



CPBM Annual Meeting: Policy and Rulemaking Subcommittee

Ryan Huff, Nebraska DOT
Lori Fiset, Rhode Island DOT





Overview

- Mission

- *"The mission of the AASHTO Policy and Rule-Making Subcommittee is to collaboratively and proactively develop or help refine performance-based management policies and rules that promote safe, efficient, sustainable, and innovative transportation systems across the United States."*

Meeting Schedule:

- Bi-monthly
- 2nd Tuesday of the Month
- 1:00 PM EST



Agenda

- AASHTO Updates
- Reauthorization Update
- Update on Federal Actions
- Emerging National Priorities
- P&R Research Opportunities
- Feature Presentation: “Policy in Action 2.0”



AASHTO Updates



Reauthorization Update

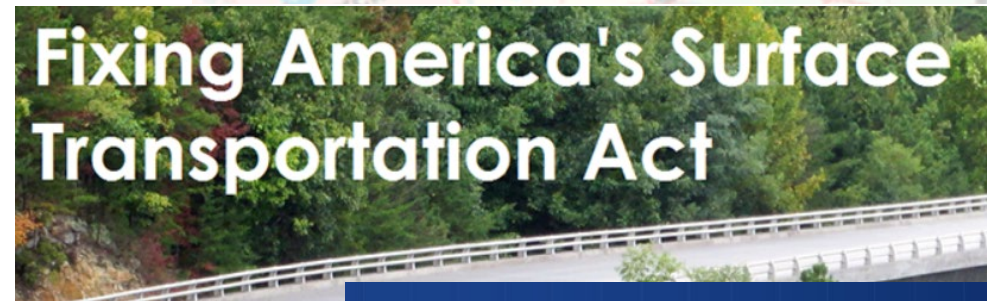
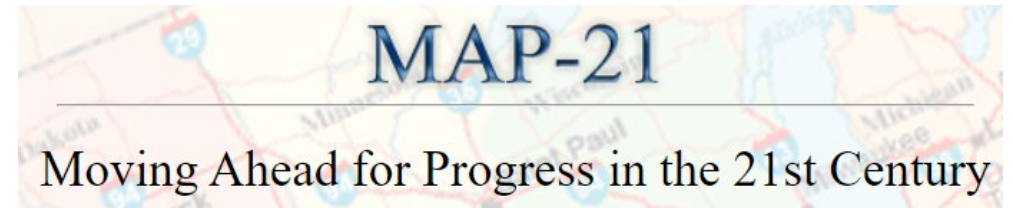


Reauthorization

Reauthorize: “to renew the authority or effective legal power, warrant, or right of”

- ISTEA: 1991
- TEA-21: 1998 (+7)
- SAFETEA-LU: 2005 (+7)
- MAP-21: 2012 (+7)
- FAST Act: 2015 (+3)
- IIJA: 2021 (+6)

These are typically 5 year Bills





Reauthorization Update

- The surface transportation reauthorization package adopted unanimously by the AASHTO Board in Hartford (~May20th)
- Broad topics that are emphasized
 - Safety
 - Improved project delivery
 - Funding
 - Public Transportation
 - Railroads



Reauthorization Update

- The House T&I Highways and Transit Subcommittee:
 - TIFIA
 - Bridge Formula program.
 - Safety
 - Trucking/Freight
 - Funding (Generally and for Locals)

- The Senate Environment and Public Works Committee:
 - Discretionary Grants
 - Freight
 - Safety





Reauthorization Update

7/17 - Secretary Duffy held a Reauthorization Kickoff Conference in DC

- USDOT Reauthorization Emphases:
 - Enhancing transportation safety
 - Accelerating project delivery
 - Increasing opportunities through investment
 - Strengthening partnerships with States and other key stakeholders





Reauthorization Update

Regulations.gov
Your Voice in Federal Decision Making

SUPPORT

< View Docket

NOTICE

Share

Agency Information Collection Activities; Proposals, Submissions, and Approvals: Advancing a Surface Transportation Proposal that Focuses on America's Most Fundamental Infrastructure Needs

Posted by the **Department of Transportation** on Jul 21, 2025

- RFI Issued by USDOT on 7/21
 - 2.8K Comments Received



Reauthorization Update

DOTs joint emphasis on:

- Acceleration of project delivery
- Regulatory modernization
- Maintain or Increased funding
- Prioritize formula funding
- Innovation and Technology





