March 24, 2020

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC  20510

Dear Mr. Chairman

The U.S. Department of Transportation is pleased to provide this update concerning the status of statutorily mandated rulemakings, as required under section 5307 of the Fixing America’s Surface Transportation (FAST) Act.

The Federal Motor Carrier Safety Administration (FMCSA) has implemented 36 of the 43 sections of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and completed 16 of the 20 rulemaking actions required by the FAST Act. Since the last report transmitted to Congress on June 4, 2019, FMCSA has made the following progress:

- A notice of proposed rulemaking was published August 22, 2019, regarding FAST Act requirements related to the Motor Carrier Safety Assistance Program grant management.

The Department’s rulemaking efforts are driven by the belief, consistent with Executive Orders 13771, 13777, and 13783 and other legal authorities, that there should be no more regulations than necessary, and those regulations should be straightforward, clear, designed to minimize burdens, and consistent with safety. The Department also believes that public input is a critical part of the rulemaking process and has proactively sought public comments on its regulatory review and rulemaking efforts. The Department anticipates using public input to decide on the best approach, consistent with our regulatory philosophy, to meeting the Department’s statutory obligations.

Enclosed is a chart that provides updated information for each of the rulemakings subject to the section 5307 requirement, including a description of actions taken to date, explanations for delays, and expected date of rulemaking completion.
A similar letter has been sent to the Ranking Member of the Senate Committee on Commerce, Science, and Transportation and the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure.

Sincerely,

Elaine L. Chao

Enclosure
March 24, 2020

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510

Dear Senator Cantwell

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Elaine L. Chao

Enclosure
March 24, 2020

The Honorable Peter DeFazio
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman

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Sincerely,

Elaine L. Chao

Enclosure
March 24, 2020

The Honorable Sam Graves
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Graves

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Sincerely,

[Signature]

