



Top Stories

12/21/18 – The Federal Motor Carrier Safety Administration (FMCSA) [announced](#) it has determined that California's state laws requiring minimum meal and rest breaks are preempted by federal hours-of-service laws. The determination came in response to petitions filed by the American Trucking Associations and the Specialized Carriers and Rigging Association. NCSL [submitted comments](#) in opposition to the petition and strongly disagrees with this determination. FMCSA said the state's rules are more stringent than and incompatible with federal hours-of-service rules truckers must follow. It also said California's rules have no safety benefit beyond federal regulations, and they "cause an unreasonable burden on interstate commerce." The decision reverses a 2008 determination by FMCSA, when it said California's meal and rest break rules weren't commercial motor vehicle safety regulations "because they applied broadly to all employers and not just motor carriers."

12/21/18 – The U.S. Department of Transportation (DOT) [announced](#) it was making \$60 million in grants available for multiple automated vehicle demonstration projects. The projects should be aimed at demonstrating how challenges to the safe integration of automated driving systems (ADS) into the nation's on-road transportation system can be addressed; providing data and information to identify risks, opportunities, and insights relevant for USDOT safety; and rulemaking priorities needed to remove governmental barriers to the safe integration of ADS technologies. They should also include early and consistent stakeholder engagement, including early coordination with law enforcement, local public agencies, industry, transportation-challenged populations, the public and other relevant stakeholders. Eligible applicants include state governments, public and state-controlled institutions of higher

education, local governments and federally recognized tribes. Applications are due within 90 days of the NOFO's formal publication in the Federal Register.

12/20/18 – DOT announced the [application process](#) for its fiscal year 2019 [Infrastructure for Rebuilding America](#) (INFRA) discretionary grant program. INFRA provides federal financial grants to highway and freight projects of national or regional significance. Projects will be judged based on four primary components including supporting economic vitality at the national and regional level; leveraging federal funding to attract non-federal sources of infrastructure investment; and deploying innovative technology, encouraging innovative approaches to project delivery and incentivizing the use of innovative financing. DOT estimates it will make between \$855 million and \$902.5 million available for awards, subject to appropriations. The application deadline is March 6, 2019, and the department expects to make selections in the summer of 2019.

12/11/18 – The Department of Energy (DOE) released an [updated chart](#) highlighting electric vehicle adoption rates by state—California had 8.64 plug-in vehicle (PEV) registrations per 1,000 people in 2017, followed by Hawaii with 5.12, and Washington state with 4.06. Other states with PEV registrations per 1,000 people greater than two were Oregon, Vermont, Colorado, Arizona and Maryland.

12/11/18 – DOT [unveiled](#) the 91 projects that will receive \$1.5 billion in fiscal year 2018 [Better Utilizing Investments to Leverage Development \(BUILD\) program](#) grant funding, with more than 60 projects located in rural regions. Demand for BUILD grants far exceeded available funds, and the locally driven nature of the applications was clear in their volume and

geographic diversity. The 851 eligible applications from all 50 states, as well as U.S. territories and the District of Columbia, were sent in response to the BUILD Notice of Funding Opportunity (NOFO), nearly doubling the applications received in 2017. Overall, applicants in 2018 requested more than \$10.9 billion in funding. During an event at the department's headquarters, Transportation Secretary Elaine Chao said the department has tried to "rebalance the under-investment in rural communities to address overlooked needs." There is a \$5 million minimum award for projects located in urban areas, and a \$1 million minimum for rural projects.

12/6/18 – The National Academies of Sciences, Engineering and Medicine released a [new report](#) on the U.S. interstate highway system, noting that technological innovations, the changing climate and "a persistent and growing backlog of structural and operational deficiencies" threaten to render the Interstate Highway System unreliable, expensive and a potential threat to safety. Specifically, the report calls for an "aggressive and ambitious" plan of action, including a federal-state partnership that would potentially double or triple current total annual expenditures on the interstates. To fund the increased expenditures, the report recommends raising the federal gas tax in the near term, while, in the long term, lifting restrictions on tolling and/or charging a road use charge which would also have the additional benefit of helping manage congestion.

12/6/18 – Incoming U.S. House Transportation Committee Chairman Representative Peter DeFazio (D-Ore.) announced plans to [propose](#) a national vehicle miles traveled pilot program, which would offer a rebate for the estimated gas tax you would have paid. Many experts agree that a national road usage charge will eventually be required to offset eroding gas tax revenues into the Highway Trust Fund from the increase in electric vehicles. DeFazio also noted that "the only fair way to do vehicles miles travelled is with congestion pricing. You shouldn't charge a farmer who has to travel 20 miles to the feed store the same per-mile fee as someone who jumps on 205 in Portland and causes a backup."

11/30/18 – The Environmental Protection Agency (EPA) [announced](#) the 2019 final requirements for the [Renewable Fuel](#)

[Standard](#). The agency will require 19.92 billion gallons of biofuel to be blended into the nation's fuel system that maintains a conventional ethanol volume at 15 billion gallons but increases the advanced biofuel volumes to 4.92 billion gallons. It also increases cellulosic biofuel requirements to 418 million gallons, up from 288 million gallons this year and an increase over the 381 million gallons over the June proposal. The final rule increases the 2020 requirement for biodiesel to 2.43 billion gallons, up 330 million gallons from the 2.1 billion gallons required this year and in 2019. Biodiesel volumes are set a year in advance of the other biofuels. Most importantly, the 2019 final numbers trigger a clause enacted in 2007 which states that EPA must redo the biofuels blending mandates if they miss the targets set by Congress by 20 percent for two years in a row. The 19.92 billion gallons included in the final rule is well below the 28-billion-gallon mark that Congress included in the 2007 law.