Reauthorization Update

Local Officials in Transportation (LOT) Coalition

- Joint emphasis on:
 - Direct control over formula-based funding
 - Expand local eligibility for discretionary funding
 - Increase PL funding / eliminate local match
 - Dedicated formula funding for rural planning
 - Regulatory modernization

Association of Metropolitan Planning Organizations

National Association of Development Organizations

National League of Cities



National Association of Counties



National Association of Regional Councils



U.S. Conference of Mayors



Reauthorization Update





Update on Federal Actions



Update on Federal Actions



The screenshot shows the top of a Federal Register notice. On the left is the National Archives logo. In the center, the text reads "FEDERAL REGISTER" in large bold letters, with "The Daily Journal of the United States Government" underneath. On the right is the seal of the National Archives and Records Administration. Below this is a blue bar with a white circle containing the letter 'N' and the word "Notice". The main title of the notice is "National Freight Strategic Plan 2025 Update: Request for Information". At the bottom left of the notice, it says "A Notice by the Transportation Department on 07/15/2025".

- New statutory requirements (IIJA) vs. the "traditional" ones.
- Also, 10 questions about improving the NFSP - several of which center on performance measures
 - Impact and Usefulness of NFSP:
 - Performance Metrics:



Update on Federal Actions



Improve the lives of America's truck drivers (6/27)

- Major initiatives cover:
 - Expand Truck parking and increase safety
 - Regulatory relief via FMCSA
 - Study hours of service - pilot
 - Modernize driver resources and data systems



In response to the President's Executive Order, the U.S. Department of Transportation (USDOT) and the Federal Motor Carrier Safety Administration (FMCSA) are announcing a series of new initiatives, pilot programs, and regulatory updates designed to support America's truck drivers. These actions focus on critical areas such as truck parking, regulatory relief, driver flexibility, and driver resource modernization, underscoring the Department's commitment to the critical truck drivers who keep our economy moving.

Expand Truck Parking and Improve Safety:

A lack of available, safe truck parking is a critical safety issue for Commercial Motor Vehicle drivers. To address this, the USDOT is highlighting new investments and commitments.

- **Investing in Capacity:** USDOT is advancing more than \$275 million in grant funding to expand truck parking availability. Notably, Florida will sign a \$180 million grant in the coming weeks to address the unmet truck parking demand along the I-4 corridor. This project will add 917 new truck parking spaces across Volusia, Seminole, and Osceola Counties.
- **Affirming National Priority:** A new memo affirming that truck parking is a national priority under "Jason's Law" (Section 1401 of MAP-21) and clarifies the broad eligibility of Federal-aid highway programs and discretionary grants for truck parking projects.

Provide Regulatory Relief and Flexibility:

FMCSA is taking decisive action to remove burdensome regulations and provide drivers with more control over their operations.

- **Withdrawal of Speed Limiter Rulemaking:** FMCSA and the National Highway Traffic Safety Administration (NHTSA) are withdrawing a joint rulemaking that proposed to



Update on Federal Actions



English Language Requirements for Truckers

- 4/28 – EO 14286 signed rescinding Obama-era policy that dismissed ELP requirements for CMV drivers
- 5/20 – order signed announcing new English Language requirements
- 8/26 – USDOT threatens to withhold Motor Carrier Safety Assistance Program (MCSAP) funding



Several Trucking related trade groups expressed support for the updated guidance including the American Trucking Association (ATA)



Update on Federal Actions



Improving Trucker's quality of Life on the Road – 9/5

- New pilot programs to study increased flexibility on current regulations
 - Split Duty Period Pilot project- i.e Split 14 hour duty period
 - Pilot to allow drivers to divide their 10-hour off-duty requirement into “6/4” and “5/5” split periods. (sleep/duty)





Free Speech in Grant Applications and projects

- 3/26: Recipients sue to restore funding
- 5/20: Judge issues preliminary injunction
- 6/5: USDOT appealed the injunction – Court issued a stay of the injunction
 - Secretary Duffy and other **defendants in this case are not currently required to disperse funding to the 38 grants** at issue in the case.



