



CAGTC

Coalition for America's
Gateways & Trade Corridors

Leslie Blakey, President

**PNWER 2018 Annual Summit:
Project Delivery Reform**

Spokane, WA



**THE NORTHWEST
SEAPORT ALLIANCE**
Gateway to Solutions

Who is CAGTC?



**THE PORT
AUTHORITY
OF NY & NJ**



**FLORIDA
PORTS
COUNCIL**



**ILLINOIS
SOYBEAN
ASSOCIATION**



Dewberry



IANA



Existing Permit Requirements

- ▶ Lengthy & uncertain project approval processes increase project costs and serve as a disincentive to private investment



Congress & Administration Recognize Inefficiencies, Attempt Reform

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

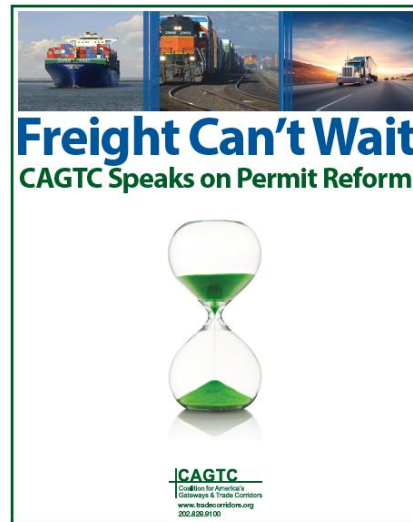
Proposed Solution	MAP-21 Reform Description <small>Repealed Law 113(2012)</small>	MAP-21 Implemented?	FAST Reform Description <small>Repealed Law 113(2012)</small>	FAST Implemented?	President Trump Executive Order Permit Reform Description <small>Published 10/2017</small>	EO Implemented?	WH Infrastructure Plan Permit Reform Description <small>Published 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environmental reviews, and environmental approaches"	This provision dealt only with USDOT modal administrations and was superseded by changes to 23 U.S.C. 139 by the FAST Act	Sec. 1304 and FAST-41 called for a facilitating agency to identify and invite all necessary Federal agencies to be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 & CEO 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)	06/09/18 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
	Give 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 & CEO 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/state-Federal government coordination	13/11/17 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
	Give state assumption of responsibility for categorical exclusions	Completed guidance on the assumption	Sec. 1308 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 FTA, FTA and FTA
	Make 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 FTA 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. 1303 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 five-year goal for the environmental review process across all agencies	06/09/18 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

Administration's Permit Streamlining Efforts

- ▶ Executive Orders seek to address length of permitting process
- ▶ April 2018: 12 Federal agencies sign MOU establishing a “One Federal Decision” policy
- ▶ Administration's infrastructure proposal includes 15+ pages of permit reforms to create greater efficiencies and reduce process from 10 years to two

CAGTC's Report

- ▶ Explored 19 of the reforms proposed in the Administration's Infrastructure Outline in detail
- ▶ Largely supportive of the 19 reforms
- ▶ Indicated areas for improvement/concern



Streamlining Project Delivery Will...

- ▶ Reduce project costs
- ▶ Ensure essential projects get to construction faster
- ▶ Remove barriers to private investment

A Few Important Notes

- ▶ Environmental protections must be maintained
- ▶ Successful reform is contingent upon:
 - ▶ sufficient budgetary or other authority in relevant government agencies AND
 - ▶ sufficient, qualified personnel

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For a copy of CAGTC's

Permitting Report:

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