Top Stories

10/25/18 – In response to a petition filed Sept. 24 by the American Trucking Associations, the Department of Transportation (DOT) is requesting comment on whether a California labor law that requires a 30-minute meal break every five hours as well as a 10-minute rest break every four hours for all employees, is pre-empted by federal law. NCSL filed comments opposing the petition.

10/23/18 – The Department of Homeland Security (DHS) announced that 37 states, territories, and the District of Columbia have been determined by DHS as compliant with all REAL ID requirements. The other 19 jurisdictions are noncompliant but have been granted a temporary extension from enforcement. Extensions are granted at the discretion of Homeland Security Secretary Kirstjen Nielsen and for this extension cycle, DHS has issued limited compliance extensions for only the amount of time that states or territories, according to DHS, need to both begin issuing REAL IDs and to complete the DHS compliance review. More information from the DHS can be found here.

10/16/18 – The Federal Aviation Administration (FAA) approved a waiver for General Electric company to operate drones beyond line of sight for Shell Oil Company inspections in Texas. The waiver represents the first time the FAA has sanctioned the civil use of drones that fly beyond line of sight with the help of radar. Current FAA rules prohibit drone operations at night and beyond visual line of sight of the operator without a waiver from FAA.

10/10/18 – Congress passed S. 3021, the “America’s Water Infrastructure Act of 2018,” informally referred to as the 2018 Water Resources Development Act (WRDA). WRDA plays a key role in protecting, maintaining and further developing our nation’s water infrastructure systems including, ports, waterways, and clean and safe drinking water. It provides states with added stability and certainty to meet water infrastructure needs while also supporting the safety, environmental protection and economic development of communities across the nation. For more information read NCSL’s Info Alert.

10/3/18 – The National Highway Traffic Safety Administration (NHTSA) reported that motor vehicle traffic fatalities among pedestrians were 37,133 in 2017, a 1.8 percent decrease over 2016 and diverged noticeably from total vehicles miles travelled, which rose 1.2 percent. NHTSA also simultaneously released a statistical projection of traffic fatalities for the first half of 2018, which also showed a substantial decline with estimates that 17,120 people died on the roadways in the first half of 2018, a decrease of about 3.1 percent from the first half of 2017. Within 2017’s total, pedestrian fatalities were down 1.7 percent, motorcyclist fatalities were down 3.1 percent, "pedalcyclist" fatalities were down 8.1 percent, and speeding-related fatalities were down 5.6 percent. NHTSA also noted that while there isn't comprehensive data on drugged driving, "in those parts of the country where there has been testing, we see an increase."

10/2/18 – The Federal Highway Administration (FHWA) published a notice soliciting candidate projects for the Interstate System Reconstruction and Rehabilitation Pilot Program, which allows up to three states to collect tolls on an interstate facility for reconstructing or rehabilitating interstate corridors. For more information, read NCSL’s Blog.
9/26/18 – The DOT’s Pipeline and Hazardous Materials Safety Administration issued a final rule repealing a 2015 final rule concerning safety regulation for rail cars carrying crude oil. Specifically, the new rule would remove the requirement issued in 2015 as part of the Fixing America’s Surface Transportation Act that crude oil rail cars be equipped with electric pneumatic brakes. Following the 2015 rule, the Government Accounting Office completed a study that found complying with the electronically controlled pneumatic brake rule would cost more than its benefits.

From Congress

10/9/18 – Senator John Barrasso (R-Wyo.), chairman of the Senate Environment and Public Works Committee, introduced a bill, S. 3559, that would repeal the $7,500 federal tax credit for electric vehicle (EV) purchases and would impose a highway user fee on alternative-fuel vehicles that don’t pay the current federal motor fuels tax as a way to shore up the Highway Trust Fund. While the bill is not expected to move before the end of 115th Congress later this year, it is an important marker from the chairman for the future of this important tax credit for EVs.

From the Administration

10/19/18 – The Federal Emergency Management Agency (FEMA) issued a $235 million Notice of Funding Opportunity for its Pre-Disaster Mitigation (PDM) program. Federal funds will be made available as grants to states to implement and sustain cost-effective measures designed to reduce the risk to individuals and property from natural hazards, while also reducing reliance on federal funding from future disasters. FEMA will provide allocations of $575,000 as required by the Stafford Act to states and territories. The remaining PDM funds will be awarded on a competitive basis with a focus on multi-state/tribal mitigation initiatives. The application closing date is Jan. 31, 2019.

