

FEDERAL REGULATORY ACTIVITIES



Regulatory Status – 2021/22

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

November 23, 2022

Key Updates on IANA Policy Issues

- **DOC requests nominations to the Advisory Committee on Supply Chain Competitiveness, due 12/08/22. [\(More info\)](#).**
- **MARAD announces next MTSNAC meeting on 11/29/22 and 11/30/22. [\(More info\)](#).**

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
The White House	30-Day notice of new information collection	11/07/22	Executive Order on America's Supply Chains <i>Keywords: Infrastructure</i>	67131(87)	USDOT announces 30-day comment period on FLOW pilot program. Comments due 12/07/22.
	Notice of information collection	07/18/22		42796(87)	USDOT requests emergency approval for FLOW pilot program information collection.
	Update	03/15/22		Fact Sheet	Biden-Harris Administration and USDOT launch Freight Logistics Optimization Works (FLOW) information exchange initiative.
The White House	Update	10/13/22	Biden-Harris Administration Releases Permitting Action Plan to Accelerate and Deliver Infrastructure Projects On Time, On Task, and On Budget <i>Keywords: Infrastructure</i>	Fact Sheet	Biden-Harris Administration releases Action Plan for Accelerating Infrastructure to expand efforts ensuring timely delivery of infrastructure projects.
	Update	05/11/22		Fact Sheet	Biden-Harris Administration announces permitting guidelines to ensure timely delivery of BIL projects.
The White House	Update	08/16/22	Executive Order Creating a Presidential Emergency Board <i>Keywords: Rail</i>	Report	Presidential Emergency Board releases non-binding recommendations.
	Executive Order	07/20/22		Executive Order	President Biden signs executive order establishing Presidential Emergency Board to resolve rail and labor disputes.
The White House	Executive Order	02/09/22	Executive Order on Use of Project Labor Agreements for Federal Construction Projects	Executive Order	President Biden signs EO requiring the use of project labor agreements by all

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			<i>Keywords: Infrastructure</i>		infrastructure projects receiving \$35 million or more through the Infrastructure Investment and Jobs Act.
The White House/ CEQ	Final rule	04/20/22	Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act <i>Keywords: Infrastructure</i>	<u>23453(87)</u>	CEQ issues final rule modifying its regulations for the implementation of NEPA, effective 05/20/22.
California Air Resources Board	Update	08/11/22	Low NOx Heavy-Duty Engine and Vehicle Omnibus Regulation <i>Keywords: Emissions; Trucks</i>	<u>Withdrawal</u>	EMA withdraws lawsuit against CARB.
	Update	05/27/22		<u>Lawsuit</u>	EMA files federal lawsuit claiming CARB did not adhere to Clean Air Act requirements granting manufacturers four model years to meet new standards.
	Rulemaking	08/28/20		<u>Announcement</u>	CARB approves Heavy-Duty Omnibus rule establishing benchmarks for emission reduction in heavy-duty engines.
California Supreme Court	Update	09/22/22	Dynamex Operations West v. Superior Court of Los Angeles Case <i>Keywords: Employee Driver Mandates; Intermodal; Trucks</i>	<u>Granted Motion</u>	U.S. Southern District Court of California allows OOIDA to intervene in CTA lawsuit.
	Update	08/30/22		<u>Injunction Dissolved</u>	U.S. Southern District Court of California lifts preliminary injunction. Filings for renewed motion for preliminary injunction due 10/11/22.
	Update	07/11/22		<u>Letter</u>	Trade associations send letter to Governor Newsom requesting delay in AB 5 enforcement.
	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.

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	Update	08/09/21		<u>Petition</u>	CTA petitions U.S. Supreme Court for review.
	Update	01/16/20		<u>Decision</u>	U.S. Southern District Court of California grants preliminary injunction on enforcement of AB 5, pending the resolution of CTA's lawsuit.
	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."
Department of Commerce	Notice	11/23/22	Advisory Committee on Supply Chain Competitiveness Solicitation of Nominations for Membership <i>Keywords: Infrastructure</i>	<u>71579(87)</u>	DOC requests nominations to the Advisory Committee on Supply Chain Competitiveness, due 12/08/22.
Department of Labor	Proposed rule; extension of comment period	10/26/22	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>64749(87)</u>	DOL extends comment deadline for proposed rule on independent contractor classification to 12/13/22.
	Notice of Proposed Rulemaking	10/13/22		<u>62218(87)</u>	DOL proposes to rescind and replace Trump Administration's independent contractor rule. Comments due 11/28/22.
	Update	03/14/22		<u>Filing</u>	Court reinstates Trump Administration's independent

