

Department of Transportation (DOT) Fiscal Year 2023 Agency Report

1. Please provide a summary of your agency's activities undertaken to carry out the provisions of OMB Circular A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities" and the National Technology Transfer and Advancement Act (NTTAA). The summary should contain a link to the agency's standards-specific website(s) where information about your agency's standards and conformity assessment related activities are available.

The U.S. Department of Transportation (DOT) and its Operating Administrations rely upon a transparent and collaborative regulatory and guidance program to support the Department's strategic goals: safety, economic strength and global competitiveness, equity, climate and sustainability, and transformation. We employ our infrastructure and safety grants, training programs, and enforcement authorities for automobiles, aviation, highways, railroads, trucks, motorcoaches, maritime operators, public transit, pipelines, and hazardous materials as effectively as possible to reduce transportation-related fatalities and serious injuries across the transportation system. DOT uses voluntary consensus standards and conformity assessment activities as potent tools in our regulatory, guidance, safety advisory, enforcement and international harmonization activities. In addition, DOT relies upon targeted standards development processes with domestic and international standards developing organizations (SDOs) to advance innovative transportation technologies -- such as automated driving systems (ADS) and advanced air mobility (AAM) -- and to advance the state of practice across all modes of transportation.

Over the past year, among other standards-related activities, DOT has taken the following actions:

- The National Highway Traffic Safety Administration (NHTSA) issued a final rule amending the Federal Motor Vehicle Safety Standard (FMVSS) regarding child restraint systems (car seats). The amendments increase child safety in transportation by adding requirements for add-on school bus-specific child restraint systems, adding a new FMVSS that updates NHTSA tests of child restraint systems for compliance with frontal crash performance requirements. This Final Rule draws on multiple voluntary consensus standards and incorporates the results of crashworthiness research.
- The Federal Railroad Administration (FRA), in the wake of the Norfolk Southern derailment in East Palestine, OH and similar previous derailments, issued a Safety Advisory FRA recommending that railroads expand application of Association of American Railroads (AAR) Circular OT-55 (Recommended Railroad Operating Practices for the Transportation of Hazardous Materials), as a matter of guidance.
- The Pipeline and Hazardous Materials Safety Administration (PHMSA) enhanced safety requirements for transport of lithium batteries by air, revising the Hazardous Materials Regulations to prohibit the transport of lithium ion cells and batteries as cargo on passenger aircraft; required lithium ion cells and batteries to be shipped at not more than a 30 percent state of charge aboard cargo-only aircraft when not packed with or contained in equipment; and limited the use of alternative provisions for smaller lithium cell or battery shipments to one package per consignment. This final rule harmonized the U.S. with the International Civil Aviation Organization (ICAO) Technical Instructions for the Safe Transportation of Dangerous Goods by Air, which are based on multiple voluntary consensus standards and incorporate the results of fire prevention research on lithium batteries and cells.

- The Federal Aviation Administration (FAA) accepted SAE Designation AS6960 “Performance Standards for Seat Furnishings”, as a means of compliance with regard to the design of seat furnishings. This is a significant step in addressing the safety issue of lithium batteries in cell phones and other consumer electronics catching fire in flight when passengers lose such devices in older designs of seats that do not meet performance standards.
- The Pipeline and Hazardous Materials Safety Administration (PHMSA) improved the safety of transport of explosives by all modes of transportation by terminating the approvals to transport explosives of over 100 entities for failing to comply with UN Test Series 6(d) of Part I of the UN Manual of Tests and Criteria (UN 6(d) testing) as required by 49 CFR 172.102, Special Provision 347. The UN Manual is based on internationally-harmonized voluntary consensus standards, and includes recognized conformity assessment methods.
- The Federal Motor Carrier Safety Administration (FMCSA) amended its Hazardous Materials Safety Permits regulations to incorporate by reference the April 1, 2022, edition of the Commercial Vehicle Safety Alliance’s (CVSA) handbook (the handbook) containing inspection procedures and Out-of-Service Criteria (OOSC) for the inspection of commercial motor vehicles used in the transportation of transuranic waste and highway route-controlled quantities of radioactive material. The OOSC provide enforcement personnel nationwide, including FMCSA’s State partners, with uniform enforcement tolerances for these safety inspections.

