

exclusion and thus be excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680), Appendix 2. Specifically, paragraph (6)(bb), which covers regulations pertaining to vehicle operation safety standards, equipment approval, and/or equipment carriage requirements. The public is invited to comment on the impact of the proposed Agency action.

#### L. Rulemaking Summary

In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found at [regulations.gov](https://www.regulations.gov), under the docket number.

#### List of Subjects in 49 CFR Part 393

Highway safety, Motor carriers, Motor vehicle safety.

Accordingly, FMCSA proposes to amend 49 CFR part 393 to read as follows:

#### PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

■ 1. The authority citation for part 393 continues to read as follows:

**Authority:** 49 U.S.C. 31136, 31151, 31502; sec. 1041(b), Pub. L. 102–240, 105 Stat. 1914, 1993; secs. 5301 and 5524, Pub. L. 114–94, 129 Stat. 1312, 1543, 1560; and 49 CFR 1.87.

■ 2. Amend § 393.65 by revising paragraph (d) to read as follows:

#### § 393.65 All fuel systems.

\* \* \* \* \*

(d) *Gravity or syphon feed prohibited.*  
A fuel system must not supply fuel by gravity or syphon feed directly to the carburetor or injector, except:

(1) When an auxiliary pump with a fuel tank capacity of less than 5 gallons is mounted on the trailer chassis frame or trailer bed for purposes other than operation of the motor vehicle; and

(2) The auxiliary pump shall be operational only when the motor vehicle is not in motion.

\* \* \* \* \*

Issued under authority delegated in 49 CFR 1.87.

Sue Lawless,

Assistant Administrator.

[FR Doc. 2025–09731 Filed 5–27–25; 4:15 pm]

BILLING CODE 4910–EX–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 393

[Docket No. FMCSA–2025–0119]

RIN 2126–AC93

#### Parts and Accessories Necessary for Safe Operation; Brakes on Portable Conveyors

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** FMCSA proposes to add an exception for portable conveyors used in aggregate industry operations, and manufactured before 2010, from the requirements that each commercial motor vehicle (CMV) be equipped with brakes acting on all wheels, provided certain conditions are satisfied. This proposal is in response to a petition for rulemaking from the Michigan Aggregates Association (MAA). The proposed change would provide relief from a regulatory requirement for certain portable conveyors without impacting safety.

**DATES:** Comments must be received on or before July 29, 2025.

**ADDRESSES:** You may submit comments identified by Docket Number FMCSA–2025–0119 using any of the following methods:

• *Federal eRulemaking Portal:* Go to <https://www.regulations.gov/docket/FMCSA-2025-0119/document>. Follow the online instructions for submitting comments.

• *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

• *Fax:* (202) 493–2251.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Sutula, Chief, Vehicle and Roadside Operations Division, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590 0001; (202) 366–9209; [David.Sutula@dot.gov](mailto:David.Sutula@dot.gov). If you have questions on viewing or submitting

material to the docket, call Dockets Operations at (202) 366–9826.

**SUPPLEMENTARY INFORMATION:** FMCSA organizes this NPRM as follows:

- I. Public Participation and Request for Comments
  - A. Submitting Comments
  - B. Viewing Comments and Documents
  - C. Privacy
- II. Abbreviations
- III. Legal Basis
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  - J. E.O. 13175 (Indian Tribal Governments)
  - K. National Environmental Policy Act of 1969
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#### I. Public Participation and Request for Comments

##### A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (FMCSA–2025–0119), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0119/document>, click on this NPRM, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

**Confidential Business Information (CBI)**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the NPRM contain commercial or financial information that is customarily treated as private, and that you actually treat as private, and that is relevant or responsive to the NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at [brian.g.dahlin@dot.gov](mailto:brian.g.dahlin@dot.gov). At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

**B. Viewing Comments and Documents**

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0119/document> and choose the document to review. To view comments, click this NPRM, then click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

**C. Privacy**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov) as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at <https://www.transportation.gov/>

*individuals/privacy/privacy-act-system-records-notices*. The comments are posted without edits and are searchable by the name of the submitter.

