

DEPARTMENT OF TRANSPORTATION (DOT)

Introduction: Department Overview and Summary of Regulatory Priorities

The Department of Transportation (DOT) consists of ten operating administrations and the Office of the Secretary, each of which has statutory responsibility for a wide range of regulations. DOT regulates safety in the aviation, motor carrier, railroad, motor vehicle, commercial space, and pipeline transportation areas. DOT also regulates aviation consumer and economic issues and provides financial assistance for programs involving highways, airports, public transportation, the maritime industry, railroads, and motor vehicle safety. The Department writes regulations to carry out a variety of statutes ranging from the Americans with Disabilities Act to the Uniform Time Act. Finally, DOT develops and implements a wide range of regulations that govern internal programs such as acquisitions and grants, access for the disabled, environmental protection, energy conservation, information technology, occupational safety and health, property asset management, seismic safety, and the use of aircraft and vehicles.

This Plan identifies the Department's regulatory priorities—the fourteen pending rulemakings that the Department believes will merit special attention in the upcoming year. The rules included in the Regulatory Plan embody the Department's continuing focus on safety, consumer protection, environmental stewardship, and energy independence.

In order to prioritize these fourteen rulemakings from among the dozens in the Department's broad regulatory agenda, we focused on a number of factors, including the following:

- The relative risk being addressed
- Requirements imposed by statute or other law
- Actions on the National Transportation Safety Board "Most Wanted List"
- The costs and benefits of regulations
- The advantages to non-regulatory alternatives
- Opportunities for deregulatory action
- The enforceability of any rule, including the effect on agency resources

The Regulatory Plan reflects the Department's primary focus on safety—a focus that extends across all modes of transportation.

- **The airways:** The Plan includes important initiatives by the Federal Aviation Administration (FAA) to enhance the safety of our airways—including a proposed rulemaking to revise rest requirements for commercial pilots.
- **The roads:** The Plan includes proposals by the Federal Motor Carrier Safety Administration (FMCSA) and the National Highway Traffic Safety Administration (NHTSA) to improve the safety of our roadways. FMCSA has initiated rulemakings to strengthen the requirements for commercial drivers' licenses and carrier fitness, while NHTSA is protecting the passengers of the vehicles on America's roads through proposed rules to prevent passenger ejection and to require seat belts in buses.
- **The railways:** The Federal Railroad Administration (FRA) will implement Congress' directive to enhance the safety of our nation's rail system through the introduction of positive train control systems.
- **Pipelines:** The Pipelines and Hazardous Materials Safety Administration (PHMSA) will continue to enhance the integrity of the pipeline distribution system.

The Plan also reflects the Department's focus on protecting the nation's environment and furthering our energy independence. NHTSA's proposed CAFE standards for 2012-2016—a joint effort with the Environmental Protection Agency—is a milestone in that effort. This same focus is reflected in NHTSA's proposed rulemaking on tire fuel efficiency.

The Plan also contains a rulemaking designed to safeguard the interests of consumers flying the nation's skies by imposing limits on tarmac delays and chronically delayed flights.

Each of the rulemakings in the Regulatory Plan is described below in detail. In order to place them in context, we first review the Department's regulatory philosophy and our initiatives to educate and inform the public about transportation safety issues. We then describe the role in the Department's regulatory process and other important regulatory initiatives of the Office of the Secretary of Transportation (OST) and of each of the Department's components. Since each transportation "mode" within the Department has its own area of focus, we summarize the regulatory priorities of each mode and of OST, which supervises and coordinates the modal

initiatives, and is charged with consumer protection in the aviation industry.

The Department's Regulatory Philosophy and Initiatives

The Department has adopted a regulatory philosophy that applies to all its rulemaking activities. This philosophy is articulated as follows: DOT regulations must be clear, simple, timely, fair, reasonable, and necessary. They will be issued only after an appropriate opportunity for public comment, which must provide an equal chance for all affected interests to participate, and after appropriate consultation with other governmental entities. The Department will fully consider the comments received. It will assess the risks addressed by the rules and their costs and benefits, including the cumulative effects. The Department will consider appropriate alternatives, including nonregulatory approaches. It will also make every effort to ensure that legislation does not impose unreasonable mandates.

An important initiative of the Department has been to conduct high quality rulemakings in a timely manner and to reduce the number of old rulemakings. To implement this, the following actions have been required: (1) Regular meetings of senior DOT officials to ensure effective policy leadership and timely decisions, (2) better tracking and coordination of rulemakings, (3) regular reporting, (4) early briefings of interested officials, (5) better training of staff, and (6) necessary resource allocations. The Department has achieved significant success as a result of this initiative. This is allowing the Department to use its resources more effectively and efficiently.

The Department's regulatory policies and procedures provide a comprehensive internal management and review process for new and existing regulations and ensure that the Secretary and other appropriate appointed officials review and concur in all significant DOT rules. DOT continually seeks to improve its regulatory process. A few examples include: the Department's development of regulatory process and related training courses for its employees; its use of an electronic, Internet-accessible docket that can also be used to submit comments electronically; a "list serve" that allows the public to sign up for e-mail notification when the Department issues a rulemaking document; creation of an electronic rulemaking tracking and coordination system; the use of direct

final rulemaking; the use of regulatory negotiation; an expanded internet page that provides important regulatory information, including “effects” report and status reports (<http://regs.dot.gov/>); and consideration of the use of internet blogs to enhance public participation in its rulemaking process.

In addition, the Department continues to engage in a wide variety of activities to help cement the partnerships between its agencies and its customers that will produce good results for transportation programs and safety. The Department’s agencies also have established a number of continuing partnership mechanisms in the form of rulemaking advisory committees.

The Department is also actively engaged in the review of existing rules to determine whether they need to be revised or revoked. These reviews are in accordance with section 610 of the Regulatory Flexibility Act, the Department’s regulatory policies and procedures, and Executive Order 12866. This includes determining whether the rules would be more understandable if they are written using a plain language approach. Appendix D to our Regulatory Agenda highlights our efforts in this area.

The Department will also continue its efforts to use advances in technology to improve its rulemaking management process. For example, the Department created an effective tracking system for significant rulemakings to ensure that either rules are completed in a timely manner or delays are identified and fixed. Through this tracking system, a monthly status report is generated. To make its efforts more transparent, the Department has made this report Internet-accessible. By doing this, the Department is providing valuable information concerning our rulemaking activity and is providing information necessary for the public to evaluate the Department’s progress in meeting its commitment to completing quality rulemakings in a timely manner.

The Department will continue to place great emphasis on the need to complete high quality rulemakings by involving senior Departmental officials in regular meetings to resolve issues expeditiously.

Education and Outreach

The Department is committed to ensuring that the Administration’s priorities related to transportation safety remain a paramount focus of its operation and has planned or initiated a variety of safety initiatives, summits and forums, throughout the country,

that bring together senior transportation officials, elected officials, safety advocates, law enforcement representatives, private sector representatives and academics. Departmental initiatives include some of the following:

- **Distracted Driving Summit** – this Summit brought together senior transportation officials, elected officials, safety advocates, law enforcement representatives, private sector representatives and academics to address a range of issues related to reducing accidents through rulemaking and enforcement, public awareness, and education. Authoritative speakers from around the nation led interactive panel discussions on a number of key topics including the extent and impact of distracted driving, current research, regulations, and best practices. Participants also examined distractions caused by current and planned automotive devices, such as navigational systems.
- **Motorcoach Safety Action Plan** – DOT agencies with responsibility for motorcoach safety will develop an integrated Motorcoach Safety Action Plan. The agencies will take a fresh look at motorcoach safety issues, identify actions to address outstanding safety problems, and develop an aggressive multi-modal schedule to implement those actions. The Department expects this strategy to result in a reduction in the number of motorcoach crashes and fatalities and injuries resulting from those crashes. Based on analysis of the available safety data, the Department assessed causes and contributing factors for motorcoach crashes, fatalities and injuries, and identified opportunities to enhance motorcoach safety. The plan would provide an integrated strategy addressing a wide range of issues including driver errors resulting from fatigue, distraction, medical condition, and experience; crash avoidance technologies; vehicle maintenance and safety; carrier compliance; and measures to protect occupants in the event of a crash, such as seat belts, enhanced vehicle roof strength, fire safety, and emergency egress.
- **Safety Performance Functions Summits** – these summits provide a platform for the exchange of information among a group of stakeholders on the development and application of safety models (called “safety performance functions”) for identifying highway locations that

present the greatest potential for safety improvement and for evaluating the effectiveness of safety projects. The Federal Highway Administration, thirty States, the American Association of State Highway Transportation Officials (AASHTO), the Transportation Research Board, and academia were represented at the summit. From the summit, a set of actions were developed to support the wider deployment of the safety performance functions that serve as underlying foundation for new analysis tools being delivered to the highway safety community. These summits are being held throughout the country from January - December 2009.

- **Towards Zero Fatalities: A Vision for Highway Safety** – the objective is to begin framing the strategic issues that would need to be addressed to move the nation “Toward Zero Fatalities.” FHWA has a contract with AASHTO to hold a broad-based safety meeting in the spring of 2010. The meeting is intended to attract safety professionals from all across the nation and will provide us with a valuable opportunity to connect with stakeholders, solicit their input, and discuss the Department’s safety initiatives.

Office of the Secretary of Transportation (OST)

The Office of the Secretary (OST) oversees the regulatory process for the Department. OST implements the Department’s regulatory policies and procedures and is responsible for ensuring the involvement of top management in regulatory decisionmaking. Through the General Counsel’s office, OST is also responsible for ensuring that the Department complies with Executive Order 12866 and other legal and policy requirements affecting rulemaking, including new statutes and Executive Orders. Although OST’s principal role concerns the review of the Department’s significant rulemakings, this office has the lead role in the substance of projects concerning aviation economic rules and those affecting the various elements of the Department.

OST provides guidance and training regarding compliance with regulatory requirements and process for use by personnel throughout the Department. OST also plays an instrumental role in the Department’s efforts to improve our economic analyses; risk assessments; regulatory flexibility analyses; other

related analyses; and data quality, including peer reviews.

