

FEDERAL REGULATORY ACTIVITIES



Regulatory Status – 2017/18

(Items in red text indicate a change of status or new item)

January 12, 2018

Key Updates on IANA Policy Issues

- **NHTSA seeks comments on existing regulatory barriers to testing and certification of motor vehicles with automated driving systems, especially to those without controls for a human driver. ([More info.](#))**

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
The White House	Notice Executive Order	09/14/17 08/15/17	Presidential Executive Order on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure <i>Keywords: Infrastructure</i>	<u>43226(82)</u> <u>Executive Order</u>	The CEQ announces an initial list of actions it will take to enhance and modernize the permitting process. President Trump signs an Executive Order streamlining the permitting and review process for infrastructure projects.
The White House	Update Executive Order	02/08/17 01/30/17	Presidential Executive Order on Reducing Regulations and Controlling Regulatory Costs <i>Keywords: Safety (truck, rail, ocean carrier)</i>	<u>Announcement</u> <u>Executive Order</u>	Citing benefits of the speed limiter rulemaking, groups file suit against President Trump over the "Reducing Regulation and Controlling Regulatory Costs" EO, arguing that it exceeds the President's Constitutional authority. President Trump orders that a department or agency identify at least two existing regulations to repeal when proposing a new regulation.
FRA	Final Rule	04/13/17	[Docket No. FRA-2016-0021; Notice No. 3] Implementation of the Federal Civil Penalties Inflation Act for a Violation of a Federal Railroad Safety Law, Federal Railroad Administration Safety Regulation or Order, or the Hazardous Material Transportation Laws or Regulations, Orders, Special Permits, and Approvals Issued Under Those Laws <i>Keywords: Safety (truck, rail, ocean carrier); Rail</i>	<u>17765(82)</u>	Effective 04/13/17, FRA adjusts its civil penalties to account for inflation, as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
FRA	Notice and comment request.	07/13/17	Proposed Agency Information Collection Activities; Comment Request [Docket No. FRA-2017-0002-N-5] <i>Keywords: HOS (Hours of Service); Rail</i>	32439(82)	FRA seeks comments on information collection activities related to hours of service regulations.
	Notice and request for comments	03/14/17		13711(82)	FRA seeks comments on information collection activities related to hours of service regulations.
FRA	Update	07/05/17	FRA-2011-0028 (also FRA-2008-0132): Positive Train Control Systems <i>Keywords: Rail, Safety, Positive Train Control (PTC)</i>	Audit	OIG begins an audit of railroads' use of DOT funding for PTC implementation.
	Notice	05/30/17		24775 (82)	FRA is seeking OMB authorization for three years to collect information for the Quarterly PTC Progress Report Form.
	Update	03/15/17		Report	FRA provides a status update on PTC implementation. 16 percent of freight railroads have PTC active on their tracks.
	Update	08/17/16		Report	FRA provides a status update on PTC implementation: 1/3 of freight trains have completed installation.
	Final Rule	02/29/16		10126(81)	FRA amends its regulations to address changes in deadlines for PTC implementation, effective 04/29/16.
	Notice	01/26/16		4360(81)	FRA proposes to provide railroads with a PTC Implementation Plan Template to assist them in submitting their revised implementation plans.
	Final Rule	08/22/14		49693 (79)	FRA amends the exception to the requirement to install a PTC system for freight-only track segments that present a de minimis safety risk. Rule

