

AAMVA Analysis of HR 22 – The Fixing America’s Surface Transportation (FAST) Act

Summary:

The [FAST Act](#) is a five-year surface transportation reauthorization bill authorizing federal highway programs through 2020. The Congressional Budget Office has scored the bill as providing \$305 billion in funding over the course of five years. A reduction from the original six-year plan to a five-year reauthorization allowed for a 15 percent increase in highway spending. Items of particular interest to AAMVA members include the following (with more details of significance to the AAMVA membership following in the “Details” section.)

SECTION 24105 – PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS - This section would require that not later than October 1, 2016, DOT implement a 2 year pilot program to evaluate the feasibility and effectiveness of a state process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the state. The section would provide for grants to each eligible state, but not more than 6 states who agree to notify at the time of registration, each owner or lessee of any open recall on a vehicle presented for registration. Participating states must provide the information at no cost to each owner or lessee. 90 days after the performance period, participating states must report such information as prescribed by the Secretary to evaluate the program.

SECTION 24111 – ELECTRONIC ODOMETER DISCLOSURES – This section provides a state may allow for written disclosures or notices and related matters to be provided electronically without DOT approval if they comply with federal and state laws regarding electronic signatures and the disclosures or notices otherwise meet appropriate authentication and security measures. This authority would cease to be effective once NHTSA regulations have been prescribed.

SECTION 1401 – prohibits HSIP funds from being used to purchase, operate, or maintain an automated traffic enforcement system (excepting a system located in a school zone).

SECTION 1414 –This section makes changes to the qualifications for “repeat offender criteria” and the changes the penalties associated with qualifying state laws. It also makes provisions for 24-7 sobriety program and would allow the combination of state laws (or programs) to qualify as a “repeat intoxicated driver law.”

SECTION 4004 – Directs NHTSA to coordinate with the states in carrying out High Visibility Enforcement Campaigns.

SECTION 4005 - MOTORCYCLIST SAFETY - The addition of “share the road model language” which directs DOT within 1 year to update and provide the states model language for use in traffic safety education courses, driver’s manuals, and other driver training materials that provides instructions for drivers of motor vehicles on the importance of sharing the road safely with motorcyclists.

SECTION 4005 - STATE GRADUATED DRIVER LICENSING INCENTIVE GRANTS – Changes the requirements for a state to receive a graduated driver licensing grant if the state laws meet specified minimum requirements.

SECTION 5101 – GRANTS TO STATES – This section makes extensive changes to the motor carrier grant program. This section requires:

- States conduct new entrant safety audits, or at least verify the quality of audits if they are performed by a third party.
- States agree to fully participate in PRISM no later than October 1, 2020 or demonstrates an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety;
- In the case of a state that shares a land border with another country, provides that the state –
 - Will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or
 - Will forfeit all funds calculated by the Secretary based on border-related activities if the state declines to conduct the program described in clause (i) in its plan; and
- DOT prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws.

SECTION 5104 – COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION - This language would change the program goals and prioritization for states to improve commercial driver’s license programs.

SECTION 5206 extends the length of exemptions issued by FMCSA from 2 years to 5 years. Further, any exemption that is in effect on the date of enactment, except as specified, is valid for a period of 5 years from the date the exemption was granted.

SECTION 5401 – OPPORTUNITIES FOR VETERANS - This section requires DOT, to modify regulations to:

- Exempt a covered individual from all or a portion of a driving test if the covered individual had experience in the armed forces or reserve components driving vehicles similar to a commercial vehicle;
- Ensure that a covered individual may apply for an exemption during, at least, the 1-year period beginning on the date on which the individual separates from service in the armed forces; and
- Credit the training and knowledge a covered individual received in the armed forces or reserve driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge.

SECTION 5404 – COMMERCIAL DRIVER PILOT PROGRAM - This section establishes a pilot program to study the feasibility, benefits, and safety impacts of allowing a driver between the ages of 18 and 21 who is a member or former member of the armed forces or reserves to operate a commercial motor vehicle in interstate commerce if they are qualified in a military occupational specialty to operate a commercial motor vehicle or similar vehicle.

SECTION 5506 – REPORT ON COMMERCIAL DRIVER’S LICENSE SKILLS TEST DELAYS - This section requires (within 1 year of enactment) FMCSA submit a report to congress that:

- Describes, for each state, the status of skills testing for applicants for a CDL, including –
 - The average wait time, by month and location, from the date an applicant requests to take a skills test to the date the applicant completes such test;
 - The average wait time, by month and location, from the date an applicant, upon failure of a skills test, requests a retest to the date the applicant completes such retest;
 - The actual number of qualified commercial driver’s license examiners, by month and location, available to test applicants; and
 - The number of testing sites available through the state department of motor vehicles and whether this number has increased or decreased from the previous year; and
- Describes specific steps FMCSA is taking to address skills testing delays in states that have average skills test or retest wait times of more than 7 days from the date an applicant requests to test or retest to the date the applicant completes such test or retest.

SECTION 5512 – ACCESS TO NATIONAL DRIVER REGISTER - This section allows the Administrator of FMCSA to request the chief driver licensing official of a state provide information about an individual in connection with a safety investigation under the Administrator’s jurisdiction.

SECTION 6025 – GAO is directed to develop a public report that assesses the status of autonomous transportation technology policy developed by public entities, assesses the organizational readiness to address autonomous vehicle technology challenges, including consumer privacy protections, and recommend implementation paths for autonomous vehicles.

SECTION 7208 – HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION - DOT shall allow a State, at the State’s discretion, to waive the requirement for a holder of a Class A commercial driver’s license to obtain a hazardous materials endorsement under 49 USC 383 if the license holder:

- Is acting within the scope of the license holder’s employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and
- Is operating a service vehicle that is
 - Transporting diesel in a quantity of 1,000 gallons or less; and
 - Is clearly marked with a “flammable” or “combustible” placard as appropriate.

SECTION 24405 – TREATMENT OF LOW-VOLUME MANUFACTURERS - DOT shall exempt from the manufacture, sale and importing of noncomplying motor vehicles not more than 325 replica motor vehicles per year that are manufactured or imported by a low-volume manufacturer and limit any such exemption to the Federal Motor Vehicle Safety Standards applicable to motor vehicles and not motor vehicle equipment. To qualify for such an exemption a low-volume manufacturer must register with DOT.

Details:

TITLE I – FEDERAL-AID HIGHWAYS

SECTION 1101 – AUTHORIZATION OF APPROPRIATIONS

Federal Aid Highway Program:

- \$39.7 billion in FY 2016
- \$40.5 billion in FY 2017
- \$41.4 billion in FY 2018
- \$42.4 billion in FY 2019
- \$43.4 billion in FY 2020

Transportation Infrastructure Finance and Innovation Program

- \$275 million for FY 2016
- \$275 million for FY 2017
- \$285 million for FY 2018
- \$300 million for FY 2019
- \$300 million for FY 2020

Tribal Transportation Programs

- \$465 million for FY 2016
- \$475 million for FY 2017
- \$485 million for FY 2018
- \$495 million for FY 2019
- \$505 million for FY 2020

Federal Lands Transportation Program

- \$335 million for FY 2016
- \$345 million for FY 2017
- \$355 million for FY 2018
- \$365 million for FY 2019
- \$375 million for FY 2020

Nationally Significant Freight and Highway Projects

- \$800 million for FY 2016
- \$850 million for FY 2017
- \$900 million for FY 2018
- \$950 million for FY 2019
- \$1 billion for FY 2020

Section 1102 – Obligation Ceiling

- \$42.3 billion for FY 2016

- \$43.3 billion for FY 2017
- \$44.2 billion for FY 2018
- \$45.3 billion for FY 2019
- \$46.4 billion for FY 2020

SECTION 1104 – APPORTIONMENT

This section changes the heading for State Apportionment Among Programs to Division Among Programs of State’s Share of Base Apportionment.

