

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

Department of Transportation, Motor Carrier Transportation Division

740

Agency and Division

Administrative Rules Chapter Number

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Address

RULE CAPTION

Amendment of federal safety and hazardous materials transportation regulations affecting motor carriers

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

740-100-0010, 740-100-0065, 740-100-0070, 740-100-0080, 740-100-0085, 740-100-0090, 740-110-0010

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 184.616, 184.619, 823.011, 825.232, 825.252 & 825.258

Other Authority:

None

Statutes Implemented:

ORS 823.061, 825.210, 825.250, 825.252 & 825.258

RULE SUMMARY

These rules cover the annual adoption of federal motor carrier safety and hazardous materials transportation regulations, and the adoption of international standards related to driver, vehicle and hazardous materials out-of-service violations. The changes are necessary to ensure Oregon's motor carrier safety; hazardous materials; and driver, vehicle and hazardous materials out-of-service requirements are current with national and international standards. Failure to adopt these rules could result in a major negative economic impact to state agencies by jeopardizing Oregon's continued receipt of \$2.6 million in MCSAP funds per year if it fails to amend and maintain compatible rules.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

<u>01-23-2012 Close of Business</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>	<u>12-15-11 1:26p.m.</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

ARC 923-2003

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Transportation, Motor Carrier Transportation Division

740

Agency and Division

Administrative Rules Chapter Number

Amendment of federal safety and hazardous materials transportation regulations affecting motor carriers

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

the Amendment of OAR 740-100-0010, 740-100-0065, 740-100-0070, 740-100-0080, 740-100-0085, 740-100-0090 & 740-110-0010

Statutory Authority:

ORS 184.616, 184.619, 823.011, 825.232, 825.252 & 825.258

Other Authority:

None

Stats. Implemented:

ORS 823.061, 825.210, 825.250, 825.252 & 825.258

Need for the Rule(s):

These rules cover the annual adoption of federal motor carrier safety and hazardous materials transportation regulations. In addition, these rules cover the adoption of international standards related to driver, vehicle and hazardous materials out-of-service violations. The changes are necessary to ensure Oregon's motor carrier safety; hazardous materials; and driver, vehicle and hazardous materials out-of-service requirements are current with national and international standards. Failure to adopt these rules could result in a major negative economic impact to state agencies by jeopardizing Oregon's continued receipt of \$2.6 million in MCSAP funds per year if it fails to amend and maintain compatible rules.

Documents Relied Upon, and where they are available:

Code of Federal Regulations Title 49 CFR Parts 100-400 and North American Standard Out-of-Service Criteria Commercial Vehicle Safety Alliance. These documents are available at the Motor Carrier Transportation Division, 500 Capitol St. NE, Salem, OR 97301-2530 or may be accessed on the Federal Motor Carrier Safety Administration website, www.fmcsa.dot.gov.

Fiscal and Economic Impact:

The proposed changes have no anticipated fiscal impact on state agencies, local governments or the public in general. The rule amendments represent an annual adoption of regulations and standards applicable to 24,000 interstate and intrastate motor carriers that operate over Oregon highways. Since motor carriers are currently subject to these regulations, the annual adoption will represent no fiscal or economic impact.

There are approximately 9,000 motor carriers based in Oregon. Many operate both interstate and intrastate and are therefore already subject to the proposed changes when conducting interstate operations.

The proposed changes will not result in additional reporting or administrative activities. No additional equipment or supplies are required.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

None

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

None

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None

c. Equipment, supplies, labor and increased administration required for compliance:

None

How were small businesses involved in the development of this rule?

If not, why?:

Fourteen groups representing small businesses received a copy of the proposed amendments and were asked to submit comments on fiscal and economic impact. No comments were received.

Administrative Rule Advisory Committee consulted?: No

There was no formal advisory committee formed to assist in the drafting of these changes because the changes are needed to ensure Oregon maintains uniformity with national and international standards.

<u>01-23-2012 Close of Business</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>	<u>12-15-11 1:26 PM</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007