

**WSR 17-07-106**  
**EXPEDITED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket A-170015—Filed March 21, 2017, 10:20 a.m.]

Title of Rule and Other Identifying Information: This rule making would revise adoption-by-reference dates in Title 480 WAC to incorporate the most recent version of adopted federal rules and other adopted publications.

Affected WAC chapters include chapters 480-14, 480-15, 480-30, 480-31, 480-62, 480-70, 480-75, 480-90, 480-93, 480-100, 480-107, 480-108, 480-109, 480-120, and 480-123 WAC.

<b>Proposed Rule Changes</b> <b>Adoption by Reference Date Changes and Other Changes</b> <b>Docket A-170015</b>			
Action	WAC No.	Rule Title	Changes
<b>Chapter 480-14 WAC, Motor carriers, excluding household goods carriers and common brokers.</b>			
Amend	480-14-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 Code of Federal Regulations (C.F.R.)</b> amends the effective date of adoption to <b>December 31, 2016</b>, for the following:                             <ul style="list-style-type: none"> <li>- Part 171 - General Information, Regulations and Definitions.<sup>1</sup></li> <li>- Part 172 - Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans.<sup>2</sup></li> <li>- Part 173 - Shippers-General Requirements for Shipments and Packagings.<sup>3</sup></li> </ul> </li> </ul>
<b>Chapter 480-15 WAC, Household goods carriers.</b>			
Amend	480-15-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 C.F.R.</b> amends the effective date of adoption to <b>December 31, 2016</b>, for the following:                             <ul style="list-style-type: none"> <li>- Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs.<sup>4</sup></li> <li>- Part 382 - Controlled Substance and Alcohol Use and Testing.<sup>5</sup></li> <li>- Part 383 - Commercial Driver's License Standards; Requirements and Penalties.<sup>6</sup></li> <li>- Part 385 - Safety Fitness Procedures.<sup>7</sup></li> <li>- Part 390 - Safety Regulations, General.<sup>8</sup></li> <li>- Part 391 - Qualification of Drivers.<sup>9</sup></li> <li>- Part 392 - Drivers of Commercial Vehicles.<sup>10</sup></li> <li>- Part 393 - Parts and Accessories for Safe Operation.<sup>11</sup></li> <li>- Part 395 - Hours of Service of Drivers.<sup>12</sup></li> <li>- Part 396 - Inspection, Repair and Maintenance.<sup>13</sup></li> <li>- Part 397 - Transportation of Hazardous Materials.<sup>14</sup></li> </ul> </li> </ul> Adoption by reference text changed as follows: <ul style="list-style-type: none"> <li>• <b>North American Standard Out-Of-Service Criteria</b> amends the effective date to April 1, 2016 - no significant changes - new edition of previously adopted reference.<sup>15</sup></li> </ul>
<b>Chapter 480-30 WAC, Passenger transportation companies.</b>			
Amend	480-30-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 C.F.R.</b> amends the effective date of adoption to <b>December 31, 2016</b>, for the following:                             <ul style="list-style-type: none"> <li>- Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs.<sup>16</sup></li> <li>- Part 382 - Controlled Substance and Alcohol Use and Testing.<sup>17</sup></li> <li>- Part 383 - Commercial Driver's License Standards; Requirements and Penalties.<sup>18</sup></li> <li>- Part 385 - Safety Fitness Procedures.<sup>19</sup></li> </ul> </li> </ul>

Proposed Rule Changes Adoption by Reference Date Changes and Other Changes Docket A-170015			
Action	WAC No.	Rule Title	Changes
			<ul style="list-style-type: none"> <li>- Part 390 - Safety Regulations, General.<sup>20</sup></li> <li>- Part 391 - Qualification of Drivers.<sup>21</sup></li> <li>- Part 392 - Driver of Commercial Vehicles.<sup>22</sup></li> <li>- Part 393 - Parts and Accessories for Safe Operation.<sup>23</sup></li> <li>- Part 395 - Hours of Service of Drivers.<sup>24</sup></li> <li>- Part 396 - Inspection, Repair and Maintenance.<sup>25</sup></li> <li>- Part 397 - Transportation of Hazardous Materials.<sup>26</sup></li> </ul> Adoption by reference text changed as follows: <ul style="list-style-type: none"> <li>• <b>North American Standard Out-Of-Service Criteria</b> amends the effective date to April 1, 2016 - no significant changes - new edition of previously adopted reference.<sup>27</sup></li> </ul>
<b>Chapter 480-31 WAC, Private, nonprofit transportation providers.</b>			
Amend	480-31-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 C.F.R.</b>, amends the effective date of adoption to <b>December 31, 2016</b>, for the following:                             <ul style="list-style-type: none"> <li>- Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs.<sup>28</sup></li> <li>- Part 382 - Controlled Substance and Alcohol Use and Testing.<sup>29</sup></li> <li>- Part 383 - Commercial Driver's License Standards; Requirements and Penalties.<sup>30</sup></li> <li>- Part 385 - Safety Fitness Procedures.<sup>31</sup></li> <li>- Part 390 - Safety Regulations, General.<sup>32</sup></li> <li>- Part 391 - Qualification of Drivers.<sup>33</sup></li> <li>- Part 392 - Driver of Commercial Vehicles.<sup>34</sup></li> <li>- Part 393 - Parts and Accessories for Safe Operation.<sup>35</sup></li> <li>- Part 395 - Hours of Service of Drivers.<sup>36</sup></li> <li>- Part 396 - Inspection, Repair and Maintenance.<sup>37</sup></li> <li>- Part 397 - Transportation of Hazardous Materials.<sup>38</sup></li> </ul> </li> </ul> Adoption by reference text changed as follows: <ul style="list-style-type: none"> <li>• <b>North American Standard Out-Of-Service Criteria</b> amends the effective date to April 1, 2016 - no significant changes - new edition of previously adopted reference.<sup>39</sup></li> </ul>
<b>Chapter 480-62 WAC, Railroad companies—Operations.</b>			
Amend	480-62-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 C.F.R.</b>, amends the effective date of adoption to <b>December 31, 2016</b>, for the following:                             <ul style="list-style-type: none"> <li>- Part 171 - General Information, Regulations, and Definitions.<sup>40</sup></li> <li>- Part 172 - Emergency Response Information, Training Requirements, and Security Plans.<sup>41</sup></li> <li>- Part 173 - Shippers General Requirements for Shipments and Packages.<sup>42</sup></li> <li>- Part 174 - Carriage by Rail.<sup>43</sup></li> <li>- Part 178 - Specifications for Packagings.<sup>44</sup></li> <li>- Part 179 - Specifications for Tank Cars.<sup>45</sup></li> <li>- Part 209 - Railroad Safety Enforcement Procedures.<sup>46</sup></li> <li>- Part 211 - Rules of Practice - no changes made since last adoption date.</li> <li>- Part 212 - State Safety Participation Regulations - no changes made since last adoption date.</li> <li>- Part 213 - Track Safety Standards.<sup>47</sup></li> </ul> </li> </ul>

Proposed Rule Changes Adoption by Reference Date Changes and Other Changes Docket A-170015			
Action	WAC No.	Rule Title	Changes
			<ul style="list-style-type: none"> <li>- Part 214 - Railroad Workplace Safety.<sup>48</sup></li> <li>- Part 217 - Railroad Operating Rules.<sup>49</sup></li> <li>- Part 218 - Railroad Operating Practices.<sup>50</sup></li> <li>- Part 219 - Control of Alcohol and Drug Use.<sup>51</sup></li> <li>- Part 220 - Railroad Communications.<sup>52</sup></li> <li>- Part 221 - Rear-end Marking Device.<sup>53</sup></li> <li>- Part 225 - Railroads Accidents/Incidents.<sup>54</sup></li> <li>- Part 228 - Hours of Service of Railroad Employees.<sup>55</sup></li> <li>- Part 234 - Grade Crossing Signal System Safety.<sup>56</sup></li> <li>- Part 239 - Passenger Train Emergency Preparedness.<sup>57</sup></li> <li>- Part 240 - Qualification and Certification of Locomotive Engineers.<sup>58</sup></li> <li>- Part 570 - Vehicle In Use Inspection Standards - no changes made since last adoption.</li> </ul>
<b>Chapter 480-70 WAC, Solid waste and/or refuse collection companies.</b>			
Amend	480-70-999	Adoption by reference	<p>Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Title 40 C.F.R.</b>, amends the effective date of adoption to <b>December 31, 2016</b>.</li> <li>• <b>49 C.F.R.</b>, amends the effective date of adoption to <b>December 31, 2016</b>, for the following: <ul style="list-style-type: none"> <li>- Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs.</li> <li>- Part 171 - General Information, Regulations and Definitions.<sup>59</sup></li> <li>- Part 172 - Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans.<sup>60</sup></li> <li>- Part 173 - Shippers-General Requirements for Shipments and Packagings.<sup>61</sup></li> <li>- Part 174 - Carriage by Rail.<sup>62</sup></li> <li>- Part 175 - Carriage by Aircraft.<sup>63</sup></li> <li>- Part 176 - Carriage by Vessel.<sup>64</sup></li> <li>- Part 177 - Carriage by Public Highway.<sup>65</sup></li> <li>- Part 178 - Specifications for Packagings.<sup>66</sup></li> <li>- Part 179 - Specifications for Tank Cars.<sup>67</sup></li> <li>- Part 180 - Continuing Qualification and Maintenance of Packagings.<sup>68</sup></li> <li>- Part 382 - Controlled Substance and Alcohol Use and Testing.<sup>69</sup></li> <li>- Part 383 - Commercial Driver's License Standards; Requirements and Penalties.<sup>70</sup></li> <li>- Part 385 - Safety Fitness Procedures.<sup>71</sup> See Note 14.</li> <li>- Part 390 - Safety Regulations, General.<sup>72</sup></li> <li>- Part 391 - Qualification of Drivers.<sup>73</sup></li> <li>- Part 392 - Driver of Commercial Vehicles.<sup>74</sup></li> <li>- Part 393 - Parts and Accessories for Safe Operation.<sup>75</sup></li> <li>- Part 395 - Hours of Service of Drivers.<sup>76</sup></li> <li>- Part 396 - Inspection, Repair and Maintenance.<sup>77</sup></li> <li>- Part 397 - Transportation of Hazardous Materials.<sup>78</sup></li> </ul> </li> </ul>

Proposed Rule Changes Adoption by Reference Date Changes and Other Changes Docket A-170015			
Action	WAC No.	Rule Title	Changes
			Adoption by reference text changed as follows: <ul style="list-style-type: none"> <li>• <b>North American Standard Out-Of-Service Criteria</b> amends the effective date to April 1, 2016 - no significant changes - new edition of previously adopted reference.<sup>79</sup></li> </ul>
<b>Chapter 480-75 WAC, Hazardous liquid pipelines—Safety.</b>			
Amend	480-75-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 C.F.R.</b>, the effective date of these amendments is <b>October 1, 2015</b>. Immediate compliance with these amendments is authorized. The incorporation by reference by certain publications listed in the rule is approved by the director of the federal register as of <b>March 6, 2015</b>, for the following: <ul style="list-style-type: none"> <li>- Part 195 - Transportation of Hazardous Liquids by Pipeline.<sup>80</sup></li> <li>- Part 198 - Regulations for Grants to Aid State Pipeline Safety Programs.<sup>81</sup></li> <li>- Part 199 - Drug and Alcohol Testing - no changes since last edition.</li> </ul> </li> </ul>
<b>Chapter 480-90 WAC, Gas companies—Operations.</b>			
Amend	480-90-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 18 C.F.R.</b>, amends the effective date of adoption to December 2, 2016, for 18 C.F.R. Part 260.<sup>82</sup></li> </ul> Adoption by reference text changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 18 C.F.R.</b>, amends subsection (1)(d) to rephrase the availability of the resource at Government Publishing Office and include "It is also available for inspection at the commission branch of the state library."<sup>83</sup></li> <li>• <b>Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities</b>, amends subsection (2)(c) to include the internet address for NARUC publications store <a href="http://www.naruc.org/Store">http://www.naruc.org/Store</a> and add "It is also available for inspection at the commission branch of the state library."<sup>84</sup></li> </ul>
<b>Chapter 480-93 WAC, Gas companies—Safety.</b>			
Amend	480-93-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 49 C.F.R.</b>, amends the effective date of adoption to <b>March 6, 2015</b>, for the following: <ul style="list-style-type: none"> <li>- Part 191 - Report Forms - no change since last edition.</li> <li>- Part 192 - Transportation of Natural and Other Gas by Pipeline.<sup>85</sup></li> <li>- Part 193 - Liquefied Natural Gas and Facilities - no change since last edition.</li> <li>- Part 198 - Regulations for Grants to Aid State Pipeline Safety Programs - See Note 3.<sup>86</sup></li> <li>- Part 199 - Drug and Alcohol Testing - no change since last edition.</li> </ul> </li> </ul>
<b>Chapter 480-100 WAC, Electric companies.</b>			
Amend	480-100-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 18 C.F.R.</b>, amends the effective date of adoption to April 1, 2015, for the entire chapter.<sup>87</sup></li> <li>• <b>The National Electrical Code (NEC)</b>, amends the effective date of adoption to <b>2017</b>.<sup>88</sup></li> </ul> Adoption by reference text changed as follows: <ul style="list-style-type: none"> <li>• <b>Title 18 C.F.R.</b>, amends subsection (1)(d) to rephrase the availability of the resource at Government Publishing Office.<sup>89</sup></li> </ul>

Proposed Rule Changes Adoption by Reference Date Changes and Other Changes Docket A-170015			
Action	WAC No.	Rule Title	Changes
			<ul style="list-style-type: none"> <li>• <b>Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities</b>, amends subsection (2)(c) to include the internet address for NARUC publications store <a href="http://www.naruc.org/Store">http://www.naruc.org/Store</a> and add "It is also available for inspection at the commission branch of the state library."<sup>90</sup></li> <li>• <b>NEC</b>, amends subsection (3)(a) to include "errata 70-17-1 published September 29, 2016, 70-17-2 published December 16, 2016, and 70-14-3 published January 11, 2017."<sup>91</sup></li> <li>• <b>The American National Standard for Electric Meters: Code for Electricity Metering</b>, amends subsection (4)(c) to provide the internet addresses to purchase ANSI C12.1: <a href="http://webstore.ansi.org/">http://webstore.ansi.org/</a> (PDF) and <a href="https://global.ih.com/">https://global.ih.com/</a> (PDF or print).<sup>92</sup></li> </ul>
<b>Chapter 480-107 WAC, Electric companies—Purchases of electricity from qualifying facilities and independent power producers and purchases of electrical savings from conservation suppliers.</b>			
Amend	480-107-999	Adoption by reference	<p>Adoption by reference text changed as follows.<sup>93</sup> In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publication, effective date, reference within this chapter, and availability of the resources are as follows:</p> <ul style="list-style-type: none"> <li>• <b>Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, Sections 201 and 210</b>, cited as 16 U.S.C. § 796 and 824a-3, including all amendments is published by the United States Government Publishing Office. No changes. (a) The commission adopts the version in effect on August 8, 2005. (b) This publication is reference[d] in WAC 480-107-001 Purpose and scope. (c) Copies of U.S.C. are available from the United States Government Printing Office in Washington, D.C. or online at <a href="http://www.gpo.gov/">http://www.gpo.gov/</a>.</li> <li>• <b>Title 18 C.F.R. Part 292</b>, cited as 18 C.F.R. § 292, including all appendices and amendments is published by the United States Government Publishing Office. No changes.</li> </ul>
<b>Chapter 480-108 WAC, Electric companies—Interconnection with electric generators.</b>			
Amend	480-108-999	Adoption by reference	<p>Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>NEC</b>, amends the effective date to <b>2017</b>. No significant changes - new edition of previously adopted reference.</li> <li>• <b>Underwriters Laboratories (UL) UL Standard 1741</b>, amends the effective date to <b>January 28, 2010</b>. No significant changes - new edition of previously adopted reference.</li> <li>• <b>Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269</b>, amends the effective date to <b>January 17, 2017</b>. No significant changes - new edition of previously adopted reference.</li> </ul>
<b>Chapter 480-109 WAC, Electric companies—Acquisition of minimum quantities of conservation and renewable energy as required by the Energy Independence Act.</b>			
Amend	480-109-999	Adoption by reference	<p>Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>Northwest Power and Conservation Council's Regional Technical Forum</b>, amends the effective date of adoption to 2016 for the seventh version of Northwest Conservation and Electric Power Plan.</li> </ul>
<b>Chapter 480-110 WAC, Water companies.</b>			
Amend	480-110-999	Adoption by reference	<p>Adoption by reference dates changed as follows:</p> <ul style="list-style-type: none"> <li>• <b>The Uniform System of Accounts for Water Utilities</b> is published by NARUC. <ul style="list-style-type: none"> <li>o No date change to current rule.</li> </ul> </li> </ul>

Proposed Rule Changes Adoption by Reference Date Changes and Other Changes Docket A-170015			
Action	WAC No.	Rule Title	Changes
			<ul style="list-style-type: none"> <li>The <i>Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities</i> is published by NARUC.                             <ul style="list-style-type: none"> <li>No date change to current rule.</li> </ul> </li> </ul>
<b>Chapter 480-120 WAC, Telephone companies.</b>			
Amend	480-120-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li><b>American National Standards for Telecommunications - "Network Performance Parameters for Dedicated Digital Services - Specifications" - (ANSI 01510) - as of December 29, 1999, and reaffirmed 2013</b> - The current rule had reflected that this publication had been reaffirmed in 2008, but this has now been updated to show that has also been reaffirmed in 2013.</li> <li><b>The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics - as of 2005.</b> No date change to current rule - the note is for clarification only.<sup>94</sup></li> <li><b>National Electrical Safety Code.</b> No date change to current rule.</li> <li><b>Title 47 C.F.R., except Sections 64.2003 through 64.2009.</b> Amends the publication date to October 1, 2016.<sup>95</sup></li> <li><b>Title 47 C.F.R., Sections 64.2003 through 64.2009.</b> Amends the publication date to October 1, 2016.<sup>96</sup></li> </ul>
<b>Chapter 480-123 WAC, Universal Service.</b>			
Amend	480-123-999	Adoption by reference	Adoption by reference dates changed as follows: <ul style="list-style-type: none"> <li>The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.<sup>97</sup> Amends the effective date to January 1, 2017.</li> <li><b>Title 47 C.F.R., Part 54</b>, amends the publication date to October 1, 2016.<sup>98</sup></li> </ul>

**End Notes:**

**<sup>1</sup> 49 CFR Part 171 - General Information, Regulations, and Definitions:**

- Effective date: August 1, 2016. PHMSA is revising the maximum and minimum civil penalties for a knowing violation of the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law. The "Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015" (the 2015 Act), which amended the Federal Civil Penalties, Inflation Adjustment Act of 1990 (the Inflation Adjustment Act), requires Agencies to update their civil monetary penalties through interim final rulemaking. The maximum civil penalty for a knowing violation is now \$77,114, except for violations that result in death, serious illness, or severe injury to any person or substantial destruction of property, for which the maximum civil penalty is \$179,933. In addition, the minimum civil penalty amount for a violation relating to training is now \$463. 81 FR 42266-42268.
- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer

transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.