This section would also make changes to the apportionment formula for calculation of state shares. This is done by multiplying the base apportionment, the supplement funds reserved for the national highway performance program, the supplemental funds reserved under the surface transportation block grant program by the amount of apportionments that the state received for fiscal year 2015 bears to the amount of those apportionments received by all states for that fiscal year.

The above amount shall be adjusted to ensure that each state receives an aggregate apportionment equal to at least 95 percent of the estimated tax payments attributable to highway users in the state paid into the Highway Trust Fund in the most recent fiscal year.

Supplemental Funds for National Highway Performance Program

- \$53.6 million for FY 2019
- \$66.7 million for FY 2020

Supplemental Funds for Surface Transportation Block Program

- \$835 million for each of fiscal years 2016 and 2017
- \$850 million for each of fiscal year 2018 through 2020

SECTION 1105 – NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS

Amends 23 USC by adding 117. Establishes a nationally significant freight and highway projects program to provide financial assistance for projects of national or regional significance that will –

- Improve the safety, efficiency, and reliability of the movement of freight and people;
- Generate national or regional economic benefits and an increase in the global economic competitiveness of the United States;
- Reduce highway congestion and bottlenecks;
- Improve connectivity between modes of freight transportation; or
- Enhance the strength, durability, and serviceability of critical highway infrastructure.

Eligible projects for these grants include:

- A freight project carried out on the National Highway Freight Network established under section 167
- A highway or bridge project carried out on the National Highway System
- An intermodal or rail freight project carried out on the National Multimodal Freight Network
- A railway-highway grade crossing or grade separation project; and

- Meets certain cost requirement thresholds.
- Section 1106 – National Highway Performance Program
- This section would allow a state to use National Highway Performance Program funds to pay subsidy and administrative costs associated with TIFIA for a project or group of projects eligible for assistance under this section.
- It also allows a state to obligate funds for the reconstruction, resurfacing, restoration, rehabilitation, or preservation of a bridge not on the National Highway System if the bridge is on a federal-aid highway.

SECTION 1108 – RAILWAY-HIGHWAY GRADE CROSSING

This section amends 23 USC 130(e)(1) to set aside the following amounts from the Highway Safety Improvement Program for the elimination of hazards and the installation of protective devices at railway-highway crossing of at least:

- \$225 million for FY 2016
- \$230 million for FY 2017
- \$235 million for FY 2018
- \$240 million for FY 2019
- \$245 million for FY 2020

SECTION 1109 – SURFACE TRANSPORTATION BLOCK PROGRAM

This section amends 23 USC 133 to establish a Surface Transportation Block Grant Program.

The program is meant to provide flexible funding to address state and local transportation needs. States may obligate these funds for:

- Construction of:
 - Highways, bridges, tunnels, including designated routes of the Appalachian development highway system and local access roads
 - Ferry boats and terminal facilities eligible for funding
 - Transit capital projects eligible for assistance;
 - Infrastructure-based intelligent transportation systems capital improvements;
 - Truck parking facilities eligible for funding
 - Border infrastructure projects eligible for funding
- Operational improvements and capital and operating costs for traffic monitoring, management, and control facilities and programs.
- Environmental measures and transportation control measures as listed.
- Highway and transit safety infrastructure improvements and programs
- Fringe and corridor parking facilities and programs and carpool projects
- Recreational trails projects, pedestrian and bicycle projects and the safe routes to school program
- Planning, design, or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.
- Development and implementation of a state asset management plan for the National Highway System and a performance-based management program for other public roads.

- Protection for bridges and tunnels on public roads, and inspection and evaluation of bridges and tunnels and other highway assets
- Surface transportation infrastructure modifications to facilitate direct intermodal interchange, transfer, and access into and out of a port terminal.
- Projects and strategies designed to support congestion pricing, including electronic toll collection and travel demand management strategies and programs.
- Subject to approval, administrative costs associated with providing federal credit assistance for a project or group of projects eligible.
- The creation and operation by a state of an office to assist in the design, implementation, and oversight of public-private partnerships, and the payment of stipend to unsuccessful private bidders to offset their proposal development costs, if necessary to encourage robust competition in public-private partnership procurements.
- Any eligible project in effect prior to enactment.

SECTION 1111 – BUNDLING OF BRIDGE PROJECTS

This section would encourage states to bundle multiple bridge projects as 1 project.

SECTION 1113 – HIGHWAY SAFETY IMPROVEMENT PROGRAM

This section would include the following as Highway Safety Improvement Program projects:

- Installation of vehicle-to-infrastructure communication equipment
- Pedestrian hybrid beacons
- Roadway improvements that provide separation between pedestrians and motor vehicles, including medians and pedestrian crossing islands
- A physical infrastructure safety project not described

This section would require, if its fatality rate on rural roads for the most recent 2-year period is more than the median fatality rate for rural roads among all states, that the state demonstrate in the subsequent State strategic highway safety plan, strategies to address fatalities and achieve safety improvements on high risk rural roads.

This section also requires that the Secretary conduct a review of best practices with respect to the implementation of roadway safety infrastructure improvements that are cost effective and reduce the number or severity of accidents involving commercial motor vehicles. The Secretary is required to consult with state departments of transportation and units of local governments.

SECTION 1116 – NATIONAL HIGHWAY FREIGHT PROGRAM

This section would amend 23 USC 167. It establishes the national highway freight policy to:

- Invest in infrastructure improvements and implement operational improvements that
 - Strengthen the contribution of the National Highway Freight Network to the economic competitiveness of the United States
 - Reduce congestion and bottlenecks on the National Highway Freight Network
 - Increase productivity, particularly for domestic industries and businesses that create high-value jobs;

- Improve the safety, security, and resilience of highway freight transportation;
- Improve the state of good repair of the National Highway Freight Network;
- Use innovation and advanced technology to improve the safety efficiency, and reliability of the National highway Freight Network;
- To improve the economic efficiency of the National Highway Freight Network;
- To improve the short and long distance movement of goods that –
 - Travel across rural areas between population centers; and
 - Travel between rural areas and population centers;
- To improve the flexibility of states to support multi-state corridor planning and the creation of multi-state organizations to increase the ability of states to address highway freight connectivity; and
- To reduce the environmental impacts of freight movement on the National Highway Freight Network.

This section also directs the Secretary to establish a National Highway Freight Network. The network shall consist of:

- The Interstate system
- Non-Interstate highway segments on the 41,000 mile comprehensive primary freight network developed by the Secretary under section 167(d) as in effect on the day before enactment;
- Additional non-Interstate highway segments designated by the States

Not later than one year after enactment, each state, in consultation with the state freight advisory committee, may increase the number of miles designated as part of the National Highway Freight Network by not more than 10 percent of the miles designated in that state if the additional miles:

- Close gaps between segments
- Establish connections from the National Highway Freight Network to critical facilities
- Designate critical emerging freight corridors

Beginning 5 years after the date of enactment and every five years thereafter, the Secretary shall redesignate the highway segments designated by the Secretary that are on the National Highway Freight Network.