**II. Abbreviations**

ANPRM Advanced notice of proposed rulemaking  
 CMV Commercial motor vehicle  
 DOT Department of Transportation  
 FMCSA Federal Motor Carrier Safety Administration  
 FMCSRs Federal Motor Carrier Safety Regulations  
 FR Federal Register  
 MAA Michigan Aggregates Association  
 MPH Miles per hour  
 NPRM Notice of proposed rulemaking  
 PIA Privacy Impact Assessment  
 PTA Privacy Threshold Assessment  
 UMRA The Unfunded Mandates Reform Act of 1995  
 U.S.C. United States Code

**III. Legal Basis**

Under 49 U.S.C. 31136(a), DOT is required to “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 . . . ; (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 [which is the basis for much of the FMCSRs], or chapter 51 or chapter 313 of this title.”

This NPRM is based on the authority of 49 U.S.C. 31136(a)(1) to ensure that CMVs are equipped and operated safely. It does not implicate the driver-centered requirements of 49 U.S.C. 31136(a)(2) through (4). Because this NPRM would create an exception to a requirement for brakes, there is no obvious risk of coercion related to this proposed rule to which a driver might be subjected.

*Commercial motor vehicles* are defined in 49 CFR 390.5 to include “any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—(1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination

weight, if 4,536 kg (10,001 pounds) or more, whichever is greater.” The portable conveyors addressed by this NPRM and their towing vehicles have gross combination weights of 10,001 pounds or more, and are thus CMVs.

For the reasons explained below, FMCSA believes that exempting portable conveyors from the requirement in § 393.42(a) to have brakes acting on all wheels (under the conditions proposed) would not adversely affect the operational safety of combinations including such conveyors.

**IV. Background**

Requirements that CMVs be equipped with various parts and accessories are established in 49 CFR part 393, “Parts and Accessories Necessary for Safe Operation.” Specifically, § 393.42 requires that each CMV be equipped with brakes acting on all wheels. This section currently includes six exceptions, based mainly on either the age of the vehicle (for example, three-axle vehicles manufactured prior to 1980 do not require brakes on the steering axle) or the weight of the vehicle (for example, a trailer with a gross weight of 3,000 lbs. or less does not require brakes). Other exceptions are for driveaway towaway vehicles and specialized trailers transporting extremely heavy equipment (*e.g.*, industrial furnaces, reactors, etc.) at speeds not exceeding 20 miles per hour (mph).

On January 18, 2019, MAA submitted a petition for rulemaking requesting a revision to § 393.42 to add portable conveyors to the list of vehicles that are not required to have brakes on all wheels. FMCSA granted the MAA petition on September 9, 2024, and the revision requested in that petition is addressed in this rulemaking.

**V. Discussion of Proposed Rulemaking**

The MAA petition requested that FMCSA add an exception for portable conveyors to the requirements in § 393.42(b). MAA stated that, prior to 2010, portable conveyors were not manufactured with brakes because the drum brakes used at the time would trap sand, rocks, and other materials found in aggregate pits, which would render the brakes useless. That material would also tend to dislodge during transport, creating a road hazard. Manufacturers now install disc braking systems on portable conveyors, but conveyors manufactured before 2010 cannot be retrofitted with these newer brakes. MAA stated that the aggregate industry has maintained a good safety record while transporting the brakeless portable conveyors in the past.

FMCSA is proposing to add the requested exception to § 393.42. The Agency examined inspection violations data related to § 393.42 and focused on violations related to missing brakes on the trailer axle for the years 2020 to first quarter of 2024. The data showed that total percentage of all violations related to § 393.42 amounted to less than 0.06 percent of all CMV violations. More specifically, violations related to missing brakes on a trailer axle were less than 0.001 percent of all violations. There is no crash data to indicate if portable aggregate conveyors have been a primary cause of crashes.

The towing vehicle and portable conveyor would still need to meet the stopping performance required by § 393.52(d). The combination would be required to stop within 40 feet or less from an initial speed of 20 mph. The FMCSRs do not specify minimum stopping distances from higher speeds. However, because of the length of the conveyors, motor carriers will often have to request overlength permits from the States in which they operate, and in many of those cases the permits contain restrictions on maximum speed. Further, most towing vehicles are equipped with either disc brakes or a combination of disc and drum brakes on wheels, which have improved the stopping distances by 30 percent since 2013, after the adoption of FMVSS No. 121 (see 74 FR 37122 and 78 FR 9623; July 27, 2009).

