Regulatory Housekeeping: U.S. DOT Regulatory Easing Includes FMCSA Final Rules and Proposed Rules

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On May 29, 2025, the U.S. Department of Transportation ("DOT") announced a wide range of deregulatory actions seeking to lower the operational burden and cost of compliance. The agency's Federal Motor Carrier Safety Administration ("FMCSA") with its jurisdiction over motor carrier safety issued twenty rulemaking actions, which include two final rules ("Final Rules") and eighteen notices of proposed rulemaking ("NPRMs"). Comments on the NPRMs must be submitted by July 29, 2025. The FMCSA actions are intended to achieve Trump Administration regulatory goals while also eliminating requirements that have become obsolete. These actions signal continued focus on regulatory modernization and the alignment of DOT priorities with industry realities.

Trump Administration Regulatory Policy

The Administration's comprehensive approach to regulatory policy was first announced by Executive Order on January 31, 2025. The President's objective was described as seeking to "significantly reduce the private expenditures required to comply with Federal regulations to secure America's economic prosperity and national security and the highest possible quality of life." The strategy for achieving this objective is two-fold: (1) reducing the compliance cost on regulated businesses, and (2) simultaneously reducing the risk of non-compliance with "ever-expanding morass of complicated Federal regulation." The President also announced a new Ten to One initiative in the Executive Order and a separate Fact Sheet. The initiative aims to "unleash prosperity through deregulation" by removing ten regulations for every new regulation that goes into effect. The regulatory compliance cost of this approach is intended to reduce incremental costs to less than zero.

These new developments out of the DOT advance this Trump Administration policy. The scope of change announced is also significant. There are a total of 52 actions, with 43 NPRMs, seven final rules, and two withdrawals of rulemaking. The DOT first issued a Request for Information on April 3, 2025, so that it could gather input on how to reduce regulatory burdens while still meeting its legal and safety obligations. Many of the reforms announced by the DOT and FMCSA were identified as being responsive to industry comment. Our team's reporting on the earlier stages of this notice and comment process is available **here**.

New FMCSA Final Rules

The Final Rules make procedural changes to the Federal Motor Carrier Safety Regulations (FMCSRs) effective May 30, 2025. These amendments are emblematic of FMCSA's broader initiative to streamline compliance obligations and eliminate certain ambiguities in regulatory text.

1. **Civil Penalties.**

The FMCSA amended the FMCSRs in 49 CFR Part 386, Appendix B(a)(1), by removing a reference to 49 CFR Part 40 (the DOT drug and alcohol testing rules). The civil penalty schedule will refer solely to 49 CFR Part 382 where this program is incorporated into the FMCSRs. This revision is intended to eliminate confusion and ensure that civil penalties are assessed under the correct regulatory framework.

2. **Motor Carrier Routing**: The FMCSA repealed the for-hire motor carrier routing regulations contained in 49 CFR Part 356, which concern servicing municipalities and unincorporated communities. The FMCSA stated these regulations are unlawful because they exceeded the FMCSA's statutory authority. Changes to these routing provisions are expected to alleviate unnecessary compliance burdens.

New FMCSA Proposed Rules

The FMCSA also issued eighteen NPRMs, all of which have comment periods that remain open until July 29, 2025.

1. **Accident Reporting.** The FMCSA proposes to amend the FMCSRs in 49 CFR §§ 390.5 and 390.5T to revise the term "medical treatment" for the purpose of accident reporting. This change would incorporate revised regulatory guidance issued by FMCSA regarding medical treatment administered away from the accident scene. This would exclude items such as X-rays, CT scans, and medical prescriptions from medical treatments from the definition of a DOT accident. This would reduce the burdens for accident reporting and post-accident testing. Additionally, this proposal reflects the FMCSA's intent to harmonize accident reporting obligations with contemporary medical practices and operational realities.
2. **Commercial Driver's License Standards.** The FMCSA proposes to amend the FMCSRs at 49 CFR Part 383, to allow dual-status military technicians to qualify for the exemption that certain military personnel have from commercial driver license ("CDL") standards. In other words, this would allow certain technicians to operate commercial motor vehicles ("CMVs") for military purposes without the requirement of having a CDL. The FMCSA's proposal also acknowledges the specialized roles of dual-status military technicians and seeks to ensure regulatory flexibility for military operations.
3. **Driver Vehicle Examination Report Disposition.** The FMCSA proposes to revise the requirement in 49 CFR § 396.9(d)(3)(ii) that motor carriers and intermodal equipment providers sign and return a completed roadside inspection form to the issuing State agency. The FMCSA acknowledged that not all issuing State agencies require the return of these reports. This proposed change will require completed forms to be returned to only those States that request them. This action is in response to a petition for rulemaking from the Commercial Vehicle Safety Alliance ("CVSA"), which noted that all violations found on roadside inspections must still be corrected within 15 days. This revision is designed to minimize unnecessary administrative burdens on carriers while maintaining the integrity of the roadside inspection process.
4. **Electronic Driver Vehicle Inspection Reports.** The FMCSA proposes a clarification to the requirement in 49 CFR §§ 396.11 and 396.13 to complete a Daily Vehicle Inspection Report ("DVIR"). The DVIR may already be completed electronically. However the NPRM proposes