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	Final rule; withdrawal Final rule	05/06/21 01/07/21		<u>24303(86)</u> <u>1168(86)</u>	contractor rule after concluding Biden Administration DOL's withdrawal notice violated Administrative Procedure Act. DOL withdraws independent contractor rule. DOL finalizes rule to clarify independent contractor status under the Fair Labor Standards Act, effective 03/08/21.
FCC	Update Final rule	06/02/21 05/03/21	Use of the 5.850-5.925 GHz Band Notice of Proposed Rulemaking – ET Docket No. 19-138 <i>Keywords: Freight; Safety</i>	<u>Notice of Appeal</u> <u>23281(86)</u>	ITS America & AASHTO file notice of appeal and petition for review with DC Circuit Court seeking to reverse FCC final rule. FCC issues final rule reallocating portions of the 5.9 GHz spectrum currently restricted to transportation safety communication services to allow unlicensed uses.
FRA	Correction to announcement of public hearing Proposed rulemaking; announcement of public hearing and extension of comment period Proposed rulemaking; extension of comment period	11/04/22 10/27/22 09/22/22	[Docket No. FRA-2021-0032, Notice No. 1] Train Crew Size Safety Requirements <i>Keywords: Rail; Safety</i>	<u>66638(87)</u> <u>65021(87)</u> <u>57863(87)</u>	FRA updates link for additional hearing details and public viewing. FRA extends comment deadline for proposed rule on train crew size requirements to 12/21/22 and announces public hearing on 12/14/22. FRA extends comment deadline for proposed rule on train crew size requirements to 12/02/22.

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	Notice of Proposed Rulemaking	07/28/22		45564(87)	FRA proposes rule requiring a minimum of two crewmembers for most rail operations, comments due 09/26/22.
FRA	Notice of Proposed Rulemaking	09/08/22	[Docket No. FRA-2009-0038, Notice No. 7] Risk Reduction Program <i>Keywords: Rail, Safety</i>	54938(87)	FRA requests comments on inclusion of contractor employees in Risk Reduction Program final rule. Comments due 11/07/22.
	Final rule	02/18/20		9262(85)	FRA issues final rule requiring Class I and each freight railroad with inadequate safety performance to file a Risk Reduction Program. The final rule is effective 04/20/20.
FRA	Notice of Funding Opportunity	09/02/22	Notice of Funding Opportunity for Consolidated Rail Infrastructure and Safety Improvements <i>Keywords: Rail; Transportation Infrastructure Funding/Financing</i>	54278(87)	FRA solicits applications for the CRISI grant program, due 12/01/22.
FRA	Notice of funding opportunity (NOFO or notice); extension of application submittal period	09/22/22	Notice of Funding Opportunity for Railroad Crossing Elimination Program <i>Keywords: Rail; Transportation Infrastructure Funding/Financing</i>	57969(87)	FRA extends comment deadline for the Railroad Crossing Elimination Program to 10/11/22.
	Notice of funding opportunity	07/06/22		40335(87)	FRA solicits applications for the Railroad Crossing Elimination Program, due 10/04/22.
GAO	Report	03/08/21	Commercial Shipping: Information on How Intermodal Chassis Are Made Available and the Federal Government's Oversight Role <i>Keywords: Chassis; Intermodal</i>	Report	GAO publishes congressionally mandated report on intermodal chassis.
MARAD	Notice of public meeting	10/24/22	U.S. Maritime Transportation System National Advisory Committee; Notice of Public Meeting <i>Keywords: Ports, Cargo, Freight</i>	64306(87)	MARAD announces next MTSNAC meeting on 11/29/22 and 11/30/22.
MARAD	Update	10/06/22	Notice of Funding Opportunity for America's Marine Highway Projects <i>Keywords: Ports, Cargo, Freight</i>	Update	MARAD awards \$39 million ARAt to 12 marine highway projects.

