

**U.S. Department of Transportation
Retrospective Regulatory Review Report for 03/17/2015**

High-Priority Retrospective Review Rulemakings

| # | MODE NAME | RIN | TITLE | ABSTRACT | STAGE | SCHEDULED (OR ISSUED) DATE | REGULATORY FLEXIBILITIES | METHODS TO IDENTIFY IMPROVEMENT | QUANTIFIED BENEFITS/ BURDEN REDUCTION |
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| 1 | Federal Aviation Administration | 2120-AK65 | Part 23 Reorganization (RRR) | This rulemaking would revise 14 CFR part 23 as a set of performance based regulations, addressing the original safety intent contained in the current requirements. These performance based regulations would be enforceable without the necessity for any pre-approved means of compliance. The level of safety provided by the part 23 reorganization project would remain unchanged for airplanes that would fit into part 23 today. This rulemaking would also promote the adoption of the newly created performance based airworthiness design standard as an internationally accepted document by the majority of other civil aviation authorities, which include authorities representing Europe, Brazil, Canada, China and New Zealand. | NPRM | 12/28/2015 | N/A | Public Comment, Analysis | Costs/benefits have yet to be determined for this action, but it is expected to provide flexibility in meeting regulatory standards and encourage continued innovation in aircraft design. |
| 2 | Federal Motor Carrier Safety Administration | 2126-AB20 | Electronic Logging Devices (ELDs) and Hours of Service (HOS) Supporting Documents (RRR) | This rulemaking would establish: (1) minimum performance and design standards for HOS ELDs; (2) requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status; (3) requirements concerning HOS supporting documents; and (4) measures to address concerns about harassment resulting from the mandatory use of ELDs. | Final Rule | 09/30/2015 | N/A | Public Comment, Analysis | The rule is expected to save industry \$2 billion over ten years by reducing paperwork burdens. |

Ongoing Retrospective Reviews and Rulemakings

| # | MODE NAME | RIN | TITLE | ABSTRACT | STAGE | SCHEDULED (OR ISSUED) DATE | REGULATORY FLEXIBILITIES | METHODS TO IDENTIFY IMPROVEMENT | QUANTIFIED BENEFITS/ BURDEN REDUCTION |
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| 3 | Federal Aviation Administration | 2120-AJ90 | Effective Tether System (Tether Rule) (RRR) | This rulemaking would exclude tethered launches from the licensing requirements of 14 CFR chapter III. This rulemaking is necessary to maintain public safety for these launches by providing launch vehicle operators with clear and simple criteria for a safe tethered launch. For tethered launches that satisfy the design and operational criteria, the FAA would not require a license, permit or waiver. This action is intended to impose no additional requirements on operators, but provides an alternative to conducting a tethered launches. | Final Rule | 05/15/2015 | N/A | Public Comment, Analysis | This action would likely result in cost savings for the FAA and cost savings or no impact for launch operators. This action would relieve operators from the process and financial burdens of applying for waivers, licenses, and permits. It could save the FAA time and resources required to analyze these applications. |
| 4 | Federal Aviation Administration | 2120-AJ94 | Enhanced Flight Vision System (EFVS) (RRR) | This rulemaking would permit operators to use an EFVS in lieu of natural vision to continue descending from 100 feet height above runway touchdown zone elevation to the runway and land on certain straight-in instrument approach procedures under instrument flight rules. This action would also permit certain operators using EFVS-equipped aircraft to dispatch, release, or takeoff under instrument flight rules (IFR), and to initiate and continue an approach, when the destination airport weather is below authorized visibility minimums for the runway of intended landing. Pilot training, recent flight experience, and proficiency would be required for operators who use EFVS in lieu of natural vision to descend below decision altitude, decision height, or minimum descent altitude. The FAA believes | Final Rule | 05/05/2015 | N/A | Public Comment, Analysis | The FAA estimated the costs of the proposed rule over 10 years would be approximately \$5.3 million nominal value. The FAA believes the proposed rule would have benefits exceeding costs based on the likelihood that OEMs and operators would voluntarily incur the costs of the proposed rule in order to realize expected benefits. |

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| | | | | that an EFVS can provide operational and safety benefits during Category II and Category III approach operations. The rulemaking would enable expanded EFVS operations, which would increase access and efficiency in low visibility conditions, and potentially result in fewer missed approaches and delayed take-offs. | | | | | |
| 5 | Federal Aviation Administration | 2120-AK24 | Fuel Tank and System Lightning Protection (RRR) | This rulemaking would remove the requirement covering lightning ignition sources for fuel tank ignition prevention. It would also re-state the intention to prevent catastrophic fuel tank vapor ignition due to lightning in the broader fuel system lighting protection requirements. This action is necessary because of the impracticality of controlling structural lightning ignition sources, which has resulted in a series of exemptions. This action would be cost-relieving as it would remove the need to comply with a specific requirement that has provided little or no safety benefits. | NPRM | 12/18/2014 (issued – 79 FR 75496) | N/A | Public Comment, Analysis | This rule would be relieving for both government and industries with estimated net benefits. The regulatory benefits are based on resources saved for reducing the regulatory burden on both industry and the FAA. The total combined savings would be about \$610 million or \$450 million present value at a 7% discount rate. The lower and the higher estimates of the total combined regulatory savings range from \$384 million to \$836 million. |
| 6 | Federal Aviation Administration | 2120-AK28 | Aviation Training Devices; Pilot Certification, Training, and Pilot Schools; Other Provisions (RRR) | This rulemaking would consider relieving burdens on pilots seeking to obtain aeronautical experience for certification and currency by promoting increased use of aviation training devices. The rulemaking would also address changing technologies by permitting an alternative that would permit pilots to train in technically advanced airplanes in place of older complex single engine airplanes. Additionally, the | NPRM | TBD | N/A | Public Comment, Analysis | Anticipated Costs/Benefits: The costs and benefits related to this action have not been determined at this time. |