Beginning 5 years after the date of enactment and every five years thereafter, each state may, in consultation with the state freight advisory committee, redesignate the highway segments designated by the state that are on the National Highway Freight Network.

SECTION 1121 – TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM

This section defines and establishes a tribal transportation self-governance program.

An Indian tribe is eligible if it requests participation in the program by resolution or other official action by the governing body of the Indian tribe and demonstrates for the preceding 3 fiscal years, financial stability and transportation program management capability.

DOT will then enter into a compact with the Indian tribe once they have satisfied the requirements. The compact will set forth the terms of the government to government relationship between the federal

government and the Indian tribe under the program and the terms that will continue to apply in future fiscal years.

After entering into a compact with an Indian tribe DOT shall negotiate and enter into a written annual funding agreement with the Indian tribe.

A funding agreement entered into with an Indian tribe shall include federal-aid funds apportioned to a state if the state elects to provide a portion of such funds to the Indian tribe for a project. If a state chooses to provide funds in this method, they shall transfer the funds to DOT and DOT shall transfer the funds to the Indian tribe. Further, if a state chooses this method, the state is not responsible for constructing or maintaining a project carried out using the funds or administering or supervising the project.

SECTION 1111 – BUNDLING OF BRIDGE PROJECTS

Amends 23 USC 144. This section aims to save costs and time by encouraging states to bundle multiple bridge projects as one project.

SECTION 1304 – EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING

Amends 23 USC 139(a). This section requires DOT to ensure programmatic review of projects:

- Promote transparency, including the transparency of:
 - The analyses and data used in the environmental reviews
 - The treatment of any deferred issues raised by agencies or the public; and
 - The temporal and spatial scales to be used to analyze issues.
- Use accurate and timely information, including through the establishment of:
 - Criteria for determining the general duration of the usefulness of the review; and
 - A timeline for updating an out-of-date review;
- Describe –
 - The relationship between any programmatic analysis and future tiered analysis;
 - Are available to other relevant federal and state agencies, Indian tribes, and the public; and
 - Provide notice and public comment opportunities consistent with applicable requirements

This section also seeks to simplify, to the maximum extent practicable and consistent with federal law, all federal permits and reviews for a project so that a project shall rely on a single environment document prepared under the National Environmental Policy Act under the leadership of the lead agency.

The lead agency shall develop an environmental document sufficient to satisfy the requirements for any federal approval or other federal action required for the project, including permits issued by other agencies.

The lead agency is also responsible for developing a checklist to help project sponsors identify potential natural, cultural and historic resources in the area of the project.

This section would also allow for accelerated decision making in environmental review by allowing that if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement as long as they meet certain criteria.

SECTION 1307 – TECHNICAL ASSISTANCE FOR STATES

Amends 23 USC 326 to allow on request of a Governor, the Secretary of DOT shall provide to the State technical assistance, training, or other support relating to:

- Assuming responsibility;
- Developing a memorandum of understanding; or
- Addressing a responsibility in need of corrective action.

This section also provides DOT with the ability to terminate the participation of any state in the program under certain circumstances.

SECTION 1308 – SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM

Amends 23 USC 327. This section would require DOT to meet with states to ensure compliance with all federal laws for which the state has assumed responsibility, including:

- Not later than 6 months, meet with the state to review implementation of the agreement and discuss plans for the first annual audit;
- Conduct annual audits during each of the first 4 years of state participation; and
- Ensure that the time period for completing an audit, from initiation to completion (including public comment and responses to those comments) does not exceed 180 days.

SECTION 1309 – PROGRAM FOR ELIMINATING DUPLICATION OF ENVIRONMENTAL REVIEWS

This section would authorize a pilot program for states to conduct environmental reviews and make approvals for projects under state environmental laws and regulations instead of federal environmental laws and regulations. No more than 5 states may be selected for the pilot program.

SECTION 1310 – APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS

This section would provide that in considering the environmental impacts of a proposed multimodal project a lead authority may apply categorical exclusions (under 42 USC 4321 et seq.) in implementing regulations or procedures of a cooperating authority for a proposed multimodal project subject to certain conditions.

SECTION 1313 – ALIGNING FEDERAL ENVIRONMENTAL REVIEWS

Amends 49 USC to add a section. This section provides that one year after enactment DOT will coordinate with the heads of other federal agencies likely to have substantive review or approval responsibilities under federal law, to develop a coordinated and concurrent environmental review and permitting process for transportation projects when initiating an environmental impact statement.

SUBTITLE D – MISCELLANEOUS

SECTION 1401 – PROHIBITION ON THE USE OF FUNDS FOR AUTOMATED TRAFFIC ENFORCEMENT

This section would prohibit funds apportioned to a state under the Highway Safety Improvement Program from being used to purchase, operate, or maintain an automated traffic enforcement system. The only exception to this would be for an automated traffic enforcement system located in a school zone. This section defines automated traffic enforcement system as meaning any camera that captures an image of a vehicle for the purposes of traffic law enforcement.

SECTION 1402 – HIGHWAY TRUST FUND TRANSPARENCY AND ACCOUNTABILITY

This section would require DOT to compile data on the use of federal-aid highway funds and make them available in a downloadable and searchable manner on the Internet.

SECTION 1410 – INTERSTATE WEIGHT LIMITS

This section provides that vehicle weight limitations set forth in 23 USC 127 do not apply to a covered heavy-duty tow and recovery vehicle as provided by definition. A covered heavy duty tow and recovery vehicle means a vehicle that is transporting a disabled vehicle from the place where the vehicle became disabled to the nearest appropriate repair facility; and has a gross vehicle weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

SECTION 1411 – TOLLING; HOV FACILITIES; INTERSTATE RECONSTRUCTION AND REHABILITATION

This section amends 23 USC 166 so that “state agencies” as the responsible jurisdiction over operation of HOV facilities is amended to “public authority.” It is presumed this is done as a protection for those states that do not have direct authority but have instead provided them to another public authority.

This section also provides an exception to provide equal access for all public transportation vehicles and over-the-road buses.

This section would also provide that a public authority may designate classes of vehicles that are exempt from the tolls or charge different toll rates for different classes of vehicles, if equal rates are charged for all public transportation vehicles and over-the-road buses, whether publicly or privately owned.

The section defines public authority with regards to a HOV facility to mean a state, interstate compact o states, public entity designated by a state, or local government having jurisdiction over the operation of the facility.

SECTION 1414 – REPEAT OFFENDER CRITERIA

This section defines a 24-7 sobriety program and would allow the combination of state laws (or programs) to qualify as a “repeat intoxicated driver law” if it satisfies the same minimum penalties as a single law would have. The legislation would require that such a person receive:

For not less than 1 year:

- **A suspension of all driving privileges;**
- **A restriction on driving privileges that limits the individual to operating only motor vehicles with an ignition interlock system installed (allowing for limited exceptions for circumstances when the individual is required to operate an employer’s motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual);**
- **A restriction on driving privileges that limits the individual to operating motor vehicles only if participating in, and complying with, a 24-7 sobriety program; or**
- **Any combination of the above.**

These changes would take place to all fiscal years after enactment.

SECTION 1425 – SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS

This section allows a state to maintain a sign of a service club, charitable association, or religious service that was erected on the date of enactment and the area of which is less than or equal to 32 square feet if the state notifies FHWA.

SECTION 1426 – MOTORCYCLIST ADVISORY COUNCIL

This section directs DOT to appoint a Motorcyclist Advisory Council to coordinate with and advise on infrastructure issues of concern to motorcyclists including barrier design; road design, construction, and maintenance practices; and the architecture and implementation of intelligent transportation system technologies.

