

Produced by the Coalition for America's Gateways & Trade Corridors

| Proposed Solution | MAP-21 Reform Description <small>Signed into Law 07/6/2012</small> | MAP-21 Implemented? | FAST Reform Description <small>Signed into Law 12/4/2015</small> | FAST Implemented? | President Trump Executive Order Permit Reform Description <small>Published 8/15/2017</small> | EO Implemented? | WH Infrastructure Plan Permit Reform Description <small>Published 2/12/2018</small> |
|--|--|---|---|---|--|--|--|
| Lead Agency | Created efficient environmental reviews for project decision-making; required "guidance on designation on lead agency for multimodal project, efficient environmental reviews, and environmental approaches" | This provision dealt only with USDOT modal administrations and was superseded by changes to 23 U.S.C. 139 by the FAST Act | Sec. 1304 and FAST-41 called for a facilitating agency to identify and invite all necessary Federal agencies to be a participating, or cooperating, agency | Guidance on this was established in the OMB & CEQ FAST-41 guidance document in Section 3.3 | President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure called for "One Federal Decision" with a single lead Federal agency. For NEPA: lead agency & other cooperating agencies will issue one Record of Decision (ROD) | 04/09/18 12 Federal agencies signed a Memorandum of Understanding (MOU) implementing President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process. Agreed to establish a "One Federal Decision" with a lead Federal agency and single ROD | Establish a "one agency, one decision" environmental review structure |
| | Gave the Secretary the lead role among Federal agencies in carrying out the environmental review process for surface transportation projects | | Sec. 1304 streamlined the environmental review process for projects that fall under 23 U.S.C. 139; authorized sponsor to request a specific administration to serve as lead agency | Rulemaking proposed | | | |
| Early Screening | Authorized combined FEIS/ROD | Effective upon enactment | FAST-41 improved early and substantive engagement among agencies during the environmental review process | Guidance on this was established in the OMB & CEQ FAST-41 guidance document in Section 4.2 | | | |
| | | | Sec. 1313 required USDOT to develop an environmental checklist | Developed | | | |
| Federal-State Coordination | Called for assistance to Federal & state agencies on coordination | In progress | FAST-41 required the Federal Permitting Improvement Council to develop best practices for improving Federal/non-Federal government coordination | 12/1/17 Council released the "recommended best practices for environmental reviews and authorizations for infrastructure projects for fiscal year 2018" | | | Broaden the NEPA assignment program to include other determinations, such as those regarding flood plain protection noise policies and air quality conformity determinations |
| | Gave state assumption of responsibility for categorical exclusions | Completed guidance on the assumption | Sec. 1309 called for a State Pilot Project on NEPA that allows up to five states that have assumed NEPA responsibility to use their own State laws and regulations to conduct environmental reviews and approvals | | | | Expand the DOT NEPA assignment program to other agencies beyond FHWA, FTA and FRA |
| | Made the NEPA Assignment program permanent and expanded the program to include all states as well as transit, rail and multimodal projects | As of 01/2018, six states had assumed NEPA responsibilities for highway projects. CA is pursuing Assignment for high-speed rail | | | | | Allow states to assume FHWA responsibility for right-of-way acquisition approvals |
| | Directed the Secretary to identify opportunities for project sponsors to assume Federal responsibilities of NEPA | | | | | | |
| Standardization Across Agencies | | | Sec. 11503 and Sec. 1303 gave the Secretary the authority to extend the environmental review process that applies to highways & transit to some railroad & multimodal projects | Rulemaking proposed | President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure called for an average two-year goal for the environmental review process across all agencies | 04/09/18 12 Federal agencies signed a Memorandum of Understanding implementing President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process. Agreed to establish a "One Federal Decision" and directed the lead Federal agency to establish timelines, with a goal of process completion within two years | Apply FAST Act Streamlining Provisions to Rail Projects including those under the authority of non-DOT agencies |