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| | | | | rulemaking would broaden the opportunities for military instructors to obtain civilian ratings based on military experience, expand opportunities for logging pilot time, and remove a burden on sport pilot instructors by permitting them to serve as safety pilots. Finally, this rulemaking corrects several unintended burdens resulting from a 2009 final rule and codifies several exemptions. | | | | | |
| 7 | Federal Aviation Administration | 2120-AK32 | Acceptance Criteria for Portable Oxygen Concentrators Used Onboard Aircraft (RRR) | This rulemaking would replace Special Federal Aviation Regulation No. 106 with acceptance criteria for portable oxygen concentrators to be used by passengers in air carrier operations, commercial operations and certain other operations using large aircraft. Currently, the agency assesses each portable oxygen concentrator on a case-by-case basis to determine whether it is safe for use on board aircraft. If the agency determines that a portable oxygen concentrator is safe for use on board aircraft, the specific model is identified in regulations. This rulemaking would replace the burdensome approval process with acceptance criteria and a requirement for manufacturers to demonstrate compliance by affixing a label on the exterior of the portable oxygen concentrator applied in a manner that ensures it will remain affixed for the life of the device. The acceptance criteria and labeling requirement would only affect portable oxygen concentrators intended for use on board aircraft. Portable oxygen concentrators currently approved for use on board aircraft would not be affected by this proposal and would be listed in this rule as approved. This rulemaking would also eliminate redundant requirements and paperwork requirements that are not | NPRM | 09/19/2014 (issued – 79 FR 56288) | Streamlined requirements | Public Comment, Analysis | SB: N; IC: Y; SLT: N Costs/benefits: This rule relieves regulatory burdens for manufacturers of POCs and passengers who use these devices while traveling. It also reduces burdens for part 119 certificate holders conducting operations under parts 121, 125, and 135. |

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| | | | | necessary for aviation safety thereby reducing burdens for portable oxygen concentrator manufacturers, passengers who use portable oxygen concentrators while traveling, and aircraft operators conducting air carrier operations, commercial operations or certain operations using large aircraft. | | | | | |
| 8 | Federal Aviation Administration | 2120-AK34 | Flammability Requirements for Transport Category Airplanes (RRR) | This rulemaking would amend the regulations on compartment interior fire protection to eliminate unnecessary testing, improve safety in inaccessible areas, and present the requirements as performance standards on the basis of threat. These changes are necessary as the current requirements result in unnecessary testing, are lacking in the areas most vulnerable to in-flight fire, and lack of standardization. These changes will improve safety and reduce costs. | NPRM | TBD | N/A | Public Comment, Analysis | Costs and benefits have yet to be determined for this action. |
| 9 | Federal Aviation Administration | 2120-AK44 | Reciprocal Waivers of Claims for Non-Party Customer Beneficiaries, Signature of Waivers of Claims by Commercial Space Transportation Customers. And Waiver of Claims and Assumption of Responsibility for Permitted Activities with No Customer (RRR) | This rulemaking would extend the waiver of claims for all the customers involved in a launch or reentry, amend the requirement describing which entities are required to sign the statutorily-mandated waiver of claims, and add a new waiver template for the customer's use. This rulemaking would ease the administrative burden on the customers, licensees, permittees, and the FAA, especially when a new customer is added only a short time before the scheduled launch or reentry. | NPRM | 01/13/2015 (issued – 80 FR 2015) | N/A | Public Comment, Analysis | This rule would reduce cost burdens of all parties signing cross-waivers, as well the FAA, because the FAA has to review any cross-waiver the customer has signed with its customers to make sure it is substantially similar to the statutory requirement. |
| 10 | Federal | 2120- | Short term | The FAA is considering revision to cabin air | Long- | TBD | N/A | Public Comment, | Not quantified. |