- Effective date: June 28, 2016. This direct final rule incorporates by reference the most recent editions of the ASME Boiler and Pressure Vessel Code. The purpose of this update is to enable nonspecification (nurse tank) manufacturers and other DOT and UN specification packaging manufacturers to utilize current technology, materials, and practices to help maintain a high level of safety. PHMSA is replacing the ASME referenced standard (1998 Edition) with the new, current ASME standard (2015 Edition) for boiler and pressure vessels. PHMSA is also replacing the ASME 1998 Edition referenced standard of ASME's Transportation Systems for

Liquids and Slurries: Pressure Piping to the current 2012 Edition. 81 FR 25613-25618.

- Effective date: March 31, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is adopting regulatory amendments applicable to the reverse logistics shipments of certain hazardous materials by highway transportation. This final rule revises the Hazardous Materials Regulations (HMR) to include a definition of "reverse logistics" and provides appropriate provisions for hazardous materials within the scope of this definition. This final rule also expands a previously existing exception for return shipments of used automobile batteries transported between a retail facility and a recycling center. The PHMSA incorporated recommendations from petitions for rulemaking and public comment into this rulemaking. 81 FR 18527-18541.
- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate, those special permits deemed suitable in this rulemaking. 81 FR 3636-3686.
- Effective date: January 20, 2016. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations. This rulemaking is responsive to two petitions for rulemaking submitted by industry representatives: P-1557, concerning the continued use of renewal applications, and P-1583, concerning the incorporation of an industry standard publication. Further, developing these requirements provides wider access to the regulatory flexibility currently only offered by special permits and competent authorities. The requirements of this final rule mirror the majority of provisions contained in nine widely-used longstanding special permits that have established safety records. These requirements eliminate the need for future renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining a commensurate level of safety. This final rule authorizes the transportation of certain explosives, ammonium nitrates, ammonium nitrate emulsions, and other specific hazardous materials in both non-bulk and bulk packagings, which are not otherwise authorized under current regulations. These hazardous materials are used in blasting operations on cargo tank motor vehicles and specialized vehicles, known as multipurpose bulk trucks, which are used as mobile work platforms to create blends of explosives that are unique to each blast site. Finally, this rulemaking addresses the construction of new multipurpose bulk trucks. 80 FR 79424-79453.
- Effective date: December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. 80 FR 72914-72929.
- Effective date: November 18, 2015. On May 8, 2015, the Pipeline and Hazardous Materials Safety Administration, in coordination with the Federal Railroad Administration (FRA), published a final rule entitled "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains," which adopted requirements designed to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of Class 3 flammable liquids. The Hazardous Materials Regulations provide a person the opportunity to appeal a PHMSA action, including a final rule. PHMSA received six appeals regarding the final rule, one of which was withdrawn. This document responds to the five remaining appeals submitted by the Dangerous Goods Advisory Council (DGAC), American Chemistry Council (ACC), Association of American Railroads (AAR), American Fuel & Petrochemical Manufacturers (AFPM), and jointly the Umatilla, Yakama, Warm Springs, and Nez Perce tribes (Columbia River Treaty Tribes) and the Quinault Indian Nation (Northwest Treaty Tribes). 80 FR 71952-71973.
- Effective date: November 9, 2015. PHMSA is adopting regulations to include the standard operating procedures (SOPs) and criteria used to evaluate applications for special permits and approvals. This rulemaking addresses issues identified in the Hazardous Materials Transportation Safety Improvement Act of 2012 related to the Office of Hazardous Materials Safety's Approvals and Permits Division. In addition, this rulemaking also provides clarity regarding what conditions need to be satisfied to promote special permit application completeness. An application that contains the required information reduces processing delays by reducing the number of applications rejected due to incompleteness. Through public notice and comment, this final rule is required to establish SOPs to support the administration of the special permit and approval programs, and objective criteria to support the evaluation of special permit and approval applications. These amendments do not change previously established policies, to include but not limited to any inspection activities subsequent to issuance, modification or renewal of a special permit and approval. 80 FR 54418-54440.

**<sup>2</sup> 49 CFR Part 172 - Hazardous Materials Table, etc.:**

- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.
- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate, those special permits deemed suitable in this rulemaking. 81 FR 3636-3686.
- Effective date: January 20, 2016. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations. This rulemaking is responsive to two petitions for rulemaking submitted by industry representatives: P-1557, concerning the continued use of renewal applications, and P-1583, concerning the incorporation of an industry standard publication. Further, developing these requirements provides wider access to the regulatory flexibility currently only offered by special permits and competent authorities. The requirements of this final rule mirror the majority of provisions contained in nine widely-used longstanding special permits that have established safety records. These requirements eliminate the need for future renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining a commensurate level of safety. This final rule authorizes the transportation of certain explosives, ammonium nitrates, ammonium nitrate emulsions, and other specific hazardous materials in both non-bulk and

bulk packagings, which are not otherwise authorized under current regulations. These hazardous materials are used in blasting operations on cargo tank motor vehicles and specialized vehicles, known as multipurpose bulk trucks, which are used as mobile work platforms to create blends of explosives that are unique to each blast site. Finally, this rulemaking addresses the construction of new multipurpose bulk trucks. 80 FR 79424-79453.

- Effective date: December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. 80 FR 72914-72929.
- Effective date: November 18, 2015. On May 8, 2015, the Pipeline and Hazardous Materials Safety Administration, in coordination with the Federal Railroad Administration (FRA), published a final rule entitled "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains," which adopted requirements designed to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of Class 3 flammable liquids. The Hazardous Materials Regulations provide a person the opportunity to appeal a PHMSA action, including a final rule. PHMSA received six appeals regarding the final rule, one of which was withdrawn. This document responds to the five remaining appeals submitted by the Dangerous Goods Advisory Council (DGAC), American Chemistry Council (ACC), Association of American Railroads (AAR), American Fuel & Petrochemical Manufacturers (AFPM), and jointly the Umatilla, Yakama, Warm Springs, and Nez Perce tribes (Columbia River Treaty Tribes) and the Quinalt Indian Nation (Northwest Treaty Tribes). 80 FR 71952-71973.

**<sup>3</sup> 49 CFR Part 173 - Shippers General Requirements for Shipments and Packages:**

- Effective date: August 15, 2016. The Pipeline and Hazardous Materials Safety Administration is issuing this final rule to codify in the Hazardous Materials Regulations certain mandates and minimum requirements of the FAST Act. Specifically, the FAST Act mandates a revised phase-out schedule for all DOT Specification 111 tank cars used to transport unrefined petroleum products (e.g., petroleum crude oil), ethanol, and other Class 3 flammable liquids. The FAST Act also requires that each tank car built to meet the DOT Specification 117 and each non-jacketed tank car retrofitted to meet the DOT Specification 117R be equipped with a thermal protection blanket that is at least 1/2-inch thick and meets existing thermal protection standards. Further, the FAST Act mandates minimum top fittings protection requirements for tank cars retrofitted to meet the DOT Specification 117R. 81 FR 53935-53937.



- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.
- Effective date: June 28, 2016. This direct final rule incorporates by reference the most recent editions of the ASME Boiler and Pressure Vessel Code. The purpose of this update is to enable nonspecification (nurse tank) manufacturers and other DOT and UN specification packaging manufacturers to utilize current technology, materials, and practices to help maintain a high level of safety. PHMSA is replacing the ASME referenced standard (1998 Edition) with the new, current ASME standard (2015 Edition) for boiler and pressure vessels. PHMSA is also replacing the ASME 1998 Edition referenced standard of ASME's Transportation Systems for Liquids and Slurries: Pressure Piping to the current 2012 Edition. 81 FR 25613-25618.
- Effective date: March 31, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is adopting regulatory amendments applicable to the reverse logistics shipments of certain hazardous materials by highway transportation. This final rule revises the Hazardous Materials Regulations (HMR) to include a definition of "reverse logistics" and provides appropriate provisions for hazardous materials within the scope of this definition. This final rule also expands a previously existing exception for return shipments of used automobile batteries transported between a retail facility and a recycling center. The PHMSA incorporated recommendations from petitions for rulemaking and public comment into this rulemaking. 81 FR 18527-18541.
- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate, those special permits deemed suitable in this rulemaking. 81 FR 3636-3686.
- Effective date: January 20, 2016. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations. This rulemaking is responsive to two petitions for rulemaking submitted by industry representatives: P-1557, concerning the continued use of renewal applications, and P-1583, concerning the incorporation of an industry standard publication. Further, developing these requirements provides wider access to the regulatory flexibility currently only offered by special permits and competent authorities. The requirements of this final rule mirror the majority of provisions contained in nine widely-used longstanding special permits that have established safety records. These requirements eliminate the need for future renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining a commensurate level of safety. This final rule authorizes the transportation of certain explosives, ammonium nitrates, ammonium nitrate emulsions, and other specific hazardous materials in both non-bulk and bulk packagings, which are not otherwise authorized under current regulations. These hazardous materials are used in blasting operations on cargo tank motor vehicles and specialized vehicles, known as multipurpose bulk trucks, which are used as mobile work platforms to create blends of explosives that are unique to each blast site. Finally, this rulemaking addresses the construction of new multipurpose bulk trucks. 80 FR 79424-79452.
- Effective date: December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. 80 FR 72914-72929.
- Effective date: November 18, 2015. On May 8, 2015, the Pipeline and Hazardous Materials Safety Administration, in coordination with the Federal Railroad Administration (FRA), published a final rule entitled "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains," which adopted requirements designed to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of Class 3 flammable liquids. The Hazardous Materials Regulations provide a person the opportunity to appeal a PHMSA action, including a final rule. PHMSA received six appeals regarding the final rule, one of which was withdrawn. This document responds to the five remaining appeals submitted by the Dangerous Goods Advisory

Council (DGAC), American Chemistry Council (ACC), Association of American Railroads (AAR), American Fuel & Petrochemical Manufacturers (AFPM), and jointly the Umatilla, Yakama, Warm Springs, and Nez Perce tribes (Columbia River Treaty Tribes) and the Quinault Indian Nation (Northwest Treaty Tribes). 80 FR 71952-71973.

#### **<sup>4</sup> 49 CFR Part 40 - Drug and Alcohol Testing:**

- Effective date: August 8, 2016. This final rule amends the U.S. Department of Transportation's (DOT) regulation to conform to recent legislation that changed the definition of the term "service agent" in the DOT drug and alcohol testing regulations. The final rule also revises the definition of "service agent" to include all entities that provide services for DOT mandated drug and alcohol programs. 81 FR 52364-52365.

#### **<sup>5</sup> 49 CFR Part 382 - Controlled Substance and Alcohol Use and Testing:**

- Effective date: January 4, 2017. FMCSA amends the Federal Motor Carrier Safety Regulations to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that will contain information about violations of FMCSA's drug and alcohol testing program for the holders of commercial driver's licenses (CDLs). This rule is mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21). It will improve roadway safety by identifying commercial motor vehicle (CMV) drivers who have committed drug and alcohol violations that render them ineligible to operate a CMV. This also affects Parts 383, 384 and 391. 81 FR 87686-87731.
- Effective date: October 13, 2016. The Federal Motor Carrier Safety Administration corrects an inadvertent error in the October 4, 2016 final rule "General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations." Due to an error, the rule unintentionally did not include the word "and" at the end of the next to last condition for a farm vehicle driver to take advantage of the farm vehicle driver exceptions to commercial driver's license standards and alcohol and drug testing requirements. Today's correction makes it clear that all four conditions in each farm vehicle driver exception must be met in order for the exception to be used. 81 FR 71016.
- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any

substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.

#### **<sup>6</sup> 49 CFR Part 383 - Commercial Driver's License Standards; Requirements and Penalties:**

- Effective date: January 4, 2017. FMCSA amends the Federal Motor Carrier Safety Regulations to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that will contain information about violations of FMCSA's drug and alcohol testing program for the holders of commercial driver's licenses (CDLs). This rule is mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21). It will improve roadway safety by identifying commercial motor vehicle (CMV) drivers who have committed drug and alcohol violations that render them ineligible to operate a CMV. 81 FR 87686-87731.
- Effective date: October 13, 2016. The Federal Motor Carrier Safety Administration corrects an inadvertent error in the October 4, 2016 final rule "General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations." Due to an error, the rule unintentionally did not include the word "and" at the end of the next to last condition for a farm vehicle driver to take advantage of the farm vehicle driver exceptions to commercial driver's license standards and alcohol and drug testing requirements. Today's correction makes it clear that all four conditions in each farm vehicle driver exception must be met in order for the exception to be used. 81 FR 71016.
- Effective date: December 12, 2016. FMCSA amends its commercial driver's license (CDL) regulations to ease the transition of military personnel into civilian careers driving commercial motor vehicles (CMVs) by simplifying the process of obtaining a commercial learner's permit (CLP) or CDL. This final rule extends the period of time for applying for a skills test waiver from 90 days to 1 year after leaving a military position requiring the operation of a CMV. This final rule also allows a State to accept applications from active duty military personnel who are stationed in that State as well as administer the written and skills tests for a CLP or CDL. States that choose to accept such applications are required to transmit the test results electronically to the State of domicile of the military personnel. The State of domicile may issue the CLP or CDL on the basis of those results. 81 FR 70634-70646.
- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any

substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.

- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 81 FR 59065.

#### 7 49 CFR Part 385 - Safety Fitness Procedures:

- Effective date: October 4, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the Federal Register. 81 FR 68336-68359.
- Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49556.
- Effective date: June 17, 2016. FMCSA amends its Hazardous Materials Safety Permits rules to update the current incorporation by reference of the Commercial Vehicle Safety Alliance's (CVSA) "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." Currently the rules reference the April 1, 2015, edition of the out-of-service criteria and, through this final rule, FMCSA incorporates the April 1, 2016, edition. 81 FR 39587-39590.
- Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules. 80 FR 78292-78416.
- Effective date: September 30, 2016 (The effective date of this rule is September 30, 2016, except for §§ 365.T106, 368.T3, and 390.T200, which are effective from December 12, 2015 through September 29, 2016. The effective dates of the rule published at 78 FR 52608 (August 23, 2013) are delayed until September 30, 2016. The withdrawal of Instruction #1 from the correction published at 78 FR 63100 (October 23, 2013) is effective October 21, 2015.). FMCSA delays the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule. Because FMCSA changes the effective date (the actual date when the regulatory text that appears in the Code of Federal Regulations (CFR) will be changed) and makes technical corrections and conforming amendments to the 2013 regulatory text, the Agency has determined that it is in the best interest of the regulated entities, our State partners and the general public to present the full text of the sections affected. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. Today's final rule delays the implementation of the 2013 final rule in order to allow FMCSA additional time to complete the information technology (IT) systems work required to fully implement that rule. 80 FR 63695-63714.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal

Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

**§ 49 CFR Part 390 - Safety Regulations, General:**

- Effective date: October 4, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the Federal Register. 81 FR 68336-68359.
- Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49556.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47822.
- Effective date: March 16, 2016. FMCSA extends the compliance date by which motor carriers of passengers operating CMVs under a lease or interchange agreement are subject to the FMCSA final rule published May 27, 2015, for one year, to January 1, 2018. The Agency received numerous petitions for reconsideration of the final rule and based upon a review of the petitions, determined that the compliance date should be extended to provide sufficient time to address the issues raised by the petitioners. The Agency is adding a temporary section to its regulations to inform the public of this extension. There will no longer be a need for the section on the compliance date after January 1, 2018, thus the temporary section will be in effect only from March 16, 2016 through January 1, 2018. 81 FR 13998-13400.
- Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules. 80 FR 78292-78416.
- Effective date: January 29, 2016. FMCSA adopts regulations that prohibit motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to operate commercial motor vehicles (CMVs) in violation of certain provisions of the Federal Motor Carrier Safety Regulations (FMCSRs)—including drivers' hours-of-service limits; the commercial driver's license (CDL) regulations; drug and alcohol testing rules; and the Hazardous Materials Regulations (HMRs). In addition, the rule prohibits anyone who operates a CMV in interstate commerce from coercing a driver to violate the commercial regulations. This rule includes procedures for drivers to report incidents of coercion to FMCSA, establishes rules of practice that the Agency will follow in response to reports of coercion, and describes penalties that may be imposed on entities found to have coerced drivers. This rulemaking is authorized by section 32911 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Motor Carrier Safety Act of 1984 (MCSA), as amended. 80 FR 74695-74710.
- Effective date: FMCSA delays the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule. Because FMCSA changes the effective date (the actual date when the regulatory text that appears in the Code of Federal Regulations (CFR) will be changed) and makes technical corrections and conforming amendments to the 2013 regulatory text, the Agency has determined that it is in the best interest of the regulated entities, our State partners and the general public to present the full text of the sections affected. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs),

hazardous materials safety permit (HMSP) applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. Today's final rule delays the implementation of the 2013 final rule in order to allow FMCSA additional time to complete the information technology (IT) systems work required to fully implement that rule. 80 FR 63695-63714.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

#### <sup>9</sup> **49 CFR Part 391 - Qualification of Drivers:**

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 80 FR 68336-68359.
- Effective date: FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to

eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47714-47722.

- Effective date: December 21, 2015. The FMCSA announces a 120-day grace period during which Medical Examiners may use either the current or the newly revised versions of the Medical Examination Report (MER) Form and Medical Examiner's Certificate (MEC). This period is from December 22, 2015, until April 20, 2016. This action is being taken to ensure that Medical Examiners have sufficient time to become familiar with the new forms and to program electronic medical records systems. 80 FR 79273.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

#### <sup>10</sup> **49 CFR Part 392 - Driving of Commercial Motor Vehicles:**

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 80 FR 68336-68359.
- Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the

Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49555.

- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714.
  - Effective date: August 8, 2016. FMCSA corrects an error in its June 7, 2016, final rule "Driving of Commercial Motor Vehicles: Use of Seat Belts." The amendatory language in the final rule inadvertently limited the applicability of the requirement for drivers to use their seat belts to operators of property-carrying vehicles. Today's correction fixes the error such that drivers of passenger-carrying vehicles will continue to be required to wear their seat belts. 81 FR 43957.
  - Effective date: August 8, 2016. FMCSA revises the Federal Motor Carrier Safety Regulations (FMCSRs) by requiring passengers in property-carrying commercial motor vehicles (CMVs) to use the seat belt assembly whenever the vehicles are operated on public roads in interstate commerce. This rule holds motor carriers and drivers responsible for ensuring that passengers riding in the property-carrying CMV are using the seat belts required by the Federal Motor Vehicle Safety Standards (FMVSSs). 81 FR 36474.
  - Effective date: September 30, 2016. FMCSA delays the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule. Because FMCSA changes the effective date (the actual date when the regulatory text that appears in the Code of Federal Regulations (CFR) will be changed) and makes technical corrections and conforming amendments to the 2013 regulatory text, the Agency has determined that it is in the best interest of the regulated entities, our State partners and the general public to present the full text of the sections affected. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. Today's final rule delays the implementation of the 2013 final rule in order to allow FMCSA additional time to complete the information technology (IT) systems work required to fully implement that rule. 80 FR 63695-63714.
- <sup>11</sup> 49 CFR Part 393 - Parts and Accessories Necessary for Safe Operation:**
- Effective date: October 24, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to allow the voluntary mounting of certain devices on the interior of the windshields of commercial motor vehicles (CMVs), including placement within the area that is swept by the windshield wipers. Section 5301 of the Fixing America's Surface Transportation (FAST) Act directs the Agency to amend the FMCSRs to allow devices to be mounted on the windshield that utilize "vehicle safety technology," as defined in the Act. In addition, the section 5301 states that all windshield mounted devices/technologies with a limited 2-year exemption in effect on the date of enactment, shall be considered to meet the equivalent-or-greater safety standard required for the initial exemption. Promulgation of this final rule is a nondiscretionary, ministerial action that does not require prior notice and public comment under the Administrative Procedure Act (APA). 81 FR 65568-65574.
  - Effective date: September 23, 2016. FMCSA announces its decision to grant ArcelorMittal Indiana Harbor, LLC (ArcelorMittal) exemptions from the hours of service (HOS) and parts and accessories rules. One exemption will allow ArcelorMittal's employee-drivers with commercial driver's licenses (CDLs) who transport steel coils between their production and shipping locations on public roads to work up to 16 hours per day and return to work with less than the mandatory 10 consecutive hours off duty. The other exemption will allow ArcelorMittal to use coil carriers that do not meet the "heavy hauler trailer" definition, height of rear side marker lights restrictions, tire loading restrictions, and the coil securement requirements. 81 FR 65574-65576.
  - Effective date: This notice makes corrections to a final rule published in the Federal Register on July 22, 2016, regarding amendments to the Federal Motor Carrier Safety Regulations in response to several petitions for rulemaking and NTSB recommendations. The Agency makes several minor clerical corrections regarding the rear license plate lamp requirements and the periodic inspection requirements for antilock brake systems (ABS). 81 FR 60633-60634.
  - Effective date: August 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public

comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA).