SECTION 1442 – SAFETY FOR USERS

This section directs DOT to encourage each State and metropolitan planning organization to adopt standards for the design of federal surface transportation projects that provide for the safe and adequate accommodation of all users of the surface transportation network, including motorized and non-motorized users, in all phases of project planning, development, and operation. DOT will provide a public report providing examples of state laws or policies that provide for such an accommodation and identify and disseminate examples of best practices where states have adopted measures that have successfully provided for the safe and adequate accommodation of all users.

SECTION 1444 – EVERY DAY COUNTS INITIATIVE

Directs FHWA to continue the Every Day Counts initiative to work with states, local transportation agencies, and stakeholders to identify and deploy proven innovative practices and products that:

- Accelerate innovation deployment;
- Shorten the project delivery process;
- Improve environmental sustainability;
- Enhance roadway safety; and
- Reduce congestion.

TITLE IV – HIGHWAY TRAFFIC SAFETY

SECTION 4001 – AUTHORIZATION OF APPROPRIATIONS

Highway Safety Programs –

- \$243 million for FY 2016
- \$252 million for FY 2017
- \$261 million for FY 2018
- \$270 million for FY 2019
- \$279 million for FY 2020

Highway Safety Research and Development

- \$138 million for FY 2016
- \$141 million for FY 2017
- \$144 million for FY 2018
- \$147 million for FY 2019
- \$150 million for FY 2020

National Priority Safety Programs

- \$275 million for FY 2016
- \$278 million for FY 2017
- \$280 million for FY 2018
- \$283 million for FY 2019
- \$2286 million for FY 2020

National Driver Register

- \$5.1 million for FY 2016
- \$5.2 million for FY 2017
- \$5.3 million for FY 2018
- \$5.4 million for FY 2019
- \$5.5 million for FY 2020

High-Visibility Enforcement Program

- \$29.3 million for FY 2016
- \$29.5 million for FY 2017
- \$29.9 million for FY 2018
- \$30.2 million for FY 2019
- \$30.5 million for FY 2020

NHTSA Administrative Expenses

- \$25.8 million for FY 2016
- \$26 million for FY 2017
- \$26.3 million for FY 2018
- \$26.6 million for FY 2019

- \$26.8 million for FY 2020

SECTION 4002 – HIGHWAY SAFETY PROGRAMS

Amends 23 USC 402.

This section would require programs to increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities be a part of the state highway safety plan.

This section would also require a state conduct a biennial survey with apportioned funds that will be made available on the DOT Website. The survey includes:

- A list of automated traffic enforcement systems in the state;
- Adequate data to measure the transparency, accountability, and safety attributes of each automated traffic enforcement system; and
- A comparison of each automated traffic enforcement system with –
 - Speed Enforcement Camera Systems Operational Guidelines; and
 - Red Light Camera Systems Operational Guidelines

This section would also direct DOT, in consultation with GHSA, to develop procedures to allow states to submit highway safety plans in electronic form.

SECTION 4003 – HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

Amends 23 USC 403. This section would add the installation of ignition interlocks as a research and development activity.

This section would also provide a maximum of \$30 million for FY 2016-2021 for in-vehicle alcohol detection device research.

This section directs DOT to establish procedures and guidelines to ensure that any person participating in a program or activity that collects data on drug or alcohol use by drivers of motor vehicles under this section is informed that the program or activity is voluntary.

SECTION 4004 – HIGH-VISIBILITY ENFORCEMENT PROGRAM

Amends 23 USC 404. This rewrites section 404 to replace the National Highway Safety Advisory Committee language with a High Visibility Enforcement Program. It directs NHTSA to establish and administer a program of 3 campaigns for each fiscal year 2016-2015 that addresses at least one of the following purposes:

- To reduce alcohol-impaired or drug-impaired operation of motor vehicles;
- Increase the use of seatbelts by occupants of motor vehicles;
- Reduce distracted driving of motor vehicles.

NHTSA is directed to coordinate with the states in carrying out the campaigns, including reliance on the states for law enforcement resources funded through section 402 and 405 grants.

SECTION 4005 – NATIONAL PRIORITY SAFETY PROGRAMS

Amends 23 USC 405. This section revises the funding allocations to accommodate each national priority for reducing highway deaths and injuries as follows:

- Revises occupant protection amounts down by 3 percent (from 16 to 13)
- State Traffic Safety Information System Improvements (Static at 14.5)
- Impaired Driving Countermeasures (Static at 52.5)
- Distracted Driving (Static at 8.5)
- Motorcyclist Safety (Static at 1.5)
- State Graduated Driver Licensing Laws (Static at 5)
- It adds a new “Nonmotorized Safety” section, which provides five percent of the funds to be allocated among states that meet requirements with respect to nonmotorized safety as described.

High Seat Belt Use Rates - This section would also increase to 100 percent (from 75 percent) the percentage of funds a state eligible for high seat belt usage rates may use for any project or activity under section 402.

Impaired Driving Countermeasures – This section would allow for the use of grant amounts for “high-range states” under 23 USC 405(d) for high visibility enforcement efforts or any other DOT approved use of funding that has been included in the statewide plan.

Medium and low range states shall use the grant funds for

- high-visibility enforcement efforts;
- the hiring a full or part time impaired driving coordinator of the state’s activities to address the enforcement and adjudication of laws regarding driving while impaired by alcohol, drugs, or the combination of both;
- court support of high-visibility enforcement efforts, training and education of criminal justice professionals to assist in handling impaired driving cases and traffic safety resource prosecutors
- the establishment of driving while intoxicated courts;
- alcohol ignition interlock programs;
- improving blood-alcohol concentration testing and reporting;
- paid and earned media in support of high-visibility enforcement efforts, conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and drug recognition expert training for law enforcement, and equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by NHTSA
- training on the use of alcohol and drug screening and brief intervention;
- training for and implementation of impaired driving assessment programs or other tools designed to increase the probability of identifying the recidivism risk of a person convicted of driving under the influence and to determine the most effective mental health or substance abuse treatment or sanction to reduce such a risk;
- developing impaired driving information systems; and
- costs associated with a 24-7 sobriety program.

Low range states may use grant funds for any expenditure designed to reduce impaired driving based on problem identification and may not use more than 50 percent of funds made available under this subsection for any project or activity eligible for funding under section 402.

24-7 Sobriety Grant Program. This section provides separate grants to each state that adopts and is enforcing a law that requires all individuals convicted of DUI of alcohol to receive a restriction on driving privileges and provides a 24-7 sobriety program.

It also includes training on the use of alcohol and drug screening and intervention. It adds a section allowing for use in training and implementing impaired driving assessment programs or other tools designed to increase the probability of identifying the recidivism risk of a person convicted of driving under the influence of alcohol, drugs, or a combination, and to determine the most effective treatment or sanction to reduce such risk. Low range states may not use more than 50 percent of funds under impaired driving countermeasures for any project or activity eligible for funding under section 402.

This section provides specificity on qualifying laws for the ignition interlock grant program. DOT will also include 24-7 programs as qualifying programs for grants. They do provide exceptions for states that provide an exception under the following circumstances:

- The individual is required to operate an employer's motor vehicle in the course and scope of employment and the business entity that owns the vehicle is not owned or controlled by the individual; or
- The individual is certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.
- A state-certified ignition interlock provider is not available within 100 miles of the individual's residence.

