

# FEDERAL REGULATORY ACTIVITIES



## Regulatory Status – 2023/24

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

June 28, 2024

### Key Updates on IANA Policy Issues

- **NHTSA denies petition for reconsideration of final rule on rear impact guards. ([More info](#)).**
- **NTSB issues investigative report on East Palestine, Ohio derailment. ([More info](#)).**
- **PHMSA finalizes rule requiring railroads to provide real-time information on rail hazmat shipments to emergency response personnel, effective 07/24/24. ([More info](#)).**
- **Supreme Court overturns “Chevron deference decision;” courts no longer directed to defer to federal agencies on interpretation of statutes. ([More info](#)).**

Agency	Type	Date Posted	Title (As Published in the Federal Register)	Federal Register Page # (Vol. #)	Status
The White House	Executive Order	6/21/24	President Biden Announces New Actions to Strengthen America’s Supply Chains, Lower Costs for Families, and Secure Key Sectors <i>Keywords: Infrastructure; Supply Chains</i>	<u>51949(89)</u>	President Biden issues Executive Order formally establishing White House Council on Supply Chain Resilience.
	Update	11/27/23		<u>Fact Sheet</u>	Biden-Harris Administration announces initiatives to strengthen supply chains, including Freight Office launch.
The White House	Executive Order	02/21/24	Executive Order on Amending Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States <i>Keywords: Ports; Safety</i>	<u>Executive Order</u>	President Biden issues Executive Order to improve cybersecurity in the maritime transportation system.
The White House	Update	01/13/23	The U.S. National Blueprint for Transportation Decarbonation <i>Keywords: Infrastructure; Emissions</i>	<u>Blueprint</u>	Biden-Harris Administration releases blueprint to reduce greenhouse gas emissions from freight and passenger transportation.
BTS	Notice and Request for Comments	02/07/23	[Docket No. DOT-OST-2023-0021] Notice of Request for Clearance of a New Information Collection: Ocean Shipping Reform Act of 2022 (OSRA 22) <i>Keywords: Chassis</i>	<u>8039(88)</u>	BTS seeks approval for OSRA Pilot Data Collection to compile national level chassis street dwell and out of service statistics.
California Air Resources Board	Update	05/13/24	Advanced Clean Fleets Regulation <i>Keywords: Emissions; Trucks</i>	<u>Lawsuit</u>	17 states file lawsuit challenging CARB’s ACF rule.
	Update	04/01/24		<u>Lawsuit</u>	American Free Enterprise Chamber of Commerce and the Associated

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
	Update	11/15/23		<u>Waiver Request</u>	Equipment Distributors file lawsuit challenging CARB's ACF rule.
	Update	10/16/23		<u>Lawsuit</u>	CARB requests EPA waiver to adopt ACF rules. CTA files lawsuit requesting preliminary and permanent injunctions to prevent CARB from enforcing its ACF rule.
California Air Resources Board	Notice of opportunity for public hearing and comment	02/27/24	In-Use Locomotive Regulation <i>Keywords: Emissions; Rail</i>	<u>14484(89)</u>	EPA announces hearing to consider CARB's authorization request on 03/20/24 and accepts written comments until 04/22/24.
	Update	06/16/23		<u>Lawsuit</u>	AAR and ASLRRRA file lawsuit against CARB's In-Use Locomotive Regulation.
	Rulemaking	04/27/23		<u>Rulemaking</u>	CARB approves In-Use Locomotive Regulation to reduce locomotive emissions.
California Air Resources Board	Update	07/24/23	Advanced Clean Truck Regulation <i>Keywords: Emissions; Trucks</i>	<u>Update</u>	U.S. Court of Appeals for the District of Columbia allows 18 states to intervene in lawsuit in support of CARB waivers.
	Update	06/05/23		<u>Lawsuit</u>	Nineteen states file petition for review of EPA decision granting CARB waiver requests.
	Decision	04/06/23		<u>20688(88)</u>	EPA grants CARB waiver requests allowing adoption of Heavy-Duty Vehicle and Engine Emission Warranty Regulations and Maintenance Provisions, Advanced Clean Trucks Regulation, Zero Emission Airport Shuttle Regulation, and Zero-Emission Power Train Certification Regulation.