President Donald Trump speaks during an event to present law enforcement officers with an award in the Oval Office at the White House, Monday, May 19, 2025. (AP Photo/Manuel Balce Ceneta)

NEWS

S.C. federal judge orders Trump administration to restore \$176M in frozen funds



BY ELIZABETH MARTINEZ | SOUTH CAROLINA
PUBLISHED 2:28 PM ET MAY 20, 2025

Spectrum news:

<https://spectrumlocalnews.com/sc/south-carolina/news/2025/05/20/federal-judge-funding-freeze-restore-trump>



Update on Federal Actions



Grant Application Requirements Letter ("Follow the Law" Letter to Applicants)

- 4/24: USDOT issues Letter
- 5/13: 20 states sued
- 6/19 Update: Judge issues injunction
- As of 8/11, a USDOT appeal has not been filed



Secretary Sean Duffy  
@SecDuffy



I directed states who want federal DOT money to comply with federal immigration laws. But, no surprise, an Obama-appointed judge has ruled that states can openly defy our federal immigration laws.

This is judicial activism pure & simple and I will continue to fight in the courts.



The Hill  @thehill · 16h

Judge rejects "Duffy Directive" tying DOT grants to immigration cooperation
[trib.al/elpkgXr](https://www.trib.al/elpkgXr)



Update on Federal Actions



NEPA and other Regulations

- 5/29: SCOTUS rules NEPA does not need to consider indirect impacts
- 6/30: USDOT Unveils Sweeping updates to NEPA
 - Implement deadlines and page limits on environmental reviews
 - NEPA only applies to Federal actions where the agency has sufficient control and discretion to take environmental effects into account.
 - Ensure simple and expeditious processes to create categorical exclusions (CEs)





NEPA and other Regulations

- 9/22: “National Energy Emergency” Vs. the Endangered Species Act
- NEPA Assumption being considered broadly by many State DOTs – e.g. TXDOT signs 10 year Agreement

COLORADO NEWSLINE

GOVERNMENT ENVIRONMENT JUSTICE HEALTH ECONOMY COMMENTARY

ENVIRONMENT JUSTICE

Colorado poised to join lawsuit over alleged endangered species violations linked to oil trains

Projects in Utah's Uinta Basin could significantly increase hazardous oil shipments through Colorado

BY: DAVID O. WILLIAMS - SEPTEMBER 21, 2025 11:24 AM





Update on Federal Actions



National Electric Vehicle Infrastructure (NEVI) Program

- 8/11 – New NEVI guidance issued by USDOT
 - Minimizes plan content and simplifies approval process
 - Gives states much wider latitude on where to build EVSE
 - Many program requirements eliminated – creating greater flexibility

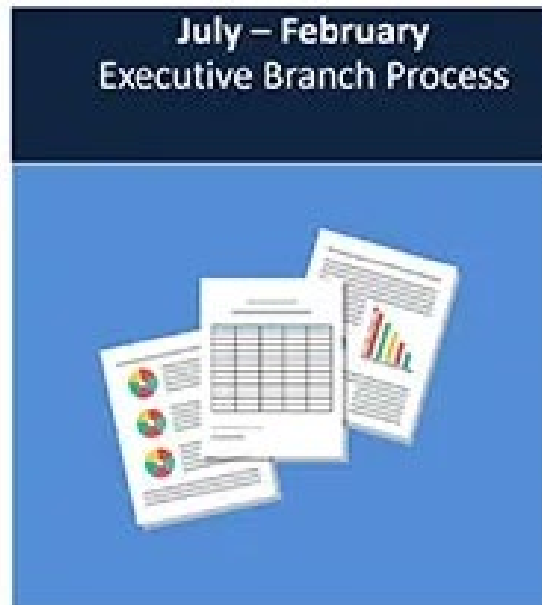




Update on Federal Actions



National Electric Vehicle Infrastructure (NEVI) Program (Cont.)



