

Regulatory Analysis Form

(Completed by Promulgating Agency)

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NOV 22 11 52 AM '00
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PA

SECTION I: PROFILE

(1) Agency:
Transportation

(2) Agency Number:
18-413
Identification Number:

IRRC Number: 2744

(3) Short Title:
Interstate Motor Carrier Safety Requirements

(4) PA Code Cite:
67 Pa. Code, Chapter 229

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: Daryl St. Clair, Acting Director, Bureau of Highway Safety and Traffic Engineering
(717) 787-7350
Secondary Contact: Girish Modi, Bureau of Highway Safety and Traffic Engineering
(717) 787-6853

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation
- Emergency Certification Regulation;
 - Certification by the Governor
 - Certification by the Attorney General

Regulatory Analysis Form

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The Federal Motor Carrier Safety Assistance Program (MCSAP), administered by the Federal Motor Carrier Safety Administration (FMCSA), provides financial assistance to states to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles. As a condition of participating in MCSAP, each state must ensure that its laws and regulations are identical to or have the same effect as the Federal Motor Carrier Safety Regulations (FMCSR) and the Hazardous Materials Regulations (HMR). During a MCSAP National Management and Performance Review in 2007, the FMCSA determined Pennsylvania's Interstate Motor Carrier Safety Regulations do not meet these requirements. Unless these regulations are amended, Pennsylvania will lose federal MCSAP funds. Consequently, the proposed regulations adopt the North American Standard Out-Of-Service Criteria and the applicable federal motor carrier safety regulations.

(9) Include a schedule for review of the regulation including:

- | | |
|---|-------------------|
| A. The date by which the agency must receive public comments: | <u>N/A</u> |
| B. The date or dates on which public meetings or hearings will be held: | <u>N/A</u> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>02/15/2010</u> |
| D. The expected effective date of the final-form regulation: | <u>02/15/2010</u> |
| E. The date by which compliance with the final-form regulation will be required: | <u>02/15/2010</u> |
| F. The date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

(10) Provide the schedule for continual review of the regulation.

The regulation will be reviewed on an annual basis and as issues may arise in the administration and enforcement of the MCSAP program.

Regulatory Analysis Form

SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

Authority for these amendments is found in sections is found in Sections 4704 and 6103 of the Vehicle Code, 67 Pa.Code §§4704 and 6103.

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

These regulations are mandated by 49 CFR Part 350 generally, and 49 CFR 350.201 specifically. Failure to adopt these regulations prior to March 1, 2010 may result in a loss of MCSAP funding.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The commercial motor vehicle safety program is designed to reduce commercial motor vehicle involved accidents, fatalities and injuries through consistent, uniform, and effective commercial motor vehicle safety programs.

Implementation of these regulations enhances the safety and operation of commercial motor vehicles and drivers on Commonwealth highways.

Failure to enact these regulations would result in the loss of federal funds to implement and enforce the commercial motor vehicle safety program. Without a commercial motor vehicle safety program there would be an increase in property damage, injuries and death resulting from commercial motor vehicle crashes.

Regulatory Analysis Form

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

There was/were no scientific data, studies or references used to justify this regulation. The regulations are justified as necessary to conform to the mandates in 49 CFR Part 350.

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

There should be no adverse impact to any person or entities through the enactment of these regulations. Interstate motor carriers and drivers are already subject to these regulations as adopted by other state jurisdictions.

Adoption of these regulations will benefit all users of Commonwealth highways through reduced risk of commercial vehicle crashes. In addition, motor carriers will benefit through uniform and consistent application of these safety regulations throughout the U.S.

(16) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

These regulations will affect all motor carriers and drivers who operate in interstate commerce. The department is unable to determine the number of persons or entities that will be required to comply.

SECTION III: COST AND IMPACT ANALYSIS

(17) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The costs and/or savings to the regulated community resulting from these amendments are minimal and cannot be calculated with any precision.

