

# AASHTO SURFACE TRANSPORTATION RULEMAKING TRACKER

APRIL 2017 / LISTED BY NPRM RELEASE DATE

NPRM Release Date	Proposed Rule	Description	AASHTO Committee	Comments Due Date	Final Rule Publication Date	Notes	Topic Areas												
							Aviation	Environment & Project Delivery	Finance	Freight	Operations	Performance Management	Planning	Rail	Safety	Transit	Water		
1/12/17	<a href="#">Federal Motor Vehicle Safety Standards: V2V Communications</a>	This document proposes to establish a new Federal Motor Vehicle Safety Standard (FMVSS), No. 150, to mandate vehicle-to-vehicle (V2V) communications for new light vehicles and to standardize the message and format of V2V transmissions. This will create an information environment in which vehicle and device manufacturers can create and implement applications to improve safety, mobility, and the environment. Without a mandate to require and standardize V2V communications, the agency believes that manufacturers will not be able to move forward in an efficient way and that a critical mass of equipped vehicles would take many years to develop, if ever. Implementation of the new standard will enable vehicle manufacturers to develop safety applications that employ V2V communications as an input, two of which are estimated to prevent hundreds of thousands of crashes and prevent over one thousand fatalities annually.	Subcommittee on Transportation Systems Management and Operations	4/12/17								X							
9/27/16	<a href="#">Commercial Activities in Rest Areas</a>	The FHWA is gathering comments on "how certain provisions of the current law surrounding commercial activities in rest areas should be interpreted and applied in consideration of advancements in technology and the interests of the States." This has remained substantially the same over the past 30 years while in the past few years, technology related to vending machines has evolved significantly. According to the FHWA, "several State DOTs have raised questions about what constitutes a vending machine and consequently what can or should be allowed in Interstate rest areas."	Multiple	12/27/16					X										
9/23/16	<a href="#">Federal Automated Vehicles Policy</a>	NHTSA invites public comment on the document, "Federal Automated Vehicles Policy." This document is intended as a starting point that provides needed initial guidance to industry, government, and consumers. It will necessarily evolve over time, changing based on public comment, the experience of the agency, manufacturers, suppliers, consumers, and others; and/or further technological innovation. NHTSA intends to revise and refine the document within one year, and periodically thereafter, to reflect such public input, experience, and innovation, and will address significant comments received in the next revision of this document.	Standing Committee on Planning	11/22/16								X	X						
8/30/16	<a href="#">State Assumption of Federal Responsibilities</a>	As required by the FAST Act, FHWA is soliciting input on additional Title 23 authorities that may be assigned to the states. FHWA must submit these recommendations to congress.	Multiple	10/31/2016		The product will be a report to Congress on additional federal authorities that may be assigned to the states.		X											
8/30/16	<a href="#">Productive and Timely Expenditure of Funds</a>	In accordance with the FAST Act, FHWA is seeking input on content for its new website on programmatic approaches to project delivery. FHWA is also seeking information and resources related to avoiding unnecessary delay, minimizing cost overruns and ensuring effective use of federal funds.	Multiple					X											
8/22/16	<a href="#">FEMA Floodplain Management and Protection of Wetlands</a>	On 2/15/15, an NPRM was published by FEMA to update the implementing guidelines to include changes by EO 13690 and the FFRMS. The final rulemaking was issued on 10/8/15. This proposed rule will update FEMA's regulations (44 CFR Part 9) and procedures (FEMA Policy 078-3) based on the final guidance.	Multiple	10/22/16				X											
6/27/16	<a href="#">MPO Coordination</a>	Proposes revisions to the transportation planning regulations to promote more effective regional planning by States and metropolitan planning organizations (MPO). The goal of the proposed revisions is to result in unified planning products for each urbanized area, even if there are multiple MPOs designated within that urbanized area.	Standing Committee on Planning	8/26/16; 10/25/16	<a href="#">12/20/16</a>	On a 60-day hold under OMB review.								X					
6/6/16	<a href="#">Establishment of Interim National Multimodal Freight Network</a>	Under the FAST Act, the Under Secretary is to establish a Multimodal Freight Network to assist states in strategically directing resources, to inform freight transportation planning, assist in the prioritization of Federal investment, and to assess and support Federal investments to achieve the national multimodal freight goals	Special Committee on Intermodal Transportation and Economic Expansion	9/6/16		Coordinating with the Subcommittee on Freight Planning				X			X						
4/22/16	<a href="#">System Performance Measure (PM3)</a>	The measures proposed in this NPRM would be used by State departments of transportation and Metropolitan Planning Organizations to assess the performance of the Interstate and non-Interstate National Highway System for the purpose of carrying out the National Highway Performance Program; to assess freight movement on the Interstate System; and to assess traffic congestion and on-road mobile source emissions for the purpose of carrying out the Congestion Mitigation and Air Quality Improvement Program.	Standing Committee on Performance Management	8/20/16	<a href="#">1/18/2017 Effective Date delayed until May 20, 2017</a>	The final rule effective date was further delayed until May 20, 2017						X							