OST also leads and coordinates the Department's response to Administration and congressional proposals that concern the regulatory process. The General Counsel's Office works closely with representatives of other agencies, the Office of Management and Budget, the White House, and congressional staff to provide information on how various proposals would affect the ability of the Department to perform its safety, infrastructure, and other missions.

During fiscal year 2010, OST will continue to focus its efforts on enhancing airline passenger protections by requiring carriers to adopt various consumer service practices (2105-AB92).

OST will also continue its efforts to help coordinate the activities of several operating administrations that advance various Departmental efforts that support the Administration's initiatives on promoting safety, stimulating the economy and creating jobs, sustaining and building America's transportation infrastructure, and improving livability for the people and communities who use transportation systems subject to the Department's policies.

Federal Aviation Administration (FAA)

The Federal Aviation Administration is charged with safely and efficiently operating and maintaining the most complex aviation system in the world. It is guided by its Flight Plan goals—Increased Safety, Greater Capacity, International Leadership, and Organizational Excellence. It issues regulations to provide a safe and efficient global aviation system for civil aircraft, while being sensitive to not imposing undue regulatory burdens and costs on small businesses.

Activities that may lead to rulemaking include:

- Promotion and expansion of safety information sharing efforts, such as FAA-industry partnerships and data-driven safety programs that prioritize and address risks before they lead to accidents. Specifically, FAA will continue implementing Commercial Aviation Safety Team projects related to controlled flight into terrain, loss of control of an aircraft, uncontained engine failures, runway incursions, weather, pilot decision making, and cabin safety. Some of these projects may result in rulemaking and guidance materials.

- Continuing to work cooperatively to harmonize the U.S. aviation regulations with those of other countries, without compromising rigorous safety standards. The differences worldwide in certification standards, practice and procedures, and operating rules must be identified and minimized to reduce the regulatory burden on the international aviation system. The differences between the FAA regulations and the requirements of other nations impose a heavy burden on U.S. aircraft manufacturers and operators. Standardization should help the U.S. aerospace industry remain internationally competitive. The FAA continues to publish regulations based on recommendations of Aviation Rulemaking Committees that are the result of cooperative rulemaking between the U.S. and other countries.

FAA top regulatory priorities for 2009-2010 include:

- Automatic Dependent Surveillance - Broadcast (ADS-B) Out equipment (2120-AI92)
- Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers (2120-AJ00)
- Helicopter Air Ambulance and Commercial Helicopter Safety Initiatives and Miscellaneous Amendments (2120-AJ53)
- Flight and Duty Time Limitations and Rest Requirements (2120-AJ58)
The ADS-B rulemaking would:
 - Accommodate the expected increase in demand for air transportation over the long run, as described in the Next Generation Air Transportation System Integrated Plan;
 - Provide the Federal Aviation Administration with a comprehensive surveillance system that safely and efficiently accommodates the anticipated increase in operations; and
 - Provide a platform for additional flight applications and services in the future.
- The Crewmember and Aircraft Dispatcher Training rulemaking would:
 - Reduce human error and improve performance among flight crewmembers, flight attendants, and aircraft dispatchers;
 - Enhance traditional training programs by requiring the use of flight simulation training devices for flight crewmembers; and

- Include additional training requirements in areas critical to safety.

The Air Ambulance and Commercial Helicopter rulemaking would:

- Codify current agency guidance and address National Transportation Safety Board recommendations;
- Provide certificate holders and pilots with tools and procedures that will aid in reducing accidents;
- Require additional equipment on board helicopters or air ambulances; and
- Amend all part 135 commercial helicopter operations regulations to include equipment requirements, pilot training, and alternate airport weather minimums.

The Flight and Duty Time Limitations and Rest Requirements rulemaking would:

- Address fatigue mitigation and use existing fatigue science to establish minimum rest periods, flight time limitations, and duty period limits for flight crewmembers;
- Incorporate the use of Fatigue Risk Management Systems as an option to provide operator flexibility for specific operations; and
- Reduce human error attributed to fatigue among flight crewmembers.

Federal Highway Administration (FHWA)

The Federal Highway Administration (FHWA) carries out the Federal highway program in partnership with State and local agencies to meet the Nation's transportation needs. The FHWA's mission is to improve continually the quality and performance of our Nation's highway system and its intermodal connectors.

Consistent with this mission, the FHWA will continue:

- With ongoing regulatory initiatives in support of its surface transportation programs;
- To implement legislation in the least burdensome and restrictive way possible; and
- To pursue regulatory reform in areas where project development can be streamlined or accelerated, duplicative requirements can be consolidated, recordkeeping requirements can be reduced or simplified, and the decisionmaking authority of our State and local partners can be increased.

FHWA continues to address a number of rules required by the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The remaining congressionally directed rulemakings resulting from this act include: Express Lane Demonstration Project (2125-AF07) and Real-Time System Management Information Program (2125-AF19). These rulemakings are the FHWA's top regulatory priorities. Additionally, the FHWA is in the process of reviewing all FHWA regulations to ensure that they are consistent with SAFETEA-LU and will update those regulations that are not consistent with this legislation.

Federal Motor Carrier Safety Administration (FMCSA)

The mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries, and fatalities involving commercial trucks and buses. A strong regulatory program is a cornerstone of FMCSA's compliance and enforcement efforts to advance this safety mission. Developing new and more effective safety regulations is key to increasing safety on our Nation's highways. FMCSA regulations establish standards for motor carriers, drivers, vehicles, and State agencies receiving certain motor carrier safety grants and issuing commercial drivers' licenses.

FMCSA continues to develop regulations both mandated by Congress and initiated by the Agency to increase safety. FMCSA continues to address a significant number of rules required by its most recent reauthorization legislation, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The Agency is committed to promulgating the SAFETEA-LU mandated rules while continuing to make progress on a large and challenging rulemaking agenda.

FMCSA continues its work on the Comprehensive Safety Analysis 2010 (CSA 2010). The CSA 2010 initiative will improve the way FMCSA conducts compliance and enforcement operations over the coming years. CSA 2010's goal is to improve large truck and bus safety by assessing a wider range of safety performance data of a larger segment of the motor carrier industry through an array of progressive compliance interventions. FMCSA is targeting 2010 for deployment of this new operational model. The Agency anticipates that the impacts of CSA 2010 and its associated rulemakings, which includes the Carrier Safety Fitness Determination (RIN 2126-AB11) rulemaking, will contribute

further to the Agency's overall goal of decreasing CMV-related fatalities and injuries.

A major undertaking by FMCSA in FY2010 will be to begin a new rulemaking on Hours of Service as the result of a settlement agreement reached on October 26, 2009. Under terms of the settlement, FMCSA must submit a draft notice of proposed rulemaking to the Office of Management and Budget within nine months.

FMCSA's Regulatory Plan for FY2010 includes completion of a number of final and proposed rules that are high priorities for the Agency because they would have a positive impact on safety. Among the rulemakings included in the plan are: (1) Restrictions on the use of wireless communication devices (RIN 2126-AB22) (2) Carrier Safety Fitness Determination (RIN 2126-AB11), (3) National Registry of Certified Medical Examiners (RIN 2126-AA97), and (4) Commercial Driver's License Testing and Commercial Learner's Permit Standard (RIN 2126-AB02).

Together these priority rules will help to substantially improve commercial motor vehicle (CMV) safety on our Nation's highways by improving FMCSA's ability to provide safety oversight of motor carriers and drivers. For example, the restrictions on the use of wireless communication devices rulemaking would ban text messaging and restrict the use of cell phones while operating a commercial motor vehicle. The Commercial Driver's License Testing and Learner's Permit rulemaking would revise commercial driver's license testing and require new minimum Federal standards for States to issue commercial learner's permits. The National Registry of Certified Medical Examiners rulemaking would establish training and testing requirements for healthcare professionals who issue medical certificates to truck and bus drivers.

In order to manage its rulemaking agenda, FMCSA continues to involve senior agency leaders at the earliest stages of its rulemakings, and continues to refine its regulatory development process. The Agency also holds senior executives accountable for meeting deadlines for completing rulemakings.

National Highway Traffic Safety Administration (NHTSA)

The statutory responsibilities of the National Highway Traffic Safety Administration (NHTSA) relating to motor vehicles include reducing the number of, and mitigating the effects of, motor vehicle crashes and related

fatalities and injuries; providing safety performance information to aid prospective purchasers of vehicles, child restraints, and tires; and improving automotive fuel efficiency. NHTSA pursues policies that encourage the development of non-regulatory approaches when feasible in meeting its statutory mandates. It issues new standards and regulations or amendments to existing standards and regulations when appropriate. It ensures that regulatory alternatives reflect a careful assessment of the problem and a comprehensive analysis of the benefits, costs, and other impacts associated with the proposed regulatory action. Finally, it considers alternatives consistent with the Administration's regulatory principles.

NHTSA continues to pursue the high priority vehicle safety area of occupant protection in rollover events, and will propose new performance standards to reduce complete and partial ejections of vehicle occupants from outboard seating positions in fiscal year 2010. NHTSA will propose amending Federal Motor Vehicle Safety Standard No. 111, Rearview Mirrors, to reduce deaths and injuries resulting from backing accidents, in accordance with the Cameron Gulbransen Kids Transportation Safety Act of 2007. NHTSA will also publish a notice of proposed rulemaking to require the installation of lap/shoulder belts in newly-manufactured motorcoaches in accordance with NHTSA's 2007 Motorcoach Safety Plan and DOT's Departmental Motorcoach Safety Action Plan.

NHTSA will continue its efforts to reduce domestic dependency on foreign oil in accordance with the Energy Independence and Security Act (EISA) of 2007 by publishing a final rule setting corporate average fuel economy (CAFE) standards for Model Years 2012-2016 for both cars and light trucks. NHTSA will also publish a final rule regarding tire fuel efficiency consumer information.

In addition to numerous programs that focus on the safe performance of motor vehicles, the agency is engaged in a variety of programs to improve driver and occupant behavior. These programs emphasize the human aspects of motor vehicle safety and recognize the important role of the States in this common pursuit. NHTSA has identified two high priority areas: safety belt use and impaired driving. To address these issue areas, the agency is focusing especially on three strategies—conducting highly visible, well publicized enforcement; supporting

prosecutors who handle impaired driving cases and expanding the use of DWI/Drug Courts, which hold offenders accountable for receiving and completing treatment for alcohol abuse and dependency; and the adoption of alcohol screening and brief intervention by medical and health care professionals. Other behavioral efforts include: encouraging child safety-seat use; combating excessive speed and aggressive driving; improving motorcycle, bicycle, and pedestrian safety; and providing consumer information to the public.