(18) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There should be no costs and/or savings to local governments resulting from the amendments to the

Regulatory Analysis Form

regulations. Local governments are not subject to the regulations.

(19) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There should be no costs and/or savings to state government resulting from these amendments to the regulation.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$ N/A	\$	\$	\$	\$	\$
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Savings	N/A					
COSTS:	N/A					
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Costs	N/A					
REVENUE LOSSES:	N/A					
Regulated Community	N/A					
Local Government	N/A					
State Government	N/A					
Total Revenue Losses	N/A					

(20a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Appropriation 187	\$ 8,295,095.00	\$ 9,360,605.00	\$ 9,671,455.00	\$ 8,679,788.00

Regulatory Analysis Form

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

Adoption of these regulations will benefit all users of Commonwealth highways through reduced risk of commercial vehicle crashes. In addition, motor carriers will benefit through uniform and consistent application of these safety regulations throughout the U.S. Interstate motor carriers and drivers are already subject to these regulations as adopted by other state jurisdictions so the application of these regulations is of minimal impact.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

These regulations were developed in accordance and compliance with a MCSAP National Management and Performance Review conducted by the FMCSA. The following persons and/or groups have been involved in the drafting and/or review of the regulation:

Pennsylvania State Police, Pennsylvania Public Utility Commission, Pennsylvania Motor Truck Association, Pennsylvania Farm Bureau and Penn Ag.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

There are alternative regulatory provisions that would satisfy the requirements of the FMCSA mandate.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no provisions that are more stringent than federal standards.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

The regulations are identical or substantially similar to those enacted by all other states, as mandated by the FMCSA.

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(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

These amendments will not affect other Department regulations or the regulations of any other Commonwealth agency.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The regulations will not change existing reporting, record keeping or other paperwork requirements

(28) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

There were no special provisions developed to meet the particular needs of any affected groups.

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**FACE SHEET
FOR FILING DOCUMENTS
WITH THE
LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.
Attorney General.

By: _____
(Deputy Attorney General)

Date of Approval

Check if applicable
Copy not approved. Objections attached.

Copy of below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

**Department
of
Transportation**
(Agency)

DOCUMENT/FISCAL NOTE NO. 18-413

DATE OF ADOPTION _____

BY Allen D. Bebler
Secretary of Transportation

Copy below is hereby approved as to
form and legality. Executive or
Independent Agencies.

BY Andrew C. Clark
JAN 22 2010

(Date of Approval)

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike Inapplicable Title)

Check if applicable. No attorney
General Approval or Objection within
30 days after submission.

NOTICE OF FINAL RULEMAKING

DEPARTMENT OF TRANSPORTATION

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article VIII. Administration and Enforcement

Chapter 229. Interstate Motor Carrier Safety Requirements

ORIGINAL

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 229. INTERSTATE MOTOR CARRIER SAFETY REQUIREMENTS

NOTICE OF FINAL RULEMAKING

List of Commenters

Officer Thomas Sanders
Mt. Lebanon Police Department
555 Washington Rd.
Mt. Lebanon, PA 15228

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 229. INTERSTATE MOTOR CARRIER SAFETY REQUIREMENTS

NOTICE OF FINAL RULEMAKING

Preamble

The Department of Transportation, pursuant to the authority contained in Sections 4704 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa.C.S. §§ 4704 and 6103), hereby adopts amendments to Title 67, Chapter 229 of the Department of Transportation Regulations (relating to interstate motor carrier safety requirements), to read as set forth Annex A.

Purpose of Chapter

The purpose of Chapter 229 is to prescribe the minimum requirements and qualifications for drivers, vehicles and other matters relating to the interstate operation of commercial vehicles.

Summary of Comments and Changes in Final Adopted Regulation

The amendments to the regulation were published as a proposed rulemaking in the February 21, 2009 issue of the *Pennsylvania Bulletin*. The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees of the Pennsylvania General Assembly.