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
California Supreme Court	Decision	03/15/24	Dynamex Operations West v. Superior Court of Los Angeles Case <i>Keywords: Employee Driver Mandates; Intermodal; Trucks</i>	<u>Decision</u>	U.S. Southern District Court of California rules against CTA and denies its request for a new injunction against AB 5 enforcement.
	Update	09/22/22		<u>Granted Motion</u>	U.S. Southern District Court of California allows OOIDA to intervene in CTA lawsuit.
	Update	06/30/22		<u>Decision</u>	U.S. Supreme Court denies CTA petition for review. AB 5 will retroactively take effect for trucking industry.
	Update	11/12/19		<u>Lawsuit</u>	CTA files amended complaint to include AB 5 in its suit challenging the California Supreme Court Dynamex decision.
	Update	09/18/19		<u>Legislation</u>	Governor Newsom signs AB 5, codifying Dynamex decision into California state law, effective 01/01/20.
	Decision	04/30/18		<u>Decision</u>	California Supreme Court issues ruling in Dynamex case, making it more difficult to classify workers as independent contractors by establishing new "ABC test."
CEQ	Final Rule	05/01/24	Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act <i>Keywords: Infrastructure</i>	<u>35442(89)</u>	CEQ issues final rule modifying its regulations for NEPA implementation, effective 07/01/24.
	Notice of proposed rulemaking	07/31/23		<u>49924(88)</u>	CEQ issues notice of proposed rulemaking to modify its regulations for NEPA implementation.

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
	Final rule	04/20/22		<u>23453(87)</u>	CEQ issues final rule modifying its regulations for the implementation of NEPA, effective 05/20/22.
Coast Guard	Notice of proposed rulemaking; extension of the comment period	04/09/24	[Docket No. USCG-2022-0802] Cybersecurity in the Marine Transportation System	<u>24751(89)</u>	Coast Guard extends comment period on proposal to establish minimum maritime cybersecurity requirements to 05/22/24.
	Notice of Proposed Rulemaking	02/22/24		<u>13404(89)</u>	Coast Guard proposes regulations establishing minimum maritime cybersecurity requirements. Comments due 04/22/24.
Department of Commerce	Notice of open meeting	05/29/24	Advisory Committee on Supply Chain Competitiveness <i>Keywords: Infrastructure</i>	<u>46370(89)</u>	ACSCC announces meeting on 06/12/24.
	Notice of open meeting	02/22/24		<u>13310(89)</u>	ACSCC announces meeting on 03/07/24.
	Notice	12/06/23		<u>84779(88)</u>	DOC requests nominations to the Advisory Committee on Supply Chain Competitiveness, due 01/02/24.
Department of Labor	Final Rule	04/26/24	Wage and Hour Division 29 CFR Part 541 - RIN 1235-AA39 Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees <i>Keywords: Overtime; Small Businesses</i>	<u>32842(89)</u>	DOL issues final rule to raise salary threshold for exemptions from minimum wage under FLSA for executive, administrative, professional, outside sales, and computer employees, effective 07/01/24.
Department of Labor	Final Rule	01/10/24	Wage and Hour Division 29 CFR Parts 780, 788, and 795 - RIN 1235-AA34 Independent Contractor Status under the Fair Labor Standards Act <i>Keywords: Employee Driver Mandates</i>	<u>1638(89)</u>	DOL issues final rule on classification of workers as employees or independent contractors under the FLSA, effective 03/11/24.
EPA	Lawsuit	06/18/24	[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 3 <i>Keywords: Emissions; Fuel Standards</i>	<u>Filing</u>	American Petroleum Institute and OOIDA file lawsuit against EPA's heavy-duty vehicle emission standards.

