



ALERT

OCTOBER 2017



DOT Seeks Ideas for Reducing the Burden of Transportation Regulations

The U.S. Department of Transportation ("DOT") announced this week that it is seeking public comment "on existing rules and other agency actions that are good candidates for repeal, replacement, suspension, or modification" as part of its regulatory review process. The *Federal Register* notice, 82 Fed. Reg. 45750, states the Department is specifically requesting comments on rules that inhibit job creation, are outdated or ineffective, are candidates for performance-based regulation, and burden development or use of domestic energy resources.

The DOT is conducting this review, in part, to respond to three executive orders ("EO") signed by President Trump in the early months of his presidency. These EOs focus on reducing the number of regulations and their costs (E.O. 13771), implementing and enforcing regulatory reform (E.O. 13777), and reviewing regulations and other actions affecting safe and efficient development or use of domestically produced energy resources (E.O. 13783).

This request is notable because it is a centralized review that applies to rules and actions of the Office of the Secretary of Transportation and nearly all of the DOT's operating administrations. As discussed in the notice, operating administrations traditionally conduct individual reviews on a 10-year cycle focusing on a particular segment of rules every year.

Changing aircraft certification rules to performance-based standards, similar to the FAA's recent part 23 airplane certification revisions, first officer qualifications, and permitted drone operations, are likely areas for comment in the aviation field.

The DOT suggests that comments: (i) specifically cite the regulation, policy, or guidance on which they are commenting; (ii) describe the burden so that the Department can evaluate its impact; (iii) provide less burdensome alternatives to the regulation, policy, or guidance; and (iv) describe entities that have been negatively affected by the regulation or other action sought to be revised and entities that would benefit from its revision.

The notice published in the *Federal Register*. Comments are due to the DOT by November 1, 2017.

CONTACTS



Dean E. Griffith
Washington



James E. Gauch
Washington



John D. Goetz
Pittsburgh

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