

INSIGHTS

DOT Requests Input Regarding Burdensome Regulatory Requirements

June 9, 2017

By: [Catherine D. Little](#), [Annie Cook](#) and [Mandi Moroz](#)

As part of his [regulatory reform agenda](#), President Donald Trump instructed federal agencies to review their regulations to identify requirements that burden businesses and industry. See [EO 13771](#) and [EO 13777](#). In order to comply with these directives, on June 8, 2017, the U.S. Department of Transportation (DOT) [requested](#) public comments to identify statutes, rules, regulations, and interpretations in policy statements or guidance “that unjustifiably delay or prevent completion of surface, maritime, and aviation transportation infrastructure projects.”

In its request, DOT asked commenters to make specific references to the rules, policy statements, guidance, or statutes they believe impose regulatory burdens. The Department also requested that commenters specifically identify the burden caused, and describe in detail alternative approaches that would be less burdensome. Additionally, DOT requested that commenters point to specific projects that have been or will be negatively impacted by burdensome requirements, or projects that would benefit from having particular requirements removed or revised.

Included in the request’s scope are regulations, policy statements, guidance documents, and other requirements issued by the Office of the Secretary of Transportation (OST), the Pipeline and Hazardous Materials Safety Administration (PHMSA), the Federal Aviation Administration (FAA), the Federal Highway Administration (FHWA), the Federal Railroad Administration (FRA), the Federal Transit Administration (FTA), and the Maritime Administration (MARAD). Comments in response to DOT’s request should be filed on or before July 24, 2017.

Industry should take this as an opportunity to highlight certain laws, policy statements and guidance that impede and delay infrastructure projects and propose alternative approaches. Prior executive directives and laws passed under the Obama administration have likewise focused on expediting transportation infrastructure projects, but delays and challenges remain across a complicated regulatory landscape. This DOT request for comments, issued during “Infrastructure Week,” could lead to revision or rescission of certain DOT rules and approvals applicable to construction of transportation infrastructure.