Information on the Department’s regulatory and enforcement programs using standards and conformity assessment may be found at “Regulatory Information” (<https://www.transportation.gov/regulations>). The Federal Aviation Administration’s (FAA) use of standards and conformity assessment in operational activities beyond regulation and enforcement may be found at “Regulations & Policies” (https://www.faa.gov/regulations_policies).

2. Please list the government-unique standards (GUS) your agency began using in lieu of voluntary consensus standards during FY 2023. Please note that GUS which are still in effect from previous years should continue to be listed, thus the total number in your agency's report will include all GUS currently in use (previous years and new as of this FY): 11

(1) Government Unique Standard

49 CFR 571.102, Transmission shift position sequence, starter interlock, and transmission braking effect (2005) [Incorporated: 2016]

Voluntary Standard

SAE J915

Rationale

This regulation was issued on July 1, 2005. SAE J915, “Automatic Transmissions- Manual Control Sequence,” published on July 1, 1965, and updated on March 9, 2017. NHTSA has not incorporated this standard because its content currently relies on 49 CFR 571.102 and 571.114, and the SAE J915 abstract also states that some portions of the standard are unique and may not represent current common practices within the user community. NHTSA is evaluating industry standards to inform the next steps of any revisions to its regulations.

(2) Government Unique Standard

49 CFR 571.114, Theft protection and rollaway prevention (2006) [Incorporated: 2016]

Voluntary Standard

SAE J2948

Rationale

NHTSA published this regulation on April 7, 2006. SAE Recommended Practice, SAE J2948 "Keyless Ignition Control Design" was published on January 13, 2011. NHTSA reviewed and referenced SAE J2948 in an NPRM it issued on December 12, 2011 and is considering whether to finalize this regulatory action.

(3) Government Unique Standard

49 CFR 571.123, Motorcycle controls and displays [Incorporated: 2016]

Voluntary Standard

ISO 2575

Rationale

NHTSA first published this regulation on April 12, 1977. ISO 2575, "Road vehicles -- Symbols for controls, indicators and tell-tales," was published in 2004, and specifies symbols for use on vehicle controls and indicators. On November 26, 2014, NHTSA issued an NPRM proposing to allow the use of an ISO 2575 warning label for ABS failure indication. NHTSA is considering whether to finalize this regulatory action.

(4) Government Unique Standard

49 CFR 571.129 New non-pneumatic tires for passenger cars (1990) [Incorporated: 2016]

Voluntary Standard

SAE J918c

Rationale

This regulation was published on July 20, 1990. Although not incorporated by reference, the performance and test requirements are based upon SAE recommended practice, "Passenger Car Tire Performance," J918c, last updated on May 1, 1970. NHTSA is evaluating industry standards to inform the next steps of any revisions to its regulations.

(5) Government Unique Standard

49 CFR 571.138, Tire pressure monitoring systems (2005) [Incorporated: 2016]

Voluntary Standard

SAE J2657

Rationale

NHTSA published this regulation on April 8, 2005. SAE J2657, Tire Pressure Monitoring Systems for Light Duty Highway Vehicles, was published on December 16, 2004. While SAE J2657 was not incorporated in the final rule, the regulation has many commonalities. However, SAE J2657 does not contain requirements or test procedures for a malfunction indicator and requires different levels of rigorosity. NHTSA is evaluating industry standards to inform the next steps of any revisions to its regulations.

(6) Government Unique Standard

49 CFR 571.207, Seating Systems [Incorporated: 2016]

Voluntary Standard

SAE J879

SAE J879B

Rationale

This regulation was published on April 8, 2005. Although not incorporated by reference, the test procedures and performance requirements are based on SAE J879, "Passenger Car Front Seat and Seat Adjuster," published on November 1, 1963, and SAE J879B, "Motor Vehicle Seating Systems," published on July 1, 1968. NHTSA is evaluating industry standards to inform the next steps of any revisions to its regulations.

