



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

December 21, 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 15 of the 20 rulemaking actions required by the FAST Act. Since the April 18, 2018, report, FMCSA has made the following progress:

- Published a final rule on June 11, 2018, regarding the FAST Act requirement to establish an alternative process for qualified medical professionals employed by the Veteran's Administration to be listed on the Agency's National Registry of Certified Medical Examiners.

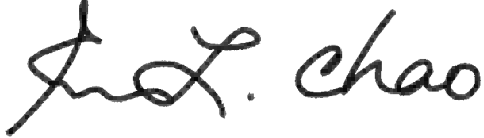
The Department's rulemaking efforts are driven by the belief, consistent with Executive Order (E.O.) 13771, E.O. 13777, and E.O. 13783 and other legal authorities, that there should be no more regulations than necessary, and those regulations should be straightforward, clear, and designed to minimize burdens, consistent with safety. The Department also believes that public input is a critical part of the rulemaking process and has proactively sought 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.

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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,

A handwritten signature in black ink that reads "Elaine L. Chao". The signature is written in a cursive style with a large, stylized initial "E".

Elaine L. Chao

Enclosure

FAST Act - Section 5307 - Statutory Rulemaking Requirements Update

Legislation	Section	Rule Title/Subject	Due Date	Next Action	Expected Completion Date	Schedule/Status	Reason for Delay	RIN
FAST Act	5307(c)(1)	Drug and Alcohol Clearinghouse	10/1/2014	Completed	12/5/2016	Final Rule published 12/5/2016		2126-AB18
FAST Act	5307(c)(2)	Electronic Logging Device/HOS Supporting Documents	10/1/2013	Completed	12/16/2015	Final Rule published 12/16/2015		2126-AB20
FAST Act	5307(c)(3)	Entry Level Driver Training	10/1/2013	Completed	12/8/2016	Final Rule published 12/8/2016		2126-AB66
FAST Act	5307(c)(4)	Visibility of Agricultural Equipment	10/1/2014	Completed	6/22/2016	Final Rule published 6/22/2016		2127-AL28
FAST Act	5307(c)(5)	Safety Fitness Determinations	N/A	NPRM	TBD	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 3/23/17	The Agency is implementing the recommendations from the National Academy of Sciences in response to section 5221 of the FAST Act.	2126-AB11
FAST Act	5307(c)(6)	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.				(SEE LIST BELOW)	(SEE LIST BELOW)	

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Legislation	Section	Rule Title/Subject	Due Date	Next Action	Expected Completion Date	Schedule/Status	Reason for Delay	RIN
FAST Act	5106(b) 5107(c)	Motor Carrier Safety Assistance Program Formula Grant Allocation		NPRM	12/1/2019	An NPRM has been drafted and is in Agency review.	This rulemaking requirement is dependent on consideration of a new allocation formula recommended by the working group established in section 5106(a)(4). The work group's new allocation formula recommendations are under OST review.	2126-AC02
FAST Act	5401(a)	Opportunities for Veterans - CDL Reciprocity	12/31/2016	Final Rule	9/30/2018	Final Rule is in Departmental Review and designation request has been sent to OMB.	This provision is complex as it has direct impact on State licensing procedures.	2126-AB99
FAST Act	5402(a)	Drug-free Commercial Drivers - Hair Testing		TBD	TBD	Schedule TBD, FMCSA awaiting action by HHS/ODAPC.	This rulemaking action is dependent on HHS establishing hair testing protocols and ODAPC adding procedures to 49 CFR Part 40.	2126-ACXX
FAST Act	5501(b)	Delays in Goods Movements	12/4/2017	TBD	TBD	Schedule TBD, FMCSA is conducting stakeholder engagement in response to recommendations from the USDOT OIG.	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.	2126-ACXX
MAP-21	32921	Registration Requirements for Household Goods Carriers		NPRM	TBD	Listening Sessions in January, March, April 2014	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.	2126-AB17
MAP-21	32101(b)	New Entrant Proficiency Examination	4/1/2014	NPRM	TBD	Listening Sessions in January, March, April 2014		2126-AB17
MAP-21	32916	Registration of Freight Forwarders and Brokers		NPRM	TBD	Listening Sessions in January, March, April 2014		2126-AB17
MAP-21	32106	\$300 Registration Cap		NPRM	TBD	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.	2126-AB56
MAP-21	32917	Effective Periods of Registration	7/16/2016	NPRM	TBD	Schedule TBD, FMCSA has been focusing on URS implementation ahead of this NPRM		2126-AB56
MAP-21	32918(b)(6) 32918(b)(7)	Financial Security of Brokers and Freight Forwarders	7/16/2013	ANPRM	TBD	Public Listening Session held 5/20/16. FMCSA has drafted the ANPRM to address this requirement, and the ANPRM is currently under OMB review.	This section of MAP-21 was partially completed on October 1, 2013. Additional rulemaking is required to fully implement the requirement.	2126-AC10
MAP-21	32303	Commercial Driver's License Notification System		NPRM	TBD	Report to Congress issued as required by section 32303(c)(2)	Significant rule which would create an unfunded mandate for the states.	2126-ACXX
MAP-21	32504	Impoundment		Completed	6/30/2017	FMCSA has completed an analysis of implementation options for this requirement and has decided not to initiate rulemaking.	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.	2126-ACXX

MAP-21	32710	Annual Bus Inspections	10/1/2015	Completed	5/1/2017	ANPRM published 4/27/16; ANPRM withdrawn 5/1/2017	2126-AB84
MAP-21	33013	Highway Routing Disclosures		Completed	6/30/2017	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.	2126-ACXX
SAFETEA-LU	4214	Consumer Complaint Information - Require HHG carriers to submit a quarterly report of specific complaints from shippers and consumers		TBD	TBD	NPRM Published in 2008 OST to seek statutory relief from regulatory action.	2126-AB01

Note: Shading indicates the rulemaking action is completed.

Significant Rule which would have created an unfunded mandate for States. FMCSA has adequately considered rulemaking in this matter, meeting the statutory requirement.

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.

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.