Federal Railroad Administration (FRA)

The Federal Railroad Administration (FRA) exercises regulatory authority over all areas of railroad safety and, where feasible, incorporates flexible performance standards. In order to foster an environment for collaborative rulemaking, the FRA established the Railroad Safety Advisory Committee (RSAC). The purpose of the RSAC is to develop consensus recommendations for regulatory action on issues brought before it by the FRA. When consensus is achieved, and the FRA believes the recommendation serves the public's interest, the resulting rule, having been developed in a more transparent manner, is very likely to be better understood, more widely accepted, more cost-beneficial, and more correctly applied. In situations, where consensus cannot be achieved, the FRA fulfills its regulatory role without the benefit of the RSAC's recommendations.

FRA's current regulatory program contains numerous mandates resulting from the Rail Safety Improvement Act of 2008 (RSIA08) as well as actions supporting the Department's High-Speed Rail Strategic Plan. RSIA08 alone has resulted in at least 18 rulemaking actions, which are competing for limited resources to meet the short deadlines imposed by Congress. FRA has prioritized these rulemakings according to the greatest effect on safety, as well as expressed Congressional interest, and will work to complete as many rulemakings as possible prior their statutory deadlines. Revised timelines for completion of unfinished regulations will be forwarded to Congress for consideration. Through the RSAC, FRA is working to complete RSIA08 actions that include finalizing a Positive Train Control regulation, developing requirements for Train Conductor Certification, and determining hours of service for employees of intercity and commuter passenger rail service. RSAC-supported actions that advance high-speed passenger rail include proposed

revisions to the Track Safety Standards dealing with vehicle-track interaction.

Federal Transit Administration (FTA)

FTA helps communities support public transportation by issuing grants to eligible recipients for public transportation purposes, including planning, vehicle purchases, facility construction, operations, and other transit-related purposes. FTA regulatory activity focuses on establishing the terms and conditions that attach to Federal financial assistance available under Federal transit laws. FTA policy regarding regulations is to:

- implement statutes that provide the maximum benefit to our nation's mobility and connectivity;
- provide local flexibility and discretion;
- ensure the most productive use of limited Federal resources;
- protect taxpayer investments in public transportation assets;
- incorporate good management principles into the grant management process; and
- provide transparency.

As public transportation needs have changed over the years, so have the requirements for Federal financial assistance under the Federal transit laws and related statutes. As a result of the next authorization statutes, FTA expects to conduct a number of substantive rulemakings. A few rulemakings are likely to be mandated by statute, and others are likely necessary to amend current regulations to make them consistent with the next authorization statutes. FTA's regulatory priorities for the coming year will be reflective of the directives and programmatic priorities established by the authorization statutes, including, notably, FTA's School Bus regulation, New Starts regulation, and State Safety Oversight regulation. FTA also anticipates revising its Project Management Oversight regulation.

Maritime Administration (MARAD)

The Maritime Administration (MARAD) administers Federal laws and programs designed to promote and maintain a U.S. merchant marine capable of meeting the Nation's shipping needs for both national security and domestic and foreign commerce.

MARAD administers the Deepwater Port Act of 1974, as amended (DWPA, 33 U.S.C. § 1501 et seq.), which established a licensing system for ownership, construction, and operation

of oil and natural gas deepwater port (DWP) structures located seaward of U.S. territorial waters. The DWPA authorizes the Secretary of Transportation, and by delegation the Maritime Administration, to issue licenses for deepwater ports.

By its delegated authority, MARAD is responsible for determining the financial capability of potential licensees, rendering citizenship determinations for ownership, and securing operational and decommissioning guarantees for deepwater port projects. In concert with the U.S. Coast Guard (USCG) and other cooperating Federal agencies, MARAD prepares a Record of Decision (ROD) for each application. Through the administration of the DWPA, the Maritime Administration plays a vital role in meeting Presidential energy directives, protecting the environment, building local economies, and improving mobility, safety, and security in our Nation's oceans and ports.

MARAD's other regulatory objectives and priorities reflect the Agency's responsibility of ensuring the availability of adequate and efficient water transportation services for American shippers and consumers. To advance these objectives, MARAD issues regulations, which are principally administrative and interpretive in nature.

Before the end of 2009, the Agency will issue a final rule regarding the America's Marine Highway program that is in response to the enactment of the Energy Independence and Security Act of 2007 (PL. 110-140). The ACT directs the Secretary of Transportation to establish a short sea transportation program and designate short sea transportation projects to mitigate landside congestion. Finally, during FY 2010, MARAD will focus on revising its cargo preference regulations.

Pipeline and Hazardous Materials Safety Administration (PHMSA)

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has responsibility for rulemaking under two programs. Through the Associate Administrator for Hazardous Materials Safety, PHMSA administers regulatory programs under Federal hazardous materials transportation law and the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990. Through the Associate Administrator for Pipeline Safety, PHMSA administers regulatory programs under the Federal pipeline safety laws and the Federal Water

Pollution Control Act, as amended by the Oil Pollution Act of 1990.

PHMSA will continue to work toward the elimination of deaths and injuries associated with the transportation of hazardous materials by all transportation modes, including pipeline. We will use data to focus our efforts on the prevention of high-risk incidents, particularly those of high consequence to people and the environment. PHMSA will use all available agency tools to assess data; evaluate alternative safety strategies, including regulatory strategies as necessary and appropriate; target enforcement efforts; and enhance outreach, public education, and training to promote safety outcomes.

PHMSA will continue to focus its safety efforts on the resolution of highest priority risks, including those posed by the air transportation of hazardous materials and bulk transportation of high hazard materials (2137-AE32). To enhance aviation safety, PHMSA and FAA are seeking to identify cost-effective solutions that can be implemented to reduce incident rates and potentially detrimental consequences without placing unnecessary burdens on the regulated community. To this end, PHMSA and FAA are developing regulatory revisions to enhance the safe transportation of lithium batteries on board aircraft (2137-AE44). In addition, PHMSA is working with FAA to assess safety risks associated with the transportation by aircraft of hazardous materials in non-bulk packagings. To address the risks posed by the bulk transportation of high-risk hazardous materials, PHMSA is considering the development of enhanced safety measures governing bulk loading and unloading operations (2137-AE37).

PHMSA will continue to look for ways to reduce the regulatory burden on hazardous materials shippers and carriers, consistent with our overall safety goals. For example, PHMSA is

conducting a comprehensive review of special permits to identify those with demonstrated safety records that should be adopted as regulations of general applicability (2137-AE39). We will continue to review regulatory standards to ensure they are necessary, easy to understand, contemporary, and enforceable.

In the fall of 2009, PHMSA will complete its integrity management initiative by finalizing risk-based integrity management regulations applicable to gas distribution pipelines.

Research and Innovative Technology Administration (RITA)

The Research and Innovative Technology Administration (RITA) seeks to identify and facilitate solutions to the challenges and opportunities facing America's transportation system through:

- Coordination, facilitation, and review of the Department's research and development programs and activities;
- Providing multi-modal expertise in transportation and logistics research, analysis, strategic planning, systems engineering and training;
- Advancement, and research and development, of innovative technologies, including intelligent transportation systems;
- Comprehensive transportation statistics research, analysis, and reporting;
- Education and training in transportation and transportation-related fields; and
- Managing the activities of the John A. Volpe National Transportation Systems Center.

Through its Bureau of Transportation Statistics, Office of Airline Information, RITA collects, compiles, analyzes, and makes accessible information on the Nation's air transportation system. RITA collects airline financial, traffic, and operating statistical data, including on-

time flight performance data. This information gives the Government consistent and comprehensive economic and market data on airline operations that are used in supporting policy initiatives and administering the Department's mandated aviation responsibilities, including negotiating international bilateral aviation agreements, awarding international route authorities, performing airline and industry status evaluations, supporting air service to small communities, setting Alaskan Bush Mail rates, and meeting international treaty obligations.

Through its Intelligent Transportation Systems Joint Program Office (ITS/JPO), RITA conducts research and demonstrations, and, as appropriate, may develop new regulations, in coordination with OST and other DOT operating administrations, to enable deployment of ITS research and technology results.

Through its Volpe National Transportation Systems Center, RITA provides a comprehensive range of engineering expertise, and qualitative and quantitative assessment services, focused on applying, maintaining and increasing the technical body of knowledge to support DOT operating administration regulatory activities.

Through its Transportation Safety Institute, RITA designs, develops, conducts and evaluates training and technical assistance programs in transportation safety and security to support DOT operating administration regulatory implementation and enforcement activities.

RITA's regulatory priorities are to assist OST and all DOT operating administrations in updating existing regulations by applying research, technology and analytical results; to provide reliable information to transportation system decision makers; and to provide safety regulation implementation and enforcement training.