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	NOFO	04/26/22		<u>24615(87)</u>	MARAD solicits applications for additional funding opportunities through America's Marine Highway Program, due 06/17/22.
MARAD	Notice of public meeting	07/27/22	U.S. Maritime Transportation System National Advisory Committee <i>Keywords: Ports, Cargo, Freight</i>	<u>45154(87)</u>	MARAD announces MTSNAC meeting on 08/30/22 and 08/31/22, requests to attend due 08/22/22.
	Notice of solicitation for membership	01/08/21		<u>1576(86)</u>	MARAD solicits nominations for Maritime Transportation System National Advisory Committee (MTSNAC), due 02/08/21.
NLRB	Memorandum of Understanding	07/19/22	Memorandum of Understanding Between the Federal Trade Commission and the National Labor Relations Board Regarding Information Sharing, Cross-Agency Training, and Outreach in Areas of Common Regulatory Interest <i>Keywords: Employee Driver Mandates</i>	<u>Announcement</u>	NLRB and FTC execute MOU to share information and partner on investigative efforts, including misclassification
NLRB	Decision	06/13/22	NLRB Independent-Contractor Standard <i>Keywords: Employee Driver Mandates</i>	<u>Decision</u>	NLRB determines XPO Logistics drivers are employees not independent drivers and order unionization vote.
	Announcement	03/17/22		<u>Announcement</u>	NLRB issues complaint against drayage carrier seeking to overturn 2019 decision that misclassification is not a separate violation of NLRA.
TSA/DHS	Notice	11/04/22	[Docket No. TSA-2004-19605] Hazardous Materials Endorsement (HME) Threat Assessment Program and Transportation Worker Identification Credential (TWIC®) Program Fees <i>Keywords: Transportation Worker Identification Credentials (TWIC)</i>	<u>66721(87)</u>	TSA announces fee reductions for enrollment in TWIC and HME programs, effective 11/03/22.
USITC/ DOC	Notice	07/08/21	Chassis From China; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations <i>Keywords: Intermodal; Chassis</i>	<u>36093(86)</u>	DOC issues antidumping order on certain chassis and subassemblies thereof from China.

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	Notice	05/10/21		<u>24844(86)</u>	DOC issues countervailing duty order on imported chassis from China.
	Notice	08/05/20		<u>47400(85)</u>	USITC initiates preliminary antidumping and countervailing duty investigation of imported chassis and subassemblies from China, in response to petition by the Coalition of American Chassis Manufacturers.
USDOT/ NHTSA	Update	09/30/22	Truck Parking Development Handbook <i>Keywords: Truck</i>	<u>Handbook</u>	USDOT releases handbook outlining strategies and best practices to develop and expand truck parking
USDOT/ NHTSA	Update	08/25/22	Federal Motor Vehicle Safety Standards; Rear Impact Guards, Rear Impact Protection <i>Keywords: Truck; Overrides</i>	<u>Petition</u>	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		<u>42339(87)</u>	NHTSA issues final rule establishing new requirements for trailer and semitrailer rear impact guards.
USDOT/ NHTSA	Notice	07/06/22	[Docket No. NHTSA-2022-0052] Advisory Committee on Underride Protection <i>Keywords: Truck</i>	<u>40346(87)</u>	NHTSA solicits applications for nominations to advisory committee on underride protection, applications due 08/05/22.
USDOT/ NHTSA	Final Rule	03/10/22	Federal Automated Vehicles Policy <i>Keywords: Safety; Truck</i>	<u>Final Rule</u>	NHTSA issues final rule amending certain Federal Motor Vehicle Safety Standards to exempt occupant-less trucks from occupant protection crashworthiness requirements.
USDOT/ NHTSA/ EPA	Proposed Rule	03/28/22	[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>	<u>17414(87)</u>	EPA proposes rule to cut NOx emissions from heavy-duty vehicles by up to 60% in 2045 as part of its Clean Trucks Plan.
	Update	11/12/21		<u>Decision</u>	U.S. Court of Appeals for the D.C. Circuit grants TTMA's petition and

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	Final rule	10/25/16		<u>73478(81)</u>	<p>vacates sections of GHG Phase 2 Rule that apply to trailers.</p> <p>DOT, NHTSA and EPA establish rules to reduce GHG emissions and fuel consumption for new on-road medium- and heavy-duty vehicles and engines. Applies to combination tractors, trailers used in combination with those tractors, and includes separate standards for engines. Effective 12/27/16.</p>
USTR	Request for Comments	10/13/22	<p>[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></p>	<u>62914(87)</u>	USTR seeks comments evaluating effectiveness of Section 301 tariffs, due 01/17/23.
	Notice	09/08/22		<u>55073(87)</u>	USTR announces it received requests to continue Section 301 tariffs. Tariffs will remain in effect subject to pending review.
	Notice	05/05/22		<u>26797(87)</u>	USTR initiates four-year review of all tariffs under Section 301, including those related to chassis.
	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.