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| | Aviation Administration | ZA05 | increases in CO2 (RRR) | quality standards. The FAA is awaiting the outcome of the air quality survey and the ARAC recommendations pertaining to this issue. | term action | | | Analysis | |
| 11 | Federal Aviation Administration | 2120-ZA09 | Aircraft Certification Process Review and Reform ARC (RRR) | The FAA chartered an Aviation Rulemaking Committee to provide input for a recommendation to evaluate and streamline aircraft certification. The ARC issued their final report on May 22, 2012. FAA is reviewing the ARC's recommendations. | Long-term action | TBD | N/A | Public Comment, Analysis | Not quantified. |
| 12 | Federal Aviation Administration | 2120-ZA10 | Certificated Flight Instructor (RRR) | The FAA is considering a change to the certificated flight instructor process by requiring proof of currency in lieu of the reissuance of a new plastic certificate with an expiration date. | Long-term action | TBD | N/A | Public Comment, Analysis | Not quantified. |
| 13 | Federal Aviation Administration | 2120-ZA12 | High Density (RRR) | The DOT/FAA is considering amendments to the High Density Rule in part 93 subparts K and S to increase competitive options at DCA and improve consistency of slot requirements among slot-controlled airports. In January 2015, the DOT/FAA published a Notice of Proposed Rulemaking to address slot management and competition issues at LGA, JFK, and EWR, which currently are limited by FAA Orders. | Long-term action | TBD | N/A | Public Comment, Analysis | Not quantified. |
| 14 | Federal Highway Administration | 2125-AF44 | Administration of Engineering and Design Related Service Contracts (RRR) | This rulemaking would revise and update regulations governing the procurement, management, and administration of engineering and design related services directly related to a highway construction project and reimbursed with Federal-aid highway program funding. To comply with statutory amendments, this rulemaking would remove all references to alternative or equivalent procedures contained in the existing regulations. This rulemaking | Final Rule | 03/20/2015 | N/A | Public Comment, Analysis | FHWA anticipates that the economic impact of this rulemaking would be minimal. |

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| | | | | proposes to revise existing small purchase procurement procedures to reflect an increase in the Federal threshold. This rulemaking would also address certain findings and recommendations contained in a 2008 Government Accountability Office regarding increased State DOT reliance on consultants and a 2009 DOT Office of the Inspector General audit regarding consultant indirect costs. This rulemaking would clarify existing Federal requirements in support of enhancing consistency with other Federal laws and applicable regulations and addressing evolutions in industry practices to improve the procurement, management, and administration of consultant services. | | | | | |
| 15 | Federal Highway Administration | 2125-AF62 | Acquisition of Right-of-Way (RRR) (MAP-21) | This rulemaking would update 23 CFR 710 to conform with MAP-21 and make some additional changes to streamline and clarify 23 CFR 710. Section 1302 of MAP-21 amends 23 U.S.C. 108 to provide States with new flexibility for reimbursements of costs of State-funded acquisitions of interests in real property incurred before completion of the NEPA environmental review process for the entire project. MAP-21 also allows the Secretary to authorize a State to use Federal funds for early acquisition of a real property interest if certain conditions are met, including completion of the NEPA environmental review process for the acquisition only. | Final Rule | 06/12/2015 | N/A | Public Comment, Analysis | FHWA anticipates that the economic impact of this rulemaking would be minimal. |
| 16 | Federal Highway Administration | 2125-AF65 | Buy America (RRR) | This rulemaking would update 23 CFR 635.410 to remove outdated references, add updated statutory references and coverage, reflect the current waiver request procedures, adjust the minimal use threshold amount for | Long-term action | TBD | N/A | Public Comment, Analysis | Not quantified. |

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| | | | | inflation, and address the application of these requirements to manufactured products, non-highway infrastructure, and acquisitions. | | | | | |
| 17 | Federal Highway Administration | 2125-ZA01 | Revision of 23 CFR Part 230, Civil Rights External Program (RRR) | As part of our retrospective regulatory review, the FHWA intends to update 23 CFR Part 230. This Part of the CFR has not been substantially updated since it was published in 1975. The FHWA has been considering a full update to this Part for many years as questions and issues from our Division offices, who implement these programs, have increased in frequency. The FHWA believes that reexamining this Part will improve the efficiency of our Civil Rights external programs. Further study is necessary to identify specific areas for improvement and to determine what, if any, changes would be most beneficial. | Long-term action | TBD | N/A | Public Comment, Analysis | Not quantified. |
| 18 | Federal Highway Administration | 2125-ZA05 | Noise Abatement (RRR) | As part of our retrospective regulatory review, the FHWA intends to update 23 CFR Part 772. This part was substantially updated in 2010; however, substantial comments from stakeholders and the public have suggested that the part could be rewritten for clarity and ease of use. The FHWA will assess ways to streamline its regulation, increase clarity, and improve the Noise Abatement process. | Long-term action | TBD | N/A | Public Comment, Analysis | Not quantified. |
| 19 | Federal Highway Administration | 2125-ZA06 | Opportunities to Improve State Reporting Requirements Under the Highway Safety Improvement Program (HSIP) and the Highway Safety Program | DOT is exploring ways to more proactively coordinate NHTSA and FHWA highway safety oversight programs, including the HSIP and HSP. The Department has requested public comment on further opportunities for continued improvement and coordination of these programs. The Department is now analyzing the comments received. | Long-term action | TBD | N/A | Public Comment, Analysis | Not quantified. |