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
	Lawsuit	05/13/24		<u>Filing</u>	24 states file lawsuit against EPA's heavy-duty vehicle emission standards.
	Final Rule	03/29/24		<u>Final Rule</u>	EPA finalizes new heavy-duty vehicle GHG emission standards for model years 2027-2032.
	Notice of Proposed Rulemaking	04/12/23		<u>25926(88)</u>	EPA proposes rule setting heavy-duty vehicle GHG emission standards for model years 2028-2032.
EPA	Notice of Funding Opportunity	02/28/24	Development of Guidance for Zero-Emission Clean Heavy-Duty Vehicles, Port Equipment, and Fueling Infrastructure Deployment Under the Inflation Reduction Act Funding Programs <i>Keywords: Ports; Trucks; Emissions</i>	<u>NOFO</u>	EPA solicits applications for Clean Ports Program climate and air quality planning funding, due 05/28/24.
	Notice of Funding Opportunity	02/28/24		<u>NOFO</u>	EPA solicits applications for Clean Ports Program zero-emission technology deployment funding, due 05/28/24.
	Notice; Request for Information	05/08/23		<u>29666(88)</u>	EPA seeks comments evaluating the availability, price, and performance of zero-emission technologies in the heavy-duty vehicle and port sectors.
EPA	Final Rule	11/01/23	[EPA-HQ-OAR-2022-0985; FRL-8952.1-01-OAR] RIN 2060-AW12 Locomotives and Locomotive Engines; Preemption of State and Local Regulations <i>Keywords: Freight; Emissions</i>	<u>77004(88)</u>	EPA amends regulations on preemption of state and local regulation of non-new locomotives, effective 12/08/23.
FRA	Final Rule	05/21/24	[Docket No. FRA-2022-0020, Notice No. 1] RIN 2130-AC92 Certification of Signal Employees <i>Keywords: Rail; Safety</i>	<u>44830(89)</u>	FRA finalizes rule establishing regulations for certification of signal employees.
	Notice of Proposed Rulemaking	05/31/23		<u>35632(88)</u>	FRA proposes regulations for certification of signal employees.

Agency	Type	Date Posted	Title (As Published in the Federal Register)	Federal Register Page # (Vol. #)	Status
FRA	Final Rule	05/21/24	[Docket No. FRA-2022-0019, Notice No. 1] RIN 2130-AC91 Certification of Dispatchers <i>Keywords: Rail; Safety</i>	<u>44766(89)</u>	FRA finalizes rule establishing regulations for certification of dispatchers.
	Notice of Proposed Rulemaking	05/31/23		<u>35574(88)</u>	FRA proposes regulations for certification of dispatchers.
FRA	Report	05/20/24	FRA Rigorously Examines Safety and Quality of Life Implications of Long Trains <i>Keywords: Rail; Safety</i>	<u>Reports</u>	FRA issues three research reports examining effects of air brake systems on safety of long trains.
FRA	Final Rule	04/02/24	[Docket No. FRA-2021-0032, Notice No. 1] Train Crew Size Safety Requirements <i>Keywords: Rail; Safety</i>	<u>25052(89)</u>	FRA finalizes rule requiring a minimum of two crewmembers for most rail operations, effective 06/10/24.
	Notice of Proposed Rulemaking	07/28/22		<u>45564(87)</u>	FRA proposes rule requiring a minimum of two crewmembers for most rail operations.
FRA	Notice of Funding Opportunity	03/29/24	Notice of Funding Opportunity for Consolidated Rail Infrastructure and Safety Improvements <i>Keywords: Rail; Transportation Infrastructure Funding/Financing</i>	<u>22206(89)</u>	FRA solicits applications for the CRISI grant program, due 05/28/24.
FRA	Notice of Public Meeting	03/05/24	[Docket No. FRA-2000-7257, Notice No. 95] Railroad Safety Advisory Committee; Notice of Meeting <i>Keywords: Rail; Safety</i>	<u>15925(89)</u>	FRA announces next RSAC meeting on 03/21/24.
FRA	Notice of information collection; request for comment	01/22/24	[Docket No. FRA-2023-0002-N-17] Proposed Agency Information Collection Activities; Comment Request <i>Keywords: Rail; Safety</i>	<u>3984(89)</u>	FRA requests comments on information collection to gather data on Class I railroad train lengths Comments due 02/21/24.
FRA	Notice of Proposed Rulemaking	12/08/23	[Docket No. FRA-2023-0021, Notice No. 1] Freight Car Safety Standards Implementing the Infrastructure Investment and Jobs Act <i>Keywords: Rail</i>	<u>85561(88)</u>	FRA proposes regulations to enforce freight rail car manufacturing requirements. Comments due 02/06/24.
FRA	Notice	06/05/23	Notice of Funding Opportunity for Railroad Crossing Elimination Program <i>Keywords: Rail; Transportation Infrastructure Funding/Financing</i>	<u>Notice</u>	FRA announces \$570 million in grant awards to 32 Railroad Crossing Elimination Program projects.