**QUANTIFIABLE COSTS AND BENEFITS OF RULEMAKINGS
ON THE 2009-2010 DOT REGULATORY PLAN**

This chart does not account for non-quantifiable benefits, which are often substantial

Agency/RIN Number	Title	Stage	Quantifiable Costs Discounted 2007 \$ (Millions)	Quantifiable Benefits Discounted 2007 \$ (Millions)
OST				
2105-AD72	Enhancing Airline Passenger Protections	FR 02/10	5.6	14.1
2105-AD92	Enhancing Airline Passenger Protections — Part 2	NPRM 06/10	TBD	TBD
Total for OST			5.6	14.1
FAA				
2120-AI92	Automatic Dependent Surveillance – Broadcast (ADS-B) Out equipment	FR 04/10	1,600	1,000
2120-AJ00	Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers	SNPRM 04/10	TBD	TBD
2120-AJ53	Helicopter Air Ambulance and Commercial Helicopter Safety Initiatives and Miscellaneous Amendments	NPRM 06/10	TBD	TBD
2120-AJ58	Flight and Duty Time Limitations and Rest Requirements	NPRM 12/09	TBD	TBD
Total for FAA			1,600	1,000
FMCSA				
2126-AA97	National Registry of Certified Medical Examiners	NPRM 05/10	587	1,034
2126-AB02	Commercial Driver's Licenses and Learner's Permit	FR 04/10	65	231
2126-AB11	Carrier Safety Fitness Determination	NPRM 01/10	TBD	TBD
2126-AB22	Drivers of Commercial Motor Vehicles: Limiting the Use of Wireless Communication Devices	NPRM 09/10	TBD	TBD
Total for FMCSA			652	1,265
NHTSA				
2127-AK23	Ejection Mitigation	NPRM 12/09	583	1,158
2127-AK43	Federal Motor Vehicles Safety Standard No. 111, Rearview Mirrors	NPRM 04/10	TBD	TBD
2127-AK45	Tire Fuel Efficiency	FR 12/09	51	202
2127-AK50	CAFE 2012-2016	FR 04/10	60,157	201,676
2127-AK56	Motorcoach Occupant Crash Protection	NPRM 03/10	25.8	107.7
Total for NHTSA			60,817	203,144
FRA				
2130-AC03	Positive Train Control	FR 01/10	9,575	584
Total for FRA			9,575	584
PHMSA				
2137-AE15	Pipeline Safety: Distribution Integrity Management	FR 11/09	1,484	2,691
Total for PHMSA			1,484	2,691

Agency/RIN Number	Title	Stage	Quantifiable Costs Discounted 2007 \$ (Millions)	Quantifiable Benefits Discounted 2007 \$ (Millions)
MARAD				
2133-AB74	Regulations To Be Followed by All Departments, Agencies and Shippers Having Responsibility To Provide a Preference for U.S.-Flag Vessels in the Shipment of Cargoes on Ocean Vessels	NPRM 09/10	TBD	TBD
2133-AB75	Cargo Preference — Compromise, Assessment, Mitigation, Settlement & Collection of Civil Penalties	NPRM 03/10	TBD	TBD
Total for MARAD			0	0
TOTAL FOR DOT			74,133.6	208,698.1

Notes:
 Estimated values are shown after rounding to the nearest \$1 million and represent discounted present values assuming a discount rate of 7 percent.
 Costs and benefits of rulemakings may be forecast over varying periods. Although the forecast periods will be the same for any given rulemaking, comparisons between proceedings should be made cautiously.
 The Department of Transportation generally assumes that there are economic benefits to avoiding a fatality of \$5.8 million. That economic value is included as part of the benefits estimates shown in the chart. As noted above, we have made no effort to include the non-quantifiable benefits.

DOT—Office of the Secretary (OST)

PROPOSED RULE STAGE

111. • +ENHANCING AIRLINE PASSENGER PROTECTIONS — PART 2

Priority:

Other Significant

Legal Authority:

49 USC 41712; 49 USC 40101(a)(4); 49 USC 40101(a)(9); 49 USC 41702

CFR Citation:

Not Yet Determined

Legal Deadline:

None

Abstract:

This rulemaking would enhance airline passenger protections by addressing the following areas: (1) contingency plans for lengthy tarmac delays; (2) reporting of tarmac delay data; (3) customer service plans; (4) notification to passengers of flight status changes; (5) inflation adjustment for denied boarding compensation; (6) alternative transportation for passengers on canceled flights; (7) opt-out provisions (e.g. travel insurance); (8) contract of carriage provisions; (9) baggage fees disclosure; and (10) full fare advertising.

Statement of Need:

This rule is needed to improve the air travel environment for passengers.

Summary of Legal Basis:

The Department has authority and responsibility under 49 USC 41712 in concert with 49 USC 40101(a)(4) and 40101(a)(9) and 49 USC 41702, to protect consumers from unfair and deceptive practices and to ensure safe and adequate service in air transportation.

Alternatives:

The main alternative would be to take no regulatory action.

Anticipated Cost and Benefits:

To be determined

Risks:

The risk of not taking regulatory action would be a continuation of the dissatisfaction and frustration passengers have with the air travel environment.

Timetable:

Action	Date	FR Cite
NPRM	01/00/10	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

Undetermined

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2105-AD92

DOT—OST

FINAL RULE STAGE

112. +ENHANCING AIRLINE PASSENGER PROTECTIONS

Priority:

Other Significant

Legal Authority:

49 USC 329

CFR Citation:

14 CFR 234; 14 CFR 399

Legal Deadline:

None

Abstract:

This rulemaking would propose to enhance airline passenger protections in the following ways: (1) require carriers to adopt contingency plans for lengthy tarmac delays and to incorporate these plans in their contracts of carriage, (2) require carriers

to respond to consumer problems, (3) declare the operation of flights that remain chronically delayed to be an unfair and deceptive practice and an unfair method of competition, (4) require carriers to publish delay data on their web sites, and (5) require carriers to adopt customer service plans, incorporate these in their contracts of carriage, and audit their adherence to their plans.

Statement of Need:

This rule is needed to provide consumers with more information and protections to minimize the adverse consequences of air travel delays and cancellations. The Department's Office of the Inspector General has recommended that the Department take specific action to improve the air travel environment for passengers and Congress has proposed legislation to improve airline passenger protections.

Summary of Legal Basis:

The Department has authority and responsibility under 49 USC 41712, in concert with 49 USC 40101(a)(4) and 40101(a)(9) and 49 USC 41702, to protect consumers from unfair and deceptive practices and to ensure safe and adequate service in air transportation.

Alternatives:

The main alternative would be to take no regulatory action to address the increasing number of passengers who are dissatisfied with airline service as a result of recent marathon tarmac waits and the epidemic of flight delays, and to rely on the airlines to regulate themselves.

Anticipated Cost and Benefits:

The rule is estimated to cost \$5.6 million and result in benefits of \$14.1 million per year (at a 7 percent discount rate).

Risks:

The risk of not taking regulatory action would be a continuation of the dissatisfaction and frustration passengers have with the air travel environment.

Timetable:

Action	Date	FR Cite
ANPRM	11/20/07	72 FR 65233
ANPRM Comment Period End	01/22/08	
Clarification Concerning ANPRM	03/05/08	73 FR 11843
NPRM	12/08/08	73 FR 74586
NPRM Comment Period End	02/06/09	

Action	Date	FR Cite
NPRM Comment Period Extended	02/06/09	74 FR 6249
NPRM Extended Comment Period End	03/09/09	
Final Rule	02/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2105-AD72

DOT—Federal Aviation Administration (FAA)

PROPOSED RULE STAGE

113. +QUALIFICATION, SERVICE, AND USE OF CREWMEMBERS AND AIRCRAFT DISPATCHERS

Priority:

Other Significant

Legal Authority:

49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 44101; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44709 to 44711; 49 USC 44713; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 44901; 49 USC 44903; 49 USC 44904; 49 USC 44912; 49 USC 46105

CFR Citation:

14 CFR 119; 14 CFR 121; 14 CFR 135; 14 CFR 142; 14 CFR 65

Legal Deadline:

None

Abstract:

This rulemaking would amend the regulations for crewmember and dispatcher training programs in domestic, flag, and supplemental operations. The rulemaking would enhance traditional training programs by requiring the use of flight simulation training devices for flight crewmembers and including additional training requirements in areas that are critical to safety. The rulemaking would also reorganize and revise the qualification and training requirements. The changes are intended to contribute significantly to reducing aviation accidents.

Statement of Need:

This rulemaking is part of the FAA's efforts to reduce fatal accidents in which human error was a major contributing cause. The changes would reduce human error and improve performance among flight crewmembers, flight attendants, and aircraft dispatchers. National Transportation Safety Board (NTSB) investigations identified several areas of inadequate training that were the probable cause of an accident. This rulemaking contains changes to address the causes and factors identified by the NTSB.

Summary of Legal Basis:

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. This rulemaking is promulgated under the authority described in 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.

Alternatives:

During the Notice of Proposed Rulemaking (NPRM) phase, the FAA did not find any significant alternatives in accordance with 5 U.S.C. § 603(d). The FAA will again review alternatives at the final rule phase.

Anticipated Cost and Benefits:

The FAA will develop the costs and benefits of this rulemaking after reviewing the comments received in response to the NPRM.

Risks:

The FAA will review specific risks associated with this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	01/12/09	74 FR 1280

Action	Date	FR Cite
Comment Period End	05/12/09	
Notice of Public Meeting	03/12/09	74 FR 10689
NPRM Comment Period Extended	04/20/09	74 FR 17910
Extended Comment Period End	08/10/09	
SNPRM	04/00/10	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

Additional Information:

For flight crewmember information contact Edward Cook, for flight attendant information contact Nancy Lauck Claussen, and for aircraft dispatcher information contact David Maloy, Air Carrier Training Branch (AFS-210), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267 8166.

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2120-AJ00

DOT-FAA**114. • +AIR AMBULANCE AND COMMERCIAL HELICOPTER OPERATIONS; SAFETY INITIATIVES AND MISCELLANEOUS AMENDMENTS****Priority:**

Other Significant

Legal Authority:

49 USC 106(g); 49 USC 40113; 49 USC 41706; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 45101;

49 USC 45102; 49 USC 45103; 49 USC 45104; 49 USC 45105

CFR Citation:

14 CFR 1; 14 CFR 135

Legal Deadline:

None

Abstract:

This rulemaking would change equipment and operating requirements for commercial helicopter operations, including many specifically for helicopter air ambulance operations. This rulemaking is necessary to increase crew, passenger, and patient safety. The intended effect is to implement the National Transportation Safety Board, Aviation Rulemaking Committee and internal FAA recommendations.

Statement of Need:

Since 2002, there has been an increase in fatal helicopter air ambulance accidents. The FAA has undertaken initiatives to address common factors that contribute to helicopter air ambulance accidents including issuing notices, handbook bulletins, operations specifications, and advisory circulars (ACs). This rule would codify many of those initiatives, as well as several NTSB and Part 125/135 Aviation Rulemaking Committee recommendations. In addition, the House of Representatives and the Senate introduced legislation in the 111th Congress and in earlier sessions that would address several of the issues raised in this rulemaking.

Summary of Legal Basis:

This rulemaking is promulgated under the authority described in 49 U.S.C. 44701(a)(4), which requires the Administrator to promulgate regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers, and 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.

Alternatives:

The FAA is currently reviewing alternatives to rulemaking.

