February 22, 2016

The Honorable T.F Scott Darling III
Acting Administrator
U.S. Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, N.W.
Washington, DC 20590

Docket No. FMCSA-2015-0001

Dear Administrator Darling,

The National Conference of State Legislatures (NCSL) appreciates the opportunity to provide input to the Federal Motor Carrier Safety Administration (FMCSA) on its Notice of Proposed Rulemaking (NPRM) to revise the process for determining whether a motor carrier is safely fit to operate.

NCSL believes that the federal government is primarily responsible for the regulation of interstate transportation and commerce, including safety and security, while states play a critical role in administering interstate motor carrier regulations and regulating intrastate commerce. NCSL therefore supports a continued federal role in helping to set nationa...
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to take legislative action to enable full implementation and that states would have three years from the effective date of the final version of this rule to enact such changes. Regrettably, FMCSA responded to its own determination that the NRPM has federalism implications by noting that it has communicated with the states on the proposed requirements only via a letter to the National Governors Association and not state legislatures.

In moving forward, NCSL strongly urges FMCSA, when complying with federalism implications guidelines to involve all levels of state government including state legislatures and not just the executive branch. Unfortunately, I am not aware of any similar efforts to reach out to NCSL, the bipartisan organization representing all of the legislatures of the nation’s states, commonwealths, and territories before publishing its proposed rule. NCSL is hopeful that in the future increased efforts will be made to provide notice to state legislatures on proposals with federalism implications, especially in such cases that require state legislative action.

We look forward to working with you and your staff as you continue your efforts to increase motor carrier safety. To discuss further, please contact NCSL staff, Ben Husch (202-624-7779) or Melanie Condon (202-624-3597).

Sincerely,

Delegate Sally Jameson
Maryland House of Delegates
Co-Chair, NCSL Natural Resources and Infrastructure Committee

Senator Cam Ward
Alabama Senate
Co-Chair, NCSL Natural Resources and Infrastructure Committee