10/17/18 – The Congressional Budget Office issued two reports on infrastructure spending: the first details historical public spending on transportation and infrastructure at all levels of government, while the second details current federal support for financing state and local transportation and water infrastructure.


10/5/18 – FHWA published a Notice of Funding Opportunity that makes $300 million available through its Nationally Significant Federal Lands and Tribal Projects (NSFLTP) program to build and repair roads and bridges that serve tribal or federal lands. Under the NSFLTP, the federal share of a project can be up to 90 percent and can be used to improve the condition of a critical transportation facility. Large-scale projects with estimated construction costs of $50 million or more are given priority consideration for selection, but the program will accept projects with estimated construction costs of at least $25 million.

10/2/18 – The Federal Motor Carrier Safety Administration (FMCSA) issued a final rule that allows, but does not require, State Driver Licensing Agencies (SDLAs) to waive requirements for the commercial learner’s permit knowledge test for qualified military personnel. The combination of this action with previous actions taken by the agency provides SDLAs the option to waive both the Commercial Driver’s License knowledge and driving skills tests for certain current and former military service members who received training to operate CMVs (commercial motor vehicles) during active-duty, National Guard, or reserve service in military vehicles that are comparable to CMVs. The FMCSA has indicated that it is developing guidance and sample documents that SDLAs can use to verify an applicant’s required training and testing in the appropriate vehicle.

10/1/18 – The FAA announced nine new partners, who will join an existing group of five to its Low Altitude Authorization and Notification Capability initiative, which provides near real-time processing of airspace authorizations for Part 107 drone operators nationwide who fly in controlled airspace.
9/28/18 – The EPA’s inspector general issued a report that the agency should better assess the effectiveness of state inspection and maintenance programs, which aims to improve air quality by identifying cars and trucks in need of repair, because states are lagging in assessing their own programs. The Clean Air Act contains a provision requiring states with the higher levels of air pollution to conduct more stringent inspection and maintenance programs for motor vehicles as such vehicles can be significant sources of ozone and smog. Specifically, the report noted that nine states failed to conduct the required biennial evaluation of the program's effectiveness while another four states failed to conduct the required on-road testing to determine the performance of in-use vehicles. The report recommended collecting additional performance data from states and conducting outreach to states "with deficiencies in program implementation" to identify any common trends or problems.

9/27/18 – The FAA provided $205 million in supplemental funding for infrastructure grants to small airports in 34 states, with more than half of them serving rural communities and general aviation needs. The funds were made available due to additional funding included in FY 2018 omnibus appropriations act and are in addition to the $3.31 billion already awarded in regular Airport Improvement Program funding during fiscal year (FY) 2018.

9/25/18 – Transportation Secretary Elaine Chao announced the availability of $366.2 million in grants to improve the safety and reliability of America’s bus systems and enhance mobility for transit riders. A total of 107 projects in 50 states and territories will receive funding from FTA’s Buses and Bus Facilities Infrastructure Investment Program. The funding supports projects to replace, rehabilitate, and purchase buses and related equipment, as well as projects to purchase, rehabilitate, and construct bus-related facilities. Overall, in FY 2018, FTA has awarded more than $15 billion in funding through both formula and competitive grant programs to support public transportation.

9/25/18 – The National Transportation Safety Board issued a new report with 11 recommendations for DOT to improve pedestrian safety. Specifically, the report addresses vehicle-based changes, infrastructure improvements and data needs for improving pedestrian safety. The report also considers improvements to vehicle lighting systems and other vehicle safety systems that can improve pedestrian safety.

9/24/18 – The Federal Transit Administration (FTA) announced that Missouri has obtained federal certification of its rail transit State Safety Oversight (SSO) Program. Federal law requires states with rail transit systems to obtain FTA certification of their SSO Programs by April 15, 2019 and current law prevents the deadline from being waived or extended. With this announcement, 25 states have now achieved SSO Program certification. A certification status table by state is available online.

9/20/18 – FHWA published a notice establishing a new project to evaluate delegating program-level responsibilities of the federal-aid highway program to states. The demonstration relates to program-level actions for design standards, noise policies, maintenance programs, and others.

NCSL Resources

Registration is open for NCSL’s 2018 Capitol Forum, taking place in Washington, D.C., Dec. 5-7.