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| | | | Sec. 1310 allowed any USDOT operating administration to use a categorical exclusion of another operating administration | | President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure called on the CEQ to ensure all environmental reviews and decisions are conducted in "a manner that is concurrent, synchronized, timely and efficient" | 04/09/18 12 Federal agencies signed a Memorandum of Understanding implementing President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process. Agreed to establish a "One Federal Decision" and directed the lead Federal agency to move the project through all necessary Federal permits and work with other relevant agencies concurrently to speed the process | Allow any Federal agency to use a categorical exclusion that has been established by another Federal agency | |
| | | | | | | | Allow all federal agencies for infrastructure projects to opt into highway and transit streamlining procedures | |
| | | | | | | | Require the CEQ to issue regulations to streamline the NEPA process | |
| | | | | | | | Clarify that MPOs need only conform to the most recent National Ambient Air Quality Standard | |
| Collaboration Across Agencies | Called for memoranda of agency agreements for early coordination | Completed guidance on the memoranda; rulemaking has been deleted | FAST-41 required the creation of a Federal Permitting Improvement Steering Council. Council must meet at least annually | Council has been created; executive director position is unfilled | | | Require a single environmental review document and single record of decision, coordinated by lead agency | |
| | Called for each Federal agency to cooperate with the Secretary to expedite the environmental review process for surface transportation projects | | FAST-41 requires the lead agency to work with cooperating agencies to develop a Coordinated Project Plan, which lists the roles and responsibilities of all involved entities | Agencies have developed the Coordinated Project Plans | President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure directed the CEQ to develop a list of actions it will take to enhance and modernize the environmental review process and to ensure optimal interagency coordination | CEQ published list on 09/14/17 | Focus federal resource agencies' authority to comment on portions of the NEPA analysis to areas relevant to their special expertise or jurisdiction | |
| | | | FAST-41 improved early and substantive engagement among agencies during the environmental review process | Guidance on this was established in the OMB & CEQ FAST-41 guidance document in Section 4.2 | | | | Reduce inefficiencies in the Magnus Stevens Act and make NMFS consultation changes |
| | | | Sec. 1304 required, to the extent practicable, a single NEPA document prepared by the USDOT lead agency to satisfy all requirements of cooperating agencies | | | | | |
| | | | Both FAST-41 and Sec. 1304 allowed the lead agency to invite other agencies into review process within 45 days | | Guidance on this was established in the OMB & CEQ FAST-41 guidance document in section 4.13 | | | |
| Concurrent Reviews | | | Sec. 1313 required USDOT to develop a process to conduct coordinate and concurrent environmental reviews and permitting within one year of FAST Act passage | | President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure called on the CEQ to ensure all environmental reviews and decisions are conducted in "a manner that is concurrent, synchronized, timely and efficient" | 04/09/18 12 Federal agencies signed a Memorandum of Understanding implementing President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process. Agreed to establish a "One Federal Decision" and directed the lead Federal to move the project through all necessary Federal permits and work with other relevant agencies concurrently to speed the process | Allow for design-build contractors for highway projects to conduct final design activities before NEPA is complete | |
| | | | | | | | Allow for advance acquisition and preservation of rail rights-of-way before NEPA is complete | |

