

DEPARTMENT OF TRANSPORTATION (DOT)

Introduction: Departmental Mission

The U.S. Department of Transportation (Department or DOT) has a mission to deliver the world's leading transportation system, serving the American people and economy through the safe, efficient, sustainable, and equitable movement of people and goods.

The Department's Regulatory Philosophy, Initiatives, and Priorities

DOT issues regulations to make America's transportation the safest in the world for the benefit of all who use it, grow an inclusive and sustainable economy, reduce inequities across our transportation systems and the communities they affect, and help tackle the climate crisis. To accomplish this goal, DOT regulates safety in the aviation, motor carrier, railroad, motor vehicle, commercial space, transit, and pipeline transportation areas. The Department also regulates aviation consumer and economic issues and provides financial assistance and writes the necessary implementing rules for programs involving highways, airports, mass transit, the maritime industry, railroads, motor transportation and vehicle safety. DOT also has responsibility for developing policies that implement a wide range of regulations that govern Departmental programs such as acquisition and grants management, access for people with disabilities, environmental protection, energy conservation, information technology, occupational safety and health, property asset management, seismic safety, security, emergency response, and the use of aircraft and vehicles. In addition, DOT writes regulations to carry out a variety of statutes ranging from the Air Carrier Access Act and the Americans with Disabilities Act to Title VI of the Civil Rights Act.

Safety is our North Star. The DOT Regulatory Plan reflects our commitment through a balanced regulatory approach grounded in reducing transportation-related fatalities and injuries. Our goals are to manage safety risks, reverse recent trends negatively affecting safety, and build on the successes that have already been achieved to make our transportation system safer than it has ever been. The regulatory plan laid out below also reflects a careful balance that emphasizes the Department's priorities in responding to the urgent challenges facing our nation.

The safe and efficient movement of goods and passengers requires us not just to maintain,

but to improve our national transportation infrastructure. Accordingly, our Regulatory Plan incorporates regulatory actions that increase competition and consumer protection, as well as enable the next generation of automation technology for commercial motor vehicles.

Climate change is one of the most urgent challenges facing our Nation. As discussed in the next section, the Department has engaged in significant regulatory activities to address this challenge.

Ensuring that the transportation system equitably benefits underserved communities is a top priority. This work is guided by the Departmental and interagency work being done pursuant to Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. As discussed in the next section, the Department is working on multiple regulatory changes to ensure access to transportation for people with disabilities.

When developing regulations and establishing our regulatory priorities, the Department fosters active participation and engagement from members of the public and affected communities. In our Regulatory Plan, we detail engagement efforts that have helped to inform our priorities to date, as well as future engagement tools we plan to use. The Department is ensuring that we hear from members of the public who have not typically participated in the regulatory process. To that end, in April 2022, the Department issued new *ex parte* guidance that encourages DOT personnel to have meetings or other contacts with outside parties during rulemaking and states that DOT personnel “should ensure, through appropriate affirmative outreach where necessary, that the opportunity to engage in *ex parte* communications is equitable to all parties, including stakeholders who might otherwise be less represented in that process.”¹

¹ Guidance on Communication with Parties outside of the Federal Executive Branch (Ex Parte Communications) at 5, available at: <https://www.transportation.gov/sites/dot.gov/files/2022-04/Guidance-on-Communication-with-Parties-outside-of-the-Federal-Executive-Branch-%28Ex-Parte-Communications%29.pdf>. See also OIRA Memorandum on Broadening Public Participation and Community Engagement in the Regulatory Process, available at: <https://www.whitehouse.gov/wp-content/uploads/2023/07/Broadening-Public-Participation-and-Community-Engagement-in-the-Regulatory-Process.pdf>

The Department carries out its responsibilities through the Office of the Secretary (OST) and the following operating administrations (OAs): Federal Aviation Administration (FAA); Federal Highway Administration (FHWA); Federal Motor Carrier Safety Administration (FMCSA); Federal Railroad Administration (FRA); Federal Transit Administration (FTA); Maritime Administration (MARAD); National Highway Traffic Safety Administration (NHTSA); Pipeline and Hazardous Materials Safety Administration (PHMSA); and Great Lakes St. Lawrence Seaway Development Corporation (GLS). Since each OA has its own area of focus, we summarize the regulatory priorities of each below. More information about each of the rules discussed below can be found in the DOT Unified Agenda.