DISTRACTED DRIVING - Amends 23 USC 405(e). This section amends the distracted driving grants such that DOT shall award a grant under this subsection to any State that includes distracted driving awareness as part of the State's driver's license examination, and enacts and enforces a law that:

- Prohibits texting while driving or stopped in traffic
 - Makes this a primary offense
 - Establishes a minimum fine for violation
 - Does not provide for an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic.
- Prohibits a driver younger than 18 years of age, from using a personal communication device while driving or stopped in traffic.
 - This applies to someone in the learner's permit and intermediate license stages
 - Makes this a primary offense
 - Establishes a minimum fine for violation of the law; and
 - Does not provide for an exemption that specifically allows a driver to text through a personal wireless communication device while stopped in traffic.
- A law that meets these requirements may provide exceptions for
 - A driver who uses a cell phone to contact emergency services

- Emergency services personnel who use a personal wireless communications device while operating an emergency services vehicle or are engaged in the performance of their duties as emergency services personnel.
- An individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual's employment if such use is permitted under the regulations
- Any additional exception determined through DOT rule.

Funds awarded for distracted driving must be used:

- To educate the public through advertising containing information about the dangers of texting or using a cell phone while driving;
- For traffic signs that notify drivers about the distracted driving law of the state; or
- For law enforcement costs related to the enforcement of the distracted driving law.
- However, it does provide flexibility beyond such that 50 percent of the funds received for distracted driving may be used for any eligible project or activity under 402, and up to 75 percent if the state has conformed its distracted driving data to the most recent Model Minimum Uniform Crash Criteria published by the Secretary.

This section would provide an additional distracted driving grant for fiscal years 2017 and 2018 for any state that:

In 2017 –

- Certifies that it has enacted a basic text messaging statute that –
 - Is applicable to drivers of all ages; and
 - Makes violation of the basic text messaging statute a primary offense or secondary enforcement action as allowed by state statute; and
 - Is otherwise ineligible for a grant under this subsection

In 2018 –

- Certifies that it has enacted basic text messaging statute that
 - Is applicable to drivers of all ages; and
 - Makes violation of basic text messaging statute a primary offense;
 - Imposes fines for violations;
 - Has a statute that prohibits drivers who are younger than 18 years of age from using a personal communications device while driving; and
 - Is otherwise ineligible for a grant under this subsection.

MOTORCYCLIST SAFETY – Amends 23 USC 405(f). This section would add the flexibility for a state to use 50 percent of grant funds for any 402 eligible project if the state is in the lowest 25 percent of all states for motorcycle deaths per 10,000 registrations based on the most recent data.

This section also adds “share the road model language” which directs DOT within 1 year to update and provide the states model language for use in traffic safety education courses, driver’s manuals, and other driver training materials that provides instructions for drivers of motor vehicles on the importance of sharing the road safely with motorcyclists.

STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT – Amends 23 USC 405(g). States would qualify for a graduated driver’s license incentive grant if they adopt and implement state graduated driver licensing laws that have the following minimum requirements –

If the State has a graduated driver licensing law that requires novice drivers younger than 18 years of age to comply with the 2-stage licensing process that includes-

A learner’s permit stage that:

- **Is not less than 6 months in duration;**
- **Contains a prohibition on the driver using a personal wireless communications device while driving except under a permitted exception, and makes that violation a primary offense;**
- **Requires applicants to successfully pass a vision and knowledge assessment prior to receiving a learner’s permit;**
- **Requires that a driver be accompanied and supervised at all times while operating a motor vehicle by a licensed driver who is at least 21 years of age or is a state-certified driving instructor;**
- **Has a requirement that the driver –**
 - **Complete a state-certified driver education or training course; or**
 - **Obtain at least 50 hours of behind the wheel training, with at least 10 hours at night, with a licensed driver; and**
- **Remains in effect until the driver**
 - **Reaches 16 years of age and enters the intermediate stage; or**
 - **Reaches 18 years of age.**

An intermediate stage that:

- **Commences immediately after the expiration of the learner’s permit stage and successful completion of a driving skills assessment;**
- **Is at least 6 months in duration;**
- **Prohibits the driver from using a personal wireless communications device while driving except under an exception and makes the violation a primary offense**
- **For the first 6 months of such stage, restricts driving at night between the hours of 10 p.m. and 5 a.m. when not supervised by a licensed driver 21 years of age or older, excluding transportation to work, school, religious activities, or emergencies;**
- **prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger under 21 years of age unless a licensed driver who is at least 21 is in the vehicle; and**
- **Remains in effect until the driver reaches 17 years of age**

Learner’s permit and intermediate stages that each require, in addition to any other penalties imposed by state law, that the granting of an unrestricted driver’s license be automatically delayed for any individual who, during either stage, is convicted of a driving-related offense during the first 6 months, including –

- **Driving while intoxicated;**
- **Misrepresentation of the individuals’ age;**
- **Reckless driving;**

- **Driving without wearing a seat belt;**
- **Speeding; or**
- **Any other driving-related offense as determined by the Secretary.**

This section allows that up to 100 percent of grant funds received by a state under this subsection may be used for any eligible project or activity under section 402 if the state is in the lowest 25 percent of all states for the number of drivers under age 18 involved in fatal crashes in the state per the total number of drivers under age 18 in the state based on the most recent data that conforms with criteria established by DOT.

NONMOTORIZED SAFETY – This section provides a new nonmotorized safety section whereby grants will be awarded to states for decreasing pedestrian and bicycle fatalities and injuries that result from crashes involving a motor vehicle.

SECTION 4007 – STOP MOTORCYCLE CHECKPOINT FUNDING

This section provides that DOT may not provide a grant to be used for a program or activity to check helmet usage, including checkpoints that specifically target motorcycle operators or motorcycle passengers.

SECTION 4008 – MARIJUANA IMPAIRED DRIVING

This section provides that DOT shall conduct a study on marijuana-impaired driving.

The study shall examine:

- Methods to detect marijuana-impaired driving, including devices capable of measuring marijuana levels in motor vehicle operators;
- A review of impairment standard research for driving under the influence of marijuana;
- Methods to differentiate the cause of a driving impairment between alcohol and marijuana;
- State-based policies on marijuana-impaired driving;
- The role and extent of marijuana impairment in motor vehicle accidents.

DOT shall report the findings of the study to Congress, and this section provides the contents of that report.

DOT shall also provide recommendations based on the study, to include:

- Effective and efficient methods for training law enforcement personnel, including drug recognition experts, to detect or measure the level of impairment of a motor vehicle operator who is under the influence of marijuana by the use of technology or otherwise.
- If feasible, an impairment standard for driving under the influence of marijuana.
- Methodologies for increased data collection regarding the prevalence and effects of marijuana-impaired driving.

SECTION 4009 – INCREASING PUBLIC AWARENESS OF THE DANGERS OF DRUG-IMPAIRED DRIVING

This section directs NHTSA with other federal agencies and state highway safety offices to assist states in their efforts to increase public awareness of the dangers of drug-impaired driving, including the dangers of driving while under the influence of heroin or prescription opioids.

SECTION 4010 – NATIONAL PRIORITY SAFETY PROGRAM GRANT ELIGIBILITY

This section provides that DOT must make available on their Website an identification of:

- The states that were awarded section 405 grants;
- The states that applied and were not awarded section 405 grants;
- The states that did not apply for a section 405 grant; and
- A list of deficiencies that made a state ineligible for a section 405 grant.