Anticipated Cost and Benefits:

The FAA is currently developing costs and benefits.

Risks:

Helicopter air ambulance operations have several characteristics that make them unique, including that they are not limited to airport locations for picking up and dropping off patients, but may pick up a person at a roadside accident scene and transport him or her directly to a hospital. Helicopter air ambulance operations are also often time-sensitive. A helicopter air ambulance flight may be crucial to getting a donor organ or critically ill or injured patient to a medical facility as efficiently as possible. Additionally, patients generally are not able to choose the helicopter air ambulance company that provides them with transportation. Despite the fact that there are unique aspects to helicopter air ambulance operations, they remain, at their core, air transportation. Accordingly, the FAA has the responsibility for ensuring the safety of these operations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2120-AJ53

DOT-FAA**115. • +FLIGHT AND DUTY TIME LIMITATIONS AND REST REQUIREMENTS****Priority:**

Economically Significant. Major under 5 USC 801.

Legal Authority:

49 USC 106(g); 49 USC 40113; 49 USC 40119; 49 USC 41706; 49 USC 44101; 49 USC 44701; 49 USC 44702; 49 USC 44705; 49 USC 44705; 49 USC 44709; 49 USC 44710; 49 USC 44711; 49 USC 44712; 49 USC 44713; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 45101; 49 USC 45102; 49 USC 45103; 49 USC 45104; 49 USC 45105; 49 USC 46105

CFR Citation:

14 CFR 121; 14 CFR 135

Legal Deadline:

None

Abstract:

This rule would establish one set of flight time limitations, duty period limits, and rest requirements for pilots. The rule is necessary to ensure that pilots have the opportunity to obtain sufficient rest to perform their duties. The objective of the rule is to contribute to an improved aviation safety system.

Statement of Need:

The FAA recognizes that the effects of pilot fatigue are universal, and the profiles of different types of operations are similar enough that the same fatigue mitigations should be applied across all types of operations.

In June 2009, the FAA established the Flight and Duty Time Limitations and Rest Requirements Aviation Rulemaking Committee (ARC) whose membership includes labor, industry, and FAA representatives. The ARC will review current approaches to mitigating fatigue and make recommendations to the Associate Administrator for Aviation Safety in September 2009 on how to address this issue in FAA regulations.

The ARC will consider:

- An approach to fatigue that consolidates and replaces existing regulatory requirements;
- Current fatigue science, data, and information;
- How current international standards address fatigue; and
- The use of Fatigue Risk Management Systems.

Based on ARC recommendations, the FAA will propose new regulations using scientific research data, developing methods for data collection and analysis, reviewing fatigue-related accident data, and using relevant NTSB recommendations.

Summary of Legal Basis:

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. This rulemaking is promulgated under the authority described in 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.

Alternatives:

The FAA is currently reviewing alternatives to rulemaking.

Anticipated Cost and Benefits:

The proposed rule is designated as "significant regulatory action" as designated in section 3(f) of Executive Order 12866. In addition, the proposed rule would have a significant economic impact on a substantial number of small entities. Quantifiable costs and benefits to be determined.

Risks:

The FAA will review specific risks associated with this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses, Organizations

Government Levels Affected:

None

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2120-AJ58

DOT—FAA**FINAL RULE STAGE****116. +AUTOMATIC DEPENDENT SURVEILLANCE — BROADCAST (ADS-B) EQUIPAGE MANDATE TO SUPPORT AIR TRAFFIC CONTROL SERVICE****Priority:**

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

This action may affect the private sector under PL 104-4.

Legal Authority:

49 USC 1155; 49 USC 40103; 49 USC 40113; 49 USC 40120; 49 USC 44101; 49 USC 44111; 49 USC 44701; 49 USC 44709; 49 USC 44711; 49 USC 44712; 49 USC 44715; 49 USC 44716; 49 USC 44717; 49 USC 44722; 49 USC 46306; 49 USC 46315; 49 USC 46316; 49 USC 46504; 49 USC 46506 ; 49 USC 47122; 49 USC 47508; 49 USC 47528 to 47531; 49 USC 106(g); Articles 12 and 29 of 61 Stat.1180; 49 USC 46507

CFR Citation:

14 CFR 91

Legal Deadline:

None

Abstract:

This rulemaking would require Automatic Dependent Surveillance — Broadcast (ADS-B) Out equipment on aircraft to operate in certain classes of airspace within the United States National Airspace System. The rulemaking is necessary to accommodate the expected increase in demand for air transportation, as described in the Next Generation Air Transportation System Integrated Plan. The intended effect of this rule is to provide the Federal Aviation Administration with a comprehensive surveillance system that accommodates the anticipated increase in operations and would provide a platform for additional flight applications and services.

Statement of Need:

Congress tasked the FAA with creating the Next Generation Air Transportation System (NextGen) to accommodate the demand for air traffic services. The current FAA surveillance system will not be able to maintain the same level of service as operations continue to

grow. ADS-B is a key component of NextGen that will move air traffic control from a radar-based system to satellite-derived aircraft location data.

Summary of Legal Basis:

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103, Sovereignty and use of airspace, and Subpart III, Section 44701, General requirements. Under section 40103, the FAA is charged with prescribing regulations on the flight of aircraft (including regulations on safe altitudes) for navigating, protecting, and identifying aircraft, and the efficient use of the navigable airspace. Under section 44701, the FAA is charged with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce.

Alternatives:

The FAA considered the following alternatives before proceeding with this rulemaking:

(1) Radar as it exists today — Radars have different update rates, accuracies, ranges, and functions. ADS-B, however, employs one type of receiving equipment, and it does not have to accommodate for transition between differing surveillance systems.

(2) Multilateration — Multilateration is a non-radar system that has limited deployment in the United States. Multilateration is a process by which an aircraft's position is determined by measuring the time difference between the arrival of the aircraft's signal to multiple receivers on the ground. At a minimum, multilateration requires upwards of four ground stations to deliver the same volume of coverage and integrity of information as ADS-B, due to the need to "triangulate" the aircraft's position.

The FAA rejected both of these alternatives. The agency has determined that the improved accuracy and update rate afforded by ADS-B provides an opportunity to make the system more efficient. Specifically, enhanced surveillance data via ADS-B will improve the performance of air traffic control (ATC) decision support tools that rely on surveillance data to make predictions. Unlike radar and multilateration, ADS-B provides more detailed flight information (for example, update rate, velocity, and heading) that supports ground based merging and spacing tools. The tools use this information to determine

optimal tracks for ATC arrival planning.

Anticipated Cost and Benefits:

The FAA is currently developing costs and benefits.

Risks:

Congestion continues to build in the nation's busiest airports and the surrounding airspace. The FAA must be poised to handle future demand that is certain to grow as the Nation's economy improves. In addition, the current method of handling traffic flow will not be able to adapt to future operations as future aviation activity will be more diverse than it is today.

Timetable:

Action	Date	FR Cite
NPRM	10/05/07	72 FR 56947
NPRM Comment Period End	11/19/07	
NPRM Comment Period Extended	01/03/08	
Comment Period End	03/03/08	
Reopened for Comments on ARAC Recommendation	10/02/08	73 FR 57270
Comment Period End	11/03/08	
Final Rule	04/00/10	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

Additional Information:

Project number ATO-06-552-R.

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2120-AI92

DOT—Federal Motor Carrier Safety Administration (FMCSA)

PROPOSED RULE STAGE

117. +CARRIER SAFETY FITNESS DETERMINATION

Priority:

Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates:

Undetermined

Legal Authority:

Section 4009 of TEA-21

CFR Citation:

49 CFR 385

Legal Deadline:

None

Abstract:

This rulemaking would revise 49 CFR part 385, Safety Fitness Procedures, in accordance with the Agency's major new initiative, Comprehensive Safety Analysis (CSA) 2010. CSA 2010 is a new operational model FMCSA plans to implement that is designed to help the Agency carry out its compliance and enforcement programs more efficiently and effectively. Currently, the safety fitness rating of a motor carrier is determined based on the results of a very labor intensive compliance review conducted at the carrier's place of business. Aside from roadside inspections and new audits, the compliance review is the Agency's primary intervention. Under CSA 2010, FMCSA would propose to implement a broader array of progressive interventions, some of which allow FMCSA to make contact with more carriers. Through this rulemaking FMCSA would establish safety fitness determinations based on safety data consisting of crashes, inspections, and violation history rather than the standard compliance review. This will enable the Agency to assess the safety performance of a greater segment of the motor carrier industry with the goal of further reducing large truck and bus crashes and fatalities.

Statement of Need:

Because of the time and expense associated with the on-site compliance review, only a small fraction of carriers (approximately 12,000) receive a safety fitness determination each year. Since the current safety fitness determination

process is based exclusively on the results of an on site compliance review, the great majority of carriers subject to FMCSA jurisdiction do not receive a timely determination of their safety fitness.

The proposed methodology for determining motor carrier safety fitness should correct the deficiencies of the current process. In correcting these deficiencies, FMCSA has made a concerted effort to develop a "transparent" method for the SFD that would allow each motor carrier to understand fully how FMCSA established that carrier's specific SFD.

Summary of Legal Basis:

This rule is based primarily on the authority of 49 U.S.C. 31144, which directs the Secretary of Transportation to "determine whether an owner or operator is fit to operate a commercial motor vehicle" and to "maintain by regulation a procedure for determining the safety fitness of an owner or operator." This statute was first enacted as part of the Motor Carrier Safety Act of 1984, § 215, Pub. L. 98-554, 98 Stat. 2844 (Oct. 30, 1984).

The proposed rule also relies on the provisions of 49 U.S.C. 31133, which gives the Secretary "broad administrative powers to assist in the implementation" of the provisions of the Motor Carrier Safety Act now found in chapter 311 of Title 49, U.S.C. These powers include, among others, authority to conduct inspections and investigations, compile statistics, require production of records and property, prescribe recordkeeping and reporting requirements and to perform other acts considered appropriate. These powers are used to obtain the data used by the Safety Management System and by the proposed new methodology for safety fitness determinations.

Under 49 CFR 1.73(g), the Secretary has delegated the authority to carry out the functions in subchapters I, III, and IV of chapter 311, title 49, U.S.C., to the FMCSA Administrator. Sections 31133 and 31144 are part of subchapter III of chapter 311.