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| | | | (HSP) (RRR) | | | | | | |
| 20 | Federal Motor Carrier Safety Administration | 2126-AB47 | Electronic Signatures and Documents (E-Signatures) (RRR) | This rulemaking would incorporate the principles of FMCSA's regulatory guidance concerning e-signatures and electronic documents by amending various sections of the Federal Motor Carrier Safety Regulations (FMCSRs) to enable the use of e-signatures and e-documents in support of electronic recordkeeping. This would provide possible paperwork reductions and be less burdensome to the motor carrier industry. | Final Rule | TBD | N/A | Public Comment, Analysis | FMCSA has not attempted to quantify the benefits of this rule as it is discretionary. |
| 21 | Federal Motor Carrier Safety Administration | 2126-AB49 | Elimination of Redundant Maintenance Rule (RRR) | The FMCSA would amend the Federal Motor Carrier Safety Regulations to eliminate redundant inspection, repair, and maintenance requirements. Specifically, the FMCSA would amend the regulations to include within 49 CFR 396.3, concerning general maintenance rules, requirements that vehicles be properly lubricated and free of oil and grease leaks. Currently, the requirements addressing oil and grease leaks, and lubrication are covered in a separate section. The Agency believes combining the requirements in a single section of the Federal Motor Carrier Safety Regulations would improve the clarity of the safety regulations and eliminate a redundancy in the maintenance rules. | NPRM | TBD | N/A | Public Comment, Analysis | Consolidating the regulations will have minimal benefit. |
| 22 | Federal Motor Carrier Safety Administration | 2126-ZA01 | Redundant Credentialing (RRR) | The FMCSA will coordinate with the Transportation Security Administration to identify whether there is a policy that could be put into place to reduce any redundancies in credentialing requirements for drivers who carry hazardous materials. | TBD | TBD | N/A | Public Comment, Analysis | Not quantified. |
| 23 | Federal Railroad | 2130-AC40 | Qualification and Certification of | This rulemaking would make conforming revisions to Part 240 "Qualification and | NPRM | 03/31/2015 | Provides for processing and | Public Comment, Analysis | Initial projections are that the rule will have a 20- |

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| | Administration | | Locomotive Engineers; Miscellaneous Revisions (RRR) | certification of locomotive engineers" consistent with Part 242 "Qualification and Certification of Conductors". The promulgation of the conductor certification regulation highlighted areas in the regulation governing locomotive engineer certification that may require conforming changes. Such changes could include amending the program submission process, adding 49 CFR 218, subpart F violations as revocable offenses, handling engineer and conductor petitions for review with a single FRA board, and revising filing requirements for petitions to the Locomotive Engineer Review Board. | | | submission flexibility | | year cost of about \$160,000 and 20-year benefit of 405,000. Thus a net savings to the industry of about \$250,000 over 20 years. |
| 24 | Federal Railroad Administration | 2130-AC41 | Hours of Service Recordkeeping; Electronic Recordkeeping Amendments (RRR) | This rulemaking would propose to provide simplified recordkeeping requirements to allow railroads with less than 400,000 employee hours per year to utilize automated recordkeeping systems that are less complex than the electronic recordkeeping systems provided for in existing regulations. The rule would not require the use of electronic or automated recordkeeping, would be better tailored to small operations, and is expected to decrease the burden hours spent on recordkeeping. | NPRM | 04/15/2015 | Would provide regulatory flexibility in maintaining required records | Public Comment, Analysis | It is expected that the rule will have a net savings of \$51 million over 10 years. |
| 25 | Federal Railroad Administration | 2130-AC43 | Safety Glazing Standards; Miscellaneous Revisions (RRR) | This rulemaking would propose to eliminate the requirement to stencil the interior wall of a locomotive, passenger car, or caboose which has compliant FRA glazing (section 223.17), update FRA 's interpretation of "historical or antiquated equipment[.]" add a definition of the term to the rule text, and generally update the part to remove passed compliance dates. | Final Rule | 06/30/2015 | Eliminates outdated stenciling requirement and updates definition of antiquated equipment | Public Comment, Analysis | The NPRM estimated total cost savings of the rule to be approximately \$1 million over 20 years. |
| 26 | National Highway | 2127-AK98 | Pedestrian Safety Global Technical | This rulemaking would provide requirements to protect pedestrian heads impacting vehicle | NPRM | 02/15/2016 | N/A | Public Comment, Analysis | NHTSA anticipates that the economic impact of |

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| | Traffic Safety Administration | | Regulation (RRR) | hoods. NHTSA initiated this rulemaking following the establishment of the Global Technical Regulation (GTR) by the UNECE's World Forum for the Harmonization of Vehicle Regulations (WP.29) in November 2008 and plans to base the new FMVSS on the GTR. A preliminary analysis indicates very nominal cost and benefits for a GTR-based head impact proposal. The agency expects to follow this rulemaking with a separate GTR-based proposal to protect pedestrian legs from the front end of vehicles. | | | | | this rulemaking would be minimal. |
| 27 | National Highway Traffic Safety Administration | 2127-AL03 | Part 571 FMVSS No. 205, Glazing Materials, GTR (RRR) | This rulemaking would enhance FMVSS No. 205 by adopting a Global Technical Regulation (GTR), which contains updated performance tests for glazing materials that are composed of glass, laminated glass, or glass faced with plastic compared to what is currently in FMVSS No. 205. The tests in the GTR would allow manufacturers to achieve efficiencies in the certification process while not degrading safety or imposing new burdens. | Long-term action | TBD | N/A | Public Comment, Analysis | Those manufacturers only testing to the current FMVSS 205 (ANSI Z26.1) and not ECE Regulation 43 would experience increased testing costs of between \$1,900 and \$2,100. Those manufacturers currently testing to both standards would experience a net savings. Because we do not know how many manufacturers are testing to multiple glazing standards, we cannot directly estimate the overall economic impact of the proposal. However, we do not believe that the economic impacts of this proposal would be greater than \$0.009 to \$0.01 per vehicle for a new make and model based on the |

