



THE SECRETARY OF TRANSPORTATION
WASHINGTON, DC 20590

March 30, 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 written notification concerning the status of statutorily mandated rulemakings, as required under section 5307 of the Fixing America's Surface Transportation (FAST) Act (Public Law 114-94).

The Federal Motor Carrier Safety Administration (FMCSA) has worked diligently to complete all statutorily required rulemakings, implementing 30 of the 43 sections of the Moving Ahead for Progress in the 21st Century Act (MAP-21) that required rulemaking. In addition, FMCSA initiated regulatory action through advance notices of proposed rulemaking and a negotiated rulemaking for cases in which insufficient data or information was available to support the immediate issuance of a notice of proposed rulemaking. These actions are consistent with section 5202 of the FAST Act.

The FMCSA has placed the highest priority on completing and implementing statutorily mandated rulemakings likely to provide the greatest safety benefit and has committed the necessary resources to these activities. For example, since the enactment of MAP-21, FMCSA:

- implemented the National Registry of Certified Medical Examiners, with more than 46,000 certified private-sector healthcare professionals currently issuing medical certificates for truck and bus drivers;
- published the final rule concerning the mandatory use of electronic logging devices to monitor drivers' hours of service and hours-of-service supporting documents;
- published the final rule prohibiting motor carriers, freight forwarders, brokers, and shippers from coercing drivers to violate Federal safety regulations;
- published the final rule implementing the Unified Registration System to enhance the Agency's ability to identify all the entities subject to its safety oversight;
- issued the notice of proposed rulemaking to establish a controlled substances and alcohol testing results clearinghouse, with the final rule currently under departmental review; and
- published the notice of proposed rulemaking concerning entry-level driver training, based on a negotiated rulemaking committee's consensus on the best approach for addressing the MAP-21 requirements.

The Honorable John Thune

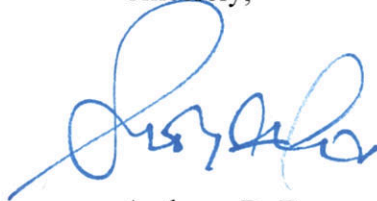
To further improve the rulemaking process, FMCSA has placed significant emphasis on conducting listening sessions to provide stakeholders an opportunity to share their views on certain statutorily mandated regulations before issuing a rulemaking notice. This public engagement approach assists the Agency in crafting regulatory language that effectively addresses safety challenges while keeping to a minimum the regulatory burden on the States and the private sector. The FMCSA has conducted listening sessions concerning the MAP-21 training provision for new entrant carriers, freight forwarders, and brokers. It has also conducted listening sessions concerning the provision to require States to implement annual inspection programs for passenger-carrying commercial motor vehicles and will continue to use public engagement as a method to improve the rulemaking process.

I have enclosed a chart that provides 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.

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 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 large, stylized initial 'A'.

Anthony R. Foxx

Enclosure

FAST Act - Section 5307 - Statutory Rulemaking Requirements Update									
1/7/2016									
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	6/17/2016	NPRM Published 2/20/14 Final Rule in final DOT 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	NPRM	09/30/2016	Negotiated Rulemaking approach initiated in June 2014. NPRM published 3/7/2016.		2126-AB66	
FAST Act	5307(c)(4)	Visibility of Agricultural Equipment	10/1/2014	IFR		OST to delegate the authority to implement MAP-21's requirements regarding agricultural tractor lighting to NHTSA.	Other Departmental Priorities	2127-AL28	
FAST Act	5307(c)(5)	Safety Fitness Determinations	N/A	Final Rule	4/1/2017	NPRM published on 1/21/2016.	FMCSA conducted stakeholder engagement and made efforts to address in NPRM concerns expressed.	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
MAP-21	32921	Registration Requirements for Household Goods Carriers		NPRM	TBD	Listening Sessions in January, March, April 2014		2126-AB17
MAP-21	32101(b)	New Entrant Proficiency Examination	4/1/2014	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	32916	Registration of Freight Forwarders and Brokers		NPRM	TBD	Listening Sessions in January, March, April 2014	These requirements were grouped into a single rulemaking - Unified Carrier Registry 2. These provisions were included in an extensive rewrite of the registration regulations. The new rule was contingent on the 10/23/2015 effective date of URS.	2126-AB56
MAP-21	32106	\$300 Registration Cap		NPRM	9/30/2017	NPRM being Drafted - Expect Publication 3/22/17		2126-AB56
MAP-21	32917	Effective Periods of Registration	10/1/2016	NPRM	9/30/2017	NPRM being Drafted - Expect Publication 3/22/17		2126-AB56
MAP-21	32918(b)(6) 32918(b)(7)	Financial Security of Brokers and Freight Forwarders	10/1/2013	NPRM	TBD	FMCSA has begun scoping a rulemaking framework for this requirement.	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	ANPRM	TBD	Listening Sessions in January, February, April 2015 ANPRM submitted to OST 11/25/15	Significant Rule which would create an unfunded mandate for States	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		Final Rule	TBD	NPRM Published in 2008	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 continues to evaluate whether a rulemaking is needed to meet the requirement.	2126-AB01