Both House & Senate have passed their own versions of the THUD Bill

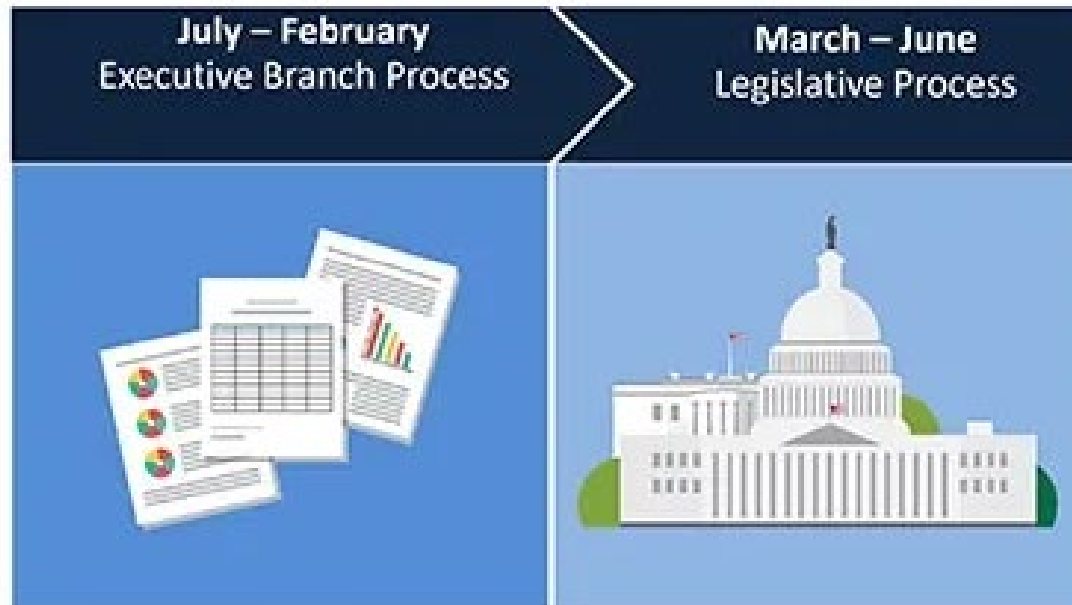
Both eliminate NEVI funding



Update on Federal Actions



National Electric Vehicle Infrastructure (NEVI) Program (Cont.)



Both House & Senate must unify their bills – target 9/30

A Continuing Resolution is being discussed



Update on Federal Actions



Disadvantaged Business Enterprise (DBE) Program

- October 2023 - constitutionality of certain requirements of the DBE program challenged by two contractors in Kentucky
- 5/28 - USDOT moved to seek a consent order to effectively terminate the federal Disadvantaged Business Enterprise (DBE) program
 - Judge issued a 90 day pause on the case to review filings and hear further arguments





Update on Federal Actions



Expanding TIFIA financing

- Up until now, a long-standing DOT policy limited the kinds of projects that could be financed up to 49 percent, while most were capped at up to 33 percent
- 7/7 – USDOT Build America Bureau announced a policy update to expand the option to finance up to 49 percent
- This provides more projects with opportunities to expedite delivery and save significantly on financing costs



TIFIA Credit Program



Update on Federal Actions



SAFE Roads Initiative Launched

- 7/1 - Letter sent Governors from Secretary Duffy informing them of the initiative and the requirements
- The SAFE ROADS Program Goals include:
 - Get back to basics
 - Empower states and local governments
 - Make roads safer and easier to navigate for all users





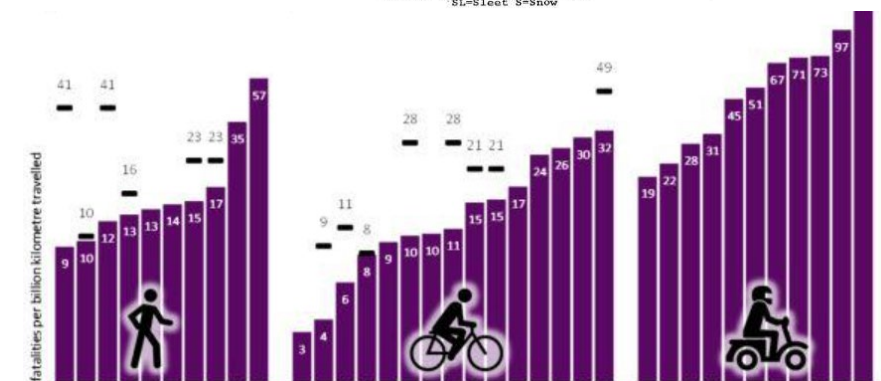
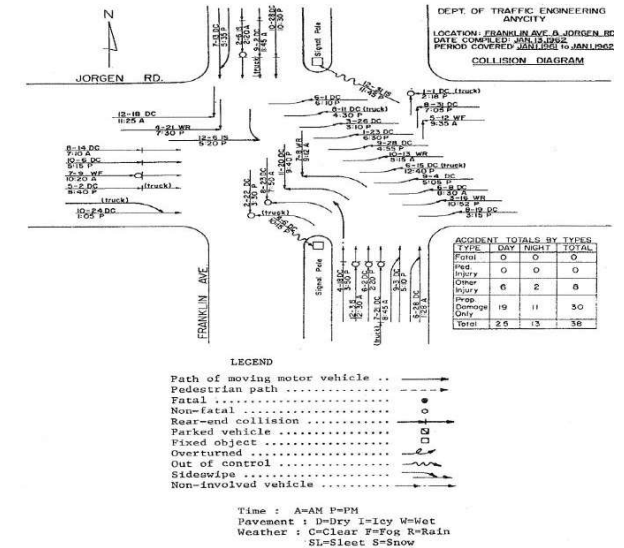
Update on Federal Actions



SAFE Roads Initiative Launched (Cont.)