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
	Notice of funding opportunity	07/06/22		<a href="#">40335(87)</a>	FRA solicits applications for the Railroad Crossing Elimination Program.
FRA	Update	06/01/23	Class I Railroad Safety Assessment <i>Keywords: Rail; Safety</i>	<a href="#">Letter</a>	FRA announces plans to conduct safety assessments of all Class I railroads.
FRA	Notice of Safety Advisory	04/27/23	Safety Advisory 2023-03; Accident Mitigation and Train Length <i>Keywords: Rail; Safety</i>	<a href="#">27570(88)</a>	FRA issues safety advisory to address complexities associated with operating longer trains.
FRA	Notice of Safety Advisory	04/06/23	Safety Advisory 2023-02; Train Makeup and Operational Safety Concerns <i>Keywords: Rail; Safety</i>	<a href="#">Update</a>	FRA issues safety advisory to address risks associated with train makeup.
FRA	Update	02/21/23	USDOT Secretary Buttigieg Calls on Rail Industry to Take Immediate, Commonsense Steps to Improve Accountability and Safety and Highlights Ways Congress Can Support these Efforts <i>Keywords: Rail; Safety</i>	<a href="#">Notice</a>	USDOT calls for legislative, regulatory, and industry reforms to improve freight rail safety
GAO	Report	01/10/24	Discretionary Transportation Grants: DOT Should Improve Transparency in the Infrastructure for Rebuilding America Program <i>Keywords: Transportation Infrastructure Funding/Financing</i>	<a href="#">Report</a>	GAO issues report recommending USDOT update its processes for evaluating INFRA applications.
GAO	Report	09/19/23	Improvements Needed to Federal System for Collecting and Addressing Complaints against Truck, Moving, and Bus Companies <i>Keywords: Trucks</i>	<a href="#">Report</a>	GAO issues report recommending FMCSA improve transparency of complaints against motor carriers.
GAO	Report	04/25/23	Supply Chain: Updated Freight Handbook Could Enhance Stakeholder Decision-Making <i>Keywords: Intermodal</i>	<a href="#">Report</a>	GAO issues report recommending USDOT update its Freight and Land Use Handbook.
Joint Office of Energy and Transportation	Strategy	03/12/24	National Zero-Emission Freight Corridor Strategy <i>Keywords: Freight; Emissions</i>	<a href="#">Strategy</a>	Joint Office of Energy and Transportation issues strategy for transitioning to zero-emission medium- and heavy-duty vehicles.
MARAD	Notice	06/21/24	Notice of Solicitation of Nominations for Membership for the U.S. Maritime Transportation System National Advisory Committee <i>Keywords: Ports, Cargo, Freight</i>	<a href="#">52204(89)</a>	MARAD announces next MTSNAC meetings on 07/10/24 and 07/11/24.

