



2026 REGULATORY REPORT

Quarter 1

WHAT TO KNOW

- A federal judge dismissed litigation challenging the DBE program (*Mid-America Milling Co.*), citing USDOT’s updated DBE regulation, which largely achieved the plaintiffs’ objectives in the case.
- USDOT signaled emerging priorities through requests for input on its strategic plans relating to research, development, and digital infrastructure.
- EPA also continues advancing revisions to key environmental programs.

Collectively, these developments reflect a continued push to implement existing programs while shaping longer-term regulatory direction.

KEY ITEMS



Environment

WOTUS: The comment period for EPA and the Army Corps’ proposed updates to the definition of “Waters of the United States” – which ARTBA supports – closed Jan. 5. The agencies are now reviewing comments as they work toward finalizing the rule later in 2026.



Contracting

DBE: The *Mid-America Milling Co.* case challenging the constitutionality of the DBE program was dismissed by a federal judge, who found no issues to litigate in light of USDOT’s interim final rule (IFR). Some states are nearing completion of reevaluating previous DBE firms under the updated program. Meanwhile, EPA has indicated it will no longer enforce its separate DBE program, but has not issued rulemaking or guidance to that effect.

UAS (Drones): FHWA and state DOTs are continuing implementation of the American Security Drone Act prohibition on the use of Chinese-made drones on federal-aid projects. The ban is expected to impact procurement and operation of covered drones. ARTBA engaged with the White House and FHWA on implementation considerations and requested additional guidance on timelines and enforcement.

Regulatory Comments

ARTBA submitted formal comments to federal agencies on the following regulations:

- **Environmental Protection Agency (EPA):**
 - Waters of the United States (WOTUS)
 - Status of Disadvantaged Business Enterprises (DBE) program
 - Section 401 Water Quality Certification program
 - National Ambient Air Quality Standards (PM 2.5)
- **U.S. Department of Transportation (USDOT):**
 - Transportation Research, Development, and Technology (RD&T) Strategic Plan
 - National Strategy for Digital Infrastructure

Federal Agency Engagement

ARTBA met with federal officials to discuss the following regulatory initiatives:

- **Environmental Protection Agency (EPA):** Section 401 Water Quality program, DBE, WOTUS
- **Federal Highway Administration (FHWA):** UAS (drones), DBE, Buy America, Subpart K (postive protection), MASH approval letters
- **Occupational Safety and Health Administration (OSHA):** Heat rule
- **White House Office of Information and Regulatory Affairs:** UAS (drones)



REPORT ON ARTBA MEMBER FOCUS GROUPS 2026

You spoke. We listened.

In February and March, ARTBA convened two focus groups to better understand how members engage with our regulatory advocacy products, and how those tools can better serve your needs.

What follows reflects key themes from those conversations and actions already underway as a result.

KEY THEMES FROM MEMBERS

Members emphasized the need for:



Regulatory updates that are **clear, concise, and easy to digest.**



Early notice when engagement may be needed.



Executive summaries, trackers, and visuals rather than long explanations.

HOW THIS IS SHAPING ARTBA'S WORK

✓ **Newly-implemented ideas:**

- Executive summaries of comment letters
- Clear calls to action and targeted alerts communicated to members directly
- A litigation tracker to monitor key court cases

➔ **Continuing in 2026:**

- Added background and historical context in fact sheets
- Regulatory "101" resources on major topics
- Expanded use of visual and short-form explanations



Supporting Member Participation

ARTBA will also explore practical tools to make engagement with federal agencies easier and may offer:

- Comment templates and sample language
- Key questions and prompts for gathering real-world feedback
- Clear identification of engagement opportunities

We appreciate the 20 members who took time to share their perspectives during the focus groups. Your input was invaluable to this effort.