FMCSA proposes imposing two additional conditions to the exception to ensure these conveyors continue to be transported safely. First, FMCSA proposes requiring that the sum of the axle weights of the towed vehicle not exceed 40 percent of the sum of the axle weights of the towing vehicle to ensure that stability is maintained during transport. Second, FMCSA proposes that the maximum speed be limited to 45 mph on two lane roads and 55 mph on freeways. Because the towing vehicle plus the portable conveyor must still meet the brake performance standards in § 393.52, which is stopping from 20 mph within 40 feet, and the fact that these portable conveyors will seldom be transported on the highway due to their primary use offroad, FMCSA believes that these conveyors can be transported safely without brakes.

## VI. International Impacts

Motor carriers and drivers are subject to the laws and regulations of the countries that they operate in, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences between nations.

## VII. Section-by-Section Analysis

This section-by-section analysis describes the proposed changes in numerical order.

### *Section 393.42 Brakes Required on all Wheels*

FMCSA proposes to add new paragraphs (b)(7)(i) through (iii) which would provide an exception for portable conveyors manufactured prior to 2010.

## VIII. Regulatory Analyses

### *A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures*

FMCSA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, E.O. 13563 (76 FR 3821, Jan. 21, 2011), Improving Regulation and Regulatory Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866, as supplemented by E.O. 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. Accordingly, OMB has not reviewed it under that E.O.

The proposed rule would add an exception to the requirement for brakes on all wheels for portable conveyors manufactured prior to 2010. The towing vehicle and the portable conveyor would still need to meet the stopping performance required by § 393.52(d). Furthermore, most towing vehicles are now equipped with disc brakes or a combination of disc and drum brakes on wheels, which have improved stopping distances by 30 percent since 2013 after the adoption of FMVSS No. 121 (see 74 FR 37122 and 78 FR 9623). That advancement in braking technology further diminished the necessity for brakes on pre-2010 portable conveyors. Consequently, FMCSA determines that this proposed rule would have no impact on safety. The proposed rule is anticipated to generate cost savings for owners of pre-2010 portable conveyors by enhancing their economic viability and potentially extending their useful lifespan.

### *B. E.O. 14192 (Unleashing Prosperity Through Deregulation)*

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action]

issued, at least ten prior regulations be identified for elimination.”<sup>1</sup>

Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.<sup>2</sup>

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This proposed rulemaking is expected to have total costs less than zero, and therefore would be considered an E.O. 14192 deregulatory action upon issuance of a final rule.

### *C. Advance Notice of Proposed Rulemaking*

Under 49 U.S.C. 31136(g), FMCSA is required to publish an advance notice of proposed rulemaking (ANPRM) or proceed with a negotiated rulemaking, if a proposed safety rule “under this part”<sup>3</sup> is likely to lead to the promulgation of a major rule.<sup>4</sup> As this proposed rule is not likely to result in the promulgation of a major rule, the Agency is not required to issue an ANPRM or to proceed with a negotiated rulemaking.

### *D. Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,<sup>5</sup> requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with

<sup>1</sup> Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation*. 90 FR 9065–9067. Feb. 6, 2025.

<sup>2</sup> Executive Office of the President. Office of Management and Budget. *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation.”* Memorandum M–25–20. March 26, 2025.

<sup>3</sup> Part B of Subtitle VI of Title 49, United States Code, *i.e.*, 49 U.S.C. chapters 311–317.

<sup>4</sup> A *major rule* means any rule that the Office of Management and Budget finds has resulted in or is likely to result in (a) an annual effect on the economy of \$100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

<sup>5</sup> Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

populations of less than 50,000 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. This proposed rulemaking will add an exception to the requirement for brakes on all wheels for portable conveyors manufactured prior to 2010. By extending this regulatory relief, owners of pre-2010 portable conveyors may experience some cost savings. FMCSA considers any realized cost savings to be de minimis. The Agency requests data or any other information that could assist in quantifying these costs savings. Consequently, I certify that the proposed action would not have a significant economic impact on a substantial number of small entities.

#### *E. Assistance for Small Entities*

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see <https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman>) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

#### *F. Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$206 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2024 levels) or more in any 1 year. Because this proposed rule would not result in such an expenditure, a written statement is not required.

#### *G. Paperwork Reduction Act*

This proposed rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### *H. E.O. 13132 (Federalism)*

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

FMCSA has determined that this proposed rule would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

#### *I. Privacy*

The Consolidated Appropriations Act, 2005,<sup>6</sup> requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This NPRM would not require the collection of personally identifiable information.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,<sup>7</sup> requires Federal agencies to conduct a Privacy Impact Assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or

substantially changed technology would collect, maintain, or disseminate information as a result of this rulemaking. Accordingly, FMCSA has not conducted a PIA.