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| | | | | | | | | | possible increase in testing costs of \$1,900 to \$2,100 divided by an average vehicle design lifetime sales of 210,000 units. |
| 28 | National Highway Traffic Safety Administration | 2127-AL05 | Amend FMVSS No. 210 to Incorporate the Use of a New Force Application Device (RRR) | <p>This rulemaking would amend Federal Motor Vehicle Safety Standard (FMVSS) No. 210, Seat belt assembly anchorages, to replace the existing body blocks for testing the strength of seat belts with a new Force Application Device and associated positioning procedure. Because the device is easier to use than the current body blocks, this rulemaking would simplify the compliance test of the standard and make NHTSA’s evaluation of seat belt anchorage strength more effective. We estimate the one-time cost of purchasing a set of these devices (approximately \$40,000) would be offset by the continual labor cost savings in setting up the devices for testing. NHTSA’s testing has demonstrated that the proposed force application devices do not appear to affect the stringency of the standard.</p> <p>The SNPRM alternatively proposes a strategy to maintain the current FMVSS No. 210 body blocks for use as testing interface to transfer loads onto the seat belt anchorage system during compliance tests of anchorage strength and discusses the need for improvements in the test procedure that would specify the positioning of the body blocks at pre-load.</p> | SNPRM | 03/02/15 (issued – 80 FR 11148) | N/A | Public Comment, Analysis | We anticipate that this rule will reduce testing costs compared to current standard. This rule will also reduce NHTSA compliance costs and industry testing costs annually starting with the effective date. We estimate the cost of each of the two sizes of the Force Application Device to be approximately \$8,000 each. Assuming a vehicle manufacturer or testing facility purchases a set of two FAD1s and three FAD2s, the principal cost associated with this NPRM is the one-time purchase cost of the set, totaling \$40,000. The FADs require significantly less effort, time and personnel to install in the test vehicle. Thus, we believe there would be associated cost savings which could off-set the purchase cost of the FADs. |
| 29 | National | 2127- | Upgrade of | This rulemaking would amend FMVSS No. | NPRM | 01/23/2015 | N/A | Public Comment, | Not quantified. |

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| | Highway Traffic Safety Administration | AL20 | LATCH Usability Requirements (MAP-21) (RRR) | 225, Child restraint anchorage systems, to improve the ease of use for lower anchorages and tether in all rear seating positions in accordance with the 'Moving Ahead for Progress in the 21st Century Act' (MAP-21), P.L. 112-141, address comments on LATCH usability received in response to the LATCH public meeting held on February 8, 2007, and standardize features of LATCH for enabling simple and standardized consumer messaging to facilitate increased LATCH use and correct child seat installation. This upgrade of FMVSS No. 225 is in accordance with Section 6 of Executive Order 13563 (76 FR 3821, January 21, 2011) that urges agencies to conduct periodic retrospective evaluation of regulations and modify, streamline, expand, or repeal them in accordance with what has been learned from the evaluation. | | (issued – 80 FR 3744) | | Analysis | |
| 30 | National Highway Traffic Safety Administration | 2127-AL24 | Rapid Tire Deflation Test in FMVSS No. 110 (RRR) | This rulemaking would clarify the rapid tire deflation test included in FMVSS No. 110, Tire Selection and Rims for Motor Vehicles. After a recent review of the standard by the agency, we have tentatively concluded that the rapid tire deflation test is unclear as currently stated with respect to testing of towed vehicles. | Long-term action | TBD | N/A | Public Comment, Analysis | This rule would not impose any costs upon manufacturers and may result in cost savings. This rule would relieve light trailer manufacturers of the burden, and the associated costs, associated with the rim retention requirement. |
| 31 | National Highway Traffic Safety Administration | 2127-AL41 | FMVSS No. 571.108 License Plate Mounting Angle (RRR) | This rulemaking would harmonize the license plate mounting angle requirements for motorcycles with European regulatory requirements in response to a petition from the Motorcycle Industrial Council (MIC). MIC claimed that changing the license plate mounting angle would not adversely affect safety or law enforcement. MIC stated that by | Final Rule | 10/30/2015 | N/A | Public Comment, Analysis | The agency believes that this rulemaking action would result in minor benefits resulting from cost saving associated with increased design flexibility. Because the agency does not believe |

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| | | | | allowing a 30 degree upward angle, the license plate lamp can be physically located closer to the plate, retaining the incident angle and providing the same amount of illumination. In response to this petition, this rulemaking would amend the Federal motor vehicle safety standard (FMVSS) on lamps, reflective devices, and associated equipment to allow the licenses plate mounting surface on motorcycles to be at an angle of up to 30 degrees beyond vertical. The agency believes that this rulemaking action would result in minor benefits resulting from cost saving associated with increased design flexibility. Because the agency does not believe that benefits from this rulemaking action would rise to the level that the action would be economically significant, the agency does not anticipate conducting a separate economic analysis for this rulemaking. | | | | | that benefits from this rulemaking action would rise to the level that the action would be economically significant, the agency does not anticipate conducting a separate economic analysis for this rulemaking. |
| 32 | National Highway Traffic Safety Administration | 2127-XXXX | Adaptive Headlighting (RRR) | This rulemaking would amend Federal Motor Vehicle Safety Standard No. 108 to permit the use of adaptive headlighting and to add appropriate performance requirements and test procedures. Such headlighting would improve the nighttime seeing distance and the visibility of pedestrians. | NPRM | TBD | TBD | Public Comment, Analysis | Not quantified. |
| 33 | National Highway Traffic Safety Administration | 2127-ZA08 | Evaluation of Tire Pressure Monitoring Systems - FMVSS 138 (RRR) | Evaluation of Tire Pressure Monitoring Systems. Our evaluation completed in November 2012 examined whether tire pressure has improved. In 2015 we will field a follow-up survey focusing on TPMS malfunction with analysis planned for 2016. Later we will evaluate the crash reduction due to better tire pressure. A cost tear down of TPMS systems has been completed. | Long-term action | TBD | N/A | Public Comment, Analysis | Not quantified. |
| 34 | Office of the | 2105- | Transportation | This rulemaking would revise the | NPRM | 10/22/2015 | Trigger provisions | Public Comment, | Under development |

