



## Construction Industry Round Table

## Legislative News

A force for positive change in the design / construction industry

### 12/03/2015 – Bill Seeking to Eliminate Unfair Government Competition with Private Sector Firms is Re-introduced

CIRT's long-term advocacy and support for common sense regulatory streamlining has borne fruit. Working with fellow design/construction organizations/interests and with a large business coalition focused on streamlining, led by the U.S. Chamber of Commerce, Congress passed and sent to the President H.R. 22, the "*Fixing America's Surface Transportation Act*", (FAST) which included the permit streamlining legislation. For the first time since passage of a 1969 federal law requiring environmental reviews of major infrastructure projects needing federal permits, a *structure will be imposed* on the government's management, coordination, timing and transparency of the environmental review process for these projects.

The permit streamlining provisions included in H.R. 22 will bring greater efficiency, transparency, and accountability to the federal permitting review process. Its coverage is very broad, including infrastructure, energy, and aviation, broadband and manufacturing projects. Requiring better coordination and predictability to the permitting process should translate into job creation, economic growth and new development. Some of the key provisions of H.R. 22 include:

- Establishing a permitting timetable, including intermediate and final completion dates for covered projects, i.e. those over \$200 million or subject to federal permitting review requirements so they will benefit from enhanced coordination;
- Designation of a Lead Agency to coordinate responsibilities among multiple agencies involved in project reviews to ensure that "the trains run on time;"
- Providing for concurrent reviews by agencies, rather than sequential reviews;
- Allowing state-level environmental reviews to be used where the state has done a competent job, thereby avoiding needless duplication of state work by federal reviewers;
- Requiring that agencies involve themselves in the process early and comment early, avoiding eleventh-hour objections that can restart the entire review timetable;
- Establishing a reasonable process for determining the scope of project alternatives, so that the environmental review does not devolve into an endless quest to evaluate infeasible alternatives;
- Creating a searchable, online "dashboard" to track the status of projects during the environmental review and permitting process;
- Reducing the statute of limitations to challenge a project review from six years to two years; and
- Requiring courts, when addressing requests for injunctions to stop covered projects, to consider the potential negative impacts on job creation if the injunction is granted.

While there have been permit streamlining provisions for specific activities, this is the first time there has been any type of comprehensive structure that coordinates the environmental review process for large infrastructure projects throughout the nation, both public and private.