



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

August 11, 2016

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

Dear Mr. Chairman:

I am pleased to provide an update concerning the status of statutorily mandated rulemakings, as required under section 5307 of the Fixing America's Surface Transportation (FAST) Act (P.L. 114-94).

The Federal Motor Carrier Safety Administration (FMCSA) has worked diligently to complete all statutorily required rulemakings, implementing 31 of the 43 sections of the Moving Ahead for Progress in the 21st Century Act (MAP-21) that required rulemaking.

The FMCSA continues to complete and implement statutorily mandated rulemakings and has committed the necessary resources to these activities. Since the March 30, 2016, report, FMCSA has:

- Submitted the final rule to establish a controlled substances and alcohol testing results clearinghouse to the Office of Management and Budget on May 18, 2016, for review in accordance with Executive Order 12866;
- Published the advance notice of proposed rulemaking on April 27, 2016, for which the comment period closed on June 27, 2016, regarding the MAP-21 requirement for States to implement an annual bus inspection program;
- Conducted a public roundtable on May 20, 2016, to obtain information and stakeholder input on initiating a rulemaking about the financial security of brokers and freight forwarders.

In addition, the National Highway Traffic Safety Administration completed a final rule pursuant to the MAP-21 requirement to establish lighting and marking standards for agricultural equipment to improve daytime and nighttime visibility. The final rule was published June 22, 2016, with a compliance date of June 22, 2017.

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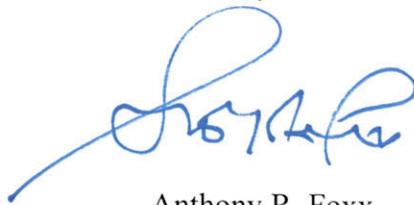
The Honorable John Thune

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 the expected date of rulemaking completion.

I have sent a similar letter 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 to 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 blue ink, appearing to read "Anthony R. Foxx", with a long, sweeping underline that extends to the left.

Anthony R. Foxx

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	Final Rule	8/29/2016	NPRM Published 2/20/14 Final Rule in OMB clearance.	Significant comments submitted to the NPRM that required extensive evaluation and responses	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	Original NPRM published 12/26/07. Significant adverse comments received and new requirements issued in MAP-21. FMCSA held listening sessions and assigned task to MCSAC in 2013. Original NPRM withdrawn on 9/17/13. Negotiated Rulemaking approach used to gain consensus.	2126-AB20
FAST Act	5307(c)(3)	Entry Level Driver Training	10/1/2013	Final Rule	09/30/2016	Negotiated Rulemaking approach initiated in June 2014. NPRM published 3/7/16. NPRM comment period ended 4/6/16.		2126-AB66
FAST Act	5307(c)(4)	Visibility of Agricultural Equipment	10/1/2014	Completed	06/22/2016	Final Rule published 6/22/2016	FMCSA conducted stakeholder engagement and made efforts to address in the NPRM concerns previously expressed.	2127-AL28
FAST Act	5307(c)(5)	Safety Fitness Determinations	N/A	Final Rule	4/1/2017	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)		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) 32918(b)(7)	Financial Security of Brokers and Freight Forwarders	10/1/2013	NPRM	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	TBD	TBD	ANPRM published 4/27/16	Significant Rule which would create an unfunded mandate for States. Listening Sessions in January, February, April 2015	2126-AB84
MAP-21	33013	Highway Routing Disclosures		NPRM	TBD	FMCSA has begun scoping a rulemaking framework for this requirement.	FMCSA published a Federal Register Notice on October 2, 2014 updating all State Highway Routing designations. Additional 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 it 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 requirement.	2126-AB01