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3/10/16	<a href="#">Draft National Freight Strategic Plan</a>	MAP-21 required DOT to develop a NFSP. Before the draft NFSP could be finalized, FAST was signed into law. The FAST Act makes the NFSP multimodal in scope, links to the NMFN, and requires the NFSP to include identification of corridors providing access to manufacturing, agriculture, or natural resources.	Standing Committee on Planning	4/25/16							X					X					
2/5/16	<a href="#">National Public Transportation Safety Plan</a>	FTA's proposed National Safety Plan is intended to guide the national effort in managing the safety risks within the Nation's public transportation systems.	Standing Committee on Public Transportation	4/5/16	<a href="#">1/18/2017</a>											X					X
2/5/16	<a href="#">Public Transportation Agency Safety Plan</a>	This proposed rule would require operators of public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53 to develop and implement Public Transportation Safety Plans based on the SMS approach	Standing Committee on Public Transportation	4/5/16																X	X
12/4/15	<a href="#">Categorical Exclusions (CE) for Projects with Limited Financial Assistance</a>	FAST Act requires annual indexing of the financial thresholds for the categorical exclusion for projects with limited federal assistance, in accordance with the consumer price index.	Standing Committee on Environment	NA	<a href="#">5/31/16</a>	FHWA deemed the notice and procedure process unnecessary under the Administrative Procedures Act, as the statutory language does not require					X										
12/4/15	<a href="#">Programmatic CE Agreements</a>	FAST Act expands the CEs that can be included in the programmatic CE agreements and requires USDOT to develop a template programmatic agreement. The final rule indicates that States are not required to use the model agreement. Also, new CEs may be included in the agreements, however proposed new CEs must be documented, published for public comment, and be approved by USDOT and CEO.	Standing Committee on Environment	NA	<a href="#">5/31/16</a>	FHWA deemed the notice and procedure process unnecessary under the Administrative Procedures Act, as the statutory language does not require regulatory interpretation to carry out its intent.					X										
12/3/15	<a href="#">Public Transportation Safety Certification Program</a>	The NPRM proposes to adopt the current interim safety certification provisions as the initial regulatory training requirements. The NPRM defines to whom the training requirements apply, describes recordkeeping requirements, provides administration provisions, and compliance requirements	Standing Committee on Public Transportation	2/1/16		Interim provisions have been in effect since May 2015. FTA is now reviewing comments received on the proposed rule which would make the interim provisions permanent.															X
11/18/15	<a href="#">Response to Comments on the National Transit Database</a>	This notice responds to comments on a proposed expansion of FTA's NTD; requests comments on additional proposed reporting; and requests comments on updating the NTD's approval to collect information under the Paperwork Reduction Act	Standing Committee on Public Transportation	1/19/16																	X
9/30/15	<a href="#">Transit Asset Management: National Transit Database</a>	This NPRM would establish a National Transit Asset Management System. The NPRM proposed amendments to the National Transit Database regulations to conform to the proposed reporting requirements for TAM.	Standing Committee on Public Transportation	11/30/15	<a href="#">7/26/16</a>											X					X
8/14/15	<a href="#">Public Transportation Safety Program</a>	From MAP-21 Congress directed FTA to establish a Safety Program, this NPRM introduces the principles and practices of Safety Management Systems.	Standing Committee on Public Transportation	10/13/15	<a href="#">8/11/16</a>	The final rule was issued on August 11, 2016. It becomes effective on September 12, 2016.														X	X
2/20/15	<a href="#">Asset Management Plan</a>	Proposes to establish a process for the development of a State asset management plan to improve or preserve the condition of the assets and the performance of the National Highway System as they relate to physical assets.	Subcommittee on Asset Management	5/29/15	<a href="#">10/24/16</a>	Ensure how the delay in final, which defines the national-level bridge and pavement measures, will affect the timing and development of the national-level asset management plan.										X	X				
1/5/15	<a href="#">Pavement/Bridge Performance Measure (PM2)</a>	This NPRM proposes to establish measures for State Departments of Transportation to use to carry out the National Highway Performance Program and to assess the condition on the following: pavements on the National Highway System (NHS) (excluding the Interstate System), bridges on the NHS, and pavements on the Interstate System.	Standing Committee on Performance Management	4/6/15	<a href="#">1/18/2017 Effective Date delayed until May 20, 2017</a>	The final rule effective date was further delayed until May 20, 2017										X					
11/24/14	<a href="#">Early Acquisition of ROW</a>	MAP-21 includes new flexibilities regarding real property acquisitions prior to NEPA completion. In addition to implementing MAP-21, FHWA is updating the real estate regulations to clarify the federal-state partnership, streamline processes and eliminate duplicative regulatory language.	Standing Committee on Environment / Subcommittee Right of Way, Utilities, and Outdoor Advertising Control	1/23/2015	<a href="#">8/23/2016</a>						X										
9/10/14	<a href="#">Planning and Environmental Linkages (PEL)</a>	FAST provides additional statutory flexibility to adopt planning products and decisions in NEPA.	Standing Committee on Environment / Standing Committee on Planning	11/10/14	<a href="#">5/27/16</a>	The final rule recognizes the FAST Act statutory authority as an additional authority for PEL, and states that the previously established PEL regulations may still be used.					X									X	

