

## **DEPARTMENT OF TRANSPORTATION**

### **Office of the Secretary**

**14 CFR Chs. I—III**

**23 CFR Chs. I—III**

**33 CFR Chs. I and IV**

**46 CFR Chs. I—III**

**48 CFR Ch. 1**

**49 CFR Subtitle A, Chs. I—VI, and Chs. X—XII**

**DOT-OST-1999-5129**

### **Department Regulatory and Deregulatory Agenda; Semiannual Summary**

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Unified Agenda of Regulatory and Deregulatory Actions (Regulatory Agenda).

**SUMMARY:** The Regulatory Agenda of the Department of Transportation (Department) is a semiannual summary of current, projected, and completed rulemakings, as well as reviews of existing regulations. The Regulatory Agenda provides the public with information about the Department's planned regulatory activity for the next 12 months. This information enables the public to participate in the Department's regulatory process more effectively. The public is encouraged to submit comments on any aspect of this Regulatory Agenda.

#### **FOR FURTHER INFORMATION CONTACT:**

Please direct all comments and inquiries on the Regulatory Agenda to Daniel Cohen, Assistant General Counsel for Regulation and Legislation, Office of the General Counsel, Department of Transportation, 1200 New Jersey Avenue SE, Washington, D.C. 20590; (202) 366-4723.

To obtain a copy of a specific regulatory document in the Regulatory Agenda, you should communicate directly with the contact person listed with the regulation. Most such documents, including the Regulatory Agenda, are available through the Internet at <http://www.regulations.gov>.

## **SUPPLEMENTARY INFORMATION:**

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### **Background**

For the Department to achieve its goals, and in accordance with Executive Order (E.O.) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), and the Department’s regulatory policies and procedures, the Department prepares a semiannual Regulatory Agenda. The Regulatory Agenda summarizes all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected during the next 12 months or for which action has been completed since the last Regulatory Agenda.

On January 31, 2025, President Trump issued Executive Order 14192, “Unleashing Prosperity Through Deregulation,” 90 FR 9065 (Feb. 6, 2025), which establishes principles for promoting prudent financial management and alleviating unnecessary regulatory burdens. Executive Order 14192 was shortly followed by Executive Order 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” 90 FR 10583 (Feb. 25, 2025), which sets forth policies for commencing the deconstruction of the overbearing and burdensome administrative state. This Regulatory Agenda was prepared in accordance with both Executive Order 14192 and Executive Order 14219.

In addition to the Executive orders above related to regulatory burdens, President Trump has issued various Executive orders establishing the policies and priorities of this Administration. *See, e.g.*, Executive Order 14168, “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” 90 FR 8615 (Jan. 30, 2025); Executive Order 14154, “Unleashing

American Energy,” 90 FR 8353 (Jan. 29, 2025); Executive Order 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing,” 90 FR 8339 (Jan. 29, 2025); and Executive Order 14148, “Initial Rescissions of Harmful Executive Orders and Actions,” 90 FR 8237 (Jan. 28, 2025). Secretary Sean Duffy has also taken actions to ensure that all Departmental policies align with the Administration’s policies. These actions include issuing the following memoranda and orders: “Fixing the CAFE Program” (Jan. 28, 2025)<sup>1</sup>; “Implementation of Executive orders Addressing Energy, Climate Change, Diversity, and Gender” (Jan. 29, 2025)<sup>2</sup>; Department Order 2100.7, “Ensuring Reliance upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities” (effective Jan. 29, 2025)<sup>3</sup>; and Department Order 2100.6B, “Policies and Procedures for Rulemakings” (effective March 10, 2025).<sup>4</sup> Finally, the Department’s Acting General Counsel issued a memorandum, “Review and Clearance of Guidance Documents” (March 11, 2025).<sup>5</sup>

The Department will continue to work internally, as well as with the Office of Management and Budget, to implement into our rulemaking processes the principles outlined in the above actions. As part of our ongoing regulatory effort, the Department will likely revisit a number of proposed and final rulemakings to streamline project delivery further and to reduce unnecessary administrative burdens. The Department is also requesting the public’s input on this effort. On April 3, 2025, the Department issued a request for information (RFI) seeking comment and information to assist the Department “in identifying existing regulations, guidance, paperwork requirements, and other regulatory obligations that can be modified or repealed, consistent with law, to ensure that [Departmental] administrative actions do not undermine the national interest and that [the Department] achieves meaningful burden reduction while continuing to meet statutory obligations and ensure the safety of the U.S. transportation system.”<sup>6</sup>

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<sup>1</sup> *Available at* <https://www.transportation.gov/briefing-room/memorandum-fixing-cafe-program>.

<sup>2</sup> *Available at* <https://www.transportation.gov/briefing-room/signed-secretarial-memo-re-implementation-executive-orders-addressing-energy-climate>.