Alternatives:

The Agency has been considering only two alternatives: the no-action alternative and the proposal.

Anticipated Cost and Benefits:

FMCSA has not yet fully assessed the costs and benefits at this time.

Risks:

FMCSA has not yet fully assessed the risks that might be associated with this activity.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

Undetermined

Federalism:

Undetermined

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2126-AB11

DOT—FMCSA

118. • +DRIVERS OF COMMERCIAL MOTOR VEHICLES: LIMITING THE USE OF WIRELESS COMMUNICATION DEVICES

Priority:

Other Significant

Legal Authority:

49 USC 31136; 49 USC 31502

CFR Citation:

49 CFR 367

Legal Deadline:

None

Abstract:

This rulemaking would ban text messaging and restrict the use of cell phones while operating a commercial motor vehicle. This rulemaking is in response to Federal Motor Carrier Safety Administration-sponsored studies that analyzed safety incidents and distracted drivers. This rulemaking would also address the National Transportation Safety Board's "Most

Wanted List" of safety recommendations.

Statement of Need:

TBD

Summary of Legal Basis:

TBD

Alternatives:

TBD

Anticipated Cost and Benefits:

FMCSA has not fully assessed the costs and benefits that might be associated with this activity.

Risks:

FMCSA has not fully assessed the risk that might be associated with this activity.

Timetable:

Action	Date	FR Cite
NPRM	06/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

Federal, State

URL For More Information:

regs.dot.gov

URL For Public Comments:

regs.dot.gov

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RIN: 2126-AB22

DOT—FMCSA

FINAL RULE STAGE

119. +NATIONAL REGISTRY OF CERTIFIED MEDICAL EXAMINERS

Priority:

Other Significant. Major under 5 USC 801.

Unfunded Mandates:

This action may affect the private sector under PL 104-4.

Legal Authority:

PL 109-59 (2005), sec 4116

CFR Citation:

49 CFR 390; 49 CFR 391

Legal Deadline:

Final, Statutory, August 10, 2006, Final Rule.

Abstract:

This rulemaking would establish training, testing and certification standards for medical examiners responsible for certifying that interstate commercial motor vehicle drivers meet established physical qualifications standards; provide a database (or National Registry) of medical examiners that meet the prescribed standards for use by motor carriers, drivers, and Federal and State enforcement personnel in determining whether a medical examiner is qualified to conduct examinations of interstate truck and bus drivers; and require medical examiners to transmit electronically to FMCSA the name of the driver and a numerical identifier for each driver that is examined. The rulemaking would also establish the process by which medical examiners that fail to meet or maintain the minimum standards would be removed from the National Registry. This action is in response to section 4116 of Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users.

Statement of Need:

In enacting the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) [PL 109-59, August 10, 2005], Congress recognized the need to improve the quality of the medical certification of drivers. SAFETEA-LU addresses the requirement for medical examiners to receive training in physical examination standards and be listed on a national registry of medical examiners as one step toward improving the quality of the commercial motor vehicle (CMV) driver physical examination process and the medical fitness of CMV drivers to operate CMVs. The safety impact will result from ensuring that medical examiners have completed training and testing to demonstrate that they fully understand FMCSA's physical qualifications standards and are capable of applying those standards

consistently, thereby decreasing the likelihood that a medically unqualified driver may obtain a medical certificate.

Summary of Legal Basis:

The fundamental legal basis for the NRCME program comes from 49 U.S.C. 31149(d), which requires FMCSA to establish and maintain a current national registry of medical examiners that are qualified to perform examinations of CMV drivers and to issue medical certificates. FMCSA is required to remove from the registry any medical examiner who fails to meet or maintain qualifications established by FMCSA. In addition, in developing its regulations, FMCSA must consider both the effect of driver health on the safety of CMV operations and the effect of such operations on driver health, 49 U.S.C. 31136(a).

Alternatives:

The rulemaking is statutorily mandated. Thus, the Agency must establish the National Registry.

Anticipated Cost and Benefits:

We estimated 10 year costs (discounted at 7 percent) at \$586,969,000, total benefits at \$1,033,681,000, and net benefits over 10 years at \$446,712,000.

Risks:

FMCSA has not yet fully assessed the risks that might be associated with this activity.

Timetable:

Action	Date	FR Cite
NPRM	12/01/08	73 FR 73129
NPRM Comment Period End	01/30/09	
Final Rule	05/00/10	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2126-AA97

DOT-FMCSA

120. +COMMERCIAL DRIVER'S LICENSE TESTING AND COMMERCIAL LEARNER'S PERMIT STANDARDS

Priority:

Other Significant

Legal Authority:

PL 109-347, sec 703; 49 USC 31102; PL 105-178, 112 stat 414 (1998); PL 99-570, title XII, 100 Stat.3207 (1086); PL 102-240, sec 4007(a)(1), Stat. 1914, 2151; PL 109-59 (2005), sec 4122; 49 USC 31136

CFR Citation:

49 CFR 380; 49 CFR 383; 49 CFR 384; 49 CFR 385

Legal Deadline:

Final, Statutory, April 13, 2008, Final Rule.

The statutory deadline results from section 703 of the SAFE Port Act (enacted October 13, 2006). The Act requires the Agency to implement certain statutory provisions within 18 months of enactment.

Abstract:

This rulemaking would establish revisions to the commercial driver's license knowledge and skills testing standards as required by section 4019 of TEA-21, implement fraud detection and prevention initiatives at the State driver licensing agencies as required by the SAFE Port Act of 2006, and establish new minimum Federal standards for States to issue commercial learner's permits (CLPs), based in part on the requirements of section 4122 of SAFETEA-LU. In addition, to ensuring the applicant has the appropriate knowledge and skills to operate a commercial motor vehicle, this rule would establish the minimum information that must be on the CLP document and the electronic driver's record. The rule would also establish maximum issuance and renewal periods, establish a minimum age limit,

address issues related to a driver's State of Domicile, and incorporate previous regulatory guidance into the Federal regulations. This rule would also address issues raised in the SAFE Port Act.

Statement of Need:

This proposed rule would create a Federal requirement for a commercial learner's permit (CLP) as a pre-condition for a commercial driver's license (CDL) and make a variety of other changes to enhance the CDL program. This would help to ensure that drivers who operate CMVs are legally licensed to do so and that they do not operate CMVs without having passed the requisite tests.

Summary of Legal Basis:

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Public Law 99-570, Title XII, 100 Stat. 3207-170; 49 U.S.C. chapter 313); section 4122 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) (Public Law 109-59, 119 Stat. 1144, at 1734; 49 U.S.C. 31302, 31308, and 31309); and section 703 of the Security and Accountability For Every Port Act of 2006 (SAFE Port Act) (Public Law 109-347, 120 Stat. 1884, at 1944). It is also based in part on the Motor Carrier Safety Act of 1984 (MCSA) (Public Law 98-554, Title II, 98 Stat. 2832; 49 U.S.C. 31136, and the safety provisions of the Motor Carrier Act of 1935 (MCA) (Chapter 498, 49 Stat. 543, codified at 49 U.S.C. 31502).

Alternatives:

There are 17 issues described in this rulemaking document and several alternatives were considered for each.

Anticipated Cost and Benefits:

We estimate 10 year costs (discounted at 7 percent) at \$65,079,000, total benefits at \$231,264,000, and net benefits over 10 years at \$166,185,000.

Risks:

FMCSA has not yet fully assessed the risks that might be associated with this activity.

Timetable:

Action	Date	FR Cite
NPRM	04/09/08	73 FR 19282
NPRM Comment Period Extended	06/09/08	73 FR 32520
NPRM Comment Period End	06/09/08	
Second NPRM Comment Period End	07/09/08	
Final Rule	04/00/10	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses, Governmental Jurisdictions

Government Levels Affected:

State

Federalism:

This action may have federalism implications as defined in EO 13132.

Additional Information:

Docket ID FMCSA-2007-27659

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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Related RIN: Related to 2126-AB00

RIN: 2126-AB02

DOT—National Highway Traffic Safety Administration (NHTSA)

PROPOSED RULE STAGE

121. +EJECTION MITIGATION

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

This action may affect the private sector under PL 104-4.

Legal Authority:

49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322; delegation of authority at 49 CFR 1.50

CFR Citation:

49 CFR 571.226

Legal Deadline:

Final, Statutory, October 1, 2009, Final Rule. Extended via Letter to Congress to January 31, 2011.

Abstract:

This rulemaking would create a new Federal Motor Vehicle Safety Standard (FMVSS) for reducing occupant ejection. Currently, there are over 52,000 annual ejections in motor vehicle crashes, and over 10,000 ejected fatalities per year. This rulemaking would propose new requirements for reducing occupant ejection through passenger vehicle side windows. The requirement would be an occupant containment requirement on the amount of allowable excursion through passenger vehicle side windows. The SAFETEA-LU legislation requires that: “[t]he Secretary shall also initiate a rulemaking proceeding to establish performance standards to reduce complete and partial ejections of vehicle occupants from outboard seating positions. In formulating the standards the Secretary shall consider various ejection mitigation systems. The Secretary shall issue a final rule under this paragraph no later than October 1, 2009.”

Statement of Need:

The agency's annualized injury data from 1997 to 2005 show that there are 6,174 fatalities and 5,271 Maximum Abbreviated Injury Scale (MAIS) 3+ non-fatal serious injuries for occupants partially and completely ejected through side windows in vehicles with a gross vehicle weight rating (GVWR) less than 4,536 kg (10,000 lbs.). Sixty-seven percent of the fatalities and 78 percent of the serious injuries are from ejections that involve a rollover as part of the crash event.

Summary of Legal Basis:

Section 30111, Title 49 of the USC, states that the Secretary shall prescribe motor vehicle safety standards. Section 10301 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requires the Secretary to issue by October 1, 2009, an ejection mitigation final rule reducing complete and partial ejections of occupants from outboard seating positions. The SAFETEA-LU legislation also requires that if the Secretary determines that the subject final rule deadline cannot be met, the Secretary shall notify and provide an explanation of the delay to the Senate Committee on Commerce, Science and Transportation and the House of Representatives Committee on Energy and Commerce. On September 24, 2009, the Secretary provided appropriate notification to Congress that the final rule would be delayed until January 31, 2011.