Comments were received from Officer Thomas Sanders and from the IRRRC. Officer Sanders noted that the existing language of Section 229.2 (relating to the scope of the regulation), indicates that the regulation applies to “vehicles, including motor vehicles and combinations of vehicles, and drivers of motor vehicles engaged in interstate commerce if the registered gross weight of the vehicle or the combination of vehicles exceeds 17,000 pounds.” He indicated that the reference to 17,000 pounds may be confusing and requested that the language in section 229.2 be modified to be consistent with the definition of motor carrier vehicle as it appears in the Vehicle Code. We agree that the reference to a vehicle which “exceeds 17,000 pounds” should be removed and it was removed (placed inside brackets) in the proposed rulemaking. In its place, the proposed regulation referenced a “commercial motor vehicle,” the term used and defined in the federal motor carrier safety regulations. Officer Sanders simply misread the bracketing. Accordingly, no change to the proposed rulemaking was necessary to address this concern.

IRRC questioned the propriety of including in the regulation the adoption, as statements of policy, of the interpretations of the Federal Motor Carrier Safety Regulations in Section 229.17. IRRC points out that statements of policy are interpretative and fall outside the regulatory review process. Although similar language is found in the currently existing regulations at Section 229.411 (relating to adoption of Interpretations of Federal Motor Carrier Safety Regulations, Federal Highway Administration, United States Department of Transportation) as well as in 67 Pa. Code §231.411 (relating to adoption of Interpretations of Federal Motor Carrier Safety Regulations, Federal Highway Administration, United States Department of Transportation), the Department has amended the language of section 229.17 to

more clearly express its intent that any interpretations issued by the Federal Motor Carrier Safety Administration should be viewed as guidance under these regulation as well.

FMCSA periodically publishes interpretations of its regulations. The purpose of adopting the interpretations is to ensure that motor carriers, drivers and law enforcement may rely on the FMCSA interpretations. Additionally, adopting the FMCSA interpretations will enhance the uniform interpretation and implementation of the motor carrier safety regulations in this Commonwealth consistent with its application throughout the rest of the United States.

Persons and Entities Affected

These proposed regulations will affect all motor carriers and drivers who operate in interstate commerce.

Fiscal Impact

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. These regulations will not impose any additional costs on the regulated community.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. § 745.5(a), on February 21, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa. B 997, to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees for review and comment. In preparing this final-form regulation, the Department has considered all comments received from the public, IRRC and the Committees.

Effective Date

The Department of Transportation will make these regulations effective upon publication in final form.

Sunset Provisions

The Department is not establishing a sunset date for these regulations, since these regulations are required to participate in the federal Motor Carrier Safety Assistance Program. The Department, however, will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person for technical questions about this final-form rulemaking should be directed to Daryl St. Clair, Bureau of Maintenance and Operations, 400 North St., 6th Floor, Commonwealth Keystone Building, Harrisburg, Pennsylvania 17120, telephone number: 717-787-6899.

Order

The Department of Transportation orders that:

- (A) The regulations of the Department of Transportation, 67 Pa. Code, Chapter 229 are amended as set forth in Annex A.
- (B) The Secretary of the Department of Transportation shall submit this Order and Annex A hereto the Office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.

(C) The Secretary shall certify this Order and Annex A and deposit the same with the Legislative Reference Bureau, as required by law.

(D) This Order shall take effect upon publication in the *Pennsylvania Bulletin*.

Allen D. Biehler, P.E.
Secretary of Transportation

(Editor's Note: As part of this proposed FINAL-rulemaking, the Department is proposing to reseed-RECINDING Subchapters B--J as follows:

§§ 229.21, 229.22, 229.31, 229.32, 229.41--229.44, 229.51--229.54, 229.61--229.66, 229.71 and 229.81--229.85 which appear in 67 Pa. Code pages 229-7--229-12, serial pages (251037)--(251042).