<sup>3</sup> *Available at* <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

<sup>4</sup> *Available at* <https://www.transportation.gov/regulations/dot-order-21006b-rulemaking-and-guidance-procedures>.

<sup>5</sup> *Available at* <https://www.transportation.gov/regulations/review-and-clearance-guidance-documents> (issued by Acting General Counsel Gregory Cote).

<sup>6</sup> U.S. Department of Transportation, “Ensuring Lawful Regulation; Reducing Regulation and Controlling Regulatory Costs,” 90 FR 14593 (April 3, 2025).

The Department's rulemaking activities will be based on sound economic principles and analysis supported by rigorous cost-benefit requirements and data-driven decisions. Safety will continue to be the Department's top priority. In addition, as new transportation technologies are rapidly advancing, they carry with them the potential to change commercial transportation and private travel dramatically, expanding access for millions and improving safety on our roads and rails, and in our skies. To that end, the Department's regulations will balance safety, innovation, and cutting-edge technology. We also remain mindful that infrastructure is the required underpinning of our country's world class economy. We will remain vigilant for opportunities where regulatory action can help strengthen and modernize our infrastructure.

### **Purpose**

The Department is publishing this Regulatory Agenda to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. The information contained in the Regulatory Agenda should enable the public to be aware of the Department's planned regulatory activities and should result in more effective public participation. This publication does not impose any binding obligation on the Department or any of the offices within the Department about any specific item on the Regulatory Agenda. Regulatory action in addition to the items listed is not precluded.

### **Request for Comments**

#### ***General***

The Department's Regulatory Agenda is intended primarily for the use of the public. Since its inception, the Department has made modifications and refinements that provide the public with more helpful information and make the Regulatory Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Regulatory Agenda could be further improved.

#### ***Regulatory Flexibility Act***

The Department has long recognized the importance of regularly reviewing its existing regulations to determine whether they need to be revised or revoked. Our regulatory policies and procedures require such reviews. The Department also has responsibilities to conduct such reviews under section 610 of the Regulatory Flexibility Act; Executive Order 12866, "Regulatory Planning and Review," 58 FR 51735 (Oct. 4, 1993); and Executive Order 13563, "Improving Regulation and Regulatory Review," 76 FR 3821 (Jan.

21, 2011). We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews. Generally, each Departmental operating administration (OA), as well as the Office of the Secretary (OST), divides its rules into 10 different groups and plans to analyze one group each year. In each Fall Regulatory Agenda, each OA and OST will publish the results of the analyses completed during the previous year. The most recent results appeared in the Department's 2024 Fall Regulatory Agenda Preamble. The Department is interested in obtaining information on requirements that have a "significant economic impact on a substantial number of small entities" and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to the appropriate contact person listed in appendix B, along with your explanation of why they should be reviewed.

### ***Consultation With State, Local, and Tribal Governments***

Executive Order 13132, "Federalism," 64 FR 43255 (Aug. 10, 1999), and E.O. 13175, "Consultation and Coordination With Indian Tribal Governments," 65 FR 67249 (Nov. 9, 2000), require the Department to develop a process to ensure "meaningful and timely input" by State, local, and Tribal officials in the development of regulatory policies that have federalism or Tribal implications. These policies are defined in the Executive orders to include regulations that have "substantial direct effects" on States or Indian Tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of government or Indian Tribes. Therefore, we encourage State and local governments and Indian Tribes to provide us with information about how the Department's rulemakings impact them.

**NAME: Gregory D. Cote,**

*Acting General Counsel, Department of Transportation.*

### **Appendix A—Instructions for Obtaining Copies of Regulatory Documents**

To obtain a copy of a specific regulatory document in the Regulatory Agenda, you should communicate directly with the contact person listed with the regulation at the address below. Most, if not

all, such documents, including the Regulatory Agenda, are available through the Internet at <http://www.regulations.gov> and <http://www.reginfo.gov>. See Appendix C for more information.

## **Appendix B—General Rulemaking Contact Persons**

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the OAs and OST.

**FAA**—Brandon Roberts, Executive Director, Office of Rulemaking, 800 Independence Avenue SW, Washington, D.C. 20591; telephone (202) 267-9677.

**FHWA**—Jennifer Outhouse, Office of the Chief Counsel, 1200 New Jersey Avenue SE, Washington, D.C. 20590; telephone (202) 366-0761.

**FMCSA**—Wendy Liberante, Director of Policy, Strategic Planning, and Regulations, 1200 New Jersey Avenue SE, Washington, D.C. 20590; telephone (202) 366-1735.

**FRA**—Amanda Maizel, Office of the Chief Counsel, 1200 New Jersey Avenue SE, Washington, D.C. 20590; telephone (202) 308-3753.

