



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

May 31, 2019

The Honorable Roger F. 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, FMCSA has made the following progress:

- Published an advance notice of proposed rulemaking on September 27, 2018, regarding MAP-21 requirements related to the financial security of brokers and freight forwarders.
- Published a final rule on September 28, 2018, regarding the FAST Act requirement to allow State Driver Licensing Agencies to waive requirements for certain military personnel to complete the commercial learner's permit knowledge test.

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, 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 Roger F. Wicker

A similar letter has been sent to the Ranking Member of the Senate Committee on Commerce, Science, and Transportation and to the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure.

Sincerely,

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

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	The Department is working on the NPRM required by FAST Act § 5106(b).	This rulemaking requirement is dependent on consideration of a new allocation formula recommended by the working group established in section 5106(a)(4). The Department has reviewed the working group's new allocation formula recommendations and is working on the NPRM required by FAST Act § 5106(b)..	2126-AC02
FAST Act	5401(a)	Opportunities for Veterans – CDL Reciprocity	12/31/2016	Completed	9/28/2018	Final Rule published 9/28/2018.		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 conforming changes being made to the Department's regulations.	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	7/6/2016	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	7/6/2013	ANPRM	TBD	FMCSA published an ANPRM to address this requirement on 9/27/2018.	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-XXXX
MAP-21	32710	Annual Bus Inspections	10/1/2015	Completed	5/1/2017	ANPRM published 4/27/16. ANPRM withdrawn 5/1/2017	Significant Rule which would have created an unfunded mandate for States. FMCSA has adequately considered rulemaking in this matter, meeting the statutory requirement.	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.	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.	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	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.	2126-AB01

Note: Shading indicates the rulemaking action is completed.