



## Top Stories

**1/20/17**—President Donald Trump [issued](#) an executive memorandum, calling for an administration-wide regulatory freeze for any new or pending regulations, “in order to ensure that the president’s appointees or designees have the opportunity to review any new or pending regulations.” The memo includes exceptions for rules regarding emergency situations relating to health, safety, finance or national security. The rule would affect a number of rules issued by the Obama Administration (see “From the Administration”) including a proposal that would require additional information concerning the shipment of crude oil by rail with states. Specifically, the memo would provide a 60-day review for all final rules that had been published in the Federal Register, but had not yet gone into effect, while all other rules in the proposed stage would be indefinitely halted. The memo has no impact on rules currently in effect. This newsletter, along with the committee’s two other newsletters covering energy & agriculture and environment, include additional final and proposed rules issued during January that would be affected by this memo.

**1/19/17**—The Department of Transportation’s (DOT) Federal Highway Administration (FHWA) [released](#) deployment guidance on vehicle-to-infrastructure (V2I) technology. The guidance is meant to assist transportation system owners and operators as they deploy V2I technology.

**1/12/17**—Scott Pruitt, the president’s nominee for Administrator of the Environmental Protection Agency (EPA), [indicated](#) that he will review the agency’s [decision](#) to keep in place 2022-2025 vehicle emissions standards.

**1/10/17**—[General John Kelly](#), President Trump’s nominee for Secretary of the Department of Homeland Security, [stated](#) he

sees “some elbow room” in enforcing the [Real ID Act](#), which was passed in 2005 and pertains to security, authentication, and issuance procedures standards for the state driver’s licenses. Specifically, he told senators that he would “absolutely work with states to find a way ahead. The Transportation Safety Administration (TSA) is slated to stop accepting noncompliant driver’s licenses as a form of identification through airport checkpoints beginning Jan. 22, 2018. More than 20 states are currently noncompliant.

**12/20/16**—EPA and Volkswagen AG [reached](#) a \$1 billion agreement second partial settlement to fix or buy back an additional 83,000 vehicles bringing the total money in the mitigation trust fund to nearly \$3 billion. The mitigation trust will be administered by an independent trustee with beneficiaries, which may include states, Puerto Rico, the District of Columbia, and Indian.

## From Congress

**1/05/17**—The U.S. House of Representatives passed two bills concerning the federal regulatory process. The first, the [Regulations from the Executive in Need of Scrutiny Act of 2017](#) (REINS Act) passed 237—187, and the second, the [Regulatory Accountability Act of 2017](#), passed 238-183. The REINS Act would require congressional approval for any bill with an impact of greater than \$100 million, while the Regulatory Accountability Act would impose additional requirements on federal agencies during the rulemaking process. Both bills are unlikely to advance in the Senate, where a 60-vote majority would likely be required.

**12/21/16**—The Congressional Research Service (CRS) [published](#) a report indicating that agency final rules submitted on, or after June 13, 2016, may be subject to disapproval by the 115<sup>th</sup> Congress—two weeks earlier than CRS previously indicated.

## From the Administration

**1/19/17**—DOT [announced](#) the designation of 10 proving ground pilot sites across the nation to encourage testing and information sharing of automated vehicle technologies.

**1/19/17**—The Federal Transit Administration (FTA) [published](#) the final National Public Transportation Safety Plan. The Plan establishes performance measures to improve the safety of public transportation systems that receive federal financial assistance.

**1/19/17**—FTA [posted](#) its FY 2017 Partial Year Apportionment Tables allocating funds through April 28, 2017. The apportionments are authorized by the [Fixing America's Surface Transportation \(FAST\) Act](#) and appropriated by the [Further Continuing and Security Assistance Appropriations Act, 2017](#).

**1/12/17**—DOT [published](#) its Conditions and Performance report on the 2015 status of the nation's highways, bridges, and transit. The report showed the need for \$926 billion in infrastructure investment, with acting FTA Administrator Carolyn Flowers [stating](#) it "showed the impact of the lack of investment in infrastructure...as both reliability and safety suffer."

**1/13/17**—DOT's National Highway Traffic Safety Administration (NHTSA) [published](#) an early estimate of motor vehicle traffic fatalities for the first nine months of 2016, finding that there were 8 percent more fatalities in those months than in the same months in 2015, showing a continuing rise in traffic fatalities.

**1/10/17**—FHWA [released](#) copies of the final rules for the two final national performance management measure regulations. The [first](#) establishes regulations to assess the condition and performance of bridges and pavements on the National Highway System (NHS). The [second](#) establishes regulations to

assess the performance of the NHS, Freight Movement on the Interstate System, and the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. Under the second rule, state and regional highway planners would be required to measure and report the greenhouse gas emissions of projects receiving federal funding. As a part of that rule, the FHWA [finalized](#) a toolkit to assist states and other groups implementing the CMAQ program.

**1/4/17**—DOT Secretary Anthony Foxx [released](#) a cabinet exit memo illustrating the agency's work under the Obama administration while highlighting areas that need continued improvement.

**12/30/16**—Foxx [announced](#) that Martin Klepper will join the Build America Bureau as its first Executive Director. The bureau was created to streamline access to federal credit and grant opportunities while providing technical assistance to project planning, financing, delivery, and monitoring, as well as aiding state and local governments in developing and financing of public-private partnership transactions for transportation facilities.

**12/28/16**—NHTSA [announced](#) it would consider a petition by the Alliance of Automobile Manufacturers and Global Automakers for changes in an upcoming rulemaking on 2022-2025 light-duty vehicle corporate average fuel economy (CAFE) standards. Additionally, NHTSA [announced](#) that it will postpone a congressionally mandated increase in civil penalties for noncompliance to 2019.

**12/27/16**—FTA released over \$3 billion in grants and loans for transit projects across the country. For more information, see NCSL's blog post "[Don't be too Quick to Leave the FAST Act Behind](#)."

**12/20/16**—FHWA [released](#) updated guidance on the Federal Ferry Boat Program (FBP) as revised by the FAST Act. The update provides information on funding, eligible activities, and requirements of the FBP.

**12/20/16**—EPA [announced](#) that it will proceed with a rulemaking to lower emissions of nitrogen oxides from heavy-

duty trucks beginning with model year 2024, consistent with the leadtime requirements of the Clean Air Act.

**12/16/16**—The Federal Railroad Administration (FRA) [recommended](#) upgrades to the Northeastern Corridor to allow for more frequent, reliable and faster service. Updates include expanding to four tracks at most locations and adding a highspeed track between Baltimore and Wilmington, Del.

**12/15/16**—FHWA and FTA [finalized](#) a joint rule this week that revises the transportation planning regulations to promote more effective regional planning by states and metropolitan planning organizations (MPO).