

FEDERAL REGULATORY ACTIVITIES



Regulatory Status – 2023/24

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

December 27, 2024

Key Updates on IANA Policy Issues

- **FRA extends comment period on proposal to amend procedures for evaluating waivers and safety-related proceedings to 01/15/25. ([More info](#))**
- **FRA extends comment period on proposal to amend positive train control regulations to 01/11/25. ([More info](#))**

Agency	Type	Date Posted	Title <i>(As Published in the Federal Register)</i>	Federal Register Page # (Vol. #)	Status
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.
California Air Resources Board	Update	11/19/24	Advanced Clean Fleets Regulation <i>Keywords: Emissions; Trucks</i>	<u>Lawsuit</u>	Nebraska files antitrust lawsuit against truck manufacturers and their involvement with CARB's emission regulations.
	Update	10/08/24		<u>Lawsuit</u>	NTEA and SEMA file lawsuit challenging CARB's ACF rule.
	Update	05/13/24		<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 Equipment Distributors file lawsuit challenging CARB's ACF rule.
	Update	11/15/23		<u>Waiver Request</u>	CARB requests EPA waiver to adopt ACF rules.
	Update	10/16/23		<u>Lawsuit</u>	CTA files lawsuit requesting preliminary and permanent injunctions to prevent CARB from enforcing its ACF rule.
California Air Resources Board	Update	10/22/24	In-Use Locomotive Regulation <i>Keywords: Emissions; Rail</i>	<u>Notice</u>	CARB delays locomotive reporting period to July 2025.

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	Order	09/30/24		<u>Order</u>	Eastern District of California denies AAR and ASLRRRA motion for summary judgment and issues stay pending EPA waiver decision.
	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.
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	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	09/18/19		<u>Legislation</u>	

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	Decision	04/30/18		<u>Decision</u>	Governor Newsom signs AB 5, codifying Dynamex decision into California state law, effective 01/01/20. California Supreme Court issues ruling in Dynamex case, making it more difficult to classify workers as independent contractors by establishing new “ABC test.”
CEQ	Update Final Rule	11/12/24 05/01/24	Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act <i>Keywords: Infrastructure</i>	<u>Lawsuit</u> <u>35442(89)</u>	U.S. Court of Appeals for D.C. Circuit rules that CEQ lacks authority to issue NEPA implementation regulations. CEQ issues final rule modifying its regulations for NEPA implementation, effective 07/01/24.
U.S. Committee on the Marine Transportation System	Notice; request for information (RFI); reopening of comment period	09/19/20	[Docket No. DOT–OST–2024–0044] Request for Information To Identify Barriers to Planning for Climate Resilience in U.S. Ports <i>Keywords: Ports; Environment</i>	<u>76793(89)</u>	CMTS reopens comment period for information on resources used to plan for environmental impacts on ports.
Coast Guard	Notice of Proposed Rulemaking	02/22/24	[Docket No. USCG–2022–0802] Cybersecurity in the Marine Transportation System	<u>13404(89)</u>	Coast Guard proposes regulations establishing minimum maritime cybersecurity requirements.
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	10/16/24	[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	<u>Filing</u>	Coalition of 24 states files initial brief in lawsuit against EPA’s heavy-duty vehicle emission standards.

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	Lawsuit	06/18/24	<i>Keywords: Emissions; Fuel Standards</i>	Filing	American Petroleum Institute and OOIDA file lawsuit against EPA's heavy-duty vehicle emission standards.
	Lawsuit	05/13/24		Filing	24 states file lawsuit against EPA's heavy-duty vehicle emission standards.
	Final Rule	03/29/24		Final Rule	EPA finalizes new heavy-duty vehicle GHG emission standards for model years 2027-2032.
EPA	Final Rule	09/11/24	[EPA-R09-OAR-2023-0494; FRL-11442-02-R9] Air Plan Approval; California; South Coast Air Quality Management District <i>Keywords: Emissions</i>	73568(89)	EPA approves final rule making Southern California warehouse emission regulations enforceable by EPA and civic suits, effective 10/11/24.
FRA	Extension of comment period	12/23/24	49 CFR Part 211 [Docket No. FRA-2024-0033] RIN 2130-AC97 Federal Railroad Administration's Procedures for Waivers and Safety Related Proceedings <i>Keywords: Rail; Safety</i>	104508(89)	FRA extends comment period on proposal to amend procedures for evaluating waivers and safety-related proceedings to 01/15/25.
	Notice of Proposed Rulemaking	10/29/24		85895(89)	FRA proposes amending procedures for evaluation of waivers and safety-related proceedings. Comments due 12/30/24.
FRA	Extension of comment period	12/23/24	[Docket No. FRA-2023-0064] RIN 2130-AC95 Positive Train Control Systems <i>Keywords: Rail; Safety</i>	104510(89)	FRA extends comment period on proposal to amend positive train control regulations to 01/11/25.
	Notice of Proposed Rulemaking	10/28/24		85462(89)	FRA proposes to amend positive train control regulations to allow continued operations under certain scenarios when the technology is temporarily disabled. Comments due 12/27/24.
FRA	Final Rule	12/19/24	Docket No. FRA-2023-0021, Notice No. 2] RIN 2130-AC94 Freight Car Safety Standards Implementing the Infrastructure Investment and Jobs Act <i>Keywords: Rail; Safety; Security</i>	103677(89)	FRA issues final rule strengthening Freight Car Safety Standards to restrict rail car content from and car manufacturing in Countries of Concern