Elaine L. Chao

Enclosure
<table>
<thead>
<tr>
<th>Legislation</th>
<th>Section</th>
<th>Rule Title/Subject</th>
<th>Due Date</th>
<th>Next Action</th>
<th>Expected Completion Date</th>
<th>Schedule/Status</th>
<th>Reason for Delay</th>
</tr>
</thead>
<tbody>
<tr>
<td>FAST Act</td>
<td>5307(c)(6)</td>
<td>A rulemaking concerning commercial motor vehicle safety required by an Act of Congress enacted on or after August 1, 2005, and incomplete for more than 2 years.</td>
<td><strong>SEE LIST BELOW</strong></td>
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</tr>
<tr>
<td>FAST Act</td>
<td>5106(b)</td>
<td>Motor Carrier Safety Assistance Program Formula Grant Allocation</td>
<td>10/1/2014</td>
<td>Completed</td>
<td>12/5/2016</td>
<td>Final Rule published 12/15/2015.</td>
<td>This rulemaking requirement is dependent on consideration of a new allocation formula recommended by the working group established in section 5106(a)(4). The NPRM proposed the new allocation formula recommendations.</td>
</tr>
<tr>
<td>FAST Act</td>
<td>5107(c)</td>
<td>Entry Level Driver Training</td>
<td>10/1/2013</td>
<td>Completed</td>
<td>12/16/2015</td>
<td>Final Rule published 12/16/2015.</td>
<td>This rulemaking action is dependent on HHS establishing hair testing protocols and conforming changes being made to the Department's regulations.</td>
</tr>
<tr>
<td>FAST Act</td>
<td>5107(c)(4)</td>
<td>Visibility of Agricultural Equipment</td>
<td>10/1/2014</td>
<td>Completed</td>
<td>6/22/2016</td>
<td>Final Rule published 6/22/2016.</td>
<td>Section 5501(a) of the FAST Act required the USDOT OIG to conduct a study related to delays in goods movements. The OIG issued its report 1/31/2018 and made a recommendation to FMCSA to engage stakeholders on how to best capture data related to the underlying issues associated with driver detention.</td>
</tr>
<tr>
<td>MAP-21</td>
<td>32921</td>
<td>Registration Requirements for Household Goods Carriers</td>
<td>NPRM</td>
<td>TBD</td>
<td>Listening Sessions in January, March, April 2014</td>
<td>These provisions are very complex as they apply to a broad array of affected entities. FMCSA has been focusing on entry level driver training issues before adding these requirements.</td>
<td></td>
</tr>
<tr>
<td>MAP-21</td>
<td>32106</td>
<td>Effective Periods of Registration</td>
<td>NPRM</td>
<td>TBD</td>
<td>Schedule TBD, FMCSA is conducting stakeholder engagement in response to recommendations from the USDOT OIG.</td>
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</tr>
<tr>
<td>MAP-21</td>
<td>32107</td>
<td>$300 Registration Cap</td>
<td>NPRM</td>
<td>TBD</td>
<td>Schedule TBD, FMCSA has been focusing on URS implementation ahead of this NPRM</td>
<td>These requirements were grouped into a single rulemaking - Unified Registration System 2. These provisions were included in an extensive rewrite of the registration regulations.</td>
<td></td>
</tr>
<tr>
<td>MAP-21</td>
<td>32918(b)(6)</td>
<td>Financial Security of Brokers and Freight Forwarders</td>
<td>ANPRM</td>
<td>TBD</td>
<td>FMCSA published an ANPRM to address this requirement on 9/27/2018.</td>
<td>This section of MAP-21 was partially completed on October 1, 2013. Additional rulemaking is required to fully implement the requirement.</td>
<td></td>
</tr>
<tr>
<td>MAP-21</td>
<td>32303</td>
<td>Commercial Driver's License Notification System</td>
<td>NPRM</td>
<td>TBD</td>
<td>Report to Congress issued as required by section 32303(c)(2)</td>
<td>Significant rule which would create an unfunded mandate for the states.</td>
<td>2126-ACXX</td>
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<tr>
<td>MAP-21</td>
<td>32504</td>
<td>Impoundment</td>
<td>Completed</td>
<td>TBD</td>
<td>FMCSA has completed an analysis of implementation options for this requirement and has decided not to initiate rulemaking.</td>
<td>Significant rule would implement an aggressive enforcement tool. The Agency does not have the resources to implement the rule. Therefore, the Agency will not initiate rulemaking.</td>
<td>2126-XXXX</td>
</tr>
<tr>
<td>MAP-21</td>
<td>32710</td>
<td>Annual Bus Inspections</td>
<td>Completed</td>
<td>TBD</td>
<td>ANPRM published 4/27/16; NPRM published 5/1/2016; NPRM withdrawn 5/1/2017.</td>
<td>Significant rule which would have created an unfunded mandate for States. FMCSA has adequately considered rulemaking in the matter relating to the statutory requirement.</td>
<td>2126-ABBA</td>
</tr>
<tr>
<td>MAP-21</td>
<td>33013</td>
<td>Highway Routing Dislosures</td>
<td>Completed</td>
<td>TBD</td>
<td>FMCSA has addressed this requirement through another rulemaking action and has determined that additional notice and comment rulemaking is not necessary to complete this requirement.</td>
<td>FMCSA published a Federal Register Notice on October 2, 2014, updating all State Highway Routing Designations and establishing procedures for States to continually update routes.</td>
<td>2126-ACXX</td>
</tr>
<tr>
<td>SAFETEA-LU</td>
<td>4214</td>
<td>Consumer Complaint Information - Require HHG carriers to submit a quarterly report of specific complaints from shippers and consumers</td>
<td>TBD</td>
<td>TBD</td>
<td>NPRM Published in 2008</td>
<td>FMCSA received significant comments to the NPRM. The Agency has since developed a National Consumer Complaint Database (NCCDB), which captures most of the information the statute required.</td>
<td>2126-AB01</td>
</tr>
</tbody>
</table>

Note: Shading indicates the rulemaking action is completed.