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
	Final Rule	08/20/13		<u>51078 (78)</u>	also adds a new exception for PTC-unequipped freight trains associated with certain freight yard operations to operate within PTC systems. Effective 10/21/14.
	Final Rule	05/14/12		<u>28285 (77)</u>	STB issued a final rule mandating Class I's file expenses associated with PTC separately from other capital and operating expenditures so the Board is able to track PTC costs more efficiently.
	Final Rule	05/14/12		<u>28285 (77)</u>	Rule removes regulatory provisions requiring railroads to either conduct further analyses or meet certain risk-based criteria in order to avoid PTC system implementation on track segments that do not transport poison- or toxic-by- inhalation hazardous (PIH) materials traffic and are not used for intercity or commuter rail passenger transportation as of December 31, 2015.
IRS	Notice of proposed rulemaking	03/31/16	Excise Tax; Tractors, Trailers, Trucks, and Tires; Definition of Highway Vehicle <i>Keywords: Trucks</i>	<u>18544(81)</u>	The IRS proposed regulations relating to the excise taxes on the sale of highway tractors, trailers, trucks and tires.
IMO	Update	06/27/16	International Maritime Organization SOLAS Container Weight Verification <i>Keywords: Maritime Law, Overweight Containers</i>	<u>Update</u>	World Shipping Council publishes Supplementary FAQs to aid the industry with implementation of the VGM requirements.
	Update	06/27/16		<u>Update</u>	FMC approves OCEMA's Port Operations and Safety Discussion Agreement; "Terminal Weighing Approach" is a permissible method for

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
	Update	05/23/16		<u>Circular</u>	obtaining container VGM. IMO publishes advice regarding the SOLAS VGM requirements calling for a three month leeway period.
	Update	05/25/16		<u>33254(81)</u>	OCEMA and six East and Gulf Coast ports ask FMC for permission to enter into a discussion agreement allowing them to share data relating to VGM.
	Update	04/28/16		<u>Update</u>	USCG notifies the IMO to its determination that VGM can be obtained through an agreement whereby a shipper verifies the weight of cargo and packing material, and a carrier provides and verifies the container tare weight.
	Recommendation	03/21/16		<u>Recommendation</u>	OCEMA releases its recommended best practices for the SOLAS VGM requirements.
MARAD	Notice of funding opportunity	01/05/18	Notice of Funding Opportunity for America's Marine Highway Projects <i>Keywords: Ports; Cargo; Freight; Transportation Infrastructure Funding/Financing</i>	<u>694(83)</u>	MARAD makes \$5 million available for grants to implement projects or components of previously designated Marine Highway Projects. Applications due 03/02/18.
MARAD	Report	11/27/17	Maritime Administration: Defining its Mission, Aligning its Programs, and Meeting its Objectives <i>Keywords: Ports, Cargo, Freight</i>	<u>Report</u>	NAPA publishes an independent review of MARAD's core functions.
MARAD	Final rule	04/24/17	Annual Civil Monetary Penalties Adjustment <i>Keywords: Safety (trucks, rail, ocean carrier)</i>	<u>18871(82)</u>	MARAD is adjusting its civil monetary penalties for inflation.
MARAD	Final rule	12/01/17	Revision of the America's Marine Highway Program Regulations [Docket Number MARAD-2016-0130] <i>Keywords: Ports; Cargo; Freight</i>	<u>56902(82)</u>	MARAD amends its America's Marine Highway Program to adhere to statutory changes and to streamline regulations. Effective 01/02/18.

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
MARAD	Notice and request for comments	03/14/17	Marine Highway Projects Open Season <i>Keywords: Ports, Cargo, Freight</i>	13737(82)	MARAD is requesting comments on the burden estimate of its information collection used to evaluate applications being submitted for project designation.
	Notice of Open Season for Marine Highway Projects	04/18/16		22700(81)	MARAD announces it is extending the open season for Maritime Highway project submissions to 12/31/18.
TSA	30-Day Notice	03/21/17	Intent to Request Revision From OMB of One Currently Public Collection of Information: Transportation Worker Identification Credential (TWIC) Program <i>Keywords: Transportation Worker ID Card (TWIC)</i>	14521(82)	TSA forwards its information request to OMB regarding its information collection related to TWIC cards.
U.S. Coast Guard	Correction amendments	08/29/16	USCG-2000-7080: Cargo Securing Manuals <i>Keywords: Cargo</i>	59136(81)	USCG is correcting a typographical error in its 05/9/16 cargo securing manuals interim rule.
	Interim rule; information collection approval	07/12/16		45012(81)	OMB approves the USCG's information collection request associated with the Cargo Securing Manuals interim rule.
U.S. DOC	Update	01/12/17	21 st Century U.S. Port Competitiveness Initiative, U.S. Department of Commerce <i>Keywords: Ports</i>	Report	DOC releases "Improving American Competitiveness: Best Practices by U.S. Port Communities," stressing benefits of collecting port productivity data.
USITC/DOC	Notice	03/17/17	Truck and Bus Tires From China; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations <i>Keywords: Truck</i>	14232(82)	ITC makes a negative determination in the antidumping duty investigation of imports of truck and bus tires from China. DOC will not issue antidumping and countervailing duty orders on these imports.
	Notice	01/27/17		8599(82)	DOC makes a final affirmative determination in the antidumping duty investigation of imports of truck and bus tires from China and does not define 10x20 bias ply tube tires as a