explicit language to make this clear. The proposed clarification is intended to promote broader adoption of electronic recordkeeping as well as operational efficiency.

5. **Electronic Logging Device Operator's Manual Located in CMVs.** The FMCSA proposes to rescind the in-vehicle electronic logging device ("ELD") operator's manual requirement for CMVs contained in 49 CFR § 395.22(h)(1). The MCSA believes that "(t)here is no readily apparent benefit to continuing to require that the users' manual be in the CMV. This proposal would eliminate an unintended regulatory burden on motor carriers without compromising safety." This change recognizes the broad adoption of digital resources and to remove the paper-based requirements.

6. **Vision standards grandfathering provision.** The FMCSA proposes to amend 49 CFR Part 391 by removing the grandfathering provision for interstate drivers operating under the previously administered vision waiver study program. The FMCSA stated this regulation can be removed, as it is now obsolete.

7. **Railroad Grade Crossings - Stops Required.** The FMCSA proposes to amend the regulations related to driving a CMV at railroad grade crossings. The FMCSA would add an exception to 49 CFR Part 392 for a railroad grade crossing equipped with an active warning device that is not in an activated state (e.g., flashing lights or crossing gates down, indicating the arrival of a train). The proposed amendment is intended to clarify driver responsibilities at railroad crossings while also promoting enhanced safety outcomes.

8. **Removal of Obsolete References to "Water Carriers."** The FMCSA proposes to remove all obsolete references to "water carriers" in the FMCSRs. This reference pre-dates the ICC Termination Act of 1995 and its creation of the Surface Transportation Board ("STB") to govern water carrier rates and service. The FMCSA stated that today it "does not specifically regulate water carriers except to the extent that such carriers also engage in motor carrier operations. In such cases, the existing FMCSRs provide appropriate coverage of the carrier's motor carrier operations." This action is part of the FMCSA's initiative to update regulatory language and to remove vestigial references that are no longer applicable to the agency's oversight role.

9. **Self-Reporting Requirement.** The FMCSA proposes to revise its regulations requiring CDL holders to self-report motor vehicle violations to their State of domicile, in support of "the Administration's deregulatory efforts." The proposed revision aims to streamline self-reporting obligations and to eliminate duplicative requirements for CDL holders.

10. **Parts and Accessories Requirements.** The FMCSA also published nine NPRMs addressing various parts and accessories requirements that are necessary for safe operation, which include: (i) auxiliary fuel tanks; (ii) brakes on portable conveyors; (iii) tire load markings; (iv) spare fuses; (v) certification and labeling requirements for rear impact protection guards; (vi) fuel tank overfill restriction; (vii) license plate lamps; (viii) liquid burning flares; and (ix) retroreflective sheeting.

All companies subject to DOT jurisdiction will benefit from maintaining awareness of this changing landscape and exercising rights to participate in that process. We encourage motor carriers and others in the industry to consider the impact that the Final Rules may have on their own operations and to prepare and submit comments in response to the NPRM in order to ensure their interests and perspectives are considered in the rulemaking process. Benesch client alerts and legal publications to help you stay on the cutting edge of developments are available by signing up **here**.

The Transportation & Logistics Group at Benesch advises clients on all aspects of regulatory compliance every single day, and we are ready to assist with the NPRM comment period as well.

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