Office of the Secretary of Transportation

OST oversees the regulatory processes for the Department. OST implements the Department's regulatory policies and procedures and is responsible for ensuring the involvement of senior officials in regulatory decision making. Through the Office of the General Counsel (OGC), OST is also responsible for ensuring that the Department complies with the Administrative Procedure Act, Executive Orders 12866, 13563 and 14094, DOT's Regulatory Policies and Procedures, and other legal and policy requirements affecting the Department's rulemaking activities. In addition, OST has the lead role in matters concerning aviation consumer and economic rules, Title VI of the Civil Rights Act, the Americans with Disabilities Act, and rules that affect multiple elements of the Department.

OST provides guidance and training regarding compliance with regulatory requirements and processes for 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; retrospective reviews of rules; and data quality, including peer reviews. OGC is the lead office that works with the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) to comply with Executive Order 12866 for significant rules, coordinates the Department's response to OMB's intergovernmental review of

other agencies' significant rulemaking documents, and other relevant Administration rulemaking directives. OGC also works closely with representatives of other agencies, 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.

The Department has recently completed a rulemaking to ensure that people with disabilities will be able to access lavatories on single-aisle aircraft. This rule was heavily informed by feedback from persons with disabilities, as it was developed as part of a negotiated rulemaking. Stakeholders, including numerous disability advocacy organizations, directly developed the features of the rule, which DOT then implemented through a recently issued final rule. DOT also reached out to the U.S. Access Board to develop new safety and accessibility standards for on-board wheelchairs. The Department held a joint public meeting with the Access Board to solicit further comment on the provisions of the rule relating to on-board wheelchairs.

In addition, the Department is working on: (1) a rulemaking to enhance the safety of air travel for individuals with disabilities who use wheelchairs; and (2) a rulemaking to ensure that disabled persons have equitable access to transit facilities. In the rulemaking to enhance air travel safety for wheelchair users, the Department is considering, among other things, options to ensure that assistance provided to individuals with disabilities be provided in a safe manner and that disabled individuals' assistive devices not be mishandled.

Executive Order 14036 directs the Department to take actions that would promote competition and deliver benefits to America's consumers, including initiating a rulemaking to ensure that air consumers have ancillary fee information, including "baggage fees," "change fees," "cancellation fees," and fees for seating adjacent to young children at the time of ticket purchase. Among a number of steps to further the Administration's goals in this area, the Department has initiated a rulemaking to enhance consumers' ability to determine the true cost of travel, titled "Enhancing Transparency of Airline Ancillary Service Fees." This rulemaking is informed by feedback received at three different public meetings: two meetings of the Aviation Consumer Protection Advisory Committee on December 8, 2022, and January 12, 2023, and one public hearing on March 30, 2023. All meetings were open to the public, and attendees had the

option to provide live input at the December 8 and March 30 meetings. The docket for this rule was also open to public comment submission for approximately 120 days.

To further enhance consumer protection, the Department is also working on a rulemaking that would clarify, under the Department's rules requiring airlines to provide prompt refunds, when carriers and ticket agents must provide prompt ticket refunds to passengers when a carrier cancels or makes a significant change to a flight. This rulemaking would also require airlines to refund checked baggage fees when they fail to deliver the bags in a timely manner. This rulemaking is informed by feedback received at four public meetings: three meetings of the Aviation Consumer Protection Advisory Committee on August 22, 2022, December 8, 2022, and January 12, 2023, and one public hearing on March 21, 2023. The docket for this rule was also open to public comment submission for approximately 130 days.