- Effective date: July 22, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47722-47732.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59076.

#### <sup>12</sup> 49 CFR Part 395 - Hours of Service of Drivers:

- Effective date: November 1, 2016. FMCSA announces its decision to grant the Specialized Carriers & Rigging Association (SC&RA) an exemption from the 30-minute rest break rule of the Agency's hours-of-service (HOS) regulations for certain commercial motor vehicle (CMV) drivers. The Agency denies SC&RA's further request for exemption from the 14-hour driving window of the HOS rules. All qualifying motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than

30 tons are exempt from the 30-minute break provision. FMCSA has analyzed the exemption application and public comments and has determined that the exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. 81 FR 75727-75729.

- September 30, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the Federal Register. 81 FR 68336-68359.
- Effective date: September 23, 2016. FMCSA announces its decision to grant ArcelorMittal Indiana Harbor, LLC (ArcelorMittal) exemptions from the hours of service (HOS) and parts and accessories rules. One exemption will allow ArcelorMittal's employee-drivers with commercial driver's licenses (CDLs) who transport steel coils between their production and shipping locations on public roads to work up to 16 hours per day and return to work with less than the mandatory 10 consecutive hours off duty. The other exemption will allow ArcelorMittal to use coil carriers that do not meet the "heavy hauler trailer" definition, height of rear side marker lights restrictions, tire loading restrictions, and the coil securement requirements. 81 FR 65574-65576.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
- Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory

use of ELDs. The requirements for ELDs will improve compliance with the HOS rules.

- Effective date: October 2, 2015. FMCSA issues regulatory guidance concerning the editing of records created by automatic on-board recording devices (AOBRDs). The guidance makes clear that, within certain limits, a driver must be allowed to review his or her AOBRD records, annotate and correct inaccurate records, enter any missing information, and certify the accuracy of the information. The AOBRD must retain the original entries, and reflect the date, time, and name of the person making edits to the information. Drivers' supervisors may request that a driver make edits to correct errors, but the driver must accept or reject such requests. Driving time may not be edited except in the case of unidentified or team drivers, and when driving time was assigned to the wrong driver or no driver. All prior Agency interpretations and regulatory guidance on this subject, including memoranda and letters, may no longer be relied upon to the extent they are inconsistent with this guidance. 80 FR 59664-59665.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

<sup>13</sup> **49 CFR Part 396 - Inspection, Repair, and Maintenance:**

- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
- Effective date: July 22, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear

bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47722-47732.

- Effective date: July 22, 2016. FMCSA amends regulatory guidance, previously published in the Federal Register, regarding the periodic inspection of commercial motor vehicles (CMVs). Elsewhere in today's issue of the Federal Register, FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to, among other things, eliminate the option for a motor carrier to satisfy the periodic (annual) inspection requirement through a violation-free roadside inspection. As a result of this amendment to the FMCSRs, certain regulatory guidance is amended to ensure consistency between the FMCSRs and the published guidance. 81 FR 47732-47733.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

<sup>14</sup> **49 CFR Part 397 - Transportation of Hazardous Materials:**

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common



carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59076.

#### <sup>15</sup> **Commercial Vehicle Safety Alliance North America Out-of-Service Criteria**

- Effective date: April 1, 2016. <http://cvsa.org/wp-content/uploads/inspection-oosc-changes-april-2016.pdf>

#### <sup>16</sup> **49 CFR Part 40 - Drug and Alcohol Testing:**

- Effective date: August 8, 2016. This final rule amends the U.S. Department of Transportation's (DOT) regulation to conform to recent legislation that changed the definition of the term "service agent" in the DOT drug and alcohol testing regulations. The final rule also revises the definition of "service agent" to include all entities that provide services for DOT mandated drug and alcohol programs. 81 FR 52364-52365.

#### <sup>17</sup> **49 CFR Part 382 - Controlled Substance and Alcohol Use and Testing:**

- Effective date: January 4, 2017. FMCSA amends the Federal Motor Carrier Safety Regulations to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that will contain information about violations of FMCSA's drug and alcohol testing program for the holders of commercial driver's licenses (CDLs). This rule is mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21). It will improve roadway safety by identifying commercial motor vehicle (CMV) drivers who have committed drug and alcohol violations that render them ineligible to operate a CMV. This also affects Parts 383, 384 and 391. 81 FR 87686-87731.

#### <sup>18</sup> **49 CFR Part 383 - Commercial Driver's License Standards; Requirements and Penalties:**

- Effective date: January 4, 2017. FMCSA amends the Federal Motor Carrier Safety Regulations to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that will contain information about violations of FMCSA's drug and alcohol

testing program for the holders of commercial driver's licenses (CDLs). This rule is mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21). It will improve roadway safety by identifying commercial motor vehicle (CMV) drivers who have committed drug and alcohol violations that render them ineligible to operate a CMV. 81 FR 87686-87731.

- Effective date: October 13, 2016. The Federal Motor Carrier Safety Administration corrects an inadvertent error in the October 4, 2016 final rule "General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations." Due to an error, the rule unintentionally did not include the word "and" at the end of the next to last condition for a farm vehicle driver to take advantage of the farm vehicle driver exceptions to commercial driver's license standards and alcohol and drug testing requirements. Today's correction makes it clear that all four conditions in each farm vehicle driver exception must be met in order for the exception to be used. 81 FR 71016.
- Effective date: December 12, 2016. FMCSA amends its commercial driver's license (CDL) regulations to ease the transition of military personnel into civilian careers driving commercial motor vehicles (CMVs) by simplifying the process of obtaining a commercial learner's permit (CLP) or CDL. This final rule extends the period of time for applying for a skills test waiver from 90 days to 1 year after leaving a military position requiring the operation of a CMV. This final rule also allows a State to accept applications from active duty military personnel who are stationed in that State as well as administer the written and skills tests for a CLP or CDL. States that choose to accept such applications are required to transmit the test results electronically to the State of domicile of the military personnel. The State of domicile may issue the CLP or CDL on the basis of those results. 81 FR 70634-70646.
- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial

action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 81 FR 59065.

**<sup>19</sup> 49 CFR Part 383 - Commercial Driver's License Standards; Requirements and Penalties:**

- Effective date: January 4, 2017. FMCSA amends the Federal Motor Carrier Safety Regulations to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that will contain information about violations of FMCSA's drug and alcohol testing program for the holders of commercial driver's licenses (CDLs). This rule is mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21). It will improve roadway safety by identifying commercial motor vehicle (CMV) drivers who have committed drug and alcohol violations that render them ineligible to operate a CMV. 81 FR 87686-87731.
- Effective date: October 13, 2016. The Federal Motor Carrier Safety Administration corrects an inadvertent error in the October 4, 2016 final rule "General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations." Due to an error, the rule unintentionally did not include the word "and" at the end of the next to last condition for a farm vehicle driver to take advantage of the farm vehicle driver exceptions to commercial driver's license standards and alcohol and drug testing requirements. Today's correction makes it clear that all four conditions in each farm vehicle driver exception must be met in order for the exception to be used. 81 FR 71016.
- Effective date: December 12, 2016. FMCSA amends its commercial driver's license (CDL) regulations to ease the transition of military personnel into civilian careers driving commercial motor vehicles (CMVs) by simplifying the process of obtaining a commercial learner's permit (CLP) or CDL. This final rule extends the period of time for applying for a skills test waiver from 90 days to 1 year after leaving a military position requiring the operation of a CMV. This final rule also allows a State to accept applications from active duty military personnel who are stationed in that State as well as administer the written and skills tests for a CLP or CDL. States that choose to accept such applications are required to transmit the test results electronically to the State of domicile

of the military personnel. The State of domicile may issue the CLP or CDL on the basis of those results. 81 FR 70634-70646.

- Effective date: September 30, 2016 (The effective date of this rule is September 30, 2016, except for §§ 365.T106, 368.T3, and 390.T200, which are effective from December 12, 2015 through September 29, 2016. The effective dates of the rule published at 78 FR 52608 (August 23, 2013) are delayed until September 30, 2016. The withdrawal of Instruction #1 from the correction published at 78 FR 63100 (October 23, 2013) is effective October 21, 2015.). FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 81 FR 59065.

**<sup>20</sup> 49 CFR Part 390 - Safety Regulations, General:**

- Effective date: October 4, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all

vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the Federal Register. 81 FR 68336-68359.

- Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49556.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47822.
- Effective date: March 16, 2016. FMCSA extends the compliance date by which motor carriers of passengers operating CMVs under a lease or interchange agreement are subject to the FMCSA final rule published May 27, 2015, for one year, to January 1, 2018. The Agency received numerous petitions for reconsideration of the final rule and based upon a review of the petitions, determined that the compliance date should be extended to provide sufficient time to address the issues raised by the petitioners. The Agency is adding a temporary section to its regulations to inform the public of this extension. There will no longer be a need for the section on the compliance date after January 1, 2018, thus the temporary section will be in effect only from March 16, 2016 through January 1, 2018. 81 FR 13998-13400.
- Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules. 80 FR 78292-78416.
- Effective date: January 29, 2016. FMCSA adopts regulations that prohibit motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to operate commercial motor vehicles (CMVs) in violation of certain provisions of the Federal Motor Carrier Safety Regulations (FMCSRs)—including drivers' hours-of-service limits; the commercial driver's license (CDL) regulations; drug and alcohol testing rules; and the Hazardous Materials Regulations (HMRs). In addition, the rule prohibits anyone who operates a CMV in interstate commerce from coercing a driver to violate the commercial regulations. This rule includes procedures for drivers to report incidents of coercion to FMCSA, establishes rules of practice that the Agency will follow in response to reports of coercion, and describes penalties that may be imposed on entities found to have coerced drivers. This rulemaking is authorized by section 32911 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Motor Carrier Safety Act of 1984 (MCSA), as amended. 80 FR 74695-74710.
- Effective date: FMCSA delays the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule. Because FMCSA changes the effective date (the actual date when the regulatory text that appears in the Code of Federal Regulations (CFR) will be changed) and makes technical corrections and conforming amendments to the 2013 regulatory text, the Agency has determined that it is in the best interest of the regulated entities, our State partners and the general public to present the full text of the sections affected. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. Today's final rule delays the implementation of the 2013 final rule in order to allow FMCSA additional time to complete the information technology (IT) systems work required to fully implement that rule. 80 FR 63695-63714.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations,

except to remove one obsolete provision. 80 FR 59065-59075.

**21 49 CFR Part 391 - Qualification of Drivers:**

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 80 FR 68336-68359.
- Effective date: FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47714-47722.
- Effective date: December 21, 2015. The FMCSA announces a 120-day grace period during which Medical Examiners may use either the current or the newly revised versions of the Medical Examination Report (MER) Form and Medical Examiner's Certificate (MEC). This period is from December 22, 2015, until April 20, 2016. This action is being taken to ensure that Medical Examiners have sufficient time to become familiar with the new forms and to program electronic medical records systems. 80 FR 79273.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

**22 49 CFR Part 392 - Driving of Commercial Motor Vehicles:**

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 80 FR 68336-68359.
- Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49555.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in

accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714.

- Effective date: August 8, 2016. FMCSA corrects an error in its June 7, 2016, final rule "Driving of Commercial Motor Vehicles: Use of Seat Belts." The amendatory language in the final rule inadvertently limited the applicability of the requirement for drivers to use their seat belts to operators of property-carrying vehicles. Today's correction fixes the error such that drivers of passenger-carrying vehicles will continue to be required to wear their seat belts. 81 FR 43957.
- Effective date: August 8, 2016. FMCSA revises the Federal Motor Carrier Safety Regulations (FMCSRs) by requiring passengers in property-carrying commercial motor vehicles (CMVs) to use the seat belt assembly whenever the vehicles are operated on public roads in interstate commerce. This rule holds motor carriers and drivers responsible for ensuring that passengers riding in the property-carrying CMV are using the seat belts required by the Federal Motor Vehicle Safety Standards (FMVSSs). 81 FR 36474.
- Effective date: September 30, 2016. FMCSA delays the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule. Because FMCSA changes the effective date (the actual date when the regulatory text that appears in the Code of Federal Regulations (CFR) will be changed) and makes technical corrections and conforming amendments to the 2013 regulatory text, the Agency has determined that it is in the best interest of the regulated entities, our State partners and the general public to present the full text of the sections affected. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. Today's final rule delays the implementation of the 2013 final rule in order to allow FMCSA additional time to complete the information technology (IT) systems work required to fully implement that rule. 80 FR 63695-63714.

**23 49 CFR Part 393 - Parts and Accessories Necessary for Safe Operation:**

- Effective date: October 24, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to allow the voluntary mounting of certain devices on the interior of the windshields of commercial motor vehicles (CMVs), including placement within the area that is swept by the windshield wipers. Section 5301 of the Fixing America's Surface Transportation (FAST) Act directs the Agency to amend the FMCSRs to allow devices to be mounted on the windshield that utilize "vehicle safety technology," as defined in the Act. In addition, the section 5301 states that all windshield mounted devices/technologies with a limited 2-year exemption in effect on the date of enactment, shall be

considered to meet the equivalent-or-greater safety standard required for the initial exemption. Promulgation of this final rule is a nondiscretionary, ministerial action that does not require prior notice and public comment under the Administrative Procedure Act (APA). 81 FR 65568-65574.

- Effective date: September 23, 2016. FMCSA announces its decision to grant ArcelorMittal Indiana Harbor, LLC (ArcelorMittal) exemptions from the hours of service (HOS) and parts and accessories rules. One exemption will allow ArcelorMittal's employee-drivers with commercial driver's licenses (CDLs) who transport steel coils between their production and shipping locations on public roads to work up to 16 hours per day and return to work with less than the mandatory 10 consecutive hours off duty. The other exemption will allow ArcelorMittal to use coil carriers that do not meet the "heavy hauler trailer" definition, height of rear side marker lights restrictions, tire loading restrictions, and the coil securement requirements. 81 FR 65574-65576.
- Effective date: This notice makes corrections to a final rule published in the Federal Register on July 22, 2016, regarding amendments to the Federal Motor Carrier Safety Regulations in response to several petitions for rulemaking and NTSB recommendations. The Agency makes several minor clerical corrections regarding the rear license plate lamp requirements and the periodic inspection requirements for antilock brake systems (ABS). 81 FR 60633-60634.
- Effective date: August 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA).
- Effective date: July 22, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or

defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47722-47732.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59076.

#### <sup>24</sup> **49 CFR Part 395 - Hours of Service of Drivers:**

- Effective date: November 1, 2016. FMCSA announces its decision to grant the Specialized Carriers & Rigging Association (SC&RA) an exemption from the 30-minute rest break rule of the Agency's hours-of-service (HOS) regulations for certain commercial motor vehicle (CMV) drivers. The Agency denies SC&RA's further request for exemption from the 14-hour driving window of the HOS rules. All qualifying motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons are exempt from the 30-minute break provision. FMCSA has analyzed the exemption application and public comments and has determined that the exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. 81 FR 75727-75729.
- September 30, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to pub-

lish this list annually in the Federal Register. 81 FR 68336-68359.

- Effective date: September 23, 2016. FMCSA announces its decision to grant ArcelorMittal Indiana Harbor, LLC (ArcelorMittal) exemptions from the hours of service (HOS) and parts and accessories rules. One exemption will allow ArcelorMittal's employee-drivers with commercial driver's licenses (CDLs) who transport steel coils between their production and shipping locations on public roads to work up to 16 hours per day and return to work with less than the mandatory 10 consecutive hours off duty. The other exemption will allow ArcelorMittal to use coil carriers that do not meet the "heavy hauler trailer" definition, height of rear side marker lights restrictions, tire loading restrictions, and the coil securement requirements. 81 FR 65574-65576.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
- Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules.
- Effective date: October 2, 2015. FMCSA issues regulatory guidance concerning the editing of records created by automatic on-board recording devices (AOBRDs). The guidance makes clear that, within certain limits, a driver must be allowed to review his or her AOBRD records, annotate and correct inaccurate records, enter any missing information, and certify the accuracy of the information. The AOBRD must retain the original entries, and reflect the date, time, and name of the person making edits to the information. Drivers' supervisors may request that a driver make edits to correct errors, but the driver must accept or reject such requests. Driving time may not be edited except in the case of unidentified or team drivers, and when driving time was assigned to the wrong driver or no driver. All prior Agency interpretations and regulatory guidance on this subject, including memoranda and letters, may no longer be relied upon to

the extent they are inconsistent with this guidance. 80 FR 59664-59665.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

**25 49 CFR Part 396 - Inspection, Repair, and Maintenance:**

- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
- Effective date: July 22, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates

introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47722-47732.

- Effective date: July 22, 2016. FMCSA amends regulatory guidance, previously published in the Federal Register, regarding the periodic inspection of commercial motor vehicles (CMVs). Elsewhere in today's issue of the Federal Register, FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to, among other things, eliminate the option for a motor carrier to satisfy the periodic (annual) inspection requirement through a violation-free roadside inspection. As a result of this amendment to the FMCSRs, certain regulatory guidance is amended to ensure consistency between the FMCSRs and the published guidance. 81 FR 47732-47733.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

**26 49 CFR Part 397 - Transportation of Hazardous Materials:**

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59076.

<sup>27</sup> **Commercial Vehicle Safety Alliance North America Out-of-Service Criteria**

- Effective date: April 1, 2016. <http://cvsa.org/wp-content/uploads/inspection-oosc-changes-april-2016.pdf>

<sup>28</sup> **49 CFR Part 40 - Drug and Alcohol Testing:**

- Effective date: August 8, 2016. This final rule amends the U.S. Department of Transportation's (DOT) regulation to conform to recent legislation that changed the definition of the term "service agent" in the DOT drug and alcohol testing regulations. The final rule also revises the definition of "service agent" to include all entities that provide services for DOT mandated drug and alcohol programs. 81 FR 52364-52365.