(7) Government Unique Standard

49 CFR 571.226, Ejection Mitigation [Incorporated: 2010]

Voluntary Standard

SAE J2568—Intrusion Resistance of Safety Glazing Systems for Road Vehicles

BSI AU 209—Vehicle Security

Rationale

This regulation was published on January 19, 2011. SAE J2568 - Intrusion Resistance of Safety Glazing Systems for Road Vehicles was published on April 24, 2001 and BSI AU 209 - Vehicle Security was published in August 1995. NHTSA studied the test procedures and performance requirements in these standards but did not adopt them because they did not meet NHTSA's safety objectives and in some cases, were costlier. NHTSA is evaluating industry standards to inform the next steps of any revisions to this regulation.

(8) Government Unique Standard

49 CFR 571.302 Flammability of Interior Materials (1971) [Incorporated: 2016]

Voluntary Standard

ASTM D5132

SAE J369

Rationale

This regulation was published on December 2, 1971. Although not incorporated by reference, these standards are technically equivalent to the regulation: ASTM D5132, "Standard Test Method for Horizontal Burning Rate of Polymeric Materials Used in Occupant Compartments of Motor Vehicles," published in 1994 and SAE J 369, "Flammability of Polymeric Interior Materials - Horizontal Test Method," published on March 1, 1969. NHTSA initiated a research program in 2016 to evaluate the test procedures of the industry standards to inform the next steps of any revision to this regulation.

(9) Government Unique Standard

49 CFR 571.305, Electric-powered vehicles: electrolyte spillage and electrical shock protection (2000) [Incorporated: 2016]

Voluntary Standard

SAE J1766

Rationale

The standard was issued on September 27, 2000, and was based on SAE J1766, "Recommended practice for electric and hybrid electric vehicle battery systems crash integrity testing," published on February 1, 1996. NHTSA reviewed the 2016 revision of SAE J1766 and other industry standards for electric vehicles in an NPRM it issued on March 10, 2016 and is considering whether to finalize this regulatory action.

(10) Government Unique Standard

49 CFR Part 563, Event Data Recorders (2006) [Incorporated: 2016]

Voluntary Standard

SAE J1698-1

IEEE P1616

Rationale

This regulation was issued on August 28, 2006. NHTSA did not incorporate either the SAE Vehicle Event Data Interface (J1698-1) Committee or the IEEE Motor Vehicle Event Data Recorder (MVDER) working group (P1616) because both standards were developed and issued during the rulemaking process. NHTSA is evaluating industry standards to inform the next steps of any revisions to its regulations.

(11) Government Unique Standard

Brake Performance, 49 CFR 393.52 - FMCSA's Performance-Based Brake Testers (PBBTs) Requirement [Incorporated: 2002]

Voluntary Standard

SAE J667 - Brake Test Code Inertia Dynamometer (cancelled February 2002)

SAE J1854 - Brake Force Distribution Performance Guide - Trucks and Buses

Rationale

FMCSA used government-unique standards in lieu of voluntary consensus standards when it implemented its final rule to allow inspectors to use performance-based brake testers (PBBTs) to check the brakes on large trucks and buses for compliance with federal safety standards and to issue citations when these vehicles fail (67 FR 51770, August 9, 2002). The FMCSA evaluated several PBBTs during a round robin test series to assess their functional performance and potential use in law enforcement. The standard, a specific configuration of brake forces and wheel loads on a heavy-duty vehicle, was used to evaluate the candidate PBBTs and their operating protocols. The agency's rationale for use of the government-unique standards was to verify that these measurements and new technology could be used by law enforcement as an alternative to stopping distance tests or on-road deceleration tests. PBBTs are expected to save time and their use could increase the number of commercial motor vehicles that can be inspected in a given time. Only PBBTs that meet specifications developed by the FMCSA can be used to determine compliance with the Federal Motor Carrier Safety Regulations. The final rule represents a culmination of agency research that began in the early 1990s.