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2745

February 23, 2010

Arthur Coccodrilli, Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

RECEIVED  
2010 FEB 23 PM 3:13  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

RE: Final-Form Version of Pennsylvania Department of Transportation Proposed  
Rulemaking on Intrastate Motor Carrier Safety Requirements  
IRRC No. 2745; Reg. No. 18-414

Dear Chairman Coccodrilli:

I am writing as a member of the House Transportation Committee to urge the Independent Regulatory Review Commission to take formal action to disapprove the final-form version of the above-referenced proposed rulemaking. I had requested that House Transportation Committee Chairman Joseph Markosek schedule a Committee Meeting to afford the committee the opportunity to provide comments, however, the lack of time between now and your meeting on February 25<sup>th</sup> did not permit such an opportunity. Therefore, I write to you as an individual member of the House Transportation Committee.

I have reviewed the comments submitted by the Pennsylvania Farm Bureau and I concur in those comments, therefore, I will simply summarize those points. The proposed regulations simply substitutes the requirements of the federal motor carrier safety regulations for Pennsylvania's existing intrastate motor carrier safety regulations which have been in place, and have worked well, for over 15 years. The federal regulations rely solely on weight and weight rating, whereas, Pennsylvania's existing regulations consider usage for farming purposes and travel on farms and roadways near farms in creating commonsense exemptions. If the proposed regulations are approved, these exemptions would disappear and result in a number of consequences, including driving up the cost of operating a family farm, limiting the ability of family members to operate certain equipment, applying hours of service and burdensome recordkeeping and inspection requirements that have no practical application, and making farm operators sift through a maze of difficult to interpret regulations.

As stated in the Farm Bureau's comments, the cost analysis by the Department is non-existent and the proposed regulations fail to adequately satisfy many of the criteria set forth in Section 5.2(b) such as resulting in significant direct and indirect costs, required reporting and the cost of the same, lesser standards which would be in the public interest, clarity, feasibility and reasonableness of the regulations, and reasonableness of requirements and implementation procedures. Further, the proposed regulations would substantially undermine the agricultural industry in Pennsylvania, which is both Pennsylvania's and Mercer County's number 1 industry.

It is for these reasons that I urge the IRRC to disapprove the final-form regulations submitted by PennDOT. I do appreciate your consideration of this letter.

Sincerely,

A handwritten signature in black ink that reads "Mark Longiotti". The signature is written in a cursive style with a long horizontal flourish at the end.

Mark Longiotti  
District 7/Mercer County

cc: George D. Bedwick, Vice Chairman  
Silvan B. Lutkewitte, III, Commissioner  
John Mizner, Commissioner  
S. David Fineman, Commissioner  
James M. Smith, Regulatory Analyst  
Michael Stephens, Regulatory Analyst  
Joseph F. Markosek, Chairman, House Transportation Committee  
Stacia A. Ritter, Executive Director, House Transportation Committee  
Michael A. Hanna, Chairman, House Agriculture and Rural Affairs Committee  
John J. Bell, Government Affairs Counsel, Pennsylvania Farm Bureau  
Joe Rotz, Director, State Governmental Relations, Pennsylvania Farm Bureau