Agency	Type	Date Posted	Title (As Published in the Federal Register)	Federal Register Page # (Vol. #)	Status
	Notice of solicitation for membership	02/12/24		<a href="#">9905(89)</a>	MARAD seeks nominations for Maritime Transportation System National Advisory Committee, due 03/15/24.
MARAD	NOFO	05/24/24	Notice of Funding Opportunity for America's Marine Highway Projects <i>Keywords: Ports, Cargo, Freight</i>	<a href="#">Notice</a>	MARAD solicits FY24 applications for the United States Marine Highway Program (USMHP).
MARAD	Update	01/03/24	Request for Comments on the Approval of a New Information Collection: Building American Production Capacity for Electric Port Equipment and Other Port Infrastructure Items <i>Keywords: Ports</i>	<a href="#">Update</a>	MARAD launches survey on electric port equipment.
NHTSA	Response to Petition for Reconsideration	06/27/24	Federal Motor Vehicle Safety Standards; Rear Impact Guards, Rear Impact Protection <i>Keywords: Truck; Underrides</i>	<a href="#">53505(89)</a>	NHTSA denies petition for reconsideration of final rule on rear impact guards.
	Update	08/25/22		<a href="#">Petition</a>	Advocates for Highway and Auto Safety and Truck Safety Coalition petition NHTSA for reconsideration of final rule on rear impact guards
	Notice	06/30/22		<a href="#">42339(87)</a>	NHTSA issues final rule establishing new requirements for trailer and semitrailer rear impact guards.
NHTSA	Notice of public hearing	01/17/24	[Docket No. NHTSA-2022-0052] Advisory Committee on Underride Protection <i>Keywords: Truck</i>	<a href="#">3020(89)</a>	Advisory Committee on Underride Protection announces public meetings on 02/08/24; 03/13/24; 04/24/24; and 05/22/24.
NHTSA	Notice of proposed rulemaking	07/06/23	[Docket No. NHTSA-2023-0023] RIN 2127-AM36 Heavy Vehicle Automatic Emergency Braking; AEB Test Devices <i>Keywords: Truck; Safety</i>	<a href="#">43174(88)</a>	NHTSA proposes AEB system requirement for heavy-duty vehicles.
NHTSA	Advance Notice of Proposed Rulemaking	04/21/23	[Docket No. NHTSA-2023-0012] RIN 2127-AM54 Side Underride Guards <i>Keywords: Truck; Underrides</i>	<a href="#">24535(88)</a>	NHTSA issues ANPRM to assess impacts of side underride guards installed on trailers and semitrailers.



Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
NLRB	Notice of Appeal	05/07/24	Standard for Determining Joint Employer Status 29 CFR Part 103 RIN 3142-AA21 <i>Keywords: Trucking</i>	<a href="#">Appeal</a>	NLRB appeals U.S. District Court for the Eastern District of Texas decision vacating NLRB joint employer rule.
	Decision	03/09/24		<a href="#">Decision</a>	U.S. District Court for the Eastern District of Texas vacates NLRB joint employer rule.
	Final rule; delay of effective date	11/22/23		<a href="#">81344(88)</a>	NLRB postpones effective date to 02/26/24.
	Final Rule	10/27/23		<a href="#">73946(88)</a>	NLRB issues new standard for determining whether two employers are joint employers, effective 12/26/23.
NLRB	Lawsuit	06/13/23	Board Modifies Independent Contractor Standard under National Labor Relations Act <i>Keywords: Employee Driver Mandates</i>	<a href="#">Decision</a>	NLRB overturns Super Shuttle precedent in decision favoring classification of opera workers as employees rather than independent contractors.
NTSB	Report	06/25/24	Sunshine Act Meeting <i>Keywords: Rail; Safety</i>	<a href="#">Report</a>	NTSB issues investigative report on East Palestine, Ohio derailment.
	Notice of Public Meeting	06/05/24		<a href="#">48196(89)</a>	NTSB announces public meeting on 06/25/24 to consider report on East Palestine, Ohio derailment.
PHMSA	Final Rule	06/24/24	[Docket No. PHMSA-2016-0015 (HM-263)] Hazardous Materials: FAST Act Requirements for Real-Time Train Consist Information <i>Keywords: Rail; Safety</i>	<a href="#">52956(89)</a>	PHMSA finalizes rule requiring railroads to provide real-time information on rail hazmat shipments to emergency response personnel, effective 07/24/24.
	Update	10/27/23		<a href="#">Letter</a>	Coalition of 13 Attorneys General send letter supporting PHMSA proposal and recommending additional requirements.

