



President's Executive Order on Regulations

MCSAC Meeting

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Executive Order 13771

- Executive Order 13771 - *Reducing Regulation and Controlling Regulatory Costs* issued January 30, 2017. 82 FR 9339-9341. February 3, 2017.
- E.O. 13771 requires that for “every one new [E.O. 13771 regulatory action] issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.”
- Implementation guidance issued by OMB on April 5, 2017, defines two different types of E.O. 13771 actions: a deregulatory action, and a regulatory action.

Executive Order 13771

- An E.O. 13771 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.”
- An E.O. 13771 regulatory action is defined as:
 - a significant action as defined in Section 3(f) of E.O. 12866 that has been finalized, and that imposes total costs greater than zero; or
 - a significant guidance document (*e.g.*, significant interpretive guidance) reviewed by OIRA under the procedures of E.O. 12866 that has been finalized and that imposes total costs greater than zero.

Deregulatory Opportunities

- Part 325 - ... Noise Emission Standards
 - Simplifies regulations, no economic impact
 - FMCSA has not performed noise test for many years
 - EPA has similar, less detailed, provisions in 40 CFR 202
- Part 356 - Motor Carrier Routing Regulations
 - ICC remnant, does it still serve a purpose?
 - Simplifies regulations, no significant economic impact
- Part 369 - Reports of Motor Carriers
 - Eliminated quarterly reporting of Forms M & MP (2013)
 - Simplifies regulations, no significant economic impact
 - PRA-2126-0032 assumes 308 carriers, cost \$308
 - PRA-2126-0031 assumes 2 carriers, cost \$2

Deregulatory Opportunities

- Part 370 - ... Loss and Damage Claims ...
 - ICC remnants, limited investigative use – shipper
 - Simplifies regulations, no significant economic impact
- Part 379 - Preservation of Records
 - ICC remnants, limited investigative use
 - Simplifies regulations, no significant economic impact
- Part 388 - Cooperative Agreements with States
 - Requirements are covered by MCSAP (49 CFR Part 350)
 - Simplifies regulations, no significant economic impact
- Part 391 - Qualifications of Drivers ...
 - Simplifies regulations, remove some requirements - including medical records, employment application, road test results for non-CDL drivers
 - PRA-2126-0004 assumes 10 M hours, - \$89.9M

Deregulatory Opportunities

- 395.1(e) – Time Card Exception
 - Change work day from 12 to 14 hours
 - Change to 150 air miles to be consistent with other exceptions
 - Simplifies regulations
 - Significant economic impacts expected
- 395.3(c)&(d) - Restart Provisions
 - Remove 1am-5am and 168 hours requirements
 - Simplifies regulations and makes permanent Congressional action to suspend enforcement
 - Significant economic impacts expected
- 396.11 - No-defect DVIR
 - Extend to passenger carriers
 - \$1B+ savings for property carriers

Deregulatory Opportunities

- Part 398 – Transportation of Migrant Workers
 - Are separate regulations needed?
 - Simplifies regulations, no significant economic impact
 - Create uniform HOS, Medical standards, etc.
 - Uncertainty regarding worker protections
 - Covered by OSHA?

- Part XXX – Agricultural Requirements
 - Simplifies regulations, no significant economic impact
 - Current regulations and exemptions are difficult to understand and enforce
 - Rather than have exceptions in multiple parts, consider identifying all requirements for “transporters of agricultural commodities” are subject to in single part

NEXT STEPS

- Conduct outreach with additional stakeholders.
 - ❑ What are your thoughts on approach?
- DOT Federal Register Notice seeking public comment
- FMCSA Rulemaking Planning