In addition, the Agency will complete a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the proposed rulemaking might have on collecting, storing, and sharing personally identifiable information. The PTA will be submitted to FMCSA's Privacy Officer for review and preliminary adjudication and to DOT's Privacy Officer for review and final adjudication.

#### *J. E.O. 13175 (Indian Tribal Governments)*

This proposed rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

#### *K. National Environmental Policy Act of 1969*

FMCSA analyzed this proposed rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). The Agency believes this proposed rule, if finalized, would not have a reasonably foreseeable significant effect on the quality of the human environment. This action would likely fall under a published categorical exclusion and thus be excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680), Appendix 2. Specifically, paragraph (6)(bb), which covers regulations pertaining to vehicle operation safety standards, equipment approval, and/or equipment carriage requirements. The public is invited to comment on the impact of the proposed Agency action.

#### *L. Rulemaking Summary*

In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found at [regulations.gov](https://www.regulations.gov), under the docket number.

#### **List of Subjects in 49 CFR Part 393**

Highway safety, Motor carriers, Motor vehicle safety.

Accordingly, FMCSA proposes to amend 49 CFR part 393 to read as follows:

<sup>6</sup> Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

<sup>7</sup> Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

## PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

■ 1. The authority citation for part 393 continues to read as follows:

**Authority:** 49 U.S.C. 31136, 31151, 31502; sec. 1041(b), Pub. L. 102–240, 105 Stat. 1914, 1993; secs. 5301 and 5524, Pub. L. 114–94, 129 Stat. 1312, 1543, 1560; and 49 CFR 1.87.

■ 2. Amend § 393.42 by adding paragraph (b)(7) to read as follows:

### § 393.42 Brakes required on all wheels.

\* \* \* \* \*

(b) \* \* \*

(7) Portable conveyors manufactured prior to 2010 and used by the aggregate industry are not required to be equipped with brakes on all wheels provided:

(i) The combination of portable conveyor and towing vehicle meet the performance requirement in 49 CFR 393.52;

(ii) The sum of the axle weights of the towed vehicle does not exceed 40 percent of the sum of the axle weights of the towing vehicle; and

(iii) The maximum speed of the portable conveyor and towing vehicle is limited to 45 miles per hour (mph) on two lane roads and 55 mph on freeways.

Issued under authority delegated in 49 CFR 1.87.

Sue Lawless,

Assistant Administrator.

[FR Doc. 2025–09730 Filed 5–27–25; 4:15 pm]

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Part 393

[Docket No. FMCSA–2025–0107]

RIN 2126–AC81

#### Parts and Accessories Necessary for Safe Operation; Certification and Labeling Requirements for Rear Impact Protection Guards

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** FMCSA proposes to amend the Federal Motor Carrier Safety Regulations (FMCSRs) to rescind the requirement that the rear impact guard be permanently marked or labeled with a certification from the impact guard manufacturer as required by the National Highway Traffic Safety

Administration’s (NHTSA) applicable Federal Motor Vehicle Safety Standard (FMVSS). The certification label or marking provides motor carriers purchasing new trailers or new impact guards to replace damaged devices with a means to determine whether the equipment is certified as meeting the FMVSS. However, the labeling or marking requirement has proven problematic for motor carriers when the label or marking becomes illegible or wears off during the service life of the trailer or guard. This proposal would eliminate an unintended regulatory burden on motor carriers without compromising safety, as this NPRM would not affect the applicable FMVSS. The proposal would also rescind a guidance document pertaining to illegible, incomplete, or missing rear impact guard certification labels.

**DATES:** Comments must be received on or before July 29, 2025.

**ADDRESSES:** You may submit comments identified by Docket Number FMCSA–2025–0107 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov/docket/FMCSA-2025-0107/document>. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Sutula, Chief, Vehicle and Roadside Operations Division, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 366–9209; [David.Sutula@dot.gov](mailto:David.Sutula@dot.gov). If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation and Request for Comments

###### A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (FMCSA–2025–0107), indicate the specific section of this document to

which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2025-0107/document>, click on this NPRM, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

##### Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at [brian.g.dahlin@dot.gov](mailto:brian.g.dahlin@dot.gov). At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

##### B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2025-0107/document> and choose the document to review. To view