

Coleman, Tiffanie

From: Halladay, Sue
Sent: Tuesday, May 10, 2005 9:08 AM
To: Coleman, Tiffanie
Cc: O'Malley, Suzanne; Watson, Shannon; Pelcovits, Pamela; Rowlett, Theresa
Subject: FW: OMB fire drill- reg. reform report

RE: your 5/5 inquiry. Here's an email I had, passing on FMCSA's response.

-----Original Message-----

From: Halladay, Sue

To: Ashby, Bob <OST>

Cc: O'Malley, Suzanne; Halladay, Sue

Subject: OMB fire drill- reg. reform report

Bob,

The HAZ MAT one is not ours. I will forward you an email from RSPA counsel (Solomey) we received which claimed "ownership" of that one. However, you could also add, should you wish, the following:

The comprehensive security plan requirement for placarded materials is a requirement of the Research and Special Programs Administration (soon to be Pipeline and Hazardous Materials Safety Administration). The regulation does allow for companies to determine their own vulnerabilities and establish comparable security measures. The only FMCSA regulation that includes a security provision relates to the HM permit program for extremely hazardous materials (high explosives, poison by inhalation materials, and highly radioactive materials). These requirements are directed at motor carriers, establish basic routing and communication requirements only, and were examined for costs and benefits in a final rule published on June 30, 2004.

For HOS:

Commenter's Concern:

HOS rules regarding a maximum workday put a burden on businesses that deliver products locally, specifically, costs for businesses whose primary business is not trucking.

FMCSA Response:

The rule is currently being re-examined in response to a July 16, 2004, decision by the U.S. Court of Appeals for the District of Columbia Circuit. The Court overturned the rule specifically due to concerns about the regulation's impact on the health of drivers, but other issues were raised in dicta, including 34-hour restart, and the 11-hour day. The April 2003 HOS rule remains in effect until no later than September 30, 2005, pursuant to the Surface Transportation Extension Act of 2004, by which time FMCSA intends to complete this rulemaking.

For Surge Brakes:

See attachment to this email.

Again, look for the immediately following forwarded email from Solomey on Haz Mat. Thanks.

5/17/2005

Commenters' Concerns:

The National Association of Manufacturers and the National Association of Marine Manufacturers Association believe the Federal Motor Carrier Safety Administration (FMCSA) should amend its brake regulations to allow the use of surge brakes on certain trailers.

FMCSA Response:

On August 13, 2004, FMCSA granted a petition for rulemaking from the Surge Brake Coalition requesting that the agency amend its brake regulations to allow the use of surge brakes on certain trailers. The Agency will publish a Notice of Proposed Rulemaking (NPRM) in the Federal Register in 2005. The Agency will request public comments from all interested parties on the proposal to amend the Federal Motor Carrier Safety Regulations to allow the use of surge brakes. At that time, all interested parties, including the National Association of Manufacturers, and the National Association of Marine Manufacturers Association would be encouraged to review the NPRM and submit comments to the public rulemaking docket.

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