§§ 229.101--229.111, 229.121--229.128, 229.131--229.135, 229.141--229.144, 229.151--229.153, 229.161--229.163 and 229.171--229.181 which appear in 67 Pa. Code pages 229-14--229-22, serial pages (251044)--(251050) and (265935) and (265936).

§§ 229.191--229.193, 229.201, 229.202, 229.208, 229.210--229.223, 229.231--229.243, 229.251--229.254, 229.261--229.263, 229.271, 229.272, 229.281--229.299, 229.301, 229.311--229.314 and 229.321--229.325 which appear in 67 Pa. Code pages 229-25--229-40, serial pages (251055)--(251060), (265937), (265938) and (251063)--(251070).

§§ 229.331 and 229.341--229.348 which appear in 67 Pa. Code pages 229-40--229-43, serial pages (251070)--(251073).

§§ 229.361--229.371 which appear in 67 Pa. Code pages 229-43--229-46, serial pages (251073), (251074), (265939) and (265940).

§§ 229.381--229.391 which appear in 67 Pa. Code pages 229-47--229-49, serial pages (251077)--(251079).

§§ 229.431 and 229.432 which appear in 67 Pa. Code pages 229-49 and 229-50, serial pages (251079) and (251080).

§§ 229.451--229.453 which appear in 67 Pa. Code pages 229-50--229.52, serial pages (251080)--(251082).

ANNEX A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 229. INTERSTATE MOTOR CARRIER SAFETY REQUIREMENTS

FINAL RULEMAKING

Subchapter A. GENERAL

§ 229.1. General information and requirements.

(a) *Purpose.* This chapter prescribes the minimum requirements and qualifications for drivers, vehicles and other matters relating to the interstate operation of commercial motor vehicles. Much of this chapter incorporates by reference provisions of 49 CFR Parts [390—397] 382, 385, 387 and 390--396. Appropriate parts may be obtained from the following:

* * * * *

(4) Commercial Vehicle Safety Alliance, 1101 17th Street NW, Suite 803, Washington, DC 20036.

* * * * *

(c) [*Title and name changes.* In order to reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases will be substituted for the language of the Federal regulations as follows:

A reference to the Department of Transportation means the Pennsylvania Department of Transportation.

(d)] *Forms and documents.* References to forms in the Federal regulations incorporated by reference will be replaced by the appropriate forms prescribed by the Department of Transportation.

§ 229.2. Scope.

(a) Except as otherwise provided, this chapter applies to [vehicles, including motor vehicles and combinations of vehicles, and drivers of motor vehicles engaged in interstate commerce if the registered gross weight of the vehicle or combination of vehicles exceeds 17,000 pounds] commercial motor vehicles engaged in interstate commerce.

(b) This chapter applies to motor carriers of property or passengers, whether common carriers, contract carriers or private carriers, involved in interstate commerce.

[(c) This chapter does not apply to systematic inspections of drivers of or vehicle types as follows:

- (1) Farm trucks not required to be registered.
- (2) Special mobile equipment.
- (3) Implements of husbandry.]

§ 229.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

[*Bus*—A motor vehicle as defined in 75 Pa.C.S. § 102 (relating to definitions).

Business district--The term as defined in 75 Pa.C.S. § 102.

Department--The Department of Transportation of the Commonwealth.

Driveaway-towaway operation--49 CFR 390.5 (relating to definitions) incorporated by reference.

Driver--49 CFR 390.5 incorporated by reference.

Full trailer--The term as defined in 75 Pa.C.S. § 102.

Gross weight--The term as defined in 75 Pa.C.S. § 102.

Interstate commerce--Trade, traffic or transportation of property or persons by highway between a place within this Commonwealth and a place in another state or between a place in one state and a place in another state with transportation by highway through this Commonwealth.

Lightweight vehicle--A motor vehicle, other than a vehicle that is being used to transport passengers for hire; or a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded under 49 CFR 177.823 (relating to marking and placarding motor vehicles) that was one of the following:

(i) Manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of 17,000 pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of 17,000 pounds or less, in the case of an articulated vehicle.