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| | Secretary | AE29 | Services for Individuals with Disabilities: Over-the-Road Buses (RRR) | Department's Americans with Disabilities Act (ADA) regulations relating to over-the-road buses (OTRBs). The DOT is required by its regulations to review various requirements within the ADA regulations for OTRB operators. On February 27, 2013, DOT published a notice seeking comment to help DOT conduct this review. This rulemaking would update and revise regulations relating to the purchase and lease requirements of new OTRBs, fleet accessibility requirements, interline service requirements, special provisions for mixed-service operators, and interim service requirements. | | | (small operators would be required to obtain accessible buses as they retire currently inaccessible buses) | Analysis | |
| 35 | Pipeline and Hazardous Materials Safety Administration | 2137-AE80 | Hazardous Materials: Miscellaneous Pressure Vessel Requirements (DOT Spec Cylinders) (RRR) | This rulemaking would propose revisions to certain requirements of the Hazardous Materials Regulations (HMR) applicable to the manufacture, maintenance, and use of DOT specification cylinders. These revisions would clarify certain important safety requirements, incorporate industry consensus standards and, where appropriate, decrease the regulatory burden without compromising the safe transportation of compressed gases in commerce. This rulemaking responds to eleven petitions for rulemaking, incorporates two special permits into the HMR, and addresses the National Transportation Safety Board (NTSB) Recommendation I-93-1. Among other provisions, PHMSA is expected to put forth proposals to address fire suppression systems, clarification of cylinder specification and requalification requirements, and adoption of new and update current incorporations by reference of industry consensus standards issued by the Compressed Gas Association. | NPRM | 03/30/2015 | N/A | Public Comment, Analysis | PHMSA anticipates that this NPRM will generally reduce burdens for most stakeholders and eliminate the need to apply for special permits, as three special permits may be incorporated and lower paperwork burden. Other benefits include simplifying hazard communication requirements and increased filling density for certain gases leading to potentially fewer vehicle trips. A future rulemaking may result in a decrease in the annual burden and costs under certain OMB Control Numbers. |

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| 36 | Pipeline and Hazardous Materials Safety Administration | 2137-AE81 | Hazardous Materials: Reverse Logistics (RRR) | This rulemaking would address changes to the Hazardous Materials Regulations (HMR) that are applicable to reverse logistics based on petitions received by PHMSA. The issue of reverse logistics involves the transportation of hazardous materials that have been damaged or returned from the retailer to a return center. Specifically, the rulemaking would establish a regulatory definition of 'reverse logistics' and outline the responsibilities of those that offer hazardous materials returned by retail customers. | Final Rule | 10/30/2015 | N/A | Public Comment, Analysis | PHMSA anticipates that this Final Rule will reduce the burden on most stakeholders by reducing the amount of training required by employers. Other benefits include reduced shipping cost associated with the transportation of used car batteries. |
| 37 | Pipeline and Hazardous Materials Safety Administration | 2137-AE86 | Hazardous Materials: Requirements for the Safe Transportation of Bulk Explosives (RRR) | This rulemaking would amend the Hazardous Materials Regulations (HMR) by establishing standards for the safe transportation of bulk explosives. This rulemaking would be responsive to two petitions for rulemaking submitted by industry representatives, requesting this action. Developing requirements for the HMR would provide wider access to the regulatory flexibility currently only offered by special permit and competent authorities. The HMR would authorize the transportation of certain explosives, ammonium nitrate, ammonium nitrate emulsions, and other specific hazardous materials in bulk packagings, which are not otherwise authorized under the HMR. These hazardous materials are used in blasting operations on specialized vehicles, multi-purpose bulk trucks (MBTs). MBTs are used as mobile work platforms to create blends of explosives that are unique for each blast site. | Final Rule | 08/31/2015 | N/A | Public Comment, Analysis | Developing requirements for the HMR would provide wider access to the regulatory flexibility currently only offered by special permit and competent authorities. This rulemaking is expected to result in a decrease of \$10.6 million in the annual burden and cost to multiple OMB Control Numbers due to decreased paperwork burdens. |
| 38 | Pipeline and Hazardous Materials | 2137-AE94 | Pipeline Safety: Operator Qualification, | This rulemaking would address miscellaneous issues that have been raised because of the reauthorization of the pipeline | NPRM | 08/31/2015 | N/A | Public Comment, Analysis | PHMSA anticipates that the economic impact of this rulemaking would be |