<sup>29</sup> **49 CFR Part 382 - Controlled Substance and Alcohol Use and Testing:**

- Effective date: January 4, 2017. FMCSA amends the Federal Motor Carrier Safety Regulations to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that will contain information about violations of FMCSA's drug and alcohol testing program for the holders of commercial driver's licenses (CDLs). This rule is mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21). It will improve roadway safety by identifying commercial motor vehicle (CMV) drivers who have committed drug and alcohol violations that render them ineligible to operate a CMV. This also affects Parts 383, 384 and 391. 81 FR 87686-87731.
- Effective date: October 13, 2016. The Federal Motor Carrier Safety Administration corrects an inadvertent error in the October 4, 2016 final rule "General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations." Due to an error, the rule unintentionally did not include the word "and" at the end of the next to last condition for a farm vehicle driver to take advantage of the farm vehicle driver exceptions to commercial driver's license standards and alcohol and drug testing requirements. Today's correction makes it clear that all four conditions in each farm vehicle driver exception must be met in order for the exception to be used. 81 FR 71016.
- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.

<sup>30</sup> **49 CFR Part 383 - Commercial Driver's License Standards; Requirements and Penalties:**

- Effective date: January 4, 2017. FMCSA amends the Federal Motor Carrier Safety Regulations to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that will contain information about violations of FMCSA's drug and alcohol testing program for the holders of commercial driver's licenses (CDLs). This rule is mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21). It will improve roadway safety by identifying commercial motor vehicle (CMV) drivers who have committed drug and alcohol violations that render them ineligible to operate a CMV. 81 FR 87686-87731.
- Effective date: October 13, 2016. The Federal Motor Carrier Safety Administration corrects an inadvertent error in the October 4, 2016 final rule "General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations." Due to an error, the rule unintentionally did not include the word "and" at the end of the next to last condition for a farm vehicle driver to take advantage of the farm vehicle driver exceptions to commercial driver's license standards and alcohol and drug testing requirements. Today's correction makes it clear that all four conditions in each farm vehicle driver exception must be met in order for the exception to be used. 81 FR 71016.
- Effective date: December 12, 2016. FMCSA amends its commercial driver's license (CDL) regulations to ease the transition of military personnel into civilian careers driving commercial motor vehicles (CMVs) by simplifying the process of obtaining a commercial learner's permit (CLP) or CDL. This final rule extends the period of time for applying for a skills test waiver from 90 days to 1 year after leaving a military position requiring the operation of a CMV. This final rule also allows a State to accept applications from active duty military personnel who are stationed in that State as well as administer the written and skills tests for a CLP or CDL. States that choose to accept such applications are required to transmit the test results electronically to the State of domicile of the military personnel. The State of domicile may issue the CLP or CDL on the basis of those results. 81 FR 70634-70646.
- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.



- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
  - Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 81 FR 59065.
- <sup>31</sup> **49 CFR Part 385 - Safety Fitness Procedures:**
- Effective date: October 4, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the Federal Register. 81 FR 68336-68359.
  - Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49556.
  - Effective date: June 17, 2016. FMCSA amends its Hazardous Materials Safety Permits rules to update the current incorporation by reference of the Commercial Vehicle Safety Alliance's (CVSA) "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." Currently the rules reference the April 1, 2015, edition of the out-of-service criteria and, through this final rule, FMCSA incorporates the April 1, 2016, edition. 81 FR 39587-39590.
  - Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules. 80 FR 78292-78416.
  - Effective date: September 30, 2016 (The effective date of this rule is September 30, 2016, except for §§ 365.T106, 368.T3, and 390.T200, which are effective from December 12, 2015 through September 29, 2016. The effective dates of the rule published at 78 FR 52608 (August 23, 2013) are delayed until September 30, 2016. The withdrawal of Instruction #1 from the correction published at 78 FR 63100 (October 23, 2013) is effective October 21, 2015.). FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFE-TEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.
  - Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations,

except to remove one obsolete provision. 80 FR 59065-59075.

<sup>32</sup> **49 CFR Part 390 - Safety Regulations, General:**

- Effective date: October 4, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the Federal Register. 81 FR 68336-68359.
- Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49556.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47822.
- Effective date: March 16, 2016. FMCSA extends the compliance date by which motor carriers of passengers operating CMVs under a lease or interchange agreement are subject to the FMCSA final rule published May 27, 2015, for one year, to January 1, 2018. The Agency received numerous petitions for reconsideration of the final rule and based upon a review of the petitions, determined that the compliance date should be extended to provide sufficient time to address the issues raised by the petitioners. The Agency is adding a temporary section to its regulations to inform the public of this extension. There will no longer be a need for the section on the compliance date after January 1, 2018, thus the temporary section will be in effect only from March 16, 2016 through January 1, 2018. 81 FR 13998-13400.
- Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules. 80 FR 78292-78416.
- Effective date: January 29, 2016. FMCSA adopts regulations that prohibit motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to operate commercial motor vehicles (CMVs) in violation of certain provisions of the Federal Motor Carrier Safety Regulations (FMCSRs)—including drivers' hours-of-service limits; the commercial driver's license (CDL) regulations; drug and alcohol testing rules; and the Hazardous Materials Regulations (HMRs). In addition, the rule prohibits anyone who operates a CMV in interstate commerce from coercing a driver to violate the commercial regulations. This rule includes procedures for drivers to report incidents of coercion to FMCSA, establishes rules of practice that the Agency will follow in response to reports of coercion, and describes penalties that may be imposed on entities found to have coerced drivers. This rulemaking is authorized by section 32911 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Motor Carrier Safety Act of 1984 (MCSA), as amended. 80 FR 74695-74710.
- Effective date: FMCSA delays the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule. Because FMCSA changes the effective date (the actual date when the regulatory text that appears in the Code of Federal Regulations (CFR) will be changed) and makes technical corrections and conforming amendments to the 2013 regulatory text, the Agency has determined that it is in the best interest of the regulated entities, our State partners and the general public to present the full text of the sections affected. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. Today's final rule delays the implementation of the 2013 final rule in order to allow FMCSA additional time to complete the information technology (IT) systems work required to fully implement that rule. 80 FR 63695-63714.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

### <sup>33</sup> **49 CFR Part 391 - Qualification of Drivers:**

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 80 FR 68336-68359.
- Effective date: FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-

service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47714-47722.

- Effective date: December 21, 2015. The FMCSA announces a 120-day grace period during which Medical Examiners may use either the current or the newly revised versions of the Medical Examination Report (MER) Form and Medical Examiner's Certificate (MEC). This period is from December 22, 2015, until April 20, 2016. This action is being taken to ensure that Medical Examiners have sufficient time to become familiar with the new forms and to program electronic medical records systems. 80 FR 79273.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

### <sup>34</sup> **49 CFR Part 392 - Driving of Commercial Motor Vehicles:**

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 80 FR 68336-68359.
- Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow

FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49555.

- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714.
- Effective date: August 8, 2016. FMCSA corrects an error in its June 7, 2016, final rule "Driving of Commercial Motor Vehicles: Use of Seat Belts." The amendatory language in the final rule inadvertently limited the applicability of the requirement for drivers to use their seat belts to operators of property-carrying vehicles. Today's correction fixes the error such that drivers of passenger-carrying vehicles will continue to be required to wear their seat belts. 81 FR 43957.
- Effective date: August 8, 2016. FMCSA revises the Federal Motor Carrier Safety Regulations (FMCSRs) by requiring passengers in property-carrying commercial motor vehicles (CMVs) to use the seat belt assembly whenever the vehicles are operated on public roads in interstate commerce. This rule holds motor carriers and drivers responsible for ensuring that passengers riding in the property-carrying CMV are using the seat belts required by the Federal Motor Vehicle Safety Standards (FMVSSs). 81 FR 36474.
- Effective date: September 30, 2016. FMCSA delays the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule. Because FMCSA changes the effective date (the actual date when the regulatory text that appears in the Code of Federal Regulations (CFR) will be changed) and makes technical corrections and conforming amendments to the 2013 regulatory text, the Agency has determined that it is in the best interest of the regulated entities, our State partners and the general public to present the full text of the sections affected. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. Today's final rule delays the implementation of the 2013 final rule in order to allow FMCSA additional time to complete the information technology (IT) systems work required to fully implement that rule. 80 FR 63695-63714.

<sup>35</sup> **49 CFR Part 393 - Parts and Accessories Necessary for Safe Operation:**

- Effective date: October 24, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to allow the voluntary mounting of certain devices on the interior of the windshields of commercial motor vehicles (CMVs), including placement within the area that is swept by the windshield wipers. Section 5301 of the Fixing America's Surface Transportation (FAST) Act directs the Agency to amend the FMCSRs to allow devices to be mounted on the windshield that utilize "vehicle safety technology," as defined in the Act. In addition, the section 5301 states that all windshield mounted devices/technologies with a limited 2-year exemption in effect on the date of enactment, shall be considered to meet the equivalent-or-greater safety standard required for the initial exemption. Promulgation of this final rule is a nondiscretionary, ministerial action that does not require prior notice and public comment under the Administrative Procedure Act (APA). 81 FR 65568-65574.
- Effective date: September 23, 2016. FMCSA announces its decision to grant ArcelorMittal Indiana Harbor, LLC (ArcelorMittal) exemptions from the hours of service (HOS) and parts and accessories rules. One exemption will allow ArcelorMittal's employee-drivers with commercial driver's licenses (CDLs) who transport steel coils between their production and shipping locations on public roads to work up to 16 hours per day and return to work with less than the mandatory 10 consecutive hours off duty. The other exemption will allow ArcelorMittal to use coil carriers that do not meet the "heavy hauler trailer" definition, height of rear side marker lights restrictions, tire loading restrictions, and the coil securement requirements. 81 FR 65574-65576.
- Effective date: This notice makes corrections to a final rule published in the Federal Register on July 22, 2016, regarding amendments to the Federal Motor Carrier Safety Regulations in response to several petitions for rulemaking and NTSB recommendations. The Agency makes several minor clerical corrections regarding the rear license plate lamp requirements and the periodic inspection requirements for antilock brake systems (ABS). 81 FR 60633-60634.
- Effective date: August 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA).
- Effective date: July 22, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in

response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47722-47732.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59076.

### <sup>36</sup> **49 CFR Part 395 - Hours of Service of Drivers:**

- Effective date: November 1, 2016. FMCSA announces its decision to grant the Specialized Carriers & Rigging Association (SC&RA) an exemption from the 30-minute rest break rule of the Agency's hours-of-service (HOS) regulations for certain commercial motor vehicle (CMV) drivers. The Agency denies SC&RA's further request for exemption from the 14-hour driving window of the HOS rules. All qualifying motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons are exempt from the 30-minute break provision. FMCSA has analyzed the exemption application and public comments and has determined that the exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or greater than, the

level that would be achieved absent such exemption. 81 FR 75727-75729.

- September 30, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the Federal Register. 81 FR 68336-68359.
- Effective date: September 23, 2016. FMCSA announces its decision to grant ArcelorMittal Indiana Harbor, LLC (ArcelorMittal) exemptions from the hours of service (HOS) and parts and accessories rules. One exemption will allow ArcelorMittal's employee-drivers with commercial driver's licenses (CDLs) who transport steel coils between their production and shipping locations on public roads to work up to 16 hours per day and return to work with less than the mandatory 10 consecutive hours off duty. The other exemption will allow ArcelorMittal to use coil carriers that do not meet the "heavy hauler trailer" definition, height of rear side marker lights restrictions, tire loading restrictions, and the coil securement requirements. 81 FR 65574-65576.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
- Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules.
- Effective date: October 2, 2015. FMCSA issues regulatory guidance concerning the editing of records created by automatic on-board recording devices (AOBRDs). The guidance makes clear that, within certain limits, a

driver must be allowed to review his or her AOBDR records, annotate and correct inaccurate records, enter any missing information, and certify the accuracy of the information. The AOBDR must retain the original entries, and reflect the date, time, and name of the person making edits to the information. Drivers' supervisors may request that a driver make edits to correct errors, but the driver must accept or reject such requests. Driving time may not be edited except in the case of unidentified or team drivers, and when driving time was assigned to the wrong driver or no driver. All prior Agency interpretations and regulatory guidance on this subject, including memoranda and letters, may no longer be relied upon to the extent they are inconsistent with this guidance. 80 FR 59664-59665.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

**37 49 CFR Part 396 - Inspection, Repair, and Maintenance:**

- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
- Effective date: July 22, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at

speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47722-47732.

- Effective date: July 22, 2016. FMCSA amends regulatory guidance, previously published in the Federal Register, regarding the periodic inspection of commercial motor vehicles (CMVs). Elsewhere in today's issue of the Federal Register, FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to, among other things, eliminate the option for a motor carrier to satisfy the periodic (annual) inspection requirement through a violation-free roadside inspection. As a result of this amendment to the FMCSRs, certain regulatory guidance is amended to ensure consistency between the FMCSRs and the published guidance. 81 FR 47732-47733.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

**38 49 CFR Part 397 - Transportation of Hazardous Materials:**

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59076.

### **<sup>39</sup> Commercial Vehicle Safety Alliance North America Out-of-Service Criteria**

- Effective date: April 1, 2016. <http://cvsa.org/wp-content/uploads/inspection-oosc-changes-april-2016.pdf>

### **<sup>40</sup> 49 CFR Part 171 - General Information, Regulations, and Definitions:**

- Changes effective November 9, 2015: 80 FR 54418-54435: PHMSA adopted regulations to include the standard operating procedures and criteria used to evaluate applications for special permits and approvals. This rulemaking addressed issues identified in the Hazardous Materials Transportation Safety Improvement Act of 2012 related to the Office of Hazardous Materials Safety's Approvals and Permits Division. The rulemaking also provided clarity regarding what conditions need to be satisfied to promote special permit application completeness. An application that contains the required information reduces processing delays by reducing the number of applications rejected due to incompleteness.
- Changes effective December 23, 2015: 80 FR 72914-72929: This final rule corrected editorial errors, made minor regulatory changes and, in response to requests for clarification, improved the clarity of certain provisions in the Hazardous Materials Regulations. The amendments contained in this rule were nonsubstantive changes and did not impose new requirements.
- Changes effective January 20, 2016: 80 FR 79424-79453: PHMSA amended the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations.
- Changes effective February 22, 2016: 81 FR 3636-3685: As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), PHMSA amended the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. Voluntary compliance date: February 22, 2016. Delayed compliance date: Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning January 23, 2017.
- Changes effective March 31, 2016: 81 FR 18527-18541: PHMSA adopted regulatory amendments applicable to the reverse logistics shipments of certain hazardous

materials by highway transportation. This final rule revised the Hazardous Materials Regulations to include a definition of "reverse logistics" and provided appropriate provisions for hazardous materials within the scope of this definition, and expanded a previously existing exception for return shipments of used automobile batteries transported between a retail facility and a recycling center.

- Changes effective June 28, 2016: 81 FR 25613-25618: This direct final rule incorporates by reference the most recent editions of the ASME Boiler and Pressure Vessel Code. The purpose of this update was to enable nonspecification (nurse tank) manufacturers and other DOT and UN specification packaging manufacturers to utilize current technology, materials, and practices to help maintain a high level of safety. PHMSA is replacing the ASME referenced standard (1998 Edition) with the new, current ASME standard (2015 Edition) for boiler and pressure vessels. PHMSA is also replacing the ASME 1998 Edition referenced standard of ASME's Transportation Systems for Liquids and Slurries: Pressure Piping to the current 2012 Edition.
- Changes effective July 5, 2016: 81 FR 35484-35545: PHMSA amended the Hazardous Materials Regulations to make miscellaneous amendments in order to update and clarify certain regulatory requirements. The amendments included, but are not limited to, removing the packing group II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. Voluntary Compliance Date: June 2, 2016.
- Changes effective Aug. 1, 2016: 81 FR 42266-42268: PHMSA revised the maximum and minimum civil penalties for a knowing violation of the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law.

### **<sup>41</sup> 49 CFR Part 172 - Hazardous Materials Table, etc.:**

- Changes effective December 23, 2015: 80 FR 72914-72929: This final rule corrected editorial errors, made minor regulatory changes and, in response to requests for clarification, improved the clarity of certain provisions in the Hazardous Materials Regulations. The amendments contained in this rule were nonsubstantive changes and did not impose new requirements.
- Changes effective January 20, 2016: 80 FR 79424-79453: PHMSA amended the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations.
- Changes effective February 22, 2016: 81 FR 3636-3685: As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), PHMSA amended the Hazardous Materials Regulations to adopt provisions con-

tained in certain widely-used or long-standing special permits that have an established safety record. Voluntary compliance date: February 22, 2016. Delayed compliance date: Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning January 23, 2017.

- Changes effective July 5, 2016: 81 FR 35484-35545: PHMSA amended the Hazardous Materials Regulations to make miscellaneous amendments in order to update and clarify certain regulatory requirements. The amendments included, but are not limited to, removing the packing group II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. Voluntary Compliance Date: June 2, 2016.

#### **42 49 CFR Part 173 - Shippers General Requirements for Shipments and Packages:**

- Changes effective December 23, 2015: 80 FR 72914-72929: This final rule corrected editorial errors, made minor regulatory changes and, in response to requests for clarification, improved the clarity of certain provisions in the Hazardous Materials Regulations. The amendments contained in this rule were nonsubstantive changes and did not impose new requirements.
- Changes effective January 20, 2016: 80 FR 79424-79453: PHMSA amended the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations.
- Changes effective February 22, 2016: 81 FR 3636-3685: As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), PHMSA amended the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. Voluntary compliance date: February 22, 2016. Delayed compliance date: Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning January 23, 2017.
- Changes effective March 31, 2016: 81 FR 18527-18541: PHMSA adopted regulatory amendments applicable to the reverse logistics shipments of certain hazardous materials by highway transportation. This final rule revised the Hazardous Materials Regulations to include a definition of "reverse logistics" and provided appropriate provisions for hazardous materials within the scope of this definition, and expanded a previously existing exception for return shipments of used automobile batteries transported between a retail facility and a recycling center.
- Changes effective July 5, 2016: 81 FR 35484-35545: PHMSA amended the Hazardous Materials Regulations to make miscellaneous amendments in order to update

and clarify certain regulatory requirements. The amendments included, but are not limited to, removing the packing group II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. Voluntary Compliance Date: June 2, 2016.

- Changes effective August 15, 2016: 81 FR 53935-53957: PHMSA issued this final rule to codify in the Hazardous Materials Regulations certain mandates and minimum requirements of the FAST Act. Specifically, the FAST Act mandates a revised phase-out schedule for all DOT Specification 111 tank cars used to transport unrefined petroleum products (e.g., petroleum crude oil), ethanol, and other Class 3 flammable liquids. The FAST Act also requires that each tank car built to meet the DOT Specification 117 and each non-jacketed tank car retrofitted to meet the DOT Specification 117R be equipped with a thermal protection blanket that is at least 1/2-inch thick and meets existing thermal protection standards. Further, the FAST Act mandates minimum top fittings protection requirements for tank cars retrofitted to meet the DOT Specification 117R.

#### **43 49 CFR Part 174 - Carriage by Rail:**

- Changes effective February 22, 2016: 81 FR 3636-3685: As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), PHMSA amended the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. Voluntary compliance date: February 22, 2016. Delayed compliance date: Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning January 23, 2017.

