

## Attachment H

### 49 U.S.C. 31136. United States Government regulations

(a) Minimum Safety Standards.-Subject to [section 30103\(a\) of this title](#), the Secretary of Transportation shall prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for commercial motor vehicles. At a minimum, the regulations shall ensure that-

(1) commercial motor vehicles are maintained, equipped, loaded, and operated safely;

(2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely;

(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely and the periodic physical examinations required of such operators are performed by medical examiners who have received training in physical and medical examination standards and, after the national registry maintained by the Department of Transportation under [section 31149\(d\)](#) is established, are listed on such registry;

(4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators; and

(5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section, or [chapter 51](#) or [chapter 313](#) of this title.

(b) Eliminating and Amending Existing Regulations.-The Secretary may not eliminate or amend an existing motor carrier safety regulation related only to the maintenance, equipment, loading, or operation (including routing) of vehicles carrying material found to be hazardous under [section 5103 of this title](#) until an equivalent or more stringent regulation has been prescribed under [section 5103](#).

(c) Procedures and Considerations.-(1) A regulation under this section shall be prescribed under [section 553 of title 5](#) (without regard to [sections 556 and 557 of title 5](#)).

(2) Before prescribing regulations under this section, the Secretary shall consider, to the extent practicable and consistent with the purposes of this chapter-

(A) costs and benefits; and

(B) State laws and regulations on commercial motor vehicle safety, to minimize their unnecessary preemption.

(d) Effect of Existing Regulations.-If the Secretary does not prescribe regulations on commercial motor vehicle safety under this section, regulations on commercial motor vehicle safety prescribed by the Secretary before October 30, 1984, and in effect on October 30, 1984, shall be deemed in this subchapter to be regulations prescribed by the Secretary under this section.

(e) Exemptions.-The Secretary may grant in accordance with section 31315 waivers and exemptions from, or conduct pilot programs with respect to, any regulations prescribed under this section.

(f) Regulatory Impact Analysis.-

(1) In general.-Within each regulatory impact analysis of a proposed or final major rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall, whenever practicable-

(A) consider the effects of the proposed or final rule on different segments of the motor carrier industry; and

(B) formulate estimates and findings based on the best available science.

(2) Scope.-To the extent feasible and appropriate, and consistent with law, an analysis described in paragraph (1) shall-

(A) use data that is representative of commercial motor vehicle operators or motor carriers, or both, that will be impacted by the proposed or final rule; and

(B) consider the effects on commercial truck and bus carriers of various sizes and types.

(g) Public Participation.-

(1) In general.-If a proposed rule under this part is likely to lead to the promulgation of a major rule, the Secretary, before publishing such proposed rule, shall-

(A) issue an advance notice of proposed rulemaking; or

(B) proceed with a negotiated rulemaking.

(2) Requirements.-Each advance notice of proposed rulemaking issued under paragraph (1) shall-

(A) identify the need for a potential regulatory action;

(B) identify and request public comment on the best available science or technical information relevant to analyzing potential regulatory alternatives;

(C) request public comment on the available data and costs with respect to regulatory alternatives reasonably likely to be considered as part of the rulemaking; and

(D) request public comment on available alternatives to regulation.

(3) Waiver.-This subsection does not apply to a proposed rule if the Secretary, for good cause, finds (and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) that an advance notice of proposed rulemaking is impracticable, unnecessary, or contrary to the public interest.

(h) Rule of Construction.-Nothing in subsection (f) or (g) may be construed to limit the contents of an advance notice of proposed rulemaking.

( Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1003 ; Pub. L. 104-59, title III, §344, Nov. 28, 1995, 109 Stat. 610 ; Pub. L. 104-287, §5(60), Oct. 11, 1996, 110 Stat. 3394 ; Pub. L. 105-178, title IV, §4007(c), June 9, 1998, 112 Stat. 403 ; Pub. L. 109-59, title IV, §4116(b), Aug. 10, 2005, 119 Stat. 1728 ; Pub. L. 112-141, div. C, title II, §32911, July 6, 2012, 126 Stat. 818 ; Pub. L. 114-94, div. A, title V, §5202, Dec. 4, 2015, 129 Stat. 1534

