector entities, educational institutions, philanthropic organizations and individuals. For more information about K&L Gates or its locations, practices and registrations, visit www.klgates.com.

This publication is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer.

© 2017 K&L Gates LLP. All Rights Reserved.