(ii) Manufactured before January 1, 1972, and has a gross weight including its load and the gross weight of a vehicle being towed by the motor vehicle of 17,000 pounds or less.

Motor carrier--49 CFR 390.5 incorporated by reference.

Motor carrier vehicle--The term as defined in 75 Pa.C.S. § 102.

Pole trailer—49 CFR 390.5 incorporated by reference.]

Qualified Commonwealth [employee] employee—[A Commonwealth employe designated by the Department who is authorized to inspect vehicles, drivers, documents, equipment and loads, or cargo as provided in 75 Pa.C.S. §§ 4704 and 8302 (relating to inspection by police or department personnel; and powers and duties of department).] The term as it is defined in 75 Pa.C.S. §102 (relating to definitions).

[*Radar detector*—49 CFR 390.5 (relating to definitions) incorporated by reference.

Residence district--The term as defined in 75 Pa.C.S. § 102.

Semitrailer--The term as defined in 75 Pa.C.S. § 102.

Truck--The term as defined in 75 Pa.C.S. § 102.

Truck tractor--49 CFR 390.5 (relating to definitions) incorporated by reference.

Vehicle—The term as defined in 75 Pa.C.S. § 102.]

§ 229.4. [General applicability] (Reserved).

[49 CFR 390.3 (relating to general applicability) incorporated by reference.]

§ 229.5. [Vehicles used for purposes other than as defined] (Reserved).

[49 CFR 390.33 (relating to vehicles used for purposes other than as defined) incorporated by reference.]

§ 229.6. [Motor carrier to require observance of driver regulations] (Reserved).

[49 CFR 390.11 (relating to motor carrier to require observance of driver regulations) incorporated by reference.]

§ 229.7. [Aiding or abetting violations] (Reserved).

[49 CFR 390.13 (relating to aiding or abetting violations) incorporated by reference.]

§ 229.8. [Additional equipment and accessories] (Reserved).

[49 CFR 390.19 (relating to additional equipment and accessories) incorporated by reference.]

§ 229.9. [Marking of motor vehicles] (Reserved).

[49 CFR 390.21 (relating to marking of commercial motor vehicles) incorporated by reference.]

§ 229.10. [Relief from hours-of-service regulations—disasters] (Reserved).

[49 CFR 390.23 (relating to relief from hours-of-service regulations—disasters) incorporated by reference.]

§ 229.11. [Copies of records or documents] (Reserved).

[49 CFR 390.31 (relating to copies of records or documents) incorporated by reference.]

§ 229.12. [Certificates, reports and records: falsification, reproduction or alteration] (Reserved).

[49 CFR 390.35 (relating to certificates, reports, and records: falsification, reproduction, or alteration) incorporated by reference.]

§ 229.13. Violation and penalty (Reserved).

[49 CFR 390.37 (relating to violation and penalty) incorporated by reference.]

§ 229.14. Adoption of portions of 49 CFR by reference.

The Department incorporates by reference the following portions of 49 CFR (relating to transportation), subject to § 229.3 and § 229.15 (relating to definitions; and additions or modifications to 49 CFR).

- (1) Part 382 (relating to driver drug and alcohol testing).
- (2) Part 385 (relating to safety fitness procedures).
- (3) Part 387 (relating to minimum levels of financial responsibility for motor carriers).
- (4) Part 390 (relating to Federal motor carrier safety regulations; general).
- (5) Part 391 (relating to qualifications of drivers).
- (6) Part 392 (relating to driving of motor vehicles).
- (7) Part 393 (relating to parts and accessories necessary for safe operation).
- (8) Part 395 (relating to hours of service for drivers).
- (9) Part 396 (relating to inspection, repair and maintenance).

§ 229.15. Additions or modifications to 49 CFR.