SECTION 4011 – DATA COLLECTION

This section amends SAFETEA-LU (23 USC 402) grants programs related to racial profiling. The amendment provides that a state must maintain a law that prohibits the use of racial profiling in the enforcement of state laws. Further a grant received by a state shall be used for costs associated with:

- Collecting and maintaining data on traffic stops; and
- Evaluating the results of that data.

SECTION 4012 – STUDY ON THE NATIONAL ROADSIDE SURVEY OF ALCOHOL AND DRUG USE BY DRIVERS

This section requires that DOT report to Congress on NHTSA progress toward reviewing that report and implementing any recommendations made in that report.

SECTION 4013 – BARRIERS TO DATA COLLECTION REPORT

180 days after enactment, NHTSA shall submit a report to Congress that identifies any legal and technical barriers to capturing adequate data on the prevalence of the use of wireless communications devices while driving; and provides recommendations on how to address such barriers.

TITLE V – MOTOR CARRIER SAFETY

SECTION 5101 – GRANTS TO STATES

Amends 49 USC 31102. Rewrites the section relating to motor carrier safety assistance.

GOALS - The goal of the program is to ensure that the Secretary, States, local governments, other political jurisdictions, Indian tribes, and others work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by:

- Making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;
- Investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and in fatalities resulting from such crashes;
- Adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with federal requirements; and
- Assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

This section provides direct clarity on what state plans must include in order to be approved by the Secretary. The plan –

- Implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs.
- Designates a lead state commercial motor vehicle safety agency responsible for administering the plan throughout the state;
- Contains satisfactory assurances that the lead state commercial motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;
- Contains satisfactory assurances that the state will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;
- Provides a right of entry and inspection to carry out the plan;
- Provides that all reports required under this section be available to the secretary on request;
- Provides that the lead state commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the secretary prescribes;
- Requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards and orders of the federal government and the state;
- Provides that the state will grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;
- Ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, commercial motor vehicle, and driver safety as described in subsection (b);
- Ensures that the lead state commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the state highway safety improvement program required under section 148(c) of title 23;
- Ensures participation in appropriate FMCSA information technology and data systems and other information systems by all appropriate jurisdictions receiving motor carrier safety assistance program funding;
- Ensures that information is exchanged among the states in a timely manner;
- Provides satisfactory assurances that the state will undertake efforts that will emphasize and improve enforcement of state and local traffic safety laws and regulations related to commercial motor vehicle safety;
- Provides satisfactory assurances that the state will address national priorities and performance goals, including
 - Activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;
 - Activities aimed at providing an appropriate level of training to state motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

- When conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined in section 102 of 21 USC 802) as updated and republished from time to time) by any occupant of a commercial motor vehicle;
- Provides that the state has established and dedicated sufficient resources to a program to ensure that –
 - The state collects and reports to the secretary accurate, complete, and timely motor carrier safety data; and
 - The state participates in a national motor carrier safety data correction system prescribed by the secretary;
- Ensures that the state will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued under those sections;
- Ensures consistent, effective, and reasonable sanctions;
- Ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;
- Provides that the state will include in the training manuals for the licensing examination to drive noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;
- Provides that the state will enforce the registration requirements of section 13902 and 31134 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier’s registration;
- Provides that the state will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;
- Except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station);
- Ensures that the state will transmit to its roadside inspectors notice of each federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25 of title 49 CFR and provided to the State by the Secretary, including the name of the person that received the exemption and any terms and conditions that apply to the exemption;
- Except as provided in subsection (d), provides that a state –
 - Will conduct safety audits of interstate and, at the state’s discretion, intrastate new entrant motor carries under section 31144(g); and
 - If the state authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the state verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;
- Provides that the state agrees to fully participate in the performance and registration information systems management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section, or demonstrates to the Secretary an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety;

- In the case of a state that shares a land border with another country, provides that the state –
 - Will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or
 - Will forfeit all funds calculated by the Secretary based on border-related activities if the state declines to conduct the program described in clause (i) in its plan; and
- In the case of a state that meets the other requirements of this section and agrees to comply with the requirements established in subsection (l)(3), provides that the State may fund operation and maintenance costs associated with innovative technology deployment under subsection (l)(3) with motor carrier safety assistance program funds authorized under section 31104(a)(1).

Some of these changes are repetitive of existing language, but the designation of a lead authority in the state is emphasized, as is the “right of entry” for inspection on carrying out the plan and reporting activity progress to the Secretary. It also makes slight changes to the language regarding interdiction efforts. It also removes (through modified subparagraph (Q)) the requirement that states cooperate in enforcement of the registration requirements under section 13906; but still requires state compliance with the financial responsibility sections as listed. It adds that states must enforce “section 31134 by prohibiting operation of any vehicle discovered without the appropriate registration (previously it just cited section 13902).

The amended language eliminates former subparagraph (E) which “provides that the total expenditure of amounts of the state and its political subdivisions (not including amounts of the Government) for commercial motor vehicle safety programs for enforcement of commercial motor vehicle size and weight limitations, drug interdiction, and state traffic safety laws and regulations under subsection (c) of this section will be maintained at a level at least equal to the average level of that expenditure for the 3 full fiscal years beginning after October 1 of the year 5 years prior to the beginning of each Government fiscal year.

Administrators should be aware of the added language that:

- Requires states conduct new entrant safety audits, or at least verify the quality of audits if they are performed by a third party.
- States agrees to fully participate in PRISM no later than October 1, 2020 or demonstrates an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety;
- In the case of a state that shares a land border with another country, provides that the state –
 - Will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or
 - Will forfeit all funds calculated by the Secretary based on border-related activities if the state declines to conduct the program described in clause (i) in its plan; and

DOT will publish each approved state multiyear plan or annual update but will not publish any information that would interfere with enforcement proceedings.

INTERSTATE COMPATIBILITY – DOT shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including

regulations, with federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

MAINTENANCE OF EFFORT – The language provides that the total expenditure of amounts of the lead state commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year that is equal to

- The average level of that expenditure for fiscal years 2004 and 2005; or
- The level of that expenditure for the year in which the Secretary implements a new allocation formula.

The secretary may evaluate additional documentation related to maintenance of effort and make reasonable adjustments to the baseline after the year in which the new allocation formula is implemented.

States are permitted to use Unified Carrier Registration Fees as part of the state’s match required under section 31104 or maintenance of effort.

USE OF GRANTS TO ENFORCE OTHER LAWS – This section makes changes to the activities carried out as part of a states plans where use of MCSAP funds may be used. It removes the section on detection of the unlawful presence of controlled substances and replaces it with the following –

Detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle.

It revises another section such that MCSAP funds may be used for documented enforcement of state traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if:

- The number of motor carrier safety activities, including roadside safety inspections conducted in the state is maintained at a level at least equal to the average level of such activities conducted in the state in fiscal years 2004 and 2005; and
- The state does not use more than 10 percent of the basic amount the state receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless DOT determines that a higher percentage will result in significant increases in commercial motor vehicle safety.

If a plan is disapproved, the state must receive an explanation as to why it was disapproved, and be given the opportunity to allow the state to modify and resubmit the plan.

This section also provides for the periodic evaluation of implementation and compliance with the state plans submitted.

If after notice and opportunity to be heard, DOT finds that an approved state plan is not being followed or has become inadequate, the secretary may withdraw approval of the state plan and notify the state.

Upon the receipt of such notice, the state plan shall no longer be in effect and the Secretary shall withhold all funding to the State under this section.

