April 18, 2018

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

Dear Mr. Chairman:

This letter provides an 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 14 of the 20 rulemaking actions required by the FAST Act. Since the November 1, 2017, report, FMCSA has made the following progress:

- Initiated rulemaking associated with MAP-21 section 32918 requirements related to Financial Security of Brokers and Freight Forwarders.

The Department’s rulemaking efforts are driven by the belief, consistent with Executive Order (E.O.) 13771, E.O. 13777, and E.O. 13783, as well as other legal authorities, that there should be no more regulations than necessary, and those regulations should be straightforward, clear, and designed to minimize burdens, consistent with safety. The Department also believes that public input is a critical part of the rulemaking process and has proactively sought out public comments on its regulatory review and rulemaking efforts. The Department anticipates using public input to decide on the best approach, consistent with the Department’s 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.
The Honorable John Thune

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
April 18, 2018

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

Dear Senator Nelson:

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Sincerely,

Elaine L. Chao

Enclosure
April 18, 2018

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

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Sincerely,

Elaine L. Chao

Enclosure
April 18, 2018

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

Dear Congressman DeFazio:

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Sincerely,

Elaine L. Chao

Enclosure
## FAST Act - Section 5307 - Statutory Rulemaking Requirements Update

<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>
<th>RIN</th>
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</thead>
<tbody>
<tr>
<td>FAST Act</td>
<td>5307(c)(2)</td>
<td>Electronic Logging Device/HOS Supporting Documents</td>
<td>10/1/2013</td>
<td>Completed</td>
<td>12/16/2015</td>
<td>Final Rule published 12/16/2015</td>
<td></td>
<td>2126-AB20</td>
</tr>
<tr>
<td>FAST Act</td>
<td>5307(c)(5)</td>
<td>Safety Fitness Determinations</td>
<td>N/A</td>
<td>NPRM</td>
<td>TBD</td>
<td>NPRM published on 1/21/16. NPRM comment period ended 5/23/16. Small Business Administration held Roundtable 5/5/16 to hear stakeholder concerns (FMCSA participated) NPRM withdrawn 3/21/17</td>
<td>The Agency is evaluating the recommendations from the National Academies based on their study conducted in response to section 5221 of the FAST Act.</td>
<td>2126-AB11</td>
</tr>
<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></td>
<td>(SEE LIST BELOW)</td>
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<td></td>
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### 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.

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<tr>
<td>MAP-21</td>
<td>32921</td>
<td>Registration Requirements for Household Goods Carriers</td>
<td>NPRM</td>
<td>TBD</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 addressing these requirements.</td>
<td>2126-AB17</td>
</tr>
<tr>
<td>MAP-21</td>
<td>32916(b)</td>
<td>New Entrant Proficiency Examination</td>
<td>NPRM</td>
<td>TBD</td>
<td>TBD</td>
<td>Listening Sessions in January, March, April 2014</td>
<td></td>
<td>2126-AB17</td>
</tr>
<tr>
<td>MAP-21</td>
<td>32961</td>
<td>Registration of Freight Forwarders and Brokers</td>
<td>NPRM</td>
<td>TBD</td>
<td>TBD</td>
<td>Schedule TBD. FMCSA has been focusing on URS implementation ahead of this NPRM. 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>2126-AB56</td>
<td></td>
</tr>
<tr>
<td>MAP-21</td>
<td>32917</td>
<td>Effective Periods of Registration</td>
<td>NPRM</td>
<td>TBD</td>
<td>TBD</td>
<td>Schedule TBD. FMCSA has been focusing on URS implementation ahead of this NPRM.</td>
<td></td>
<td>2126-AB56</td>
</tr>
<tr>
<td>MAP-21</td>
<td>32918(b)(6)</td>
<td>Financial Security of Brokers and Freight Forwarders</td>
<td>NPRM</td>
<td>TBD</td>
<td>TBD</td>
<td>Public Listening Session held 5/20/16. FMCSA is drafting ANPRM to address this requirement.</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>2126-AC10</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>TBD</td>
<td>Report to Congress issued as required by section 32303(b)(2)</td>
<td>Significant rule which would create an unfunded mandate for the states.</td>
<td>2126-ACXX</td>
</tr>
<tr>
<td>MAP-21</td>
<td>32504</td>
<td>Impoundment</td>
<td>Completed</td>
<td>6/30/2017</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-ACXX</td>
<td></td>
</tr>
<tr>
<td>MAP-21</td>
<td>32710</td>
<td>Annual Bus Inspections</td>
<td>Completed</td>
<td>5/1/2017</td>
<td>ANPRM published 4/27/16. ANPRM withdrawn 5/1/2017</td>
<td>Significant Rule which would have created an unfunded mandate for States. FMCSA has adequately considered rulemaking in this matter, meeting the statutory requirement.</td>
<td>2126-AB04</td>
<td></td>
</tr>
<tr>
<td>MAP-21</td>
<td>33013</td>
<td>Highway Routing Disclosures</td>
<td>Completed</td>
<td>6/30/2017</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>
<td></td>
</tr>
<tr>
<td>SAFTEA-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>OST to seek statutory relief from regulatory action.</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 that the statute required. FMCSA does not believe a rulemaking is needed to meet the intent of the requirement.</td>
<td>2126-AB01</td>
</tr>
</tbody>
</table>

Note: Shading indicates the rulemaking action is completed.