



NATIONAL CONFERENCE of STATE LEGISLATURES

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Executive Director

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 national performance and safety goals with such programs being expanded to incorporate emerging safety issues while respecting state sovereignty.

Additionally, NCSL believes that the most effective way to achieve safer highways for all drivers is to involve states in the decision-making process, to treat states as equal partners with the federal government, to avoid unnecessary and burdensome federal mandates and requirements, and to promote incentive-based regulation instead of imposing federal sanctions. The formulation of any proposed changes or expansion of uniform national standards for regulation of interstate commerce should be based on recommendations from state officials and must provide state legislatures with sufficient time to make an assessment of and any necessary changes to state law. It is critical that state legislative calendars are taken into consideration as this process moves forward. Currently, eight states have not yet even begun their 2016 legislative session, with four of these states not scheduled to hold a regular 2016 session. For additional information regarding the 2016 state legislative calendar please consult [NCSL's website](http://www.ncsl.org).

NCSL was pleased by FMCSA's finding on page 125, "it has been determined that this NPRM does have Federalism implications or a substantial direct effect on the States," especially in light of FMCSA's note on page 80 of the NPRM that some of the proposed changes may require states state

Denver
7700 East First Place
Denver, Colorado 80230-7143
Phone 303.364.7700 Fax 303.364.7800

Washington
444 North Capitol Street, N.W. Suite 515
Washington, D.C. 20001
Phone 202.624.5400 Fax 202.737.1069

Website www.ncsl.org
Email info@ncsl.org

February 22, 2016

p. 2

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.

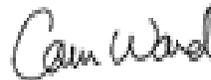
In moving forward, NCSL strongly urges FMCSA, when complying with federalism implications guidelines to involve all levels of state government including state legislatures and not just the executive branch. Unfortunately, I am not aware of any similar efforts to reach out to NCSL, the bipartisan organization 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