Federal Aviation Administration

FAA is charged with safely and efficiently operating and maintaining the most complex aviation system in the world. To enhance aviation safety, FAA is working on a rulemaking that would require a safety management system for certain aircraft, engine, and propeller manufacturers; certificate holders conducting common carriage operations; and persons conducting certain, specific types of air tour operations. This rulemaking is informed by feedback that FAA received from an Aviation Rulemaking Committee comprised of members from across the aviation industry. In addition, FAA will proceed with a rulemaking to enable powered lift operations and to further advance the integration of unmanned aircraft systems into the national airspace system.

Federal Highway Administration

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

Consistent with this mission, FHWA has finalized its National Electric Vehicle Infrastructure (NEVI) Formula Program regulation as required by the Bipartisan Infrastructure Law (enacted as the Infrastructure Investment and Jobs Act) (Pub. L. 117-58) (Nov. 15, 2021). This regulation will enable States to implement federally-funded charging station projects in a standardized fashion across a national Electric Vehicle (EV) charging network that can be utilized by all EVs regardless of vehicle brand. Such standards will provide consumers with reliable expectations for travel in an EV across and throughout the United States and support a national workforce skilled and trained in EV supply equipment installation and maintenance. This rule was informed by feedback provided through two webinars hosted by FHWA that were advertised, in part, to communities interested in alternative fuels and sustainable transportation. FHWA is also working on a rulemaking that would establish a method for the measurement and reporting of greenhouse gas emissions associated with transportation. In addition, FHWA is working on a Buy America rulemaking to encourage the use of American-manufactured products.

Federal Motor Carrier Safety Administration

The mission of FMCSA is to reduce crashes, injuries, and fatalities involving commercial trucks and buses. FMCSA regulations establish minimum safety standards for motor carriers, commercial drivers, commercial motor vehicles, and State agencies receiving certain motor carrier safety grants and issuing commercial drivers' licenses.

FMCSA will continue to coordinate efforts on the development of autonomous vehicle technologies and is currently working on a rulemaking to revise existing regulations to identify changes that might be needed to ensure that DOT regulations ensure safety and keep pace with innovations. This rulemaking is informed by feedback that FMCSA received at two separate listening sessions held with stakeholders and members of the public.

Additionally, in support of the NHTSA automatic emergency braking (AEB) rulemaking for heavy trucks, FMCSA will seek information and comment concerning the maintenance and operation of AEB by motor carriers. FMCSA has also been engaged in activities to advance the voluntary adoption of AEB for heavy vehicles, primarily through the Tech-Celerate Now (TCN)

program. This program focuses on accelerating the adoption of Advanced Driver Assistance Systems (ADAS), such as AEB, by the trucking industry to reduce fatalities and prevent injuries and crashes, in addition to realizing substantial return-on-investment through reducing costs associated with such crashes for the motor carrier. Initiated in September 2019 and completed in February 2022, the first phase of this program encompassed research into ADAS technology adoption barriers; a national outreach, educational, and awareness campaign; and data collection and analysis. Outreach accomplishments included development of training materials for fleets, drivers, and maintenance personnel related to AEB technology and return-on-investment (ROI) guides; educational videos on ADAS braking, steering, warning, and monitoring technologies; a web-based TCN ADAS-specific ROI calculator; four articles on ADAS technologies; and a program website to host the training materials. Planning is underway for the second phase of the TCN program, which includes an expanded national outreach and education campaign, additional research into the barriers to ADAS adoption by motor carriers, and evaluation of the outreach campaign. FMCSA is also working on a rulemaking that would set a maximum speed for certain commercial motor vehicles.

National Highway Traffic Safety Administration

NHTSA pursues policies that enable safety; establish light-, medium-, and heavy-duty vehicle fuel economy and fuel efficiency standards; enhance equity; and improve mobility to save lives, prevent injuries, and reduce economic and social costs due to roadway crashes. The statutory responsibilities of NHTSA relating to motor vehicles include reducing the number, and mitigating the effects, of motor vehicle crashes and related fatalities and injuries; providing safety-relevant information to aid prospective purchasers of vehicles, child restraints, and tires; and improving fuel economy and fuel efficiency standards requirements. NHTSA develops safety standards and other regulations driven by data and research. NHTSA's regulatory priorities focus on issues related to safety, climate, equity, and vulnerable road users.

