

MARYLAND REGISTER

## Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

**Name:** Eric R Backes  
**Agency:** Department of Transportation  
**Address:** 7201 Corporate Center Dr.  
**State:** MD  
**Zip:** 21076  
**Phone:** 410-865-1158  
**Email:** ebackes@mdot.state.md.us

In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

**COMAR Codification:** 11.21.01.05

**Corresponding Federal Standard:**

49 CFR 390.23(a)

**Discussion/Justification:**

Repeal of 11.21.01.05 (B) ensures that COMAR is consistent with Transportation Article §25-111 as amended in 2016 by HB 229.

49 CFR 390.23(a) allows for waiver of the interstate Federal Motor Carrier Safety Regulations (FMCSRs) contained in 49 CFR Parts 390-399 to facilitate emergency relief efforts. Comparable intrastate regulatory relief under §25-111 is no longer limited to 49 CFR 395 but is instead available for 49 CFR Parts 390-399.

### TO BE COMPLETED BY DBED

- Agree

-Disagree

**Comments:**

The Department of Commerce does not have the necessary expertise in this area. However, Commerce feels that the Department of Transportation does have the necessary expertise and therefore trusts their assertion that the proposal is not more restrictive or stringent than corresponding federal standards.

Name: Jennifer Cox

Date: 7/5/2016

-Submit to Governor's Office

**Governor's Office Response**

**Comments:**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	07/13/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 7/22/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

11 21 01 05

**3. Name of Promulgating Authority**

Department of Transportation

**4. Name of Regulations Coordinator**

Eric R Backes

**Telephone Number**

410-865-1158

**Mailing Address**

7201 Corporate Center Dr.

**City State Zip Code**

Hanover MD 21076

**Email**

ebackes@mdot.state.md.us

**5. Name of Person to Call About this Document**

Tracey C. Sheffield

**Telephone No.**

410-768-75454

**Email Address**

tsheffield@mdot.state.md.us

**6. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations
  - Date when existing text was downloaded from COMAR online: .
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R  
 (vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

- Yes  No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Damon Bell, Assistant Attorney General, (telephone #410-768-7415) on June 28, 2016. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Christine Nizer

**Title**

Administrator

**Telephone No.**

410-768-7320

**Date**

June 28, 2016

**Title 11**  
**DEPARTMENT OF TRANSPORTATION**

**Subtitle 21 MOTOR VEHICLE ADMINISTRATION—COMMERCIAL  
MOTOR VEHICLES**

**11.21.01 Motor Carrier Safety**

Authority: Transportation Article, §§12-104(b), 16-820, 25-111(f), and 25-111.1(a),  
Annotated Code of Maryland

**Notice of Proposed Action**

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The Administrator of the Motor Vehicle Administration proposes to repeal .05 under COMAR 11.21.01 Motor Carrier Safety.

**Statement of Purpose**

The purpose of this action is to repeal unnecessary language for clarification of requirements for motor carriers and drivers in the event of a transportation emergency as set forth in House Bill 229, Chapter 256, Acts of 2016.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway N.E., Room 200, Glen Burnie, MD 21062, or call 410-768-7545, or email to [tsheffield@mdot.state.md.us](mailto:tsheffield@mdot.state.md.us), or fax to 470-768-7506. Comments will be accepted through August 22, 2016. A public hearing has not been scheduled.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

funds are not necessary to implement these regulations

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This repeals a provision now in conflict with §25-111 as amended by HB 229. Implementation does not carry any additional costs.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

This repeals a provision now in conflict with §25-111 as amended by HB 229. Its repeal will not impact small businesses.

G. Small Business Worksheet:

- a. Intended Beneficiaries: N/A
- b. Intended Beneficiaries: Households: N/A
- c. Intended Beneficiaries: Businesses: N/A
- d. Other Direct or Indirect Impacts: Adverse: N/A
- e. Other Direct or Indirect Impacts: Positive: N/A
- f. Long-Term Impacts: N/A
- g. Estimates of Economic Impact: N/A