



# Top Disruptor #1: Project Determination

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# Why Regulatory Reform is Necessary

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- Projects currently take anywhere from 9 – 19 years (GAO)
- 200 steps from planning to pavement
- Multiple regulatory regimes (NEPA, CAA, CWA, non-environmental regulations)

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# Real Damages

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- \$87,000/month for small projects (e.g. reconstruction)
- \$420,000/month for medium projects (e.g. widening)
- \$1,300,000/month for large projects (e.g. new roads)
  - Texas A&M Transportation Institute (March 2016)

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# Support for Regulatory Reform is There

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- Reform has been a goal of past 4 reauthorization bills
- Priority for Trump Administration, multiple EOs
- Bipartisan support for reducing regulatory burdens

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# Building on Progress

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- Concurrent reviews
- Planning documents in NEPA
- Expansion of CE use
- NEPA delegation
- One Federal Decision

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# Results

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- Emergency Situation CE – Skagit River Bridge
- Existing Right of Way CE – Used heavily by TXDOT
  - Used on project that would have otherwise required a 3-year EA
- NEPA delegation showing results

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# NEPA Delegation in California

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- Draft EA - time savings of 10.7 months
- Final EA and FONSI - time savings of 11.5 months
- Draft EIS - time savings of 22.9 months, and
- Final EIS - time savings of 130.8 months—nearly 11 years

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# NEPA Delegation in Florida, Ohio and Texas

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- Florida – Annual savings of \$22 million and 25% reduction in delay
- Ohio - \$17 million saving in 2 years
- Texas – Average EA time shrunk from 30 to 18 months



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# Impact of Regulatory Success in Other Areas

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- Proprietary products
  - New products which could reduce delay will be available
- WOTUS
  - Reduction in time associated with confusion over 404 permits
- ESA
  - Reduction in delay from overbroad critical habitat designation

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# Impact of Regulatory Success in Other Areas

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- NEPA Improvements
  - Page limits on EISs and EAs could lead to quicker decisions
  - More NEPA improvements coming from CEQ
- HOS revisions
  - Allowing jobs to be completed without workers “timing out.”

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# More Work on the Silica Rule

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- OSHA Information Request on “Table 1”
- Inclusion on “Table 1” makes compliance easier
- “Table 1” lists specific activities, what is needed for compliance
- ARTBA, industry allies recommended expanding “Table 1”

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# DOT-Specific Reforms

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- Guidance review – ARTBA comments highlighted DBE, Buy America and fiscal constraint (which was addressed in ATIA)
- Page limits on EIS, EA
- Moving ahead on “One Federal Decision”

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# Challenges

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- Silica rule workability
- CA regulatory battle
- Court challenges to reforms
- Next administration/Congress attempts to undo reforms

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# Questions?

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