



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Deputy Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

June 9, 2017

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

Dear Mr. Chairman:

Enclosed is the report concerning the status of statutorily mandated rulemakings, as required under section 5307 of the Fixing America's Surface Transportation Act (FAST Act).

The Federal Motor Carrier Safety Administration (FMCSA) has worked diligently to complete all statutorily mandated rulemakings, implementing 34 of the 43 sections of the Moving Ahead for Progress in the 21st Century Act (MAP-21) that required rulemaking. The FMCSA has also completed 14 of the 20 rulemaking actions required by the FAST Act.

The Agency continues to complete and implement statutorily mandated rulemakings and has committed the necessary resources to these activities. Since the 2016 report, FMCSA has made the following progress:

- Published the final rule (FR) to establish a controlled substances and alcohol testing results clearinghouse on December 5, 2016.
- Published the FR to establish minimum training requirements for entry-level commercial drivers on December 8, 2016.
- Withdrew the rulemaking regarding the MAP-21 requirement for States to implement an annual bus inspection program on May 1, 2017, in response to public comments received to the advance notice of proposed rulemaking. The Agency has adequately considered rulemaking in this matter, meeting the statutory requirement.

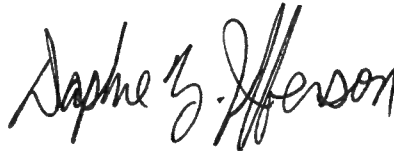
I have enclosed a chart that provides updated information for each of the rulemakings subject to the section 5307 requirement, including a description of actions taken to date, explanations for delays, and expected date of rulemaking completion.

The Honorable John Thune

A similar letter has been sent to the Ranking Member of the Senate Committee on Commerce, Science, and Transportation; the Chairman and Ranking Member of the Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security; the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure; and the Chairman and Ranking Member of the House Subcommittee on Highways and Transit.

If I can provide further information or assistance, please feel free to call me.

Sincerely,

A handwritten signature in black ink that reads "Daphne Y. Jefferson". The signature is written in a cursive style with a large, stylized initial "D".

Daphne Y. Jefferson

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-A128
FAST Act	5307(c)(5)	Safety Fitness Determinations	N/A	NPRM	12/1/2017	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	FMCSA has withdrawn the NPRM published 1/21/16 in anticipation of recommendations from the National Academies based on their study conducted 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)	

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.

Legislation	Section	Rule Title/Subject	Due Date	Next Action	Expected Completion Date	Schedule/Status	Reason for Delay	RIN
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	9/30/2017	NPRM being drafted	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	10/1/2016	NPRM	9/30/2017	NPRM being drafted		2126-AB56
MAP-21	32918(b)(6)	Financial Security of Brokers and Freight Forwarders	10/1/2013	ANPRM	TBD	Public Listening Session held 5/20/16.	This section of MAP-21 was partially completed on October 1, 2013. Additional rulemaking is required to fully implement the requirement.	2126-ABXX
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 States	2126-ABXX
MAP-21	32504	Impoundment		NPRM	TBD	FMCSA has completed an analysis of implementation options for this requirement.	Significant Rule which would implement an aggressive enforcement tool. The Agency does not currently have the resources to implement the rule.	2126-ABXX
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		NPRM	TBD	FMCSA has begun scoping a rulemaking to address this requirement.	FMCSA published a Federal Register Notice on October 2, 2014, updating all State Highway Routing designations. Rulemaking is required to fully implement the requirement.	2126-ABXX
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 to seek statutory relief from regulatory action.	FMCSA received significant comments regarding the monitoring and verification of complaints received, as such activity would affect a company's business reputation. 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	2126-AB01