#### **44 49 CFR Part 178 - Specifications for Packages:**

- Changes effective December 23, 2015: 80 FR 72914-72929: This final rule corrected editorial errors, made minor regulatory changes and, in response to requests for clarification, improved the clarity of certain provisions in the Hazardous Materials Regulations. The amendments contained in this rule were nonsubstantive changes and did not impose new requirements.
- Changes effective February 22, 2016: 81 FR 3636-3685: As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), PHMSA amended the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. Voluntary compliance date: February 22, 2016. Delayed compliance date: Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning January 23, 2017.
- Changes effective June 28, 2016: 81 FR 25613-25618: This direct final rule incorporates by reference the most



recent editions of the ASME Boiler and Pressure Vessel Code. The purpose of this update was to enable nonspecification (nurse tank) manufacturers and other DOT and UN specification packaging manufacturers to utilize current technology, materials, and practices to help maintain a high level of safety. PHMSA is replacing the ASME referenced standard (1998 Edition) with the new, current ASME standard (2015 Edition) for boiler and pressure vessels. PHMSA is also replacing the ASME 1998 Edition referenced standard of ASME's Transportation Systems for Liquids and Slurries: Pressure Piping to the current 2012 Edition.

- Changes effective July 5, 2016: 81 FR 35484-35545: PHMSA amended the Hazardous Materials Regulations to make miscellaneous amendments in order to update and clarify certain regulatory requirements. The amendments included, but are not limited to, removing the packing group II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. Voluntary Compliance Date: June 2, 2016.

<sup>45</sup> **49 CFR Part 179 - Specifications for Tank Cars:**

- Changes effective July 5, 2016: 81 FR 35484-35545: PHMSA amended the Hazardous Materials Regulations to make miscellaneous amendments in order to update and clarify certain regulatory requirements. The amendments included, but are not limited to, removing the packing group II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. Voluntary Compliance Date: June 2, 2016.
- Changes effective August 15, 2016: 81 FR 53935-53957: PHMSA issued this final rule to codify in the Hazardous Materials Regulations certain mandates and minimum requirements of the FAST Act. Specifically, the FAST Act mandates a revised phase-out schedule for all DOT Specification 111 tank cars used to transport unrefined petroleum products (e.g., petroleum crude oil), ethanol, and other Class 3 flammable liquids. The FAST Act also requires that each tank car built to meet the DOT Specification 117 and each non-jacketed tank car retrofitted to meet the DOT Specification 117R be equipped with a thermal protection blanket that is at least 1/2-inch thick and meets existing thermal protection standards. Further, the FAST Act mandates minimum top fittings protection requirements for tank cars retrofitted to meet the DOT Specification 117R.

<sup>46</sup> **49 CFR Part 209 - Railroad Safety Enforcement Procedures:**

- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

<sup>47</sup> **49 CFR Part 213 - Track Safety Standards:**

- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

<sup>48</sup> **49 CFR Part 214 - Railroad Workplace Safety:**

- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

<sup>49</sup> **49 CFR Part 217 - Railroad Operating Rules:**

- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

<sup>50</sup> **49 CFR Part 218 - Railroad Operating Practices:**

- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

<sup>51</sup> **49 CFR Part 219 - Control of Alcohol and Drug Use:**

- Changes effective December 28, 2015: 80 FR 80682-80683: This notice of determination provided the FRA Administrator's minimum annual random drug and alcohol testing rates for calendar year 2016.
- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Pen-

alties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

- Changes effective December 23, 2016: 81 FR 94270: This notice of determination provided the FRA Administrator's minimum annual random drug and alcohol testing rates for calendar year 2017.
- Changes effective June 12, 2017: 81 FR 37894-37948: In response to Congress' mandate in the Rail Safety Improvement Act of 2008 (RSIA), FRA expanded the scope of its drug and alcohol regulation to cover Maintenance of Way (MOW) employees. This rule also codified guidance from FRA compliance manuals, responded to National Transportation Safety Board recommendations, and adopted substantive amendments based upon FRA's regulatory review of 30 years of implementation of this part. The final rule it adopts part 214's definition of "roadway worker" to define "MOW employee" under this part. And, because FRA has withdrawn its proposed peer support requirements, subpart K contains a revised version of the troubled employee identification requirements previously in subpart E.

#### <sup>52</sup> **49 CFR Part 220 - Railroad Communications:**

- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

#### <sup>53</sup> **49 CFR Part 221 - Rear End Marking Device - Passenger, Commuter and Freight Trains:**

- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

#### <sup>54</sup> **49 CFR Part 225 - Railroad Accidents/Incidents: Reports Classification, and Investigations:**

- Changes effective January 1, 2016: 80 FR 80683-80686: This rule maintained the rail equipment accident/incident monetary reporting threshold at \$10,500 for railroad accidents/incidents involving property damage that occur during calendar year 2016 that FRA's accident/incident reporting regulations require to be reported to the agency.
- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and

aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

- Changes effective Dec. 16, 2016: 81 FR 88133-88135: This final rule updated FRA's accident/incident reporting regulations to provide the current electronic mail address railroads must use to electronically submit to FRA certain accident/incident report forms.
- Changes effective Jan. 1, 2017: 81 FR 94271-94274: This rule increased the rail equipment accident/incident monetary reporting threshold from \$10,500 to \$10,700 for railroad accidents/incidents involving property damage that occur during calendar year 2017 that FRA's accident/incident reporting regulations require railroads to report to the agency. This action was needed to ensure FRA's reporting requirements reflect cost increases that have occurred since FRA last published the reporting threshold in December 2015.

#### <sup>55</sup> **49 CFR Part 228 - Hours of Service of Railroad Employees; Recordkeeping and Reporting; Sleeping Quarters:**

- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

#### <sup>56</sup> **49 CFR Part 234 - Grade Crossing Signal System Safety:**

- Changes effective June 10, 2016: 81 FR 37521-37534: This was a response to a petition for reconsideration of FRA's January 6, 2015, final rule addressing U.S. DOT National Highway-Rail Crossing Inventory Reporting Requirements. This document amended and clarified the final rule in response to the petition for reconsideration and made certain additional amendments to the rule to address practical implementation problems that arose after publication of the final rule.
- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

#### <sup>57</sup> **49 CFR Part 239 - Passenger Train Emergency Preparedness:**

- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when

assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

**58 49 CFR Part 240 - Qualification and Certification of Locomotive Engineers:**

- Changes effective Aug. 1, 2016: 81 FR 43105-43114: To comply with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, FRA adjusted the minimum, maximum, and aggravated maximum penalties that it will apply when assessing a civil penalty for a violation of a railroad safety statute, regulation, or order under its authority.

**59 49 CFR Part 171 - General Information, Regulations, and Definitions:**

- Effective date: August 1, 2016. PHMSA is revising the maximum and minimum civil penalties for a knowing violation of the Federal hazardous material transportation law or a regulation, order, special permit, or approval issued under that law. The "Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015" (the 2015 Act), which amended the Federal Civil Penalties, Inflation Adjustment Act of 1990 (the Inflation Adjustment Act), requires Agencies to update their civil monetary penalties through interim final rulemaking. The maximum civil penalty for a knowing violation is now \$77,114, except for violations that result in death, serious illness, or severe injury to any person or substantial destruction of property, for which the maximum civil penalty is \$179,933. In addition, the minimum civil penalty amount for a violation relating to training is now \$463. 81 FR 42266-42268.
- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.
- Effective date: June 28, 2016. This direct final rule incorporates by reference the most recent editions of the ASME Boiler and Pressure Vessel Code. The purpose of this update is to enable nonspecification (nurse tank) manufacturers and other DOT and UN specification packaging manufacturers to utilize current technology, materials, and practices to help maintain a high level of

safety. PHMSA is replacing the ASME referenced standard (1998 Edition) with the new, current ASME standard (2015 Edition) for boiler and pressure vessels. PHMSA is also replacing the ASME 1998 Edition referenced standard of ASME's Transportation Systems for Liquids and Slurries: Pressure Piping to the current 2012 Edition. 81 FR 25613-25618.

- Effective date: March 31, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is adopting regulatory amendments applicable to the reverse logistics shipments of certain hazardous materials by highway transportation. This final rule revises the Hazardous Materials Regulations (HMR) to include a definition of "reverse logistics" and provides appropriate provisions for hazardous materials within the scope of this definition. This final rule also expands a previously existing exception for return shipments of used automobile batteries transported between a retail facility and a recycling center. The PHMSA incorporated recommendations from petitions for rulemaking and public comment into this rulemaking. 81 FR 18527-18541.
- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate, those special permits deemed suitable in this rulemaking. 81 FR 3636-3686.
- Effective date: January 20, 2016. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations. This rulemaking is responsive to two petitions for rulemaking submitted by industry representatives: P-1557, concerning the continued use of renewal applications, and P-1583, concerning the incorporation of an industry standard publication. Further, developing these requirements provides wider access to the regulatory flexibility currently only offered by special permits and competent authorities. The requirements of this final rule mirror the majority of provisions contained in nine widely-used longstanding special permits that have established safety records. These requirements eliminate the need for future renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining a commensurate level of safety. This final rule authorizes the transportation of certain explosives, ammonium nitrates, ammonium nitrate emulsions, and

other specific hazardous materials in both non-bulk and bulk packagings, which are not otherwise authorized under current regulations. These hazardous materials are used in blasting operations on cargo tank motor vehicles and specialized vehicles, known as multipurpose bulk trucks, which are used as mobile work platforms to create blends of explosives that are unique to each blast site. Finally, this rulemaking addresses the construction of new multipurpose bulk trucks. 80 FR 79424-79453.

- Effective date: December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. 80 FR 72914-72929.
- Effective date: November 18, 2015. On May 8, 2015, the Pipeline and Hazardous Materials Safety Administration, in coordination with the Federal Railroad Administration (FRA), published a final rule entitled "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains," which adopted requirements designed to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of Class 3 flammable liquids. The Hazardous Materials Regulations provide a person the opportunity to appeal a PHMSA action, including a final rule. PHMSA received six appeals regarding the final rule, one of which was withdrawn. This document responds to the five remaining appeals submitted by the Dangerous Goods Advisory Council (DGAC), American Chemistry Council (ACC), Association of American Railroads (AAR), American Fuel & Petrochemical Manufacturers (AFPM), and jointly the Umatilla, Yakama, Warm Springs, and Nez Perce tribes (Columbia River Treaty Tribes) and the Quinalt Indian Nation (Northwest Treaty Tribes). 80 FR 71952-71973.
- Effective date: November 9, 2015. PHMSA is adopting regulations to include the standard operating procedures (SOPs) and criteria used to evaluate applications for special permits and approvals. This rulemaking addresses issues identified in the Hazardous Materials Transportation Safety Improvement Act of 2012 related to the Office of Hazardous Materials Safety's Approvals and Permits Division. In addition, this rulemaking also provides clarity regarding what conditions need to be satisfied to promote special permit application completeness. An application that contains the required information reduces processing delays by reducing the number of applications rejected due to incompleteness. Through public notice and comment, this final rule is required to establish SOPs to support the administration of the special permit and approval programs, and objective criteria to support the evaluation of special permit and approval applications. These amendments do not change previously established policies, to include but not limited to any inspection activities subsequent to issuance, modifi-

cation or renewal of a special permit and approval. 80 FR 54418-54440.

<sup>60</sup> **49 CFR Part 172 - Hazardous Materials Table, etc.:**

- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.
- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate, those special permits deemed suitable in this rulemaking. 81 FR 3636-3686.
- Effective date: January 20, 2016. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations. This rulemaking is responsive to two petitions for rulemaking submitted by industry representatives: P-1557, concerning the continued use of renewal applications, and P-1583, concerning the incorporation of an industry standard publication. Further, developing these requirements provides wider access to the regulatory flexibility currently only offered by special permits and competent authorities. The requirements of this final rule mirror the majority of provisions contained in nine widely-used longstanding special permits that have established safety records. These requirements eliminate the need for future renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining a commensurate level of safety. This final

rule authorizes the transportation of certain explosives, ammonium nitrates, ammonium nitrate emulsions, and other specific hazardous materials in both non-bulk and bulk packagings, which are not otherwise authorized under current regulations. These hazardous materials are used in blasting operations on cargo tank motor vehicles and specialized vehicles, known as multipurpose bulk trucks, which are used as mobile work platforms to create blends of explosives that are unique to each blast site. Finally, this rulemaking addresses the construction of new multipurpose bulk trucks. 80 FR 79424-79453.

- Effective date: December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. 80 FR 72914-72929.
- Effective date: November 18, 2015. On May 8, 2015, the Pipeline and Hazardous Materials Safety Administration, in coordination with the Federal Railroad Administration (FRA), published a final rule entitled "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains," which adopted requirements designed to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of Class 3 flammable liquids. The Hazardous Materials Regulations provide a person the opportunity to appeal a PHMSA action, including a final rule. PHMSA received six appeals regarding the final rule, one of which was withdrawn. This document responds to the five remaining appeals submitted by the Dangerous Goods Advisory Council (DGAC), American Chemistry Council (ACC), Association of American Railroads (AAR), American Fuel & Petrochemical Manufacturers (AFPM), and jointly the Umatilla, Yakama, Warm Springs, and Nez Perce tribes (Columbia River Treaty Tribes) and the Quinault Indian Nation (Northwest Treaty Tribes). 80 FR 71952-71973.

**61 49 CFR Part 173 - Shippers General Requirements for Shipments and Packages:**

- Effective date: August 15, 2016. The Pipeline and Hazardous Materials Safety Administration is issuing this final rule to codify in the Hazardous Materials Regulations certain mandates and minimum requirements of the FAST Act. Specifically, the FAST Act mandates a revised phase-out schedule for all DOT Specification 111 tank cars used to transport unrefined petroleum products (e.g., petroleum crude oil), ethanol, and other Class 3 flammable liquids. The FAST Act also requires that each tank car built to meet the DOT Specification 117 and each non-jacketed tank car retrofitted to meet the DOT Specification 117R be equipped with a thermal protection blanket that is at least 1/2-inch thick and meets existing thermal protection standards. Further, the FAST Act mandates minimum top fittings protection

requirements for tank cars retrofitted to meet the DOT Specification 117R. 81 FR 53935-53937.

- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.
- Effective date: June 28, 2016. This direct final rule incorporates by reference the most recent editions of the ASME Boiler and Pressure Vessel Code. The purpose of this update is to enable nonspecification (nurse tank) manufacturers and other DOT and UN specification packaging manufacturers to utilize current technology, materials, and practices to help maintain a high level of safety. PHMSA is replacing the ASME referenced standard (1998 Edition) with the new, current ASME standard (2015 Edition) for boiler and pressure vessels. PHMSA is also replacing the ASME 1998 Edition referenced standard of ASME's Transportation Systems for Liquids and Slurries: Pressure Piping to the current 2012 Edition. 81 FR 25613-25618.
- Effective date: March 31, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is adopting regulatory amendments applicable to the reverse logistics shipments of certain hazardous materials by highway transportation. This final rule revises the Hazardous Materials Regulations (HMR) to include a definition of "reverse logistics" and provides appropriate provisions for hazardous materials within the scope of this definition. This final rule also expands a previously existing exception for return shipments of used automobile batteries transported between a retail facility and a recycling center. The PHMSA incorporated recommendations from petitions for rulemaking and public comment into this rulemaking. 81 FR 18527-18541.
- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the

need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate, those special permits deemed suitable in this rulemaking. 81 FR 3636-3686.

- Effective date: January 20, 2016. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations. This rulemaking is responsive to two petitions for rulemaking submitted by industry representatives: P-1557, concerning the continued use of renewal applications, and P-1583, concerning the incorporation of an industry standard publication. Further, developing these requirements provides wider access to the regulatory flexibility currently only offered by special permits and competent authorities. The requirements of this final rule mirror the majority of provisions contained in nine widely-used longstanding special permits that have established safety records. These requirements eliminate the need for future renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining a commensurate level of safety. This final rule authorizes the transportation of certain explosives, ammonium nitrates, ammonium nitrate emulsions, and other specific hazardous materials in both non-bulk and bulk packagings, which are not otherwise authorized under current regulations. These hazardous materials are used in blasting operations on cargo tank motor vehicles and specialized vehicles, known as multipurpose bulk trucks, which are used as mobile work platforms to create blends of explosives that are unique to each blast site. Finally, this rulemaking addresses the construction of new multipurpose bulk trucks. 80 FR 79424-79452.
- Effective date: December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. 80 FR 72914-72929.
- Effective date: November 18, 2015. On May 8, 2015, the Pipeline and Hazardous Materials Safety Administration, in coordination with the Federal Railroad Administration (FRA), published a final rule entitled "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains," which adopted requirements designed to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of Class 3 flammable liquids. The Hazardous Materials Regulations provide a person the opportunity to appeal a PHMSA action, including a final rule. PHMSA received six appeals regarding the final rule, one of which was

withdrawn. This document responds to the five remaining appeals submitted by the Dangerous Goods Advisory Council (DGAC), American Chemistry Council (ACC), Association of American Railroads (AAR), American Fuel & Petrochemical Manufacturers (AFPM), and jointly the Umatilla, Yakama, Warm Springs, and Nez Perce tribes (Columbia River Treaty Tribes) and the Quinault Indian Nation (Northwest Treaty Tribes). 80 FR 71952-71973.

#### <sup>62</sup> 49 CFR Part 174 - Carriage by Rail:

- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate, those special permits deemed suitable in this rulemaking. 80 FR 3636-3686.
- Effective date: November 18, 2015. On May 8, 2015, the Pipeline and Hazardous Materials Safety Administration, in coordination with the Federal Railroad Administration (FRA), published a final rule entitled "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains," which adopted requirements designed to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of Class 3 flammable liquids. The Hazardous Materials Regulations provide a person the opportunity to appeal a PHMSA action, including a final rule. PHMSA received six appeals regarding the final rule, one of which was withdrawn. This document responds to the five remaining appeals submitted by the Dangerous Goods Advisory Council (DGAC), American Chemistry Council (ACC), Association of American Railroads (AAR), American Fuel & Petrochemical Manufacturers (AFPM), and jointly the Umatilla, Yakama, Warm Springs, and Nez Perce tribes (Columbia River Treaty Tribes) and the Quinault Indian Nation (Northwest Treaty Tribes). 80 FR 71952-71973.

#### <sup>63</sup> 49 CFR Part 175 - Carriage by Aircraft:

- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate interna-

tional commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 80 FR 35484-35546.

- Effective date: June 20, 2016. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is issuing a final rule to prohibit passengers and crewmembers from carrying battery-powered portable electronic smoking devices (e.g., e-cigarettes, e-cigs, e-cigars, e-pipes, e-hookahs, personal vaporizers, electronic nicotine delivery systems) in checked baggage and from charging these devices and their batteries on board the aircraft. However, these devices may continue to be carried in carry-on baggage. This action is consistent with the interim final rule (IFR) published in the Federal Register on October 30, 2015, and a similar amendment in the 2015-2016 Edition of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). This final rule amends the Hazardous Materials Regulations to maintain alignment with the ICAO Technical Instructions. Furthermore, this final rule does not impact the existing rules on the transport of lithium batteries or other portable electronic devices that are transported for personal use in a passenger's checked or carry-on baggage. 80 FR 72914-72929.
- Effective date: December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. 80 FR 72914-72929.
- Effective date: November 6, 2015. PHMSA is issuing an interim final rule to prohibit passengers and crewmembers from carrying battery powered portable electronic smoking devices (e.g., e-cigarettes, e-cigs, e-cigars, e-pipes, e-hookahs, personal vaporizers, electronic nicotine delivery systems) in checked baggage and prohibit passengers and crewmembers from charging the devices and/or batteries on board the aircraft. These devices may continue to be carried in carry-on baggage. This action is consistent with a similar action taken by the International Civil Aviation Organization (ICAO) that incorporated this restriction into the 2015-2016 Edition of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air by way of an addendum and is necessary to address an immediate safety risk. This interim final rule does not impact the existing rules on the transport of lithium batteries or other portable electronic devices that are transported for personal use in a passen-

ger's checked or carry-on baggage. Because the actions taken in this interim final rule address a public safety risk, PHMSA finds that good cause exists to amend the regulations without advance notice and opportunity for public comment. For the reasons described below, public notice is impracticable, unnecessary, and contrary to the public interest. PHMSA encourages persons to participate in this rulemaking by submitting comments containing relevant information, data, or views. We will consider all comments received on or before the closing date for comments. We will consider late filed comments to the extent practicable. This interim final rule may be amended based on comments received. 80 FR 66817-66821.

