

§ 388.6

Federal Motor Carrier Safety Administration in its enforcement of the safety and hazardous materials laws and regulations of the United States concerning highway transportation. Evidence obtained in this manner shall be transmitted to the Field Administrator, together with the name and address of an agent or employee, if any, having knowledge of the facts, who shall be made available when necessary to testify as a witness in an enforcement proceeding or other action.

[33 FR 19725, Dec. 25, 1968, as amended at 51 FR 12621, Apr. 14, 1986; 60 FR 38743, July 28, 1995; 67 FR 61824, Oct. 2, 2002]

§ 388.6 Joint investigation, inspection, or examination.

Upon agreement by the Field Administrator and the appropriate State authority, there will be conducted a joint investigation, inspection, or examination of the property, equipment, or records of motor carriers or others, for the enforcement of the safety and hazardous materials laws and regulations of the United States and the State concerning highway transportation. The said Field Administrator and the appropriate State authority shall decide as to the location and time, the objectives sought, and the identity of the person who will supervise the joint effort and make the necessary decisions. Any agent or employee of either agency who has personal knowledge of pertinent facts shall be made available when necessary to testify as a witness in an enforcement proceeding or other action.

[33 FR 19725, Dec. 25, 1968, as amended at 51 FR 12621, Apr. 14, 1986; 67 FR 61824, Oct. 2, 2002]

§ 388.7 Joint administrative activities related to enforcement of safety and hazardous materials laws and regulations.

To facilitate the interchange of information and evidence, and the conduct of joint investigation and administrative action, the Field Administrator and the appropriate State authority shall, when warranted, schedule joint conferences of staff members of both agencies. Information shall be exchanged as to the nature and extent of the authority and capabilities of the

49 CFR Ch. III (10–1–05 Edition)

respective agencies to enforce the safety and hazardous materials laws and regulations of the State or of the United States concerning motor carrier transportation. The Federal Motor Carrier Safety Administration and the State (or appropriate State authority) shall use their best efforts to inform each other of changes in their rules and regulations and cooperate with and assist each other in conducting training schools for Federal and State enforcement officials engaged in such duties.

[33 FR 19725, Dec. 25, 1968, as amended at 51 FR 12621, Apr. 14, 1986; 67 FR 61824, Oct. 2, 2002]

§ 388.8 Supplemental agreements.

The terms specified in this part may be supplemented from time to time by specific agreement between the Federal Motor Carrier Safety Administration and the appropriate State authority in order to further implement the provisions of 49 U.S.C. 502.

[51 FR 12621, Apr. 14, 1986]

PART 389—RULEMAKING PROCEDURES—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Subpart A—General

Sec.

- 389.1 Applicability.
- 389.3 Definitions.
- 389.5 Regulatory docket.
- 389.7 Records.

Subpart B—Procedures for Adoption of Rules

- 389.11 General.
- 389.13 Initiation of rule making.
- 389.15 Contents of notices of proposed rule making.
- 389.17 Participation by interested persons.
- 389.19 Petitions for extension of time to comment.
- 389.21 Contents of written comments.
- 389.23 Consideration of comments received.
- 389.25 Additional rule making proceedings.
- 389.27 Hearings.
- 389.29 Adoption of final rules.
- 389.31 Petitions for rule making.
- 389.33 Processing of petition.
- 389.35 Petitions for reconsideration.
- 389.37 Proceedings on petitions for reconsideration.