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8/4/14	<a href="#">CMAQ Weighting Factors</a>	Although the MAP-21 language for the CMAQ funds that must be obligated for PM 2.5 projects (referred to in this NPRM as a "set-aside") instructs that the set-aside be calculated based on "weighted population" for PM 2.5, the statute does not specify the values to be applied to determine the weighted population. In this proposed rule, FHWA is requesting comments on a proposed weighting factor of	Standing Committee on Environment / Standing Committee on Planning	10/3/15		Sent to USDOT-Office of the Secretary for review on November 10, 2015		X													
6/2/14	<a href="#">FHWA/FTA Metropolitan and Statewide Planning</a>	Proposes revisions to the regulations governing the development of metropolitan transportation plans and programs for urbanized areas, State transportation plans and programs, and the congestion management process.	Standing Committee on Planning	9/2/14	<a href="#">5/27/16</a>	Unsure how the delay in PM2 and PM3 will affect schedule/timing of targets and significant progress assessment.									X						
6/2/14	<a href="#">Programmatic Mitigation</a>	Implements MAP-21 and FAST Act requirements. Requires federal resource agencies to give "substantial weight" to recommendations in programmatic mitigation plans; previous language indicated "may use" mitigation plans. Also, <del>the final rule makes clear these plans are optional, may be done as part of</del>	Standing Committee on Environment	9/2/14	<a href="#">5/27/16</a>			X													
3/28/14	<a href="#">Safety Performance Measure (PM1)</a>	Proposes changes to Highway Safety Improvement Program regulations to address provisions in MAP-21 as well as to incorporate clarifications to better explain existing regulatory language.	Standing Committee on Performance Management	6/30/14	<a href="#">3/15/16</a>	Unsure how the delay in PM2 and PM3 will affect schedule/timing of targets and significant progress assessment.							X					X			
3/28/14	<a href="#">Highway Safety Improvement Program (HSIP)</a>	Proposes to establish measures for State departments of transportation to use to carry out the HSIP and to assess serious injuries and fatalities per vehicle mile traveled, and the number of serious injuries and fatalities.	Subcommittee on Highway Transport	6/30/14	<a href="#">3/15/16</a>													X			
11/19/13	<a href="#">Designation of Primary Freight Network</a>	This notice publishes the draft initial designation of the highway PFN and provides information about designation of Critical Rural Freight Corridor and the establishment of the National Freight Network	Special Committee on Intermodal Transportation and Economic Expansion	2/15/14	10/23/15					X			X								
10/3/13	<a href="#">National Public Transportation Safety Plan, Public Transportation Agency Safety Plan and Public Transportation Certification Training Program; Transit Asset Management</a>	This NPRM served as an Advanced Notice of Proposed Rulemaking for the National Public Transportation Safety Plan, the Public Transportation Agency Safety Plan, the Public Transportation Certification Training Program, and the Transit Asset Management.	Standing Committee on Public Transportation	1/2/14		Coordinated comment with SCOPM, SCOP, Subcommittee on Asset Management. No final rule will be published as it served as an advanced notice.												X		X	
10/3/13	<a href="#">Transit Asset Management Plans</a>	This final rule requires public transportation providers to develop and implement out transit asset management (TAM) plans. This final rule also establishes state good repair standards and four state of good repair performance measures.	Standing Committee on Public Transportation / Subcommittee on Asset Management	1/2/14	<a href="#">7/26/16</a>								X							X	
10/15/12	<a href="#">Interim Guidance on State Freight Plans and State Freight Advisory Committees</a>	Directs the Secretary of Transportation to encourage each State to develop a comprehensive State Freight Plan that outlines immediate and long-range plans for freight-related transportation investments.	Special Committee on Intermodal Transportation and Economic Expansion	11/15/12	<a href="#">10/14/16</a>					X			X								
TBD	<a href="#">Environmental Review Process and Historic Considerations</a>	Updates to the environmental review process and the process for considering historic resources as required by the FAST Act, including applying the Title 23 environmental review process to rail projects.	Standing Committee on Environment			Proposed rulemaking will take the form of a supplemental NPRM from the November 2016 NPRM implementing environmental process and historic considerations from MAP-21.		X													
TBD	<a href="#">NEPA Substitution Pilot Program and Updates to the NEPA Assignment Program</a>	FAST Act requires USDOT, in consultation with CEQ, to establish a pilot program within 270 days of enactment for states with NEPA assignment to allow states to either substitute their State environmental review law(s) for NEPA or allow NEPA to substitute for their state environmental review law(s). Also requires USDOT to amend federal NEPA assignment audit and assignment termination processes.	Standing Committee on Environment					X													