**Motor Carrier Safety Advisory Committee (MCSAC)**

**Task Statement 12-04**

**I. Task Title**

Recommendations and Suggestions on FMCSA’s Methodology for Conducting Section 610 Reviews under the Regulatory Flexibility Act

**II. Background**

The Regulatory Flexibility Act (RFA) requires agencies to consider impacts of regulations on small entities. Section 610 of the RFA mandates periodic review of regulations to determine if the rule has Significant Economic Impact on a Substantial Number of Small Entities (SEISNOSE) and determine if they are still necessary.

An analysis has 5 components:

1. the continued need for the rule;
2. the nature of complaints or public comments received concerning the rule;
3. the complexity of the rule;
4. the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, to the extent feasible, with State and local governmental rules; and
5. the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

Rules should be reevaluated within 10 years of publication. If there is evidence of SEISNOSE, the Agency should explore ways to mitigate those costs. Significance is not defined in the rule. Previous FMCSA analyses have used 1% of annual revenue of a single vehicle. Annual revenue is roughly $172,000, so annual costs would need to be greater than $1,720.

The Small Business Administration (SBA) defines a “small” business in the trucking industry as one with annual revenues under $25.5 million. This roughly equals any company with a fleet size smaller than 150.

**III. Task**

The Committee will provide a letter report to the Agency presenting recommendations and suggestions on FMCSA’s methodology for conducting Section 610 Reviews for SEISNOSE under the RFA and ideas and concepts for ensuring opportunities for public engagement in the Section 610 Review process.

In preparing its letter report to the Agency, the Committee should consider the principles and requirements established by the following Executive Orders:

* [Executive Order 13610, Identifying and Reducing Regulatory Burdens](http://www.whitehouse.gov/omb/international_regulatory_cooperation#eo13610);
* [Executive Order 13563, Improving Regulation and Regulatory Review](http://www.whitehouse.gov/omb/international_regulatory_cooperation#eo13563) (to include Retrospective Regulatory Review); and
* [Executive Order 12866, Regulatory Planning and Review, and Amendments](http://www.whitehouse.gov/omb/international_regulatory_cooperation#eo12866)

**IV. Estimated Time to Complete Task**

The MCSAC should begin work on this task at its August 2012 meeting with the goal of completing its discussions and issuing a letter report by its December 2012 meeting.

**V. FMCSA Technical Representatives**

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