A reference to special agent shall include a police officer or a qualified Commonwealth employee.

§ 229.16. Adoption of Out-of-Service Criteria.

The out-of-service criteria contained in the North American Standard Out-Of-Service Criteria is incorporated by reference.

§ 229.17 ~~Adoption of Interpretation~~ INTERPRETATIONS of Federal Motor Carrier

Safety Regulations.

The Department WILL BE GUIDED BY ~~hereby adopts, as statements of policy,~~ interpretations of the Federal Motor Carrier Safety Regulations ISSUED ~~as published by the~~ Federal Motor Carrier Safety Administration for those Parts enumerated in § 229.14 (relating to adoption of portions of 49 CFR by reference). COPIES OF THESE INTERPRETATIONS MAY BE OBTAINED BY CONTACTING THE DIRECTOR, BUREAU OF HIGHWAY SAFETY AND TRAFFIC ENGINEERING, 400 NORTH STREET, PO BOX 2047, HARRISBURG, PA 17105-2047, OR THROUGH THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION WEBSITE: http://www.fmcsa.dot.gov/rules-regulations/administration/fmsr/fmsrguide.aspx?section_type=G



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

January 22, 2010

Kim Kaufman
Executive Director
Independent Regulatory Review Commission
14th Floor Harrisstown 2
333 Market Street
Harrisburg, PA 17101

**Re: Final Rulemaking, Regulation # 18-413, 67 Pa. Code, Chapter 229
Interstate Motor Carrier Safety Regulations
Withdrawal and Resubmission**

Dear Mr. Kaufman:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form for Amendments to 67 Pa. Code, Chapter 229, Interstate Motor Carrier Safety Regulations, which the Department of Transportation intends to adopt in accordance with the provisions of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, 45 P.S. § 1201 *et seq.*, and the Regulatory Review Act, 71 P.S. § 745.1 *et seq.*

By this correspondence the Department of Transportation hereby withdraws the regulatory package submitted on December 29, 2009 and submits this package in its stead. This package reflects changes to § 229.17 in Annex A and related discussion of that section in the Preamble.

The Department of Transportation will provide the Commission with any assistance you require to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

Stephen F. J. Martin
Regulatory Counsel

cc: Danielle K. Spila, Director, Department of Transportation Policy Office



TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

RECEIVED

I.D. NUMBER: #18-413

2010 JAN 22 PM 12:09

SUBJECT: Interstate Motor Carrier Safety Requirements,
67 Pa. Code, Chapter 229

INDEPENDENT REGULATORY
REVIEW COMMISSION

AGENCY: Department of Transportation

TYPE OF REGULATION

Proposed Regulation

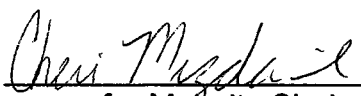
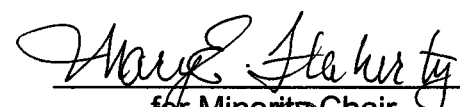
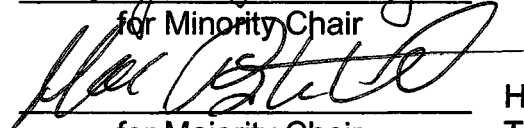

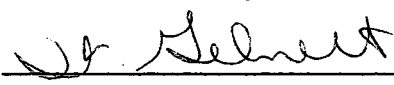
X Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
1/22/10	 for Majority Chair	SENATE COMMITTEE ON TRANSPORTATION The Honorable John C. Rafferty, Jr. Majority Chairman
1/22/10	 for Minority Chair	
1/22/10	 for Majority Chair	HOUSE COMMITTEE ON TRANSPORTATION The Honorable Joseph F. Markosek Majority Chairman
1/22/10	 for Minority Chair	
1/22/10		INDEPENDENT REGULATORY REVIEW COMMISSION
		LEGISLATIVE REFERENCE BUREAU

Date: January 22, 2010