#### <sup>64</sup> 49 CFR Part 176 - Carriage by Vessel:

- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.
- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate, those special permits deemed suitable in this rulemaking. 81 FR 3636-3686.
- Effective date: December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule

are nonsubstantive changes and do not impose new requirements. 81 FR 35484-35546.

<sup>65</sup> **49 CFR Part 177 - Carriage by Public Highway:**

- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.
- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate, those special permits deemed suitable in this rulemaking. 81 FR 3636-3686.
- Effective date: January 20, 2016. The Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations by establishing standards for the safe transportation of explosives on cargo tank motor vehicles and multipurpose bulk trucks transporting materials for blasting operations. This rulemaking is responsive to two petitions for rulemaking submitted by industry representatives: P-1557, concerning the continued use of renewal applications, and P-1583, concerning the incorporation of an industry standard publication. Further, developing these requirements provides wider access to the regulatory flexibility currently only offered by special permits and competent authorities. The requirements of this final rule mirror the majority of provisions contained in nine widely-used longstanding special permits that have established safety records. These requirements eliminate the need for future renewal requests, thus reducing paperwork burdens and facilitating commerce while maintaining a commensurate level of safety. This final

rule authorizes the transportation of certain explosives, ammonium nitrates, ammonium nitrate emulsions, and other specific hazardous materials in both non-bulk and bulk packagings, which are not otherwise authorized under current regulations. These hazardous materials are used in blasting operations on cargo tank motor vehicles and specialized vehicles, known as multipurpose bulk trucks, which are used as mobile work platforms to create blends of explosives that are unique to each blast site. Finally, this rulemaking addresses the construction of new multipurpose bulk trucks. 80 FR 79424-79453.

- Effective date: December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. 80 FR 72914-72929.

<sup>66</sup> **49 CFR Part 178 - Specifications for Packagings:**

- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.
- Effective date: June 28, 2016. This direct final rule incorporates by reference the most recent editions of the ASME Boiler and Pressure Vessel Code. The purpose of this update is to enable nonspecification (nurse tank) manufacturers and other DOT and UN specification packaging manufacturers to utilize current technology, materials, and practices to help maintain a high level of safety. PHMSA is replacing the ASME referenced standard (1998 Edition) with the new, current ASME standard (2015 Edition) for boiler and pressure vessels. PHMSA is also replacing the ASME 1998 Edition referenced standard of ASME's Transportation Systems for Liquids and Slurries: Pressure Piping to the current 2012 Edition. 81 FR 25613-25618.
- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials



Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate, those special permits deemed suitable in this rulemaking. 81 FR 3636-3686.

- Effective December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. 80 FR 72914-72929.

**<sup>67</sup> 49 CFR Part 179 - Specifications for Tank Cars:**

- Effective date: August 15, 2016. The Pipeline and Hazardous Materials Safety Administration is issuing this final rule to codify in the Hazardous Materials Regulations certain mandates and minimum requirements of the FAST Act. Specifically, the FAST Act mandates a revised phase-out schedule for all DOT Specification 111 tank cars used to transport unrefined petroleum products (e.g., petroleum crude oil), ethanol, and other Class 3 flammable liquids. The FAST Act also requires that each tank car built to meet the DOT Specification 117 and each non-jacketed tank car retrofitted to meet the DOT Specification 117R be equipped with a thermal protection blanket that is at least 1/2-inch thick and meets existing thermal protection standards. Further, the FAST Act mandates minimum top fittings protection requirements for tank cars retrofitted to meet the DOT Specification 117R. 81 FR 53935-53957.
- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.

- Effective date: November 18, 2015. On May 8, 2015, the Pipeline and Hazardous Materials Safety Administration, in coordination with the Federal Railroad Administration (FRA), published a final rule entitled "Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains," which adopted requirements designed to reduce the consequences and, in some instances, reduce the probability of accidents involving trains transporting large quantities of Class 3 flammable liquids. The Hazardous Materials Regulations provide a person the opportunity to appeal a PHMSA action, including a final rule. PHMSA received six appeals regarding the final rule, one of which was withdrawn. This document responds to the five remaining appeals submitted by the Dangerous Goods Advisory Council (DGAC), American Chemistry Council (ACC), Association of American Railroads (AAR), American Fuel & Petrochemical Manufacturers (AFPM), and jointly the Umatilla, Yakama, Warm Springs, and Nez Perce tribes (Columbia River Treaty Tribes) and the Quinault Indian Nation (Northwest Treaty Tribes). 80 FR 71952-71973.

**<sup>68</sup> 49 CFR Part 180 - Continuing Qualification and Maintenance of Packagings [Packagings]:**

- Effective date: July 5, 2016. In this final rule, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is amending the Hazardous Materials Regulations (HMR) to make miscellaneous amendments in order to update and clarify certain regulatory requirements. These amendments are designed to promote safer transportation practices, address petitions for rulemaking, respond to National Transportation Safety Board (NTSB) Safety Recommendations, facilitate international commerce, make editorial corrections, and simplify the regulations. The amendments in this rulemaking include, but are not limited to, removing the packing group (PG) II designation for certain organic peroxides, self-reactive substances, and explosives; incorporating requirements for trailers of manifolded acetylene cylinders; providing requirements to allow for shipments of damaged wet electric batteries; and revising the requirements for the packaging of nitric acid, testing of pressure relief devices on cargo tanks, and shipments of black or smokeless powder for small arms. 81 FR 35484-35546.
- Effective date: February 22, 2016. As required by the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Pipeline and Hazardous Materials Safety Administration is amending the Hazardous Materials Regulations to adopt provisions contained in certain widely-used or long-standing special permits that have an established safety record. The adopted amendments are intended to provide wider access to the regulatory flexibility offered in special permits and eliminate the need for numerous renewal requests. The adopted amendments will also reduce paperwork burdens and facilitate commerce while maintaining an appropriate level of safety. PHMSA conducted an extensive analysis of all active special permits and codified, as appropriate,

those special permits deemed suitable in this rulemaking. 81 FR 3636-3686.

- Effective December 23, 2015. This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazardous Materials Regulations. The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. The amendments contained in this rule are nonsubstantive changes and do not impose new requirements. 80 FR 72914-72929.

**<sup>69</sup> 49 CFR Part 382 - Controlled Substance and Alcohol Use and Testing:**

- Effective date: January 4, 2017. FMCSA amends the Federal Motor Carrier Safety Regulations to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that will contain information about violations of FMCSA's drug and alcohol testing program for the holders of commercial driver's licenses (CDLs). This rule is mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21). It will improve roadway safety by identifying commercial motor vehicle (CMV) drivers who have committed drug and alcohol violations that render them ineligible to operate a CMV. This also affects Parts 383, 384 and 391. 81 FR 87686-87731.
- Effective date: October 13, 2016. The Federal Motor Carrier Safety Administration corrects an inadvertent error in the October 4, 2016 final rule "General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations." Due to an error, the rule unintentionally did not include the word "and" at the end of the next to last condition for a farm vehicle driver to take advantage of the farm vehicle driver exceptions to commercial driver's license standards and alcohol and drug testing requirements. Today's correction makes it clear that all four conditions in each farm vehicle driver exception must be met in order for the exception to be used. 81 FR 71016.
- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.

**<sup>70</sup> 49 CFR Part 383 - Commercial Driver's License Standards; Requirements and Penalties:**

- Effective date: January 4, 2017. FMCSA amends the Federal Motor Carrier Safety Regulations to establish

requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that will contain information about violations of FMCSA's drug and alcohol testing program for the holders of commercial driver's licenses (CDLs). This rule is mandated by the Moving Ahead for Progress in the 21st Century Act (MAP-21). It will improve roadway safety by identifying commercial motor vehicle (CMV) drivers who have committed drug and alcohol violations that render them ineligible to operate a CMV. 81 FR 87686-87731.

- Effective date: October 13, 2016. The Federal Motor Carrier Safety Administration corrects an inadvertent error in the October 4, 2016 final rule "General Technical, Organizational, Conforming, and Correcting Amendments to the Federal Motor Carrier Safety Regulations." Due to an error, the rule unintentionally did not include the word "and" at the end of the next to last condition for a farm vehicle driver to take advantage of the farm vehicle driver exceptions to commercial driver's license standards and alcohol and drug testing requirements. Today's correction makes it clear that all four conditions in each farm vehicle driver exception must be met in order for the exception to be used. 81 FR 71016.
- Effective date: December 12, 2016. FMCSA amends its commercial driver's license (CDL) regulations to ease the transition of military personnel into civilian careers driving commercial motor vehicles (CMVs) by simplifying the process of obtaining a commercial learner's permit (CLP) or CDL. This final rule extends the period of time for applying for a skills test waiver from 90 days to 1 year after leaving a military position requiring the operation of a CMV. This final rule also allows a State to accept applications from active duty military personnel who are stationed in that State as well as administer the written and skills tests for a CLP or CDL. States that choose to accept such applications are required to transmit the test results electronically to the State of domicile of the military personnel. The State of domicile may issue the CLP or CDL on the basis of those results. 81 FR 70634-70646.
- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October

1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 81 FR 59065.

#### <sup>71</sup> 49 CFR Part 385 - Safety Fitness Procedures:

- Effective date: October 4, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the Federal Register. 81 FR 68336-68359.
- Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49556.
- Effective date: June 17, 2016. FMCSA amends its Hazardous Materials Safety Permits rules to update the current incorporation by reference of the Commercial Vehicle Safety Alliance's (CVSA) "North American Standard

Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuramics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." Currently the rules reference the April 1, 2015, edition of the out-of-service criteria and, through this final rule, FMCSA incorporates the April 1, 2016, edition. 81 FR 39587-39590.

- Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules. 80 FR 78292-78416.
- Effective date: September 30, 2016 (The effective date of this rule is September 30, 2016, except for §§ 365.T106, 368.T3, and 390.T200, which are effective from December 12, 2015 through September 29, 2016. The effective dates of the rule published at 78 FR 52608 (August 23, 2013) are delayed until September 30, 2016. The withdrawal of Instruction #1 from the correction published at 78 FR 63100 (October 23, 2013) is effective October 21, 2015.). FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFE-TEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

#### <sup>72</sup> 49 CFR Part 390 - Safety Regulations, General:

- Effective date: October 4, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards

(FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the Federal Register. 81 FR 68336-68359.

- Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49556.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47822.
- Effective date: March 16, 2016. FMCSA extends the compliance date by which motor carriers of passengers operating CMVs under a lease or interchange agreement are subject to the FMCSA final rule published May 27, 2015, for one year, to January 1, 2018. The Agency received numerous petitions for reconsideration of the final rule and based upon a review of the petitions, determined that the compliance date should be extended to provide sufficient time to address the issues raised by the petitioners. The Agency is adding a temporary section to its regulations to inform the public of this extension. There will no longer be a need for the section on the compliance date after January 1, 2018, thus the temporary section will be in effect only from March 16, 2016 through January 1, 2018. 81 FR 13998-13400.
- Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules. 80 FR 78292-78416.
- Effective date: January 29, 2016. FMCSA adopts regulations that prohibit motor carriers, shippers, receivers, or transportation intermediaries from coercing drivers to operate commercial motor vehicles (CMVs) in violation of certain provisions of the Federal Motor Carrier Safety Regulations (FMCSRs)—including drivers' hours-of-service limits; the commercial driver's license (CDL) regulations; drug and alcohol testing rules; and the Hazardous Materials Regulations (HMRs). In addition, the rule prohibits anyone who operates a CMV in interstate commerce from coercing a driver to violate the commercial regulations. This rule includes procedures for drivers to report incidents of coercion to FMCSA, establishes rules of practice that the Agency will follow in response to reports of coercion, and describes penalties that may be imposed on entities found to have coerced drivers. This rulemaking is authorized by section 32911 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Motor Carrier Safety Act of 1984 (MCSA), as amended. 80 FR 74695-74710.
- Effective date: FMCSA delays the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule. Because FMCSA changes the effective date (the actual date when the regulatory text that appears in the Code of Federal Regulations (CFR) will be changed) and makes technical corrections and conforming amendments to the 2013 regulatory text, the Agency has determined that it is in the best interest of the regulated entities, our State partners and the general public to present the full text of the sections affected. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. Today's final rule delays the implementation of the 2013 final rule in order to allow FMCSA additional time to complete the information technology (IT) systems work required to fully implement that rule. 80 FR 63695-63714.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register

style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

### <sup>73</sup> 49 CFR Part 391 - Qualification of Drivers:

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 80 FR 68336-68359.
- Effective date: FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47714-47722.
- Effective date: December 21, 2015. The FMCSA announces a 120-day grace period during which Medical Examiners may use either the current or the newly revised versions of the Medical Examination Report (MER) Form and Medical Examiner's Certificate

(MEC). This period is from December 22, 2015, until April 20, 2016. This action is being taken to ensure that Medical Examiners have sufficient time to become familiar with the new forms and to program electronic medical records systems. 80 FR 79273.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

### <sup>74</sup> 49 CFR Part 392 - Driving of Commercial Motor Vehicles:

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 80 FR 68336-68359.
- Effective date: July 28, 2016. FMCSA is correcting the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule, as revised on October 21, 2015. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. The October 21, 2015 final rule made slight revisions to the 2013 rule and delayed the effective dates of that rule. This final rule corrects the effective and compliance dates, revised in 2015, and corrects regulatory provisions that have not yet gone into effect, as well as several temporary sections that are in effect already, to allow FMCSA additional time to complete the information technology (IT) systems work. 81 FR 49553-49555.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make

conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714.

- Effective date: August 8, 2016. FMCSA corrects an error in its June 7, 2016, final rule "Driving of Commercial Motor Vehicles: Use of Seat Belts." The amendatory language in the final rule inadvertently limited the applicability of the requirement for drivers to use their seat belts to operators of property-carrying vehicles. Today's correction fixes the error such that drivers of passenger-carrying vehicles will continue to be required to wear their seat belts. 81 FR 43957.
- Effective date: August 8, 2016. FMCSA revises the Federal Motor Carrier Safety Regulations (FMCSRs) by requiring passengers in property-carrying commercial motor vehicles (CMVs) to use the seat belt assembly whenever the vehicles are operated on public roads in interstate commerce. This rule holds motor carriers and drivers responsible for ensuring that passengers riding in the property-carrying CMV are using the seat belts required by the Federal Motor Vehicle Safety Standards (FMVSSs). 81 FR 36474.
- Effective date: September 30, 2016. FMCSA delays the effective and compliance dates for its August 23, 2013, Unified Registration System (URS) final rule. Because FMCSA changes the effective date (the actual date when the regulatory text that appears in the Code of Federal Regulations (CFR) will be changed) and makes technical corrections and conforming amendments to the 2013 regulatory text, the Agency has determined that it is in the best interest of the regulated entities, our State partners and the general public to present the full text of the sections affected. The 2013 URS final rule was issued to improve the registration process for motor carriers, property brokers, freight forwarders, Intermodal Equipment Providers (IEPs), hazardous materials safety permit (HMSP) applicants and cargo tank facilities required to register with FMCSA, and streamline the existing Federal registration processes to ensure the Agency can more efficiently track these entities. Today's final rule delays the implementation of the 2013 final rule in order to allow FMCSA additional time to complete the information technology (IT) systems work required to fully implement that rule. 80 FR 63695-63714.

**75 49 CFR Part 393 - Parts and Accessories Necessary for Safe Operation:**

- Effective date: October 24, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to allow the voluntary mounting of certain devices on the interior of the windshields of commercial motor vehicles (CMVs), including placement within the area that is swept by the windshield wipers. Section 5301 of the Fixing America's Surface Transportation (FAST) Act directs the Agency to amend the FMCSRs to allow

devices to be mounted on the windshield that utilize "vehicle safety technology," as defined in the Act. In addition, the section 5301 states that all windshield mounted devices/technologies with a limited 2-year exemption in effect on the date of enactment, shall be considered to meet the equivalent-or-greater safety standard required for the initial exemption. Promulgation of this final rule is a nondiscretionary, ministerial action that does not require prior notice and public comment under the Administrative Procedure Act (APA). 81 FR 65568-65574.

- Effective date: September 23, 2016. FMCSA announces its decision to grant ArcelorMittal Indiana Harbor, LLC (ArcelorMittal) exemptions from the hours of service (HOS) and parts and accessories rules. One exemption will allow ArcelorMittal's employee-drivers with commercial driver's licenses (CDLs) who transport steel coils between their production and shipping locations on public roads to work up to 16 hours per day and return to work with less than the mandatory 10 consecutive hours off duty. The other exemption will allow ArcelorMittal to use coil carriers that do not meet the "heavy hauler trailer" definition, height of rear side marker lights restrictions, tire loading restrictions, and the coil securement requirements. 81 FR 65574-65576.
- Effective date: This notice makes corrections to a final rule published in the Federal Register on July 22, 2016, regarding amendments to the Federal Motor Carrier Safety Regulations in response to several petitions for rulemaking and NTSB recommendations. The Agency makes several minor clerical corrections regarding the rear license plate lamp requirements and the periodic inspection requirements for antilock brake systems (ABS). 81 FR 60633-60634.
- Effective date: August 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA).
- Effective date: July 22, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on

vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47722-47732.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59076.

<sup>76</sup> **49 CFR Part 395 - Hours of Service of Drivers:**

- Effective date: November 1, 2016. FMCSA announces its decision to grant the Specialized Carriers & Rigging Association (SC&RA) an exemption from the 30-minute rest break rule of the Agency's hours-of-service (HOS) regulations for certain commercial motor vehicle (CMV) drivers. The Agency denies SC&RA's further request for exemption from the 14-hour driving window of the HOS rules. All qualifying motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons are exempt from the 30-minute break provision. FMCSA has analyzed the exemption application and public comments and has determined that the exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. 81 FR 75727-75729.
- September 30, 2016. This document revises the list of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards (FMVSS) that NHTSA has decided to be eligible for importation. This list is published in an appendix to the agency's regulations that prescribe procedures for import eligibility decisions. The list has been revised to add all vehicles that NHTSA has decided to be eligible for importation since October 1, 2015, and to remove all previously listed vehicles that are now more than 25 years old and need no longer comply with all applicable FMVSS to be lawfully imported. NHTSA is required by statute to publish this list annually in the Federal Register. 81 FR 68336-68359.
- Effective date: September 23, 2016. FMCSA announces its decision to grant ArcelorMittal Indiana Harbor, LLC (ArcelorMittal) exemptions from the hours of service (HOS) and parts and accessories rules. One exemption will allow ArcelorMittal's employee-drivers with commercial driver's licenses (CDLs) who transport steel coils between their production and shipping locations on public roads to work up to 16 hours per day and return to work with less than the mandatory 10 consecutive hours off duty. The other exemption will allow ArcelorMittal to use coil carriers that do not meet the "heavy hauler trailer" definition, height of rear side marker lights restrictions, tire loading restrictions, and the coil securement requirements. 81 FR 65574-65576.
- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
- Effective date: February 16, 2016. The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: Minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules.
- Effective date: October 2, 2015. FMCSA issues regulatory guidance concerning the editing of records created by automatic on-board recording devices (AOBRDs). The guidance makes clear that, within certain limits, a driver must be allowed to review his or her AOBRD records, annotate and correct inaccurate records, enter any missing information, and certify the accuracy of the information. The AOBRD must retain the original entries, and reflect the date, time, and name of the person making edits to the information. Drivers' supervisors may request that a driver make edits to correct errors, but the driver must accept or reject such requests. Driving time may not be edited except in the case of unidentified or team drivers, and when driving time was assigned to

the wrong driver or no driver. All prior Agency interpretations and regulatory guidance on this subject, including memoranda and letters, may no longer be relied upon to the extent they are inconsistent with this guidance. 80 FR 59664-59665.

- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

**<sup>77</sup> 49 CFR Part 396 - Inspection, Repair, and Maintenance:**

- Effective date: July 22, 2016. The Federal Motor Carrier Safety Administration (FMCSA) adopts, as final, certain regulations required by the Fixing America's Surface Transportation Act (FAST Act) enacted on December 4, 2015. The statutory changes went into effect on October 1, 2015, retroactively, and require that FMCSA make conforming changes to its regulations to ensure they are current and consistent with the statutory requirements. Adoption of these rules is a nondiscretionary, ministerial action that FMCSA may take without issuing a notice of proposed rulemaking and receiving public comment, in accordance with the good cause exception available to Federal agencies under the Administrative Procedure Act (APA). 81 FR 47714-47722.
- Effective date: July 22, 2016. FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) in response to several petitions for rulemaking from the Commercial Vehicle Safety Alliance (CVSA) and the American Trucking Associations (ATA), and two safety recommendations from the National Transportation Safety Board (NTSB). Specifically, the Agency adds a definition of "major tread groove" and an illustration to indicate the location of tread wear indicators or wear bars on a tire signifying a major tread groove; revises the rear license plate lamp requirement to eliminate the requirement for an operable rear license plate lamp on vehicles when there is no rear license plate present; amends the regulations regarding tires to prohibit the operation of a vehicle with speed restricted tires at speeds that exceed the rated limit of the tire; provides specific requirements regarding when violations or defects noted on an inspection report must be corrected; amends two appendixes to the FMCSRs to include provisions for the inspection of antilock braking systems (ABS) and automatic brake adjusters, speed-restricted tires, and motor coach passenger seat mounting anchorages; amends the periodic inspection rules to eliminate the option for a motor carrier to satisfy the annual inspection requirement through a violation-free roadside

inspection; and amends the inspector qualification requirements as a result of the amendments to the periodic inspection rules. In addition, the Agency eliminates introductory regulatory text from an appendix to the FMCSRs because the discussion of the differences between the North American Standard Inspection out-of-service criteria and FMCSA's periodic inspection criteria is unnecessary. 81 FR 47722-47732.

- Effective date: July 22, 2016. FMCSA amends regulatory guidance, previously published in the Federal Register, regarding the periodic inspection of commercial motor vehicles (CMVs). Elsewhere in today's issue of the Federal Register, FMCSA amends the Federal Motor Carrier Safety Regulations (FMCSRs) to, among other things, eliminate the option for a motor carrier to satisfy the periodic (annual) inspection requirement through a violation-free roadside inspection. As a result of this amendment to the FMCSRs, certain regulatory guidance is amended to ensure consistency between the FMCSRs and the published guidance. 81 FR 47732-47733.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59075.

**<sup>78</sup> 49 CFR Part 397 - Transportation of Hazardous Materials:**

- Effective date: September 30, 2016. FMCSA amends its regulations by making technical corrections throughout. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, and improve clarity and consistency of certain regulatory provisions. Further, this set of amendments removes all remaining instances of the term "common carrier" and "contract carrier" as required by the ICC Termination Act (ICCTA) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This rule does not make any substantive changes to the affected regulations, except to remove obsolete provisions. 81 FR 68336-68359.
- Effective date: October 1, 2015. FMCSA amends its regulations by making technical corrections and ministerial corrections throughout title 49 of the Code of Federal Regulations (CFR), subtitle B, chapter III. The Agency is making minor changes to correct errors and omissions, ensure conformity with Office of the Federal Register style guidelines, update cross references, restore an inadvertent deletion of the reference to an Underwriters Laboratories' standard, and improve clarity and consistency of certain regulatory provisions. This rule does not make



any substantive changes to the affected regulations, except to remove one obsolete provision. 80 FR 59065-59076.

**<sup>79</sup> Commercial Vehicle Safety Alliance North America Out-of-Service Criteria**

- Effective date: April 1, 2016. <http://cvsa.org/wp-content/uploads/inspection-oosc-changes-april-2016.pdf>.

**<sup>80</sup> 49 CFR Part 195, Transportation of Hazardous Liquids by Pipeline - Effective October 1, 2015:**

- Changes effective March 6, 2015. (80 FR 168-188) - PHMSA is amending the Federal pipeline safety regulations to incorporate by reference new, updated or reaffirmed editions of the voluntary consensus standards that are applicable to pipelines subject to the requirements of the Federal pipeline safety regulations. This final rule also makes non-substantive editorial corrections clarifying regulatory language in certain provisions. These changes are minor and do not require pipeline operators to undertake any significant new pipeline safety initiatives.
- Changes effective August 6, 2015. (80 FR 46847-46848) - PHMSA published in the Federal Register of January 5, 2015 (80 FR 168), a document containing revisions to the Pipeline Safety Regulations.
- Changes effective October 1, 2015. (80 FR 12762-12780) - PHMSA is amending the pipeline safety regulations to make miscellaneous changes that update and clarify certain regulatory requirements. These amendments address several subject matter areas including the performance of post-construction inspections, leak surveys of Type B onshore gas gathering lines, qualifying plastic pipe joiners, regulation of ethanol, transportation of pipe, filing of offshore pipeline reports, and calculation of pressure reductions for hazardous liquid pipeline anomalies.
- Changes effective August 16, 2016. (81 FR 54512-54514) - PHMSA is issuing this advisory bulletin to all owners and operators (operators) of hazardous liquid, carbon dioxide, and gas pipelines, as defined in 49 Code of Federal Regulations Parts 192 and 195 to clarify the regulatory requirements that may vary depending on the operational status of a pipeline. Further, this advisory bulletin identifies regulatory requirements operators must follow for the abandonment of pipelines. Pipeline owners and operators should verify their operations and procedures align with the regulatory intent of the defined terms as described under this bulletin. Congress recognized the need for this clarification in its Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016.

**<sup>81</sup> 49 CFR Part 198, Regulations for Grants to Aid State Pipeline Safety Programs - Effective January 1, 2016:**

- Changes effective January 1, 2016. (80 FR 43854-43866) - Pursuant to the Pipeline Inspection, Protection, Enforcement, and Safety (PIPES) Act of 2006, this final rule establishes review criteria for State excavation damage prevention law enforcement programs as a prerequi-

site for PHMSA to conduct an enforcement proceeding against an excavator in the absence of an adequate enforcement program in the State where a pipeline damage prevention violation occurs. This final rule amends the pipeline safety regulations to establish the following: Criteria and procedures for determining the adequacy of State pipeline excavation damage prevention law enforcement programs; an administrative process for making State adequacy determinations; the Federal requirements PHMSA will enforce in States with inadequate excavation damage prevention law enforcement programs; and the adjudication process for administrative enforcement proceedings against excavators where Federal authority is exercised. The development of the review criteria and the subsequent determination of the adequacy of State excavation damage prevention law enforcement programs is intended to encourage States to develop effective excavation damage prevention law enforcement programs to protect the public from the risk of pipeline ruptures caused by excavation damage and allow for Federal administrative enforcement action in States with inadequate enforcement programs.

**<sup>82</sup> Title 18 CFR - Effective: April 1, 2015**

- No changes to Parts 201 (Uniform System of Accounts Prescribed For Public Utilities and Licensees Subject to the Provisions of the Federal Power Act), and 260 (Statements and Reports (Schedules)), which are specifically referenced in WAC 480-90-203, WAC 480-90-244, WAC 480-90-252 and WAC 480-90-268. WAC 480-90-999(1) adopts the entirety of Title 18 - Conservation of Power and Water Resources, so the effective date has been updated to the most recent version.

**<sup>83</sup> Title 18 CFR**

- Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Publishing Office in Washington, D.C., or online at <http://www.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

**<sup>84</sup> Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities**

- The electronic copy is available for purchase at NARUC website. A print copy is available for inspection at the commission branch of the state library. No change since October 2007.

**<sup>85</sup> 49 CFR Part 192, Transportation of Natural and Other Gas by pipeline - Effective March 6, 2015:**

- Changes effective March 11, 2015. (80 FR 58633-58635) - PHMSA published a final rule amending the pipeline safety regulations to make miscellaneous changes that update and clarify certain regulatory requirements. These amendments address several subject matter areas including the performance of post-construction inspections, leak surveys of Type B onshore gas gathering lines, qualifying plastic pipe joiners, regulation of ethanol, transportation of pipe, filing of offshore pipeline reports, and calculation of pressure reduc-

tions for hazardous liquid pipeline anomalies, and components fabricated by welding. This rule responds to petitions for reconsideration of the final rule.

- Changes effective January 18, 2017. (81 FR 91860-91872) - This interim final rule (IFR) revises the Federal pipeline safety regulations to address critical safety issues related to downhole facilities, including wells, wellbore tubing, and casing, at underground natural gas storage facilities. This IFR responds to Section 12 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2016, which was enacted following the serious natural gas leak at the Aliso Canyon facility in California on October 23, 2015. This IFR incorporates by reference two American Petroleum Institute (API) Recommended Practices (RP): API RP 1170, "design and Operation of Solution-mined Salt Caverns used for Natural Gas Storage," issued in July 2015; and API RP 1171, "Functional Integrity of Natural Gas Storage in Depleted Hydrocarbon Reservoirs and Aquifer Reservoirs," issued in September 2015.

**86 49 CFR Part 198, Regulations for Grants to Aid State Pipeline Safety Programs - Effective January 1, 2016:**

- Changes effective January 1, 2016. (80 FR 43854-43866) - Pursuant to the Pipeline Inspection, Protection, Enforcement, and Safety (PIPES) Act of 2006, this final rule establishes review criteria for State excavation damage prevention law enforcement programs as a prerequisite for PHMSA to conduct an enforcement proceeding against an excavator in the absence of an adequate enforcement program in the State where a pipeline damage prevention violation occurs. This final rule amends the pipeline safety regulations to establish the following: Criteria and procedures for determining the adequacy of State pipeline excavation damage prevention law enforcement programs; an administrative process for making State adequacy determinations; the Federal requirements PHMSA will enforce in States with inadequate excavation damage prevention law enforcement programs; and the adjudication process for administrative enforcement proceedings against excavators where Federal authority is exercised. The development of the review criteria and the subsequent determination of the adequacy of State excavation damage prevention law enforcement programs is intended to encourage States to develop effective excavation damage prevention law enforcement programs to protect the public from the risk of pipeline ruptures caused by excavation damage and allow for Federal administrative enforcement action in States with inadequate enforcement programs.

**87 Title 18 CFR - Effective: April 1, 2015**

- No changes to Parts 201 (Uniform System of Accounts Prescribed For Public Utilities and Licensees Subject to the Provisions of the Federal Power Act).
- Amends 18 CFR Part 260 (Statements and Reports (Schedules)), Effective December 2, 2015, which are specifically referenced in WAC 480-90-203, WAC 480-90-244, WAC 480-90-252 and WAC 480-90-268. WAC 480-90-999(1) adopts the entirety of Title 18 - Conserva-

tion of Power and Water Resources, so the effective date has been updated to the most recent version.

**88 National Electrical Code - Effective: 2017**

- The NEC addresses the installation of electrical conductors, equipment, and raceways; signaling and communications conductors, equipment, and raceways; and optical fiber cables and raceways in commercial, residential, and industrial occupancies.

**89 Title 18 CFR**

- Copies of Title 18 Code of Federal Regulations are available from the U.S. Government Publishing Office in Washington, D.C., or online at <http://www.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

**90 Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities**

- The electronic copy is available for purchase at NARUC website. A print copy is available for inspection at the commission branch of the state library. No change since October 2007.

**91 National Electrical Code - Effective: 2017**

- Errata 70-17-2, 70-17-3 and 70-17-4 include corrections to a number of errors in the 2017 edition of National Fire Protection Association's NFPA 70, *National Electrical code*.

**92 The American National Standard for Electric Meters: Code for Electricity Metering**

- ANSI C12.1 - 2016 is available at American National Standards Institute website <http://webstore.ansi.org/> (PDF) or at IHS Standards Store website <https://global.ihs.com/> (PDF and print).

**93 Multiple**

- Updates the text to be consistent with other Adoption by reference chapters.
- Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, Sections 201 and 210 - Effective August 8, 2005.
- No changes since last amendment in 2005.
- **Title 18 Code of Federal Regulations Part 292 - Effective April 1, 2015**
- No Changes

**94 The Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics as published in 2005**

- This standard covers the general parameters and characteristics associated with telephone loops from the subscriber signaling and analog voice frequency interface to the local Class 5 switch interface. It includes only those business and residential lines in the North American public switched network where no special performance requirements are involved. This standard provides common denominators for subscriber line performance, independent of facility types, construction processes or

equipment, and circuit provisioning methods. IEEE 820-2005 is still the latest version for loop performance.<sup>1</sup>

**<sup>95</sup> 47 CFR, as of 2016 edition (as referred in WAC 480-120-349 and WAC 480-120-359)**

- Even though the FCC has recently decided to change the accounting rules related to WAC 480-120-359 effective January 1, 2018, UTC Staff recommends relying on the October 1, 2016, version of the related CFR at this time. However, by the time the next edition of the CFR is published this recent action (explained in FCC Order 17-15 and adopted on February 23, 2017) should be considered during the next annual review. This will give the parties time to understand the impacts and adjust to the subsequent federal-state joint board's recommendation(s). Additionally, to be consistent, the retention and preservation of records in 47 CFR Parts 42 and 54 related to WAC 480-120-349 should also be reflecting and relying on the October 1, 2016, edition of the related CFRs, at this time, as well.

**<sup>96</sup> 47 CFR, as of 2016 edition (as referred in WAC 480-120-146 and WAC 480-120-202)**

- Although the FCC has updated its rules referenced in WAC 480-120-202 after October 1, 2016, UTC Staff recommends relying on the October 1, 2016, edition because the FCC's privacy rules extending into the realm of broadband regulation (explained in FCC Order 16-148 and released on November 2, 2016) are not yet ripe for intrastate consideration. Any interested party wishing to synchronize the WAC with the CFR beyond this date (on this topic) must bring forth a separate rulemaking due to the substantive nature and comprehensive basis of the pending regulations (which are also subject to the ongoing appeals process). Additionally, to be consistent, the local number portability administration with certain qualifications and additions in 47 CFR Part 52 (related to WAC 480-120-146) should also be reflecting and relying on the October 1, 2016, edition.

**<sup>97</sup> CTIA Consumer Code website further specified and the date of reference is now January 1, 2017**

- The website address is further specified in WAC 480-123-999 and the date of reference is now January 1, 2017.

**<sup>98</sup> 47 CFR, as of 2016 edition (as referred in Chapter 480-123 WAC)**

- The updates to Chapter 480-123 WAC that were made in Docket UT-131239 did not attempt to specify adoption for reference edition(s) regarding the 47 CFR Part 54 citations. Therefore, at this time we seek to establish the references (which have since been updated) to be consistent with our adoption for references proposed above in WAC 480-120-999, also for use in WAC 480-123-999, which is the October 1, 2016, edition.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL

ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Steven V. King, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, AND RECEIVED BY June 19, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would revise the adoption-by-reference dates to reflect the current version(s) of adopted materials and make other minor administrative updates.

Reasons Supporting Proposal: The commission adopts by reference several parts in Titles 18, 47, and 49 C.F.R. and other state rules and national standards. This adoption package will make commission rules consistent with current published versions of federal rules and reflect the most current versions of the national safety standards.

Statutory Authority for Adoption: RCW 80.10.040, 80.04.160, 81.04.160, and 34.05.353.

Statute Being Implemented: Not applicable.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington utilities and transportation commission, governmental.

Name of Agency Personnel Responsible for Drafting: Ann LaRue, Regulatory Analyst, 1300 Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1245; Implementation and Enforcement: Steven V. King, Executive Director and Secretary, 1300 Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1115.

March 21, 2017  
Steven V. King  
Executive Director  
and Secretary

AMENDATORY SECTION (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-14-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publication, effective dates, references within this chapter, and availability of the resource is within Title 49 Code of Federal Regulations (C.F.R.), including all appendices and amendments is published by the United States Government Printing Office.

(1) The commission adopts the version in effect on ~~((October 6, 2015))~~ December 31, 2016, for 49 C.F.R. Parts 171, 172 and 173.

(2) This publication is referenced in WAC 480-14-250 (Insurance requirements).

(3) Copies of Title 49 C.F.R. are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-15-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *North American Standard Out-of-Service Criteria* (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2015))~~ 2016.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((October 6, 2015))~~ December 31, 2016.

(b) This publication is referenced in WAC 480-15-560 (Equipment safety requirements) and WAC 480-15-570 (Driver safety requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-30-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *North American Standard Out-of-Service Criteria* (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2015))~~ 2016.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((October 6, 2015))~~ December 31, 2016.

(b) This publication is referenced in WAC 480-30-221 (Vehicle and driver safety requirements) and WAC 480-30-226 (Intrastate medical waivers).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore,

<http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-31-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) *North American Standard Out-of-Service Criteria* (OOSC) is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, ~~((2015))~~ 2016.

(b) This publication is referenced in WAC 480-31-120 (Equipment—Inspection—Ordered for repairs).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((October 6, 2015))~~ December 31, 2016.

(b) This publication is referenced in WAC 480-31-100 (Equipment—Safety), WAC 480-31-120 (Equipment—Inspection—Ordered for repairs), and WAC 480-31-130 (Operation of motor vehicles).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

AMENDATORY SECTION (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-62-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on ~~((October 6, 2015))~~ December 31, 2016.

(b) This publication is referenced in WAC 480-62-160 (Compliance policy), WAC 480-62-200 (Roadway worker safety and operating rules and statutes), WAC 480-62-205 (Track safety standards), WAC 480-62-210 (Crossing signal circuitry), WAC 480-62-215 (Hazardous materials regulations), WAC 480-62-235 (Flaggers), and WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore,

<http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **Manual on Uniform Traffic Control Devices**, cited as Manual on Uniform Traffic Control Devices, or MUTCD, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~October 6, 2015~~) December 31, 2016.

(b) This publication is referenced in WAC 480-62-230 (Traffic control devices) and WAC 480-62-235 (Flaggers).

(c) Copies of the MUTCD are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **ANSI Z308.1 - 2015 American National Standard for Minimum Requirements for Workplace First Aid Kits** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on (~~October 6, 2015~~) December 31, 2016.

(b) This publication is referenced in WAC 480-62-240 (Passenger carrying vehicles—Equipment).