Alternatives:

The agency is not pursuing any alternatives to reduce side window ejections of light vehicle occupants other than establishing FMVSS No. 226.

Anticipated Cost and Benefits:

The agency is reducing the population of partial and complete side window ejections through a series of rulemaking actions. These actions included adding a pole impact upgrade to FMVSS No. 214 — Side Impact Protection (72 FR 51908) and promulgating FMVSS No. 126 — Electronic Stability Control Systems (72 FR 17236). We estimate that promulgating FMVSS No. 226 will reduce the remaining population of ejection fatalities and serious injuries by the ranges of 390 to 402 and 296 to 310, respectively. The cost per equivalent fatality at a seven percent discount rate is estimated to be \$2.0 million.

Risks:

The agency believes there are no substantial risks to this rulemaking, and that only beneficial outcomes will occur as the industry moves to reduce side window ejections of light vehicle occupants.

Timetable:

Action	Date	FR Cite
NPRM	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2127-AK23

DOT—NHTSA

122. +FEDERAL MOTOR VEHICLES SAFETY STANDARD NO. 111, REARVIEW MIRRORS

Priority:

Other Significant

Legal Authority:

49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322; Delegation of authority at 49 CFR 1.50

CFR Citation:

49 CFR 571.111

Legal Deadline:

Other, Statutory, February 28, 2009, Initiate Rulemaking.

Final, Statutory, February 28, 2011, Publish Final Rule.

Abstract:

This rulemaking would amend Federal Motor Vehicle Standard No. 111, Rearview Mirrors, to reflect requirements contained in the Cameron Gulbransen Kids Transportation Safety Act of 2007. The Act requires that NHTSA expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. According to the Act, such a standard may be met by the provision of additional mirrors, sensors, cameras, or other technology to expand the driver's field of view.

Statement of Need:

Vehicles that are backing up have a potential to create a danger to pedestrians and pedicyclists. NHTSA estimates that backover crashes involving light vehicles account for an estimated 228 fatalities and 17,000 injuries annually. In analyzing the data further, we found that many of these incidents occur off public roadways, in areas such as driveways and parking

lots and that they involve parents (or caregivers) accidentally backing over children. We have also found that children represent approximately 44 percent of the fatalities, which we believe to be unique to this safety problem.

Summary of Legal Basis:

Section 3011, title 49 of the USC, states that the Secretary shall prescribe motor vehicle safety standards.

Alternatives:

NHTSA is evaluating additional mirrors, sensors, cameras, and other technology to address this safety problem.

Anticipated Cost and Benefits:

Costs: \$1.9 to 2.7 billion.

Benefit: Reduction by 95 to 112 fatalities.

Risks:

The agency believes there are no substantial risks to this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/09	74 FR 9477
ANPRM Comment	05/04/09	
Period End		
NPRM	04/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information:

www.regulations.gov

URL For Public Comments:

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RIN: 2127-AK43

DOT—NHTSA**123. • +REQUIRE INSTALLATION OF SEAT BELTS ON MOTORCOACHES, FMVSS NO. 208****Priority:**

Other Significant

Legal Authority:

49 USC 30111; 49 USC 30115; 49 USC 30117; 49 USC 30166; 49 USC 322; 49 CFR 1.50

CFR Citation:

49 CFR 571.208; 49 CFR 571.3

Legal Deadline:

None

Abstract:

This rulemaking would require the installation of lap/shoulder belts in newly-manufactured motorcoaches. Specifically, this rulemaking would establish a new definition for motorcoaches in 49 CFR Part 571.3. It would also amend Federal Motor Vehicle Safety Standard No. 208, "Occupant crash protection," to require the installation of lap/shoulder belts at all driver and passenger seating positions. It would also require the installation of lap/shoulder belts at driver seating positions of large school buses in FMVSS No. 208. This rulemaking responds, in part, to recommendations made by the National Transportation Safety Board for improving bus safety.

Statement of Need:

Over the ten-year period between 1999 and 2008, there were 54 fatal motorcoach crashes resulting in 186 fatalities. During this period, on average, 16 fatalities have occurred annually to occupants of motorcoaches in crash and rollover events, with about 2 of these fatalities being drivers and 14 being passengers. However, while motorcoach transportation overall is safe, when serious crashes of this vehicle type do occur, they can cause a significant number of fatal or serious injuries during a single event, particularly when occupants are ejected.

Summary of Legal Basis:

Section 30111, Title 49 of the USC, states that the Secretary shall prescribe motor vehicle safety standards.

Alternatives:

In addition to the proposed installation of seat belts in all passenger seating positions on motorcoaches, the agency is also pursuing improvements to

motorcoach roof strength, fire safety, and emergency egress to improve occupant protection. Our detailed plan for improving motorcoach passenger protection can be found in NHTSA's Approach to Motorcoach Safety 2007 (Docket No. NHTSA-2007-28793).

Anticipated Cost and Benefits:

TBD

Risks:

The agency believes there are no substantial risks to this rulemaking, and that only beneficial outcomes will occur as the industry moves to reduce injuries of motorcoach occupants.

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information:

www.regulations.gov

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RIN: 2127-AK56

DOT—NHTSA**FINAL RULE STAGE****124. • +TIRE FUEL EFFICIENCY CONSUMER INFORMATION****Priority:**

Other Significant

Legal Authority:

49 USC 32304

CFR Citation:

49 CFR 575.105

Legal Deadline:

Final, Statutory, December 18, 2009, Publish Final Rule.

Abstract:

This rulemaking would establish a new program that would make information about the relative rolling resistance of tires available to purchasers of replacement tires and educate consumers about the effect of tires on automobile fuel efficiency, safety, and durability. The agency is required by the Energy Independence and Security Act of 2007 to establish a national tire fuel efficiency consumer information program for replacement tires designed for use on motor vehicles. Vehicle manufacturers often use low rolling resistance tires on new vehicles to help meet CAFE goals. This rulemaking is significant because it has a statutory mandate and it relates to fuel efficiency.

Statement of Need:

The agency is required by the Energy Independence and Security Act of 2007 to establish a national tire fuel efficiency consumer information program for replacement tires designed for use on motor vehicles that would make information about the relative rolling resistance of tires available to purchasers of replacement tires and educate consumers about the effect of tires on automobile fuel efficiency, safety, and durability. Vehicle manufacturers often use low rolling resistance tires on new vehicles to help meet CAFE goals.

Summary of Legal Basis:

The Energy Independence and Security Act of 2007 (EISA; Pub. L. 110-140, 121 Stat. 1492 (December 18, 2007)) requires NHTSA to develop a national tire fuel efficiency consumer information program to educate consumers about the effect of tires on automobile fuel efficiency, safety, and durability.

Alternatives:

The agency is not pursuing any alternatives.

Anticipated Cost and Benefits:

The annual cost of NHTSA's proposal is estimated to be between \$18.9 and \$52.8 million. This includes testing costs of \$22,500, reporting costs of around \$113,000, labeling costs of

around \$9 million, costs to the Federal government of \$1.28 million, and costs of between \$8.4 and \$42 million to improve tires. In addition, NHTSA anticipates one-time costs of around \$4 million, including initial testing costs of \$3.7 million and reporting start-up costs of \$280,000.

It is hoped that the proposed rule will have benefits in terms of fuel economy, safety and durability. Because the agency cannot foresee precisely how much the consumer information program will affect consumer tire purchasing behavior, driving the market for improved tires, NHTSA made estimates based on hypothetical assumptions that 2% and 10% of tires would improve. Under these assumptions, the rule would save 7.9-78 million gallons of fuel annually. The values of the fuel savings are between \$22 and \$220 million at a 3 percent discount rate and between \$20 and \$203 million at a 7 percent discount rate.

Risks:

The agency believes there are no substantial risks to this rulemaking, and that only beneficial outcomes will occur as it will drive the market for more fuel efficient tires.

Timetable:

Action	Date	FR Cite
NPRM	06/22/09	74 FR 29541
NPRM Comment Period End	08/21/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2127-AK45

DOT—NHTSA

125. • +PASSENGER CAR AND LIGHT TRUCK CORPORATE AVERAGE FUEL ECONOMY STANDARDS MYS 2012-2016

Priority:

Economically Significant. Major under 5 USC 801.

Unfunded Mandates:

This action may affect the private sector under PL 104-4.

Legal Authority:

49 USC 32902; delegation of authority at 49 CFR 1.50

CFR Citation:

49 CFR 533

Legal Deadline:

Final, Statutory, April 1, 2010, Final rule for Model Year 2012.

Abstract:

This joint NHTSA/EPA rulemaking would establish a National Program consisting of new standards for light-duty vehicles that will reduce greenhouse gas emissions and improve fuel economy. This rulemaking would be consistent with the National Fuel Efficiency Policy announced by President Obama on May 19, 2009, responding to the country's critical need to address global climate change and to reduce oil consumption. EPA is proposing greenhouse gas emissions standards under the Clean Air Act, and NHTSA is proposing Corporate Average Fuel Economy standards under the Energy Policy and Conservation Act, as amended. These standards apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. They require these vehicles to meet an estimated combined average emissions level of 250 grams of CO2 per mile in MY 2016 under EPA's GHG program, and 34.1 mpg in MY 2016 under NHTSA's CAFE program and

represent a harmonized and consistent national program (National Program). Under the National Program, the overall light-duty vehicle fleet would reach 35.5 mpg in MY 2016, if all reductions were made through fuel economy improvements. The Program would result in approximately 950 million metric tons of CO2 emission reductions and approximately 1.8 billion barrels of oil savings over the lifetime of vehicles sold in model years 2012 through 2016.

This rulemaking action was inadvertently published under RIN 2127-AK90.

Statement of Need:

NHTSA is required by statute to establish the CAFE standard for a model year not later than 18 months before its beginning, and thus must publish the final rule for model year 2012 on or before April 1, 2010.

Summary of Legal Basis:

Section 32910(d) of Title 49 of the United States Code provides that the Administrator may prescribe regulations necessary to carry out his duties under Chapter 329, Automobile fuel economy.

Alternatives:

The agency is not pursuing any alternatives.