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| | Safety Administration | | Cost Recovery, Accident and Incident Notification, and Other Changes (RRR) | safety program in 2012 and petitions for rulemaking from many affected stakeholders. Some of the issues that this rulemaking would address include: renewal process for special permits, cost recovery for design reviews, and incident reporting. | | | | | minimal. |
| 39 | Pipeline and Hazardous Materials Safety Administration | 2137-AF00 | Hazardous Materials: Adoption of Special Permits (MAP-21) (RRR) | This rulemaking addresses Moving Ahead for Progress in the 21st Century (MAP-21), which requires an initial review and analysis of special permits that have been in continuous effect for a 10-year period to determine which ones may be converted into the hazmat regulations. MAP-21 also requires the issuance of regulations to incorporate into the hazmat regulations any special permits identified in the initial review and analysis that PHMSA determines are appropriate for incorporation based on the review factors, which this rule proposes. Factors the rule considers: (1) the safety record of hazmat transported under the special permit; (2) the application of a special permit; (3) the suitability of provisions in the special permit for incorporation into the hazmat regulations; and (4) rulemaking activity in related areas. | NPRM | 01/30/2015 (issued – 80 FR 5339) | N/A | Public Comment, Analysis | This NPRM proposes to add new exceptions to the HMR while eliminating the need for persons to apply for a special permit resulting in a decrease in annual burden cost: \$12,337.00. There are 728 grantees associated with the 98 special permits being proposed for adoption in this rulemaking. |
| 40 | Pipeline and Hazardous Materials Safety Administration | 2137-AF04 | Hazardous Materials: Miscellaneous Amendments (RRR) | PHMSA is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments to update and clarify certain regulatory requirements. The amendments in this rulemaking have been identified through PHMSA's own initiatives and review of previously issued letters of interpretation. These amendments promote safer transportation practices, eliminate unnecessary regulatory requirements, address petitions for rulemaking, facilitate international commerce, and simplify the | NPRM | 01/23/2015 (issued – 80 FR 3787) | N/A | Public Comment, Analysis | PHMSA anticipates cost savings by: (1) reducing the number of incidents and subsequent property damage resulting from the proposed safety requirements for shipments of LPG, incorporating CGA G-1.6 for mobile acetylene trailers, and the revised packaging provisions for |

regulations. These amendments also update various entries in the Hazardous Materials Table (HMT) and corresponding special provisions, make minor amendments to the labeling requirements, revise the marking requirements applicable to odorization, make amendments for the continuing qualification of specification cargo tanks, and revise the exceptions for smokeless powder and black powder.

nitric acid; (2) reducing the frequency and out-of-service time for propane cargo tanks taken out of service for requalification; and (3) harmonization with international standards. Overall the proposed changes are expected to result in overall net benefits. This rule addresses issues raised by stakeholders for the purpose of clarity, harmonization, and future growth. The benefits resulting from the adoption of the amendments in this NPRM include enhanced transportation safety, transparency, regulatory relief, and clarity.

Completed Retrospective Review Rulemakings

| # | MODE NAME | RIN | TITLE | ABSTRACT | STAGE | SCHEDULED (OR ISSUED) DATE | REGULATORY FLEXIBILITIES | METHODS TO IDENTIFY IMPROVEMENT | QUANTIFIED BENEFITS/ BURDEN REDUCTION |
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| 41 | Federal Aviation Administration | 2120-AK40 | Elimination of the Air Traffic Control Tower Operator Certificate for Controllers Who Hold a Federal Aviation Administration Credential With a Tower Rating (RRR) | This rulemaking would eliminate the requirement for air traffic control tower operators to hold a Control Tower Operator (CTO) certificate if the individual holds an FAA Credential with a tower rating issued by the Administrator. The FAA currently issues the CTO and the Credential with a tower rating to qualified FAA controllers who work in FAA towers. The requirements of this Credentialing program encompass the underlying qualifications of the CTO certificate. The intended effect of this action is to reduce the FAA's requirement of administering overlapping programs. | Final Rule | 12/16/2014 (issued – 79 FR 74607) | N/A | Public Comment, Analysis | Since this rulemaking eliminates the requirement for a CTO certificate for controllers holding an FAA Credential, this amounts to a median cost savings of approximately \$189,600; ranging from \$173,700 - \$205,500 for a \$20 - \$50 per application processing cost, respectively. |
| 42 | Federal Motor Carrier Safety Administration | 2126-AB46 | Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report (RRR) | This rulemaking would rescind the requirement that commercial motor vehicle (CMV) drivers operating in interstate commerce submit, and motor carriers retain, driver-vehicle inspection reports when the driver has neither found nor been made aware of any vehicle defects or deficiencies. Specifically, this rulemaking would remove a significant information collection burden without adversely impacting safety. This rulemaking responds in part to the President's January 2012 Regulatory Review and Reform initiative. | Final Rule | 12/18/2014 (issued – 79 FR 75437) | N/A | Public Comment, Analysis | This rule is expected to reduce paperwork costs by \$1.7 billion annually. |
| 43 | Federal Railroad Administration | 2130-AC32 | Positive Train Control Systems: De Minimis Exception, Yard Movements, En | This rulemaking would revise Positive Train Control regulations by defining the de minimis exception and en route failures, proposing exceptions relating to yard movements that may not be considered on the | Final Rule | 08/22/2014 (issued – 79 FR 49693) | N/A | Public Comment, Analysis | This rulemaking could have positive net benefits of \$156.2 million when discounted at 7% over 20 years and \$211 million |