(c) Copies of ANSI Z308.1 - 2015 American National Standard for Minimum Requirements for Workplace First Aid Kits and Supplies are available from IHS Global Engineering Documents in Englewood, Colorado.

(4) **ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests** is published by the American National Standards Institute.

(a) The commission adopts the version in effect on (~~October 6, 2015~~) December 31, 2016.

(b) This publication is referenced in WAC 480-62-235 (Flaggers).

(c) Copies of ANSI/ISEA 207-2011 - American National Standard for High-Visibility Public Safety Vests are available from IHS Global Engineering Documents in Englewood, Colorado.

**AMENDATORY SECTION** (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-70-999 Adoption by reference.** In this chapter, the commission adopts by reference all, or portions of, regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **The North American Standard Out-of-Service Criteria** is published by the Commercial Vehicle Safety Alliance (CVSA).

(a) The commission adopts the version in effect on April 1, (~~2015~~) 2016.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements).

(c) The *North American Out-of-Service Criteria* is a copyrighted document. Copies are available from CVSA.

(2) **Title 40 Code of Federal Regulations**, cited as 40 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~October 6, 2015~~) December 31, 2016.

(b) This publication is referenced in WAC 480-70-041 (Definitions, general).

(c) Copies of Title 40 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(3) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., including all appendices and amendments is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on (~~October 6, 2015~~) December 31, 2016.

(b) This publication is referenced in WAC 480-70-201 (Vehicle and driver safety requirements), WAC 480-70-431 (Biomedical waste, adoption of federal regulations), and WAC 480-70-486 (Hazardous waste, adoption of federal regulations).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

**AMENDATORY SECTION** (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-75-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 C.F.R., Parts 195, 198, and 199 including all appendices and amendments except for 49 C.F.R. Sections 195.0 and 195.1, and 49 C.F.R. Sections 199.1 and 199.2, published by the United States Government Printing Office.

(a) The commission adopts the version in effect on March 6, 2015.

(b) This publication is referenced in WAC 480-75-370 (Design factor (*F*) for steel pipe) and WAC 480-75-660 (Procedural manual for operations, maintenance, and emergencies).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>.

(2) **The American Society of Mechanical Engineers** (ASME) B31.4, 2006 edition, October 20, 2006.

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The 2007 edition, July 2007, of **Section IX of the ASME Boiler and Pressure Vessel Code**.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of the 2007 edition, of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from ASME,

<http://www.asme.org/codes/>. It is also available for inspection at the commission.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** (20th edition 2005, including errata/addendum July 2007 and errata 2 (December 2008)).

(a) This publication is referenced in WAC 480-75-430 (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <http://www.api.org/>. It is also available for inspection at the commission.

~~((5) The commission adopts **API RP standard 1117 Third Edition, July 2008, including errata December 2008 and errata 2 (August 2009).**~~

~~(a) This publication is referenced in WAC 480-75-500 (Moving and lowering hazardous liquid pipelines).~~

~~(b) Copies of API standard 1117 Third Edition, July 2008, including errata December 2008 and errata 2 August 2009 are available from API, <http://www.api.org/>. It is also available for inspection at the commission.)~~

AMENDATORY SECTION (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-90-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 C.F.R., including all appendices and amendments is published by the United States Government (~~(Printing)~~) Publishing Office.

(a) The commission adopts the version in effect on April 1, 2015.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-90-203 (Accounting system requirements), WAC 480-90-244 (Transferring cash or assuming obligation), WAC 480-90-252 (Federal Energy Regulatory Commission (FERC) Form No. 2), and WAC 480-90-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government (~~(Printing)~~) Publishing Office in Washington, D.C., or online at <http://www.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

(2) The **Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 2007.

(b) This publication is referenced in WAC 480-90-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC, in Washington, D.C. or at NARUC publications store online: <http://www.naruc.org/store>. It is also available for inspection at the commission branch of the state library.

AMENDATORY SECTION (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-93-999 Adoption by reference.** In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. Each regulation or standard is listed by publication, publisher, scope of what the commission is adopting, effective date of the regulation or standard, the place within the commission's rules the regulation or standard is referenced, and where to obtain the regulation or standard.

(1) Parts 191, 192, 193, 198, and 199 of Title 49 Code of Federal Regulations, including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on March ~~((11, 2015))~~ 6, 2016, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. In addition, please note that in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 C.F.R. § 192.801 (b)(2).

(b) This publication is referenced in WAC 480-93-005 (Definitions), WAC 480-93-080 (Welder and plastic joiner identification and qualification), WAC 480-93-100 (Valves), WAC 480-93-110 (Corrosion control), WAC 480-93-124 (Pipeline markers), WAC 480-93-170 (Tests and reports for gas pipelines), WAC 480-93-180 (Plans and procedures), and WAC 480-93-18601 (Leak classification and action criteria—Grade—Definition—Priority of leak repair).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>. It is also available for inspection at the commission.

(2) Section IX of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

(a) The commission adopts the 2007 edition, July 1, 2007, of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2007 edition, including addenda through July 1, 2005) are available from ASME, <http://www.asme.org/codes/>. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104 (20th edition October 2005, including errata/addendum July 2007 and errata 2 (2008)).

(a) The commission adopts the 20th edition 2005, including errata/addendum July 2007 and errata 2 (2008) of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (20th edition 2005, including errata/addendum July 2007 and errata December 2008) are available from the Office of API Publishing Services, <http://www.api.org/>. It is also available for inspection at the commission.

**AMENDATORY SECTION** (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-100-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publications, effective date, references within this chapter, and availability of the resources are as follows:

(1) **Title 18 Code of Federal Regulations**, cited as 18 C.F.R., including all appendices and amendments is published by the United States Government (~~(Printing)~~) Publishing Office.

(a) The commission adopts the version in effect on April 1, 2015.

(b) The accounting and reporting for the types of transactions and events covered by the amendment should not be construed as indicative of their treatment by this commission for ratemaking purposes.

(c) This publication is referenced in WAC 480-100-203 (Accounting system requirements), WAC 480-100-244 (Transferring cash or assuming obligation), WAC 480-100-252 (Federal Energy Regulatory Commission (FERC) Form No. 1), and WAC 480-100-268 (Essential utilities services contracts report).

(d) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government (~~(Printing)~~) Publishing Office in Washington D.C., or online at <http://www.gpo.gov/>, and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

(2) **The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities** is published by the National Association of Regulatory Utility Commissioners (NARUC).

(a) The commission adopts the version in effect in 2007.

(b) This publication is referenced in WAC 480-100-228 (Retention and preservation of records and reports).

(c) The *Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies* is a copyrighted document. Copies are available from NARUC in Washington, D.C. or at NARUC publications store online: <http://www.naruc.org/store>. It is also available for inspection at the commission branch of the state library.

(3) The **National Electrical Code** is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the edition effective (~~(September 3, 2014)~~) in 2017, including errata (~~(70-14-1)~~) 70-17-1 published September (~~(16, 2013)~~) 29, 2016, errata (~~(70-14-2)~~) 70-17-2 published December (~~(3, 2013, 70-14-3)~~) 16, 2016, and 70-17-3 published (~~(April 21, 2014, and 70-14-4 published July 29, 2014)~~) January 11, 2017.

(b) This publication is referenced in WAC 480-100-163 (Service entrance facilities).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02169, or at internet address <http://www.nfpa.org/>.

(4) The **American National Standard for Electric Meters: Code for Electricity Metering**, ANSI C12.1 is published by the American National Standards Institute.

(a) The commission adopts the version published in (~~(2008)~~) 2016.

(b) This publication is referenced in WAC 480-100-318 (Meter readings, multipliers, and test constants), WAC 480-100-338 (Accuracy requirements for electric meters), and WAC 480-100-343 (Statement of meter test procedures).

(c) The ANSI C12.1 is a copyrighted document. ANSI C12.1 - (~~(2008)~~) 2016 is available at American National Standards Institute web site <http://webstore.ansi.org/> (PDF) or at IHS Standards Store web site <https://global.ihs.com/> (PDF and print).

**AMENDATORY SECTION** (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-107-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified in subsections (1) and (2) of this section. The publication, effective date, reference within this chapter, and availability of the resources are as follows:

(1) **Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, Sections 201 and 210**, cited as 16 U.S.C. Sec. 796 and 824a-3, including all amendments is published by the United States Government (~~(Printing)~~) Publishing Office.

(a) The commission adopts the version in effect on August 8, 2005.

(b) This publication is reference in WAC 480-107-001 (Purpose and scope).

(c) Copies of U.S. Code are available from the U.S. Government (~~(Printing)~~) Publishing Office in Washington, D.C. or online at <http://www.gpo.gov/>.

(2) **Title 18 Code of Federal Regulations Part 292**, cited as 18 C.F.R. Sec. 292, including all appendices and amendments is published by the United States Government (~~(Printing)~~) Publishing Office.

(a) The commission adopts the version in effect on April 1, 2015.

(b) This publication is referenced in WAC 480-107-001 (Purpose and scope).

(c) Copies of Title 18 Code of Federal Regulations are available from the U.S. Government (~~(Printing)~~) Publishing Office in Washington D.C. or online at <http://www.gpo.gov/> and from various third-party vendors. It is also available for inspection at the commission branch of the state library.

**AMENDATORY SECTION** (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-108-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publications,

effective date, references within this chapter, and availability of the resources are as follows:

(1) The National Electrical Code is published by the National Fire Protection Association (NFPA).

(a) The commission adopts the edition effective (~~April 7, 2015, including errata 70-14-1 published September 16, 2013, errata 70-14-2 published December 3, 2013, errata 70-14-3 published April 21, 2014, and errata 70-14-4 published July 29, 2014~~) 2017, including errata 70-17-1 published September 29, 2016, errata 70-17-2 published December 16, 2016, and 70-17-3 published January 11, 2017.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) The National Electrical Code is a copyrighted document. Copies are available from the NFPA at 1 Batterymarch Park, Quincy, Massachusetts, 02169 or at internet address <http://www.nfpa.org/>.

(2) National Electrical Safety Code (NESC).

(a) The commission adopts the (~~2012~~) 2017 edition.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of the National Electrical Safety Code are available from the Institute of Electrical and Electronics Engineers at <http://standards.ieee.org/nesc>.

(3) Institute of Electrical and Electronics Engineers (IEEE) Standard 1547, Standard for Interconnecting Distributed Resources with Electric Power Systems.

(a) The commission adopts the version published in 2003 and reaffirmed in 2008, including amendment 1547a-2014, published May 21, 2014.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 1547 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org>.

(4) American National Standards Institute (ANSI) Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.

(a) The commission adopts the version published in 2005 and reaffirmed in 2011.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard C37.90 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org>.

(5) Institute of Electrical and Electronics Engineers (IEEE) Standard 519, Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems.

(a) The commission adopts the version published June 11, 2014.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 519 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org>.

(6) Institute of Electrical and Electronics Engineers (IEEE) Standard 141, Recommended Practice for Electric Power Distribution for Industrial Plants.

(a) The commission adopts the version published in (~~1994~~) 1993 and reaffirmed in 1999.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 141 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org>.

(7) Institute of Electrical and Electronics Engineers (IEEE) Standard 142, Recommended Practice for Grounding of Industrial and Commercial Power Systems.

(a) The commission adopts the version published in 2007.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of IEEE Standard 142 are available from the Institute of Electrical and Electronics Engineers at <http://www.ieee.org>.

(8) Underwriters Laboratories (UL), including UL Standard 1741, Inverters, Converters, Controllers and Interconnection Systems Equipment for Use with Distributed Energy Resources.

(a) The commission adopts the version published January (~~7, 2015~~) 28, 2010.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) UL Standard 1741 is available from Underwriters Laboratory at <http://www.ul.com>.

(9) Occupational Safety and Health Administration (OSHA) Standard at 29 C.F.R. 1910.269.

(a) The commission adopts the version published on (~~October 5, 2015~~) November 18, 2016, effective January 17, 2017.

(b) This publication is referenced in WAC 480-108-040 (General terms and conditions of interconnection).

(c) Copies of Title 29 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

**AMENDATORY SECTION** (Amending WSR 16-05-035, filed 2/9/16, effective 3/11/16)

**WAC 480-109-999 Adoption by reference.** In this chapter, the commission adopts by reference all, or portions of, the publications identified below. They are available for inspection at the commission branch of the Washington state library. The publications, publication dates, references within this chapter, and availability of the resources are as follows:

(1) *Northwest Conservation and Electric Power Plan* as published by the Northwest Power and Conservation Council.

(a) The commission adopts the (~~sixth~~) seventh version published in (~~2010~~) 2016.

(b) This publication is referenced in WAC 480-109-100.

(c) Copies of (~~Sixth~~) Seventh Northwest Conservation and Electric Power Plan are available from the Northwest Power and Conservation Council at (~~(<http://www.nwecouncil.org/energy/powerplan/6/plan/>)~~) <https://www.nwcouncil.org/energy/powerplan/7/plan/>.



(2) *Weatherization Manual* as published by the Washington state department of commerce.

(a) The commission adopts the version published in ~~((April 2009, and revised July 2014))~~ July 2015 (with 2016 revisions).

(b) This publication is referenced in WAC 480-109-100.

(c) Copies of *Weatherization Manual* are available from the Washington state department of commerce at (~~http://www.commerce.wa.gov/Programs/services/weatherization/Pages/WeatherizationTechnicalDocuments.aspx~~) http://www.commerce.wa.gov/wp-content/uploads/2016/07/ws-manual-2016.pdf.

(3) The unit energy savings values as published by the Northwest Power and Conservation Council's Regional Technical Forum.

(a) The commission adopts the unit energy savings with status of "Active" or "Under Review" on January 10, 2016.

(b) This information is referenced in WAC 480-109-100.

(c) The spreadsheets containing the unit energy savings values are available for download at (~~http://rtf.nwcouncil.org/measures/Default.asp~~) https://rtf.nwcouncil.org/measures/Default.asp.

(4) The standard protocols as published by the Northwest Power and Conservation Council's Regional Technical Forum.

(a) The commission adopts the standard protocols with status of "Active" or "Under Review" on January 10, 2016.

(b) This information is referenced in WAC 480-109-100.

(c) The spreadsheets containing the standard protocols are available for download at (~~http://rtf.nwcouncil.org/protocols/Default.asp~~) https://rtf.nwcouncil.org/standard-protocols.

**AMENDATORY SECTION** (Amending WSR 15-08-043, filed 3/26/15, effective 4/26/15)

**WAC 480-120-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) **American National Standards for Telecommunications** - "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" (ATIS 0100510) is published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999, and reaffirmed (~~(2008))~~ 2013.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) The American National Standards for Telecommunications "*Network Performance Parameters for Dedicated Digital Services for Rates Up To and Including DS3 - Specifications*" is a copyrighted document. Copies are available from ANSI in Washington, D.C. and from various third-party vendors.

(2) **The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance**

**Characteristics** (ANSI/IEEE Std 820-2005) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect as published in 2005.

(b) This publication is referenced in WAC 480-120-401 (Network performance standards).

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from ANSI and IEEE in Washington, D.C. and from various third-party vendors.

(3) **The National Electrical Safety Code** is published by the IEEE.

(a) The commission adopts the 2012 edition.

(b) This publication is referenced in WAC 480-120-402 (Safety).

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from IEEE in Washington, D.C. and from various third-party vendors.

(4) **Title 47 Code of Federal Regulations**, cited as 47 C.F.R., is published by the United States Government Printing Office.

(a) For this publication as referenced in WAC 480-120-359 (Accounting requirements for companies not classified as competitive) and WAC 480-120-349 (Retaining and preserving records and reports), the commission adopts the version of the relevant sections in effect on October 1, (~~(2012))~~ 2016.

(b) For this publication as referenced in WAC 480-120-202 (Customer proprietary network information), WAC 480-120-146 (Changing service providers from one local exchange company to another), and any other reference in chapter 480-120 WAC (~~except for WAC 480-120-359 and 480-120-349~~), the commission adopts the version of the relevant sections in effect on October 1, (~~(2011))~~ 2016.

(c) The (~~(2011 and 2012))~~ 2016 version(s) of C.F.R. Title 47 (~~are~~) is available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

**AMENDATORY SECTION** (Amending WSR 15-08-043, filed 3/26/15, effective 4/26/15)

**WAC 480-123-999 Adoption by reference.** In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) The Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service.

(~~(2))~~ (a) The commission adopts the version in effect on January 1, (~~(2014))~~ 2017.

(~~(3))~~ (b) This publication is referenced in WAC 480-123-030 (contents of petition for eligible telecommunications carriers).

(~~(4))~~ (c) Copies of the CTIA Consumer Code for Wireless Service are available at (~~http://www.ctia.org~~) http://www.ctia.org/initiatives/voluntary-guidelines/consumer-code-for-wireless-service.

(2) Title 47, Code of Federal Regulations, cited as 47 C.F.R., is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 2016.

(b) This publication is referenced in WAC 480-123-010 (Federal universal service contracts), WAC 480-123-060 (Annual certification of eligible telecommunications carriers), WAC 480-123-070 (Annual certifications and reports), WAC 480-123-100 (Prerequisites for requesting program support), and WAC 480-123-110 (Petitions for eligibility to receive program support).

(c) The 2016 version of C.F.R. Title 47 is available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

Statute Being Implemented: Chapters 15.49 and 17.24 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Victor Shaul, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950.

April 13, 2017  
Jason Ferrante  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-302-240 Seed standards for alfalfa seed certification.** (1) Seed standards for the production of alfalfa seed are as follows:

Purity	Foundation	Registered	Blue Tag Certified
Pure seed (minimum)	99.00%	99.00%	99.00%
Other crops (maximum)	.10%	.10%	.25%
Sweet clover (maximum)	none found	none found	90 per lb.
Inert matter (maximum)	1.00%	1.00%	1.00%
Weed seed (maximum)	.10%	.20%	.25%
Objectionable weed seeds (maximum)	none found	none found	18 per lb.
Germination (Min. total of germination and hard seed)	80.00%	85.00%	85.00%
or Tetrazolium (Min. total of Tetrazolium and hard seed)	82.00%	87.00%	87.00%

(2) Alfalfa seed must be free of prohibited noxious weed seeds and foundation class must be free of Brassica spp.

~~((3) One pound of seed will be examined for the presence of dodder.))~~

**WSR 17-09-040**

**EXPEDITED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed April 14, 2017, 8:34 a.m.]

Title of Rule and Other Identifying Information: WAC 16-302-240 Seed standards for alfalfa seed certification.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Henri Gonzales, Rules Coordinator, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY June 20, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal would remove the seed certification requirement to test one pound of alfalfa seed for the presence of dodder.

Reasons Supporting Proposal: Dodder is no longer a prevalent weed in certified alfalfa seed fields. This is due to the control that herbicides now provide that they did not in the past. Dodder has not been identified in certified seed field inspections in years. In discussions with alfalfa seed growers they concur that dodder is no longer an issue in seed production fields. Since it is no longer a certification issue, it makes sense to remove the requirement to test one pound of seed for the presence of dodder, thus eliminating a test that is no longer meaningful. Dodder remains on the noxious weed seed list and will still be tested for in the standard purity and noxious exam as required by the AOSA Rules for Testing Seeds. This represents the changed circumstance under WAC 34-05-353 [RCW 34.05.353] (2)(c).

Statutory Authority for Adoption: RCW 15.49.005, 15.49.310, 15.49.370(3), chapter 17.24 RCW.