HIGH PRIORITY PROGRAM - This section also implements a high priority program funded under section 31104. This discretionary grant program will be made through cooperative agreements with states to carry out high priority activities and projects that augment motor carrier safety activities and projects. Eligible projects are those that:

- Increase public awareness and education on commercial motor vehicle safety
- Target unsafe driving of commercial motor vehicles and noncommercial motor vehicles in areas identified as high risk crash corridors
- Improve the safe and secure movement of hazardous materials
- Improve safe transportation of goods and persons in foreign commerce
- Demonstrate new technologies to improve commercial motor vehicle safety
- Support participation in performance and registration information systems management
 - For entities not responsible for submitting the plan
 - For entities responsible for submitting the plan
 - Before October 1, 2020 to achieve compliance with the requirements of participation; and
 - Beginning on October 1, 2020 or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;
- Conduct safety data improvement projects
 - That complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or
 - That exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and
- Otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM

This section establishes an innovative technology deployment grant program for the innovative technology deployment of commercial motor vehicle information systems and networks. Included in this program is the support and maintenance of commercial motor vehicle information systems and networks:

- To link FMCSA information systems with state commercial motor vehicle systems;
- To improve the safety and productivity of commercial motor vehicles and drivers; and
- To reduce costs associated with commercial motor vehicle operations and Federal and State commercial motor vehicle regulatory requirements.

This section also provides the eligibility requirements for a state to qualify, including a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the state level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities. States must also agree to execute interoperability tests developed by FMCSA.

COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM

Amends 49 USC 31103 to replace the “United States Government’s share of costs” section of code with a Commercial motor vehicle operators grant program. The purpose of this grant program is to train individuals in the safe operation of commercial motor vehicles. It also places a priority to grant applications for programs to train former members of the armed forces in the operation of such vehicles.

Section 31104 provides an authorization of appropriations for the following programs.

Motor Carrier Safety Assistance Program

- \$292.6 million for FY 2017;
- \$298.9 million for FY 2018;
- \$304.3 million for FY 2019;
- \$308.7 million for FY 2020;

High Priority Activities Program:

- \$42.2 million for FY 2017;
- \$43.1 million for FY 2018;
- \$44 million for FY 2019;
- \$44.9 million for FY 2020;

Commercial Motor Vehicle Operators Grant Program

\$1 million for FY 2017 through 2020.

Commercial Driver’s License Program Implementation Program (to carry out section 31313):

- \$31.2 million for FY 2017;
- \$31.8 million for FY 2018;
- \$32.5 million for FY 2019;
- \$33.2 million for FY 2020;

SECTION 5103 – AUTHORIZATION OF APPROPRIATIONS

Administrative Expenses for FMCSA

- \$267.4 million for FY 2016;
- \$277.2 million for FY 2017;
- \$283 million for FY 2018;
- \$284 million for FY 2019;
- \$288 million for FY 2020

SECTION 5104 – COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION

Amends 49 USC 31313. This language would slightly change the program goals and prioritization for states to improve commercial driver’s license programs. DOT would be authorized to provide grants for

State Commercial Driver's License Program Implementation Grants –

- **To assist a state in complying with the requirements of section 31311 (Requirements for State participation in the federal CDL program);**
- **In the case of a state that is making a good faith effort toward substantial compliance with the requirements of section 31311, to improve the state's implementation of its commercial driver's license program, including expenses –**
 - **For computer hardware and software;**
 - **For publications, testing, personnel, training, and quality control;**
 - **For commercial driver's license program coordinators; and**
 - **To implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license.**

Priority Activities – Authorizes DOT to make grants or enter cooperative agreements for projects relating to commercial driver's licensing and motor vehicle safety that –

- **Benefit all jurisdictions of the United States;**
- **Address national safety concerns and circumstances;**
- **Address emerging issues relating to commercial driver's license improvements;**
- **Support innovative ideas and solutions to commercial driver's license program issues; or**
- **Address other commercial driver's license issues as determined by the Secretary.**

SECTION 5105 – EXTENSION OF FEDERAL MOTOR CARRIER SAFETY PROGRAMS FOR FISCAL YEAR 2016

MCSAP GRANT EXTENSION –

- **\$218 million for FY 2015 and FY 2016**

AUTHORIZATION OF APPROPRIATIONS

- **Commercial Driver's License Program Improvement Grants – \$30 million for FY 2016**
- **Border Enforcement Grants - \$32 million for FY 2016**
- **PRISM Grants - \$5 million for FY 2016**
- **CVISN Grants - \$25 million for FY 2016**
- **Safety Data Improvement Grants - \$3 million for FY 2016**
- **New Entrant Audits – (DOT to set aside) \$32 million for FY 2016**
- **Grant Program for Commercial Motor Vehicle Operators - \$1 million for FY 2016**

SECTION 5106 – MOTOR CARRIER SAFETY ASSISTANCE PROGRAM ALLOCATION

This section directs DOT to establish a motor carrier safety assistance program formula working group. Included in membership of this group is the lead state commercial motor vehicle safety agency responsible for administering the commercial driver's license plan. Representatives of state commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership. The working group is responsible for establishing a new allocation formula for the motor carrier assistance program and recommend it to DOT.

SECTION 5107 – MAINTENANCE OF EFFORT CALCULATION

This section provides if a new allocation formula for the motor carrier safety assistance program has not been established for FY 2017, DOT shall calculate the FY 2017 maintenance of effort baseline.

SUBTITLE B – FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REFORM

PART I – REGULATORY REFORM

SECTION 5201 – NOTICE OF CANCELLATION OF INSURANCE

Amends 49 USC 13906(e). Would give DOT the leeway to revoke or suspend the registration of any carrier or broker after the effective date of cancellation of insurance.

SECTION 5202 – REGULATIONS

Amends 49 USC 31136. This section requires FMCSA to include additional information in their regulatory impact analysis regarding the potential impacts to the motor carrier industry and formulate estimates and findings on the best available science. If a proposed rule is likely to be a major rule, FMCSA is required to issue an advanced notice of proposed rulemaking or proceed with negotiated rulemaking. It would also require that DOT review issued regulations every 5 years. After review, DOT will publish an inventory of regulations issued and a determination of whether the regulations are consistent and clear, current with the operational realities of the motor carrier industry; and an assessment of whether the regulations continue to be necessary.

SECTION 5203 – GUIDANCE

This section would require that all guidance documents issued by FMCSA shall have a date of issuance or a date of revision and shall include the name and contact information of a point of contact at the Administration who can respond to questions regarding the guidance. Five years after the date a guidance document is published, DOT shall revise regulations to incorporate the guidance document. If the guidance is not incorporated into regulations the Administrator shall reissue an updated version of the guidance document and review and reissue an updated version of the guidance document every 5 years until incorporation into regulation.

SECTION 5204 – PETITIONS

FMCSA is required to post on their website a summary of all petitions for regulatory actions submitted to them within 60 days and prioritize the petitions. FMCSA is also required to formally respond to the petition within 180 days after publications of the petition and indicate whether the Administrator will accept, deny or further review the petition.