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
	Notice	01/27/17		<u>8606(82)</u>	separate domestic like product. DOC makes a final affirmative determination in the countervailing duty investigation of imports of truck and bus tires from China and does not define 10x20 bias ply tube tires as a separate domestic like product.
	Notice	02/25/16		<u>9434(81)</u>	The Department of Commerce is initiating an antidumping duty investigation of truck tires from China.
	Notice	02/25/16		<u>9428(81)</u>	The Department of Commerce is initiating countervailing duty investigation of truck tires from China.
	Notice	02/04/16		<u>6042(81)</u>	The International Trade Commission has initiated antidumping and countervailing duty investigations of truck tires from China.
U.S. DOL	Memorandum opinion and order	11/22/16	RIN 1235-AA11 Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees <i>Keywords: Overtime Pay</i>	<u>Order</u>	Federal judge files injunction temporarily blocking overtime rule from taking effect.
	Final Rule	05/23/16		<u>32391(81)</u>	DOL raises the threshold for employees who are exempt from overtime pay to \$47,476.
USDOT/ NHTSA	Request for comment (RFC)	01/10/18	Federal Automated Vehicles Policy <i>Keywords: Safety; Truck</i>	<u>Notice</u>	NHTSA seeks comments on existing regulatory barriers to testing and certification of motor vehicles with automated driving systems, especially to those without controls for a human driver.
	Notice and request for comments.	12/19/17		<u>60273(82)</u>	NHTSA is requesting comments on the burden estimate of its information

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
	Request for public comment on the modification of an existing collection of information	09/15/17		43450(82)	collection used to evaluate safety and testing of Automated Driving Systems by manufacturers. Comments due 01/18/18.
	Notice of public availability and request for comments	09/15/17		43321(82)	NHTSA seeks to collect information to evaluate how safety is being addressed by manufacturers and other entities developing and testing Automated Driving Systems. Comments due 11/14/17.
	Announcement	09/12/17		Guidance	NHTSA invites public comment on the new Federal policy for automated vehicles. Comments due 11/14/17.
					NHTSA issues updated Federal policy for automated vehicles to replace September 2016 guidance.
USDOT/ NHTSA/ EPA	Update	10/27/17	[EPA-HQ-OAR-2014-0827; NHTSA-2014- 0132; FRL-9927-21-OAR] Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles— Phase 2 <i>Keywords: Emissions, Fuel Standards</i>	Update	U.S. Court of Appeals for D.C. grants a stay on the implementation of trailer portion of the GHG Phase 2 Rule.
	Update	09/25/17		Update	TTMA petitions the U.S. Court of Appeals for D.C. to stay the trailer portion of the GHG Phase 2 Rule.
	Update	08/17/17		Update	EPA announces that it intends to revisit the GHG Phase 2 trailer provisions.
	Update	12/22/17		Update	TTMA petitions the U.S. Court of Appeals for D.C. to require EPA to reconsider the trailer portion of the GHG Phase 2 Rule.
	Final rule	10/25/16		73478(81)	DOT, NHTSA and EPA are establishing rules to reduce GHG emissions and fuel

