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## INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

April 22, 2009

Honorable Allen D. Biehler, P.E., Secretary  
Department of Transportation  
Keystone Building, 8th Floor  
400 North Street  
Harrisburg, PA 17120-0041

Re: Regulation #18-414 (IRRC #2745)  
Department of Transportation  
Intrastate Motor Carrier Safety Requirements

Dear Secretary Biehler:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman  
Executive Director

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Enclosure

cc: Honorable Robert C. Wonderling, Chair, Senate Transportation Committee  
Honorable J. Barry Stout, Chair, Senate Transportation Committee  
Honorable Joseph F. Markosek, Chair, House Transportation Committee  
Honorable Richard A. Geist, Chair, House Transportation Committee

# Comments of the Independent Regulatory Review Commission



## Department of Transportation Regulation #18-414 (IRRC #2745)

### Intrastate Motor Carrier Safety Requirements

April 22, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the February 21, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

#### **1. General. – Reasonableness.**

The Pennsylvania Division of the Federal Motor Carrier Safety Administration (FMCSA) submitted comments noting changes to this regulation that need to be made in order to be in full compliance with federal rules. We share the same concerns and recommendations raised by FMCSA and incorporate them into the Commission's comments on this proposed rulemaking.

Also, the Pennsylvania Farm Bureau (PFB) submitted comments expressing concerns with the elimination of certain exemptions for farm vehicles, while acknowledging the consequences for not removing the exemptions. The Department should address the concerns raised by PFB and explain its rationale for removing these exemptions for farm vehicles.

#### **2. Section 231.10. Adoption of interpretation of Federal Motor Carrier Safety Regulations. – Need; Reasonableness; Clarity.**

The Department has used this section to adopt certain interpretations of the Federal Motor Carrier Safety Regulations as statements of policy. Because this is non-regulatory language, we question why the Department has chosen to include it in the proposed regulation. This section should be deleted from the final-form regulation.

### Facsimile Cover Sheet




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**To:** Stephen Martin  
**Agency:** Department of Transportation  
**Phone:** 7-5079  
**Fax:** 2-2741  
**Date:** April 22, 2009  
**Pages:** 3

**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the Department of Transportation's regulation #18-414 (IRRC #2745). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

**Accepted by:**  **Date:** 4-22-09