**FTA**—Mark Montgomery, Office of the Chief Counsel, 1200 New Jersey Avenue SE, Washington, D.C. 20590; telephone (202) 841-7974.

**GLS**—Donna O'Berry, Chief Counsel, 1200 New Jersey Avenue SE, Washington, D.C. 20590; telephone (202) 236-8645.

**MARAD**—Gabriel Chavez, Office of the Chief Counsel, Maritime Administration, 1200 New Jersey Avenue SE, Washington, D.C. 20590; telephone (202) 441-6143.

**NHTSA**—David Jasinski, Office of the Chief Counsel, 1200 New Jersey Avenue SE, Washington, D.C. 20590; telephone (202) 713-7882.

**OST**—Daniel Cohen, Assistant General Counsel for Regulation and Legislation, 1200 New Jersey Avenue SE., Washington, D.C. 20590; telephone (202) 366-4723.

**PHMSA**—Robert Ross, Office of the Chief Counsel, 1200 New Jersey Avenue SE, Washington, D.C. 20590; telephone (202) 768-1365.

## **Appendix C—Public Rulemaking Dockets**

All comments on rulemakings submitted via the Internet are submitted through <http://www.regulations.gov>. This website allows the public to search, view, download, and comment on all Federal agency rulemaking documents in one central online system. The above referenced Internet address also allows the public to sign up to receive notifications when certain documents are placed in the dockets.

## **Appendix D—Review Plans for Section 610 and Other Requirements**

### **Part I—The Plan**

#### ***General***

The Department of Transportation has responsibilities under section 610 of the Regulatory Flexibility Act and subsequent Executive Orders to conduct reviews of its existing regulations. We are committed to continuing our reviews of existing rules and, if it is needed, will initiate rulemaking actions based on these reviews. The Department began a new 10-year review cycle with the Fall 2018 Regulatory Agenda.

#### ***Section 610 Review Plan***

Section 610 requires that we conduct reviews of rules that: (1) have been published within the last 10 years; and (2) have a “significant economic impact on a substantial number of small entities” (SEISNOSE). It also requires that we publish in the **Federal Register** each year a list of any such rules that we will review during the next year. OST and each of the OAs have a 10-year review plan. These reviews comply with section 610 of the Regulatory Flexibility Act.

#### ***Changes to the Review Plan***

Some reviews may be conducted earlier than scheduled. For example, events such as accidents may result in the need to conduct earlier reviews of some rules. Other factors may also result in the need to make changes; for example, we may make changes in response to public comment on this plan or in response to a presidentially mandated review. If there is any change to the review plan, we will note the change in the following Regulatory Agenda. For any section 610 review, we will provide the required notice prior to the review.

## **Part II—The Review Process**

### ***The Analysis***

Generally, the OAs and OST have divided their rules into 10 different groups and plan to analyze one group each year. For purposes of these reviews, a year will coincide with the publication annually of the Fall Regulatory Agenda. We request public comment on the timing of the reviews. For example, is there a reason for scheduling an analysis and review for a particular rule earlier than we have? Any comments concerning the plan or analyses should be submitted to the regulatory contacts listed in Appendix B, General Rulemaking Contact Persons.

### ***Section 610 Review***

The OAs and OST will analyze each of the rules in each year's group to determine whether any rule has a SEISNOSE and, thus, requires review in accordance with section 610 of the Regulatory Flexibility Act. The level of analysis will depend on the nature of the rule and its applicability. The publication of the section 610 analyses listed each fall in this Regulatory Agenda provides the public with notice and an opportunity to comment consistent with the requirements of the Regulatory Flexibility Act. We request that public comments be submitted to the Department early in the analysis year concerning the small entity impact of the rules to help us in making our determinations.

In each Fall Regulatory Agenda, the OAs and OST will publish the results of the analyses they have completed during the previous year. For rules that had a negative finding on SEISNOSE, we will give a short explanation (*e.g.*, “these rules only establish petition processes that have no cost impact” or “these rules do not apply to any small entities”). For parts, subparts, or other discrete sections of rules that do have a SEISNOSE, we will announce that we will be conducting a formal section 610 review during the following 12 months. At this stage, the Department will add an entry to the Regulatory Agenda in the pre-rulemaking section describing the review in more detail. We also will seek public comment on how best to lessen the impact of these rules and provide a name or docket to which public comments can be submitted. In some cases, the section 610 review may be part of another unrelated review of the rule. In such a case, we plan to indicate clearly which parts of the review are being conducted under section 610.



***Other Reviews***

The OAs and OST will also examine the specified rules to determine whether any other reasons exist for revising or revoking the rule or for rewriting the rule in plain language. In each Fall Regulatory Agenda, the OAs and OST will also publish information on the results of the examinations completed during the previous year.