Anticipated Cost and Benefits:

The costs and benefits of the potential changes addressed in this action have not yet been assessed.

Risks:

Depending on how manufacturers address Federal fuel economy requirements, there is some potential effect on safety. The most recent NHTSA analysis (2003) indicated that the association between vehicle weight and overall crash fatality rates in heavier MY 1991-99 light trucks and vans was not significant. However, for three other groups of MY 1991-99 vehicles - the lighter LTVs (light trucks and vans), the heavier cars, and especially the lighter cars - fatality rates increased as weights decreased.

Timetable:

Action	Date	FR Cite
NPRM	09/28/09	74 FR 49454
Notice of Public Hearing	10/06/09	74 FR 51252
NPRM Comment Period End	11/27/09	
Final Rule	04/00/10	

Regulatory Flexibility Analysis Required:

Undetermined

Government Levels Affected:

None

Energy Effects:

Statement of Energy Effects planned as required by Executive Order 13211.

International Impacts:

This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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Related RIN: Related to 2060-AP58**RIN:** 2127-AK50**DOT—Federal Railroad Administration (FRA)**

FINAL RULE STAGE

126. • +POSITIVE TRAIN CONTROL**Priority:**

Economically Significant. Major under 5 USC 801.

Legal Authority:

PL 110-432, Section 104 (Codified at 49 USC 20157); Rail Safety Improvement Act of 2008

CFR Citation:

49 CFR 236

Legal Deadline:

None

Abstract:

This rulemaking would regulate the submission of Positive Train Control plans; the implementation of the Positive Train Control Systems; and the qualification, installation, maintenance

and use of the these systems required under 49 USC 20157 or specifically required by the Federal Railroad Administration.

Statement of Need:

Required by the Railroad Safety Improvement Act of 2008, Pub. L. 110-423.

Summary of Legal Basis:

Required by the Railroad Safety Improvement Act of 2008, Pub. L. 110-423.

Alternatives:

The Railroad Safety Improvement Act of 2008 does not permit FRA to exercise discretion in requiring the installation of PTC systems on railroads operating on the affected network.

Anticipated Cost and Benefits:

The Railroad Safety Improvement Act of 2008 does not permit FRA to exercise discretion in requiring the installation of PTC systems on railroads operating on the affected network. All costs and benefits that follow are 20 year costs and benefits, discounted at 7% per year. FRA estimates that it will cost between \$3 billion and \$7 billion to install PTC on passenger railroads, and between \$10 billion and \$20 billion to install PTC on Class 1 freight railroads. FRA estimates that the benefit of reduced accidents on railroads will be about \$800 million, however the net impact on safety could be adverse if shippers and passengers divert to highway transportation.

Risks:

The advantages of PTC technology will significantly improve the safety and performance of train operations, significantly reducing the risk of train accidents. Under the statute, required PTC systems will be designed to prevent train-to-train collisions, overspeed derailments, and incursions into roadway worker work limits.

Timetable:

Action	Date	FR Cite
NPRM	07/21/09	74 FR 35950
NPRM Comment Period End	08/20/09	
Final Rule	01/00/10	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses

Government Levels Affected:

None

Federalism:

Undetermined

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2130-AC03**DOT—Pipeline and Hazardous Materials Safety Administration (PHMSA)**

FINAL RULE STAGE

127. +PIPELINE SAFETY: DISTRIBUTION INTEGRITY MANAGEMENT**Priority:**

Economically Significant. Major under 5 USC 801.

Legal Authority:

49 USC 5103; 49 USC 60104; 49 USC 60102; 49 USC 60108 to 60110; 49 USC 60113; 49 USC 60118; 49 CFR 1.53

CFR Citation:

49 CFR 192

Legal Deadline:

None

Abstract:

This rulemaking would establish integrity management program requirements appropriate for gas distribution pipeline operators. This rulemaking would require gas distribution pipeline operators to develop and implement programs to better assure the integrity of their pipeline systems.

Statement of Need:

This rule is necessary to comply with a Congressional mandate and to enhance safety by managing and reducing risks associated with gas distribution pipeline systems.

Summary of Legal Basis:

The Pipeline Inspection, Protection, Enforcement and Safety Act of 2006

(Public Law No. 109-468), requires PHMSA to prescribe minimum standards for integrity management programs for gas distribution pipelines.

Alternatives:

PHMSA considered the following alternatives:

—No Action: No new requirements would be levied.

—Apply existing gas transmission pipeline IMP regulations to gas distribution pipelines.

—Model State legislation by imposing requirements on excavators and others outside the regulatory jurisdiction of pipeline safety authorities.

—Develop guidance documents for adoption by states with the intent of states mandating use of the guidance.

—Implement prescriptive Federal regulations, specifying in detail, actions that must be taken to assure distribution pipeline integrity.

—Implement risk-based, flexible, performance-oriented federal regulations, establishing high-level elements that must be included in integrity management programs—the alternative selected.

Anticipated Cost and Benefits:

The monetized benefits resulting from the rulemaking are estimated to be \$214 million per year. The costs of the rulemaking are estimated to be \$155.1 million in the first year and \$104.1 million in each subsequent year.

Risks:

These regulations will require operators to analyze their pipelines, including unique situations, identify the factors that affect risk — both risk to the pipeline and the risks posed by the pipeline — and manage those factors.

Timetable:

Action	Date	FR Cite
NPRM	06/25/08	73 FR 36015
Extended NPRM Comment Period End 10/23/08	09/12/08	73 FR 52938
NPRM Comment Period End	09/23/08	
Final Rule	12/00/09	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

Businesses

Government Levels Affected:

None

Additional Information:

Docket Nos. PHMSA-04-18938 and PHMSA-04-19854.

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.regulations.gov

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RIN: 2137-AE15

DOT—Maritime Administration (MARAD)

PROPOSED RULE STAGE

128. +REGULATIONS TO BE FOLLOWED BY ALL DEPARTMENTS, AGENCIES, AND SHIPPERS HAVING RESPONSIBILITY TO PROVIDE A PREFERENCE FOR U.S.-FLAG VESSELS IN THE SHIPMENT OF CARGOES ON OCEAN VESSELS

Priority:

Other Significant

Legal Authority:

49 CFR 1.66; 46 App USC 1101; 46 App USC 1241; 46 USC 2302 (e)(1); PL 91-469

CFR Citation:

46 CFR 381

Legal Deadline:

None

Abstract:

This rulemaking would revise and clarify the Cargo Preference rules that have not been revised substantially since 1971. Revisions would include an updated purpose and definitions section along with the removal of obsolete provisions.

Statement of Need:

On September 4, 2009, the USDA, MARAD, and USAID entered into a MOU regarding the proper implementation of the Cargo Preference Act. The MOU establishes procedures and standards by which owners and

operators of oceangoing cargo ships may seek to designate each of their vessels as either a dry bulk carrier or a dry cargo liner, according to specified service-based criteria. With the help of OMB, these agencies are in the process of negotiating updates to the comprehensive cargo preference rule, which has not been significantly changed since 1971.

Summary of Legal Basis:

The Cargo Preference Act requires that Federal agencies take necessary and practicable steps to ensure that privately-owned US flag vessels transport at least 50 percent of the gross tonnage of cargo sponsored under Federal programs to the extent such vessels are available at fair and reasonable rates for commercial vessels of the US, in a manner that will ensure a fair and reasonable participation of commercial vessels of the US in those cargoes by geographic areas. 46 USC 55305(b). An additional 25 percent of gross tonnage of certain food assistance programs is to be transported in accordance with the requirements of 46 USC 55314.

Alternatives:

TBD

Anticipated Cost and Benefits:

TBD

Risks:

TBD

Timetable:

Action	Date	FR Cite
NPRM	09/00/10	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

URL For More Information:

www.regulations.gov

URL For Public Comments:

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Related RIN: Related to 2133-AB37

RIN: 2133-AB74

DOT—MARAD

**129. +CARGO PREFERENCE —
COMPROMISE, ASSESSMENT,
MITIGATION, SETTLEMENT AND
COLLECTION OF CIVIL PENALTIES**

Priority:

Other Significant

Unfunded Mandates:

Undetermined

Legal Authority:

PL 110-417

CFR Citation:

46 CFR 383

Legal Deadline:

None

Abstract:

This rulemaking would establish part 383 of the cargo preference regulations. This rulemaking would cover P.L. 110-417, section 3511, National Defense Authorization Act for FY2009 statutory changes to the cargo preference rules, which have not been substantially revised since 1971. The rulemaking also would include compromise,

assessment, mitigation, settlement, and collection of civil penalties.

Statement of Need:

On September 4, 2009, the USDA, MARAD, and USAID entered into a MOU regarding the proper implementation of the Cargo Preference Act. The MOU establishes procedures and standards by which owners and operators of oceangoing cargo ships may seek to designate each of their vessels as either a dry bulk carrier or a dry cargo liner, according to specified service-based criteria. With the help of OMB, these agencies are negotiating updates to the comprehensive Cargo Preference rule, which has not been significantly changed since 1971. The statutory changes will be the subject of either a separate rulemaking or as part of the comprehensive rulemaking.

Summary of Legal Basis:

The Cargo Preference Act requires that Federal agencies take necessary and practicable steps to ensure that privately-owned US flag vessels transport at least 50 percent of the gross tonnage of cargo sponsored under Federal programs to the extent such vessels are available at fair and reasonable rates for commercial vessels of the US, in a manner that will ensure a fair and reasonable participation of commercial vessels of the US in those cargoes by geographic areas. 46 USC 55305(b). An additional 25 percent of gross tonnage of certain food assistance programs is to be transported in accordance with the requirements of 46 USC 55314. P.L. 110-417 gave MARAD the authority for assessing civil penalties and make-up cargoes for non-

compliance with the cargo preference laws.

Alternatives:

TBD

Anticipated Cost and Benefits:

TBD

Risks:

TBD

Timetable:

Action	Date	FR Cite
NPRM	03/00/10	

Regulatory Flexibility Analysis Required:

Yes

Small Entities Affected:

Businesses, Governmental Jurisdictions

Government Levels Affected:

Undetermined

URL For More Information:

www.regulations.gov

URL For Public Comments:

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Related RIN: Related to 2133-AB74

RIN: 2133-AB75

BILLING CODE 4910-9X-S