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
	Notice of Proposed Rulemaking	06/27/23		<a href="#">Notice</a>	PHMSA proposes requiring railroads to provide real-time information on rail hazmat shipments to emergency response personnel.
U.S. Supreme Court	Decision	6/28/24	Loper Bright Enterprises et al. v. Raimondo, Secretary of Commerce, et al. <i>Keywords: Federal regulations</i>	<a href="#">Decision</a>	Supreme Court overturns “Chevron deference decision,” courts no longer directed to defer to federal agencies on interpretation of statutes.
U.S. Supreme Court	Update	12/15/22	Ohio v. CSX Transportation, Inc. <i>Keywords: Grade crossings; Rail Regulation</i>	<a href="#">Brief</a>	19 states and DC file brief in support of Ohio’s petition for Supreme Court review.
	Petition	11/10/22		<a href="#">Petition</a>	Ohio requests U.S. Supreme Court review of case to determine jurisdiction of blocked crossing regulation.
USTR	Request for Comments	05/28/24	[Docket Numbers USTR–2018–0018 and USTR-2018-0026] Notice of Action and Request for Public Comment Concerning Proposed Determination of Action Pursuant to Section 301: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation <i>Keywords: Intermodal; Shipping Containers; Chassis</i>	<a href="#">46252(89)</a>	USTR seeks comments on proposed tariff modifications, due 06/28/24.
	Report	05/14/24		<a href="#">Report</a>	USTR releases report on statutory review of Section 301 tariffs; includes recommendations and proposed modifications.
	Request for Comments	10/13/22		<a href="#">62914(87)</a>	USTR seeks comments evaluating effectiveness of Section 301 tariffs, due 01/17/23.
	Notice	09/08/22		<a href="#">55073(87)</a>	USTR announces it received requests to continue Section 301 tariffs. Tariffs will remain in effect subject to pending review.
	Notice	05/05/22		<a href="#">26797(87)</a>	USTR initiates four-year review of all tariffs under Section 301, including those related to chassis.

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
	Announcement	09/17/18		<u>Announcement</u>	USTR publishes finalized \$200 billion tariff list and announces the list will be subject to a 10 percent tariff starting 09/14/18, Chassis produced in China are subject to the duty.
USTR	Notice of investigation initiation, hearing, and request for comments.	04/22/24	Docket Nos. USTR-2024-0004, USTR-2024-0005 Initiation of Section 301 Investigation: China's Acts, Policies, and Practices Targeting the Maritime, Logistics, and Shipbuilding Sectors for Dominance <i>Keywords: Supply Chain; Maritime</i>	<u>29424(89)</u>	USTR initiates investigation into China's practices impacting U.S. maritime, logistics, and shipbuilding sectors. Comments due 05/22/24.
USTR	Notice of additional public hearings and extension of post-hearing comment period  Request for comments and notice of public hearing	04/03/24  03/07/24	[Docket Number USTR-2024-0002] Request for Comments on Promoting Supply Chain Resilience <i>Keywords: Infrastructure</i>	<u>23079(89)</u>  <u>16608(89)</u>	USTR announces additional hearings to discuss strategies to advance supply chain resilience in trade negotiations on 05/14/24, 05/23/24, and 05/28/24. Post-hearing written comments due 06/04/24.  USTR seeks comments to inform strategies to advance supply chain resilience in trade negotiations, due 04/22/24, and public hearing on 05/02/24