

MEMORANDUM TO: SECRETARIAL OFFICERS [SIGNED, June 22, 2011]
MODAL ADMINISTRATORS

From: Polly Trottenberg, Assistant Secretary for Transportation Policy
x64540

Robert Rivkin, General Counsel
x64702

Re: Departmental Guidance: Threshold of Significant Regulatory
Actions Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. §1532) requires each agency to prepare a comprehensive written statement for any proposed or final rule that includes a “Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any one year.” Among other matters, the required statement must address the costs and benefits of the rulemaking and any budgetary impacts associated with it.

The value equivalent of \$100,000,000 in CY 1995, adjusted for inflation to CY 2010 levels by the Consumer Price Index for All Urban Consumers (CPI-U) as published by the Bureau of Labor Statistics, is \$143,100,000.

DOT analysts should use this value to determine whether the statement required by the Act must be prepared. In applying this test, the costs in any year of compliance with a rule should be stated in terms of 2010 prices, using the CPI-U as necessary to adjust historic or estimated cost data to 2010 levels. That index, series CUUR0000SA0, may be retrieved at <http://www.bls.gov/data/top20.htm>.

Questions concerning this guidance should be addressed to Peter Belenky, (202) 366-5421 or peter.belenky@dot.gov in the Office of Transportation Policy.

cc: Regulations officers and liaison officers