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| Tracking and Transparency | Directed the Secretary to establish a learning house for the collection, documentation and advancement of existing and new innovative approaches and best practices | As of 11/2016 Secretary had identified best practices | FAST-41 required the Federal Permitting Improvement Council to develop best practices on increasing transparency | 12/1/17 Council released the "recommended best practices for environmental reviews and authorizations for infrastructure projects for fiscal year 2018" | President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure directed the CEQ to develop a list of actions it will take to enhance and modernize the environmental review process | CEQ published list on 09/14/17 | Establish deadlines for approvals and for enforcement measures |
| | Directed the Secretary to disseminate info through a variety of means to stakeholders on new innovative approaches and best practices | As of 11/2016 Secretary had released guidance | FAST-41 required the Federal Permitting Improvement Council to maintain an online Permitting Dashboard to track the status of reviews and authorizations | Dashboard has been created | President Trump's EO also established a 2-year goal for completing environmental reviews and makes that goal a cross-agency priority (CAP) goal under the Government Performance and Results Act. Agencies will be assessed against this CAP goal by the OMB director and may be subject to funding cuts if performance is not adequate | 04/09/18 12 Federal agencies signed a Memorandum of Understanding implementing President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process. A lead Federal agency will work with all other relevant agencies throughout the process | Establish guidelines regarding when new studies and data are required in environmental reviews |
| | | | FAST-41 required the Federal Permitting Improvement Council must submit a report on the progress of Title 41 annually | 04/14/17 Council submitted FY16 Report to Congress | | | |
| | | | Sec. 1304 expanded the public dashboard to provide transparency to the review of transportation projects | Dashboard has been created. 03/8/17 OMB & CEQ guidance created framework for tracking projects on the Dashboard | | | |
| Tools & Education | | | FAST-41 required the Federal Permitting Improvement Council to develop best practices on creating training materials | FPIC has issued various reports on best practices, including ones of guidance for agencies to carry out their FAST-41 responsibilities and for tracking projects on the Dashboard | | | Allow federal agencies to accept funding from non-federal entities to support the permitting process |
| | | | Expanded authority for liaison program under 23 U.S.C. 139(j), allowing any sponsor receiving USDOT funds to direct a portion of those funds to pay for staff at resource agencies to accelerate environmental reviews | | | | |
| | | | Sec. 1307 required USDOT to provide training and technical assistance to states to help them determine whether certain designed activities can be categorically excluded | | | | |
| | | | Sec.1441 created a Regional Infrastructure Accelerator Demonstration Program | | | | |
| Established Time Period for Milestones & Issuance | Called for accelerating completion of complex projects within 4 years and for guidance on enhanced assistance for complex projects | Deleted rulemaking but guidance in progress | FAST-41 required the Federal Permitting Improvement Council to develop recommended performance schedules (reviewed every two years), including intermediate and final completion dates. Environmental review or authorization must be issued within 180 days of the date the applicant provides all necessary information | Published recommended performance schedules on 01/18/17 | President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure called for a predictable schedule and for an established timetable for reviews and authorizations | 04/09/18 12 Federal agencies signed a Memorandum of Understanding implementing President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process. The lead Federal agency was directed to establish timelines | Establish a firm 21 month deadline for lead agencies to complete environmental reviews; establish a 3 month deadline from when the lead agency makes its record of decision for other Federal agencies to make decisions with respect to necessary permits |

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| | Called for accelerated decision-making. Also required a report to Congress and guidance on dispute resolution | Completed guidance on dispute resolution; completed report to congress; deleted rulemaking on dispute resolution | Sec. 1304 gave USDOT 45 days to decide whether to initiate the environmental review process; 45 days to respond to a request to designate a specific modal administration as the lead; 45 days to identify other agencies to participate; and 90 days to develop a plan to coordinate the gathering of comments | | President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure called for an average two-year goal for the environmental review process | 04/09/18 12 Federal agencies signed a Memorandum of Understanding implementing President Trump's EO on Establishing Discipline and Accountability in the Environmental Review and Permitting Process. Agreed to establish a "One Federal Decision" and directed the lead Federal agency to establish timelines, with a goal of process completion within two years | |
| Finite Challenge Period | Called for accelerated decision-making. Required a report to Congress and Guidance on dispute resolution | Completed guidance on dispute resolution; completed report to congress; deleted rulemaking on dispute resolution | FAST-41 required that entities making claims against an authorization must file their claim within two years of the date of publication in the Federal Register of the final record of decision instead of the previously mandated six. Must have previously put the lead agency on notice of the issue at hand during the review process | | | | Shorten the statute of limitation for lawsuits on rail projects to 150 days |
| | Combined FEIS/ROD. Eliminated the 30-day "cooling off" period following an FEIS before an agency can file a ROD | Effective upon enactment | | | | | Revise the statute of limitations for federal infrastructure permits or decisions to 150 days |
| | Called for accelerated decision-making in environmental reviews | Completed guidance (both USDOT and OST); regulation in progress | | | | | |