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					or state-owned enterprises, effective 01/21/25
FRA	Lawsuit	11/08/24	Rail Industry Challenges FRA's Inaction on Waivers <i>Keywords: Rail; Safety</i>	Update	AAR files lawsuit against FRA for failing to act on overdue waiver requests to implement railroading technologies.
FRA	Update Notice of Funding Opportunity	10/29/24 03/29/24	Notice of Funding Opportunity for Consolidated Rail Infrastructure and Safety Improvements <i>Keywords: Rail; Transportation Infrastructure Funding/Financing</i>	Update 22206(89)	FRA awards \$2.4 billion to 122 CRISI projects. FRA solicits applications for the CRISI grant program.
FRA	Request for Public Comments	10/25/24	[Docket No. FRA-2000-7257, Notice No. 95] Railroad Safety Advisory Committee; Notice of Meeting <i>Keywords: Rail; Safety</i>	83080(89)	FRA seeks comments on potentially changing organizations eligible for RSAC membership.
FRA	Notice of funding opportunity	07/10/24	Notice of Funding Opportunity for Railroad Crossing Elimination Program <i>Keywords: Rail; Transportation Infrastructure Funding/Financing</i>	56788(89)	FRA solicits FY23/24 applications for the Railroad Crossing Elimination Program.
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>	44830(89)	FRA finalizes rule establishing regulations for certification of signal employees.
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>	44766(89)	FRA finalizes rule establishing 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>	Reports	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>	25052(89)	FRA finalizes rule requiring a minimum of two crewmembers for most rail operations, effective 06/10/24.
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>	Report	GAO issues report recommending USDOT update its processes for evaluating INFRA applications.
Joint Office of Energy and Transportation	Strategy	03/12/24	National Zero-Emission Freight Corridor Strategy <i>Keywords: Freight; Emissions</i>	Strategy	Joint Office of Energy and Transportation issues strategy for

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					transitioning to zero-emission medium- and heavy-duty vehicles.
MARAD	Notice	12/03/24	Notice of Funding Opportunity for America's Marine Highway Projects <i>Keywords: Ports, Cargo, Freight</i>	<u>Notice</u>	MARAD awards \$4.85 million to five USMHP projects.
	NOFO	05/24/24		<u>Notice</u>	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>	<u>Update</u>	MARAD launches survey on electric port equipment.
National Academy of Sciences	Report	09/17/24	Long Freight Trains: Ensuring Safe Operations, Mitigating Adverse Impacts <i>Keywords: Rail; Safety</i>	<u>Report</u>	NAS issues report examining impacts of freight trains longer than 7,500 feet.
NHTSA	Notice of a public meeting	08/23/24	NHTSA Safety Research Portfolio Public Meeting: Fall 2024 <i>Keywords: Safety</i>	<u>68238(89)</u>	NHTSA announces public meeting on 10/28/24-10/30/24 to discuss ongoing and future research activities.
NHTSA	Report	06/18/24	[Docket No. NHTSA-2022-0052] Advisory Committee on Underride Protection <i>Keywords: Truck</i>	<u>Report</u>	Advisory Committee on Underride Protection issues report with recommendations to USDOT and Congress.
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>	<u>43174(88)</u>	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>	<u>24535(88)</u>	NHTSA issues ANPRM to assess impacts of side underride guards installed on trailers and semitrailers.
NLRB	Notice of Appeal	05/07/24	Standard for Determining Joint Employer Status 29 CFR Part 103 RIN 3142-AA21 <i>Keywords: Trucking</i>	<u>Appeal</u>	NLRB appeals U.S. District Court for the Eastern District of Texas decision vacating NLRB joint employer rule.
	Decision	03/09/24		<u>Decision</u>	U.S. District Court for the Eastern District of Texas vacates NLRB joint employer rule.

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	Final Rule	10/27/23		<u>73946(88)</u>	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>	<u>Decision</u>	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>	<u>Report</u>	NTSB issues investigative report on East Palestine, Ohio derailment.
PHMSA	Notice of Proposed Rulemaking	10/07/24	[Docket No. PHMSA-2018-0080 (HM-265)] RIN 2137-AF41 Hazardous Materials: Advancing Safety of Highway, Rail, and Vessel Transportation <i>Keywords: Safety</i>	<u>NPRM</u>	PHMSA proposes updating regulations for transporting hazardous materials.
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>	<u>52956(89)</u>	PHMSA finalizes rule requiring railroads to provide real-time information on rail hazmat shipments to emergency response personnel, effective 07/24/24.
TSA/DHS	Notice of Proposed Rulemaking	11/07/24	[Docket No. TSA-2022-0001] RIN 1652-AA74 Enhancing Surface Cyber Risk Management <i>Keywords: Rail</i>	<u>88488(89)</u>	TSA proposes to strengthen cybersecurity for rail sectors.
U.S. Supreme Court	Lawsuit	12/10/24	Seven County Infrastructure Coalition v. Eagle County, Colorado <i>Keywords: NEPA; Permitting</i>	<u>Lawsuit</u>	Supreme Court hears oral arguments in case to determine scope of indirect impacts considered during environmental reviews.
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>	<u>Decision</u>	Supreme Court overturns "Chevron deference decision," courts no longer directed to defer to federal agencies on interpretation of statutes.
USTR	Notice of modification of actions	09/18/24	[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	<u>76581(89)</u>	USTR finalizes changes to Section 301 tariffs, effective 09/27/24.
	Report	05/14/24		<u>Report</u>	USTR releases report on statutory review of Section 301 tariffs; includes

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	Announcement	09/17/18	<i>Keywords: Intermodal; Shipping Containers; Chassis</i>	<u>Announcement</u>	recommendations and proposed modifications. 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.