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| | | | Route Failures; Miscellaneous Grade Crossing/Signal and Train Control Amendments (RRR) | main line system, and amending regulations governing grade crossing and signal and train control systems. The rulemaking is in response to a petition for rulemaking from the Association of American Railroads. | | | | | over 20 years when discounted at 3%. |
| 44 | Federal Railroad Administration | 2130-AC44 | Revisions to Signal System Reporting Requirements (RRR) | This rulemaking eliminates the requirement to submit a signal system report every 5 years. FRA believes that the information contained in such reports is available to FRA through other sources and the need for a separate and somewhat duplicative report every 5 years is unnecessary. | Final Rule | 07/02/2014 (issued – 79 FR 37664) | Eliminates outdated reporting requirement | Public Comment, Analysis | The final rule expected that the elimination of the 5-year signal report would save the industry approximately \$235,000 over 20-years |
| 45 | National Highway Traffic Safety Administration | 2127-AL17 | 49 CFR Part 595, Subpart C, Make Inoperative Exemptions, Vehicle Modifications to Accommodate People With Disabilities, from FMVSS No. 226 (RRR) | This rulemaking would respond to a petition from Bruno Independent Living Aids to amend 49 CFR Part 595, Subpart C, Make Inoperative Exemptions, Vehicle Modifications to Accommodate People With Disabilities. Bruno is requesting that the agency include a new exemption relating to the Federal motor vehicle safety standard for ejection mitigation that would allow them to modify vehicles without taking the vehicle out of compliance to facilitate the mobility of physically disabled drivers and passengers. This request is similar to others already granted by the agency. | Final Rule | 07/09/2014 (issued – 79 FR 38792) | N/A | Public Comment, Analysis | Not quantified. |
| 46 | National Highway Traffic Safety Administration | 2127-AL53 | Part 571.3 Response to Petition for Reconsideration on DSP Definition (RRR) | On October 8, 2008, NHTSA published a final rule (73 FR 58887) amending the definition of the term, "designated seating position," as used in the Federal motor vehicle safety standards, to more clearly indicate which areas within the interior of a vehicle meet that definition. The final rule also established a calculation procedure for determining the number of designated seating | Final Rule | 09/26/2014 (issued – 79 FR 57829) | N/A | Public Comment, Analysis | NHTSA anticipates that the economic impact of this rulemaking would be minimal |

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| | | | | <p>positions at a seat location based upon seating surface width for passenger cars, buses, and light trucks and multipurpose passenger vehicles with a gross vehicle weight rating less than 4,536 kilograms. On December 23, 2009 (74 FR 68185), a partial final rule responding to petitions for reconsideration was published that allowed one additional year of lead time so that vehicle manufacturers would need to start complying with the final rule on September 1, 2011. On November 15, 2013 (78 FR 68748) a final rule addressing the remaining petitions for reconsideration and requests for interpretation of the October 2008 final rule, was published. However, a typographical error was made in the 2013 final rule in the expression of a formula contained in the regulatory text used to determine the number of designated seating positions for certain vehicles. The agency received a petition for reconsideration to correct this error. This rulemaking would make the requested correction. This upgrade is in accordance with Section 6 of Executive Order 13563 (76 FR 3821, January 21, 2011) that urges agencies to conduct periodic retrospective evaluation of regulations and modify, streamline, expand, or repeal them in accordance with what has been learned from the evaluation.</p> | | | | | |
| 47 | Pipeline and Hazardous Materials Safety Administration | 2137-AE85 | Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments | <p>This rulemaking would amend the pipeline safety regulations to incorporate by reference all or parts of new, updated, or reaffirmed editions of voluntary consensus standards. The use of voluntary consensus standards allows pipeline operators to use the most current industry technologies, materials, and management practices available in today's</p> | Final Rule | 01/05/2015 (issued – 80 FR 168) | N/A | Public Comment, Analysis | PHMSA anticipates that the economic impact of this rulemaking would be minimal. |

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| | | | (RRR) | market. It also would make non-substantive edits and clarify regulatory language in certain provisions. These amendments to the pipeline safety regulations would not require pipeline operators to undertake any significant new pipeline safety initiatives. | | | | | |
| 48 | Pipeline and Hazardous Materials Safety Administration | 2137-AF05 | Hazardous Materials: Harmonization with International Standards (RRR) | Harmonization enhances safety, facilitates compliance, and improves the efficiency of the global transportation system by minimizing the regulatory burden on the public thus promoting trade. After a thorough review of the provisions recently adopted by various international regulatory bodies, PHMSA has identified areas in the Hazardous Materials Regulations (HMR) in which harmonization with international regulations will provide an enhanced level of safety, an economic benefit or in many instances both safety and economic benefits. As a result, this rulemaking amends the HMR, where appropriate, to maintain alignment with international standards that will become effective as of January 1, 2015 and consequently facilitate the safe global trade of hazardous materials. This rulemaking includes, but is not limited to; the introduction of regulatory requirements to address adsorbed gasses, exceptions for small quantities of marine pollutants, provisions for the safe transport of damaged or defective batteries, the revision of various entries in the hazardous materials table to maintain global alignment, and the incorporation by reference of various international standards. | Final Rule | 01/08/2015 (issued – 80 FR 1075) | N/A | Public Comment, Analysis | The estimated net benefit associated with this rulemaking is \$47 million in the first year after publication and \$87.9 million in the second year after publication. |