Initial Ask

- Identify and submit a list of arterial segments, including intersections, that will have safety issues addressed
- FHWA will support state's participation by
 - Tracking nationwide progress
 - Assisting State DOTs
 - Helping countermeasures
 - Ensuring compliance





Update on Federal Actions



Changes at TRB announced 6/4

- All Standing Committees eliminated
- Entirely new set of committees introduced
- Committees focused on sustainability, environment, climate, emissions, equity and environmental justice have not been reintroduced



Responding to questions about this decision, TRB noted that:

- *"more than 90% of TRB funding comes from federal sources. As a federal contractor, TRB is required to comply with conditions placed on federal funding."*



Update on Federal Actions



NHTSA Issues Landmark Demonstration Exemption for Zoox's AV shuttles

- On 8/6 – NHTSA granted an exemption to Zoox's to operate for demonstration use on public roads
- Zoox is a “sole purpose-built” vehicle - all-electric robotaxi
- This exemptions allows the vehicle to be used for research and demonstration on U.S. roads, making it the first American-built vehicle to receive this approval.





Update on Federal Actions

American Road and Transportation Builders Association (ARTBA)

- Regulatory Calendar

AGENCY	RULE	STATUS	APPROX. DATE
EPA	Waters of the United States	Awaiting proposal	Aug. 2025
EPA	National Ambient Air Quality Standards for Particulate Matter (PM NAAQS)	Awaiting proposal	July 2025
EPA	PFAS Reporting	Awaiting proposal	Dec. 2025
CEQ	NEPA	Awaiting final rule	Sept. 2025
FWS	Compensatory Mitigation	Awaiting proposed rule	Dec. 2025
FWS	Critical Habitat Designations	Awaiting proposal	Oct. 2025
FWS	Endangered Species Process	Awaiting proposal	Oct. 2025
OSHA	Heat Safety Standard	Awaiting further agency action	None
DOT	Processing of Buy America Waivers	Awaiting proposal	July 2025
DOT	Disadvantaged Business Enterprise Program	Awaiting proposal	July 2025
FHWA	NEPA	Interim final rule issued, awaiting further agency action	None



Update on Federal Actions





Emerging National Priorities



Emerging National Priorities

USDOT Reauthorization Emphases:

- Enhancing transportation safety
- Accelerating project delivery / Regulatory Reform
- Increasing opportunities through investment
- Strengthening partnerships with States and other key stakeholders

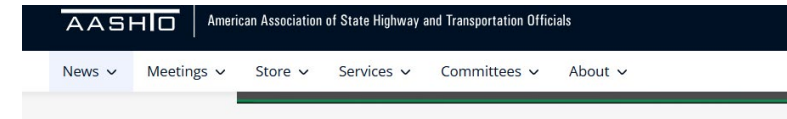




Emerging National Priorities

Senate confirmation in April, McMaster had 4 Goals

- Supporting U.S. DOT Secretary Sean Duffy in his primary objective of **improving safety** throughout the nation's transportation system.
- **Expediting delivery of highway and bridge projects**
- Acting as a resource for lawmakers as the next surface transportation **reauthorization** legislation
- Making sure that “different viewpoints and unique needs” of Americans on transportation issues are “well reflected” as U.S. DOT carries out policy.



Senate Confirms Sean McMaster as FHWA Administrator

September 19, 2025





Emerging National Priorities





Policy and Rulemaking Research Opportunities



P&R Research Opportunities

Policy or Rulemaking related Current Research

- 1) NCHRP 23-48 “A guide to Assess, Measure, and Communicate the Public Value of Transportation”
- 2) NCHRP 08-168 “ Analysis and Assessment of the National Performance Management Data” (The result of this study may heavily impact Policy and Rulemaking)
- 3) NCHRP 23-07 “Guide to Effective Methods for Setting Transportation Performance Targets”



P&R Research Opportunities

Cross-cutting

- 1) “Funding for Transportation”
- 2) “TPM Blue Book”
- 3) “Separating Rural and Urban Measurements to Compare/Calculate Performance”
- 4) “Developing a Guidebook for Risks of Alternative Funding”



P&R Research Opportunities





Questions?

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