11/29/18 – The Federal Aviation Administration (FAA) [appointed](#) Jay Merkle as the new head of its drone integration office. He most recently served as deputy vice president of the FAA's Program Management Organization. Earl Lawrence, the former head, will take over the agency's aircraft certification division.

11/28/18 – As part of a Senate Environment and Public Works Committee [hearing](#), Chairman John Barrasso (R-Wyo.) noted that existing highway and transit formula programs are the best way to appropriate federal infrastructure funds. "Using the formula-based approach will expedite the delivery of future infrastructure spending. Existing formula funding systems allow flexibility for both rural and urban states to use federal money to its best advantage," Barrasso said. Earlier in the month, the likely incoming chairman of the House Transportation and Infrastructure Committee, and its current ranking member, noted that he is committed to distributing new funds through existing programs.

11/28/18 – The Federal Transit Administration (FTA) announced \$281 million in [grant funding](#) for five transit projects in Arizona, California, Minnesota and Texas. Specifically, FTA will provide \$100 million for the Los Angeles Purple Line Section 3 project; \$80 million for the San Diego Mid-Coast

Corridor Light Rail project; \$74 million for the Minneapolis Orange Line BRT project; \$25 million for the Tempe, Ariz. streetcar project; and \$2 million for the Dallas Area Rapid Transit Red and Blue Line platform extensions project.

From Congress

12/12/18 – The Congressional Budget Office (CBO) [published](#) its annual guidance on ways to reduce the annual federal deficit, which includes details both on reducing expenditures and increasing revenue. Within transportation, those ideas include cutting funding for Amtrak and the Essential Air Service and raising the gasoline tax. For energy, CBO includes the idea of instituting a tax on carbon emissions.

12/11/18 – Senator Joe Manchin (D-W.Va.) was named the ranking member on the Energy and Natural Resources Committee for the 116th Congress. The change is due to current ranking member Maria Cantwell's (D-Wash.) decision to take the ranking member position on Commerce Committee, which has jurisdiction over drones and autonomous vehicles.

From the Administration

12/20/18 – The Federal Transit Administration (FTA) [finalized](#) a \$1.17 billion Full Funding Grant Agreement on Dec. 20 with the Central Puget Sound Regional Transit Authority, commonly called Sound Transit, to help build the Lynnwood Link light rail project, funded through the agency's Capital Investment Grants program. Sound Transit is also approved for up to \$658 million in USDOT credit assistance through the Build America Bureau under the Transportation Infrastructure Finance and Innovation Act program.

12/19/18 – The Federal Aviation Administration (FAA) [awarded](#) \$205 million in supplemental funding for infrastructure grants to small airports in 34 states. More than half of these airports serve rural communities and mostly general aviation. This funding is in addition to the \$3.31 billion already awarded in regular Airport Improvement Program funding during fiscal year 2018.

12/18/18 – The National Traffic Highway Safety Administration (NHTSA) issued a [final rule](#) that attempts to streamline the application and review process when applying for temporary exemptions from federal motor vehicle safety standards. Specifically, the new rule eliminates a provision that had required a petition to the agency be completed before the agency was able to publish summary notices for public comment.

12/14/18 – President Donald Trump announced he will nominate [Jennifer Homendy](#) for another five-year term to the [National Transportation Safety Board](#) (NTSB), and [Michael Graham](#) as a new member. The NTSB is charged with determining the probable cause of transportation accidents and promoting transportation safety and assisting victims of transportation accidents and their families. Prior to joining the board, Homendy served as the Democratic staff director of the Subcommittee on Railroads, Pipelines and Hazardous Materials, which is under the jurisdiction of the Committee on Transportation and Infrastructure of the U.S. House of Representatives. Graham is a director of flight operations, safety, security and standardization of Textron Aviation and a National Business Aviation Association safety member.

12/7/18 – The Federal Motor Carrier Safety Administration (FMCSA) published [denials](#) to 10 different [electronic logging device \(ELD\)](#) mandate exemption requests. The most notable of the groups denied was the Owner Operator Independent Drivers Association (OOIDA), which requested a five-year exemption from the ELD mandate for "certain motor carriers considered to be a small transportation trucking business." In almost every denial, FMCSA stated the groups seeking exemptions had not explained how they would "achieve the equivalent level of safety" that would be realized by the use of an ELD. "FMCSA has reviewed these applications carefully and the comments received and has concluded that each application lacks sufficient merit to justify the exemptions sought," the report stated.

11/30/18 – FTA announced a \$149 million [full funding grant agreement](#) with the Orange County Transportation Authority for a 4.1-mile streetcar line. FTA Acting Administrator K. Jane

Williams added that the streetcar "will provide important multi-modal connections to Amtrak, Metrolink commuter rail, Greyhound, and local bus service."