Relative to climate and equity, NHTSA plans to propose a rulemaking to address the next phase of Fuel Efficiency and Greenhouse Gas Standards for Medium- and Heavy-Duty Engines

and Vehicles, pursuant to Executive Order 14037. Also pursuant to Executive Order 14037, NHTSA has proposed the next phase of NHTSA's corporate average fuel economy (CAFE) standards for passenger cars and light trucks. To enhance the safety of vulnerable road users and vehicle occupants, NHTSA has issued a proposal to require automatic emergency braking (AEB) on light vehicles, including Pedestrian AEB. For heavy trucks, NHTSA also proposed a rulemaking, in coordination with FMCSA, to require AEB. NHTSA's rulemakings are informed by the public outreach that it regularly engaged in while a rule is in development, including with Federal partners; State, local, and tribal governments; and a wide range of interested stakeholders – some of whom represent underserved communities.

Federal Railroad Administration

FRA exercises regulatory authority over all areas of railroad safety and, where feasible, incorporates flexible performance standards. The current FRA regulatory program continues to reflect a number of pending proceedings to satisfy mandates resulting from the Bipartisan Infrastructure Law (2021). These actions support a safe, high-performing passenger rail network, protect worker safety, and encourage innovation and the adoption of new technology to improve rail safety.

To further enhance safety, FRA is working on a rulemaking that would address the potential safety impact of one-person train operations, including appropriate measures to mitigate an accident's impact and severity. This rulemaking would address the issue of minimum requirements for the size of train crews, depending on the type of operations. To inform this rulemaking, FRA conducted outreach on its proposed rule that resulted in about 99 percent of the written comments submitted to the docket being from individual commenters who were not filing their comment officially on behalf of an organization, group, or business. FRA also held a public hearing that allowed more than 225 people to watch live testimony from labor organization leaders, railroads, and rail associations, in addition to the approximately 60 speakers and other physically present attendees.

Federal Transit Administration

The mission of FTA is to improve public transportation for America's communities. To further that end, FTA provides financial and technical assistance to local public transit systems, including buses, subways, light rail, commuter rail, trolleys, and ferries, oversees safety measures, and helps develop next-generation technology research. FTA's regulatory activities implement the laws that apply to recipients' uses of Federal funding and the terms and conditions of FTA grant awards.

Maritime Administration

MARAD administers Federal laws and programs to improve and strengthen the maritime transportation system to meet the economic, environmental, and security needs of the Nation. To that end, MARAD's efforts are focused upon ensuring a strong American presence in the domestic and international trades and to expanding maritime opportunities for American businesses and workers.

MARAD's regulatory objectives and priorities reflect the Agency's responsibility for ensuring the availability of water transportation services for American shippers and consumers and, in times of war or national emergency, for the U.S. armed forces. MARAD will continue its work increasing the efficiency of program operations by updating and clarifying implementing rules and program administrative procedures.

Pipeline and Hazardous Materials Safety Administration

PHMSA has responsibility for rulemaking focused on hazardous materials transportation and pipeline safety. In addition, PHMSA administers programs under the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990.

PHMSA will continue working on the Gas Pipeline Leak Detection and Repair rulemaking, which would amend the Pipeline Safety Regulations to enhance requirements for detecting and repairing leaks on new and existing natural gas distribution, gas transmission, and gas gathering pipelines. PHMSA anticipates that the amendments proposed in this rulemaking would reduce

methane emissions arising from leaks and incidents from natural gas pipelines and address environmental justice concerns by improving the safety of natural gas pipelines near environmental justice communities and mitigating the risks for those communities arising from climate change. This rulemaking is informed by feedback that PHMSA received at a virtual public meeting. PHMSA staff also attended a Methane Detection Technology Workshop hosted by EPA in August 2021. In addition, in November 2023, PHMSA intends to hold a Gas Pipeline Advisory Committee meeting to discuss the leak detection rulemaking, including the comments received on the NPRM.