SECTION 5205 – INSPECTOR STANDARDS

90 days after enactment, FMCSA shall revise the regulations under 49 CFR 385 to reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

SECTION 5206 – APPLICATIONS

Amends 49 USC 31315(b) to extend the length of exemptions issued by FMCSA from 2 years from its approval date to no longer than 5 years. The exemption may be renewed, upon request, for

subsequent 5-year periods if the Secretary continues to make the finding that the level of safety is equivalent to, or greater than, the level that would be achieved absent such an exemption. Further, an application denied can be resubmitted if the applicant can reasonably address the reason for denial. FMCSA shall also make permanent the following limited exemptions:

- Perishable construction products
- Transport of commercial bee hives
- Safe transport of livestock

Any exemption from any provision of the regulations under 49 CFR 395 that is in effect on the date of enactment, except as specified, shall be valid for a period of 5 years from the date such exemption was granted and is subject to renewal.

PART II – COMPLIANCE, SAFETY, ACCOUNTABILITY REFORM

SECTION 5221 – CORRELATION STUDY

FMCSA shall commission the National Research Council to conduct a study of the Compliance, Safety, Accountability program and the safety measurement system utilized for the program. The study shall analyze the accuracy with which the Behavior Analysis and Safety Improvement Categories (BASIC) identify high risk carriers; and predict or are correlated with future crash risk, crash severity, or other safety indicators for motor carriers. The study shall also analyze the methodology used to calculate BASIC percentiles and identify carriers for enforcement and the rating system.

This section also requires a corrective action plan within 120 days after FMCSA submits the report if that report identifies a deficiency or opportunity for improvement in the program.

SECTION 5222 – BEYOND COMPLIANCE

This section would require FMCSA to allow an improved SMS score for –

- The installation of advanced safety equipment;
- The use of enhanced driver fitness measures;
- The adoption of fleet safety management tools, technologies, and programs; or
- Other metrics as determined appropriate

SECTION 5223 – DATA CERTIFICATION

After enactment, no information regarding analysis of violations, crashes in which a determination is made that the motor carrier of the commercial motor vehicle driver is not at fault, alerts, or the relative percentile for each BASIC developed under the CSA program may be made available to the public until the CSA program has been studied per section 5221 and the recommendations have been addressed. However, notwithstanding any other provision of this section, inspection and violation information submitted to FMCSA by commercial motor vehicle inspectors and qualified law enforcement officials, out-of-service rates, and absolute measures remain available to the public. FMCSA and state and local commercial motor vehicle enforcement agencies may use the information for purposes of investigation and enforcement prioritization.

SECTION 5224 – DATA IMPROVEMENT

This section directs FMCSA’s administrator to develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program. The functionality includes hardcoding and smart logic functionality for roadside inspection data collection systems and databases and shall be made available to public and private sector developers.

SECTION 5225 – ACCIDENT REVIEW

1 year after enactment, DOT shall task the Motor Carrier Safety Advisory Committee with reviewing the treatment of preventable crashes under the SMS.

SUBTITLE C – COMMERCIAL MOTOR VEHICLE SAFETY

SECTION 5301 – WINDSHIELD TECHNOLOGY

Requires DOT to issue regulations to modify 49 USC 393.60(e)(1) to permanently allow the voluntary mounting on the inside of a vehicle’s windshield, within the area swept by windshield wipers, of vehicle safety technologies if the Secretary determines that the mounting is not adversely affecting the safety of the vehicle. These technologies include lane departure warning systems, collision avoidance systems, on-board video event recording devices and other approved technologies.

SECTION 5302 – PRIORITIZING STATUTORY RULEMAKINGS

FMCSA shall prioritize the completion of each outstanding rulemaking required by statute before beginning any other rulemaking unless the Secretary determines that there is a significant need for such other rulemaking.

SECTION 5303 – SAFETY REPORTING SYSTEM

Requires the Comptroller General of the United States to submit a report on the cost and feasibility of establishing a self-reporting system for CMV drivers or motor carriers with respect to en-route equipment failures. This section describes what the contents of that report shall contain.

SECTION 5304 – NEW ENTRANT SAFETY REVIEW PROGRAM

Requires DOT to conduct an assessment of the new operator safety review program (49 USC 31144(g)) including the program’s effectiveness in reducing crashes, fatalities and injuries involving CMVs and improving CMV safety.

SECTION 5305 – HIGH RISK CARRIER REVIEWS

Directs DOT to complete a review on each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers for 4 consecutive months.

SECTION 5306 – POST-ACCIDENT REPORT REVIEW

120 days after enactment, DOT shall convene a working group to review the data elements of post-accident reports for tow-away accidents involving commercial motor vehicles that are reported to the federal government and to report its findings and any recommendations, including best practices for state post-accident reports to achieve the data elements. The working group shall include not less than 51 percent of individuals representing the states or state law enforcement officials. The working group shall consider requiring additional data elements, including:

- The primary cause of the accident, if it can be determined
- The physical characteristics of the commercial motor vehicle and any other vehicle involved in the accident, including –
 - The vehicle configuration
 - The gross vehicle weight, if the weight can be readily determined;
 - The number of axles; and
 - The distance between axles, if the distance can be determined

SECTION 5307 – IMPLEMENTING SAFETY REQUIREMENTS

This section requires DOT submit a report to Congress on why it has not met the following safety requirements (if DOT has not met that deadline). It would require explanation of why the deadline has not been met and a new deadline for completion of the requirements. The safety requirements requiring this attention are:

- National Clearinghouse for Controlled Substance and Alcohol Test Results of Commercial Motor Vehicle Operators
- Electronic Logging Devices
- Minimum Entry-Level Training Requirements for Commercial Motor Vehicle Operators
- Visibility of Agricultural Equipment
- Safety Fitness Determinations
- Any rulemaking concerning commercial motor vehicle safety required by an Act of Congress enacted on or after August 1, 2005 and incomplete for more than 2 years.

SUBTITLE D – COMMERCIAL MOTOR VEHICLE DRIVERS

SECTION 5401 – OPPORTUNITIES FOR VETERANS

Amends 49 USC 31305. This section would require DOT, not later than December 31st 2016, to modify regulations to:

- **Exempt a covered individual from all or a portion of a driving test if the covered individual had experience in the armed forces or reserve components driving vehicles similar to a commercial vehicle;**
- **Ensure that a covered individual may apply for an exemption during, at least, the 1-year period beginning on the date on which the individual separates from service in the armed forces; and**

- **Credit the training and knowledge a covered individual received in the armed forces or reserve driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge.**

It also directs DOT to issue final regulations to implement the exemption to the domicile requirement under 49 USC 31311(a)(12)(C).

SECTION 5402 – DRUG-FREE COMMERCIAL DRIVERS

This section would allow hair testing as a pre-employment testing condition of employees by motor carriers as an acceptable alternative to urine testing.

SECTION 5403 – MEDICAL CERTIFICATION OF VETERANS FOR COMMERCIAL DRIVER’S LICENSES

In the case of a physician-approved veteran operator, the qualified physician of such operator may perform a medical examination and provide a medical certificate for purposes of compliance with federal regulations. The certification shall include assurances that the physician performing the medical examination meets the requirement of a qualified physician and certification that the physical condition of the operator is adequate to enable such operator to operate a commercial motor vehicle safely. DOT is tasked with working with Veterans Affairs to develop a process for qualified physicians to perform a medical examination and provide a medical certificate and include these physicians on the national registry of medical examiners.

SECTION 5404 – COMMERCIAL DRIVER PILOT PROGRAM

This section establishes a pilot program to study the feasibility, benefits, and safety impacts of allowing a driver between the ages of 18 and 21 who is a member or former member of the armed forces or reserves to operate a commercial motor vehicle in interstate commerce if they are qualified in a military occupational specialty to operate a commercial motor vehicle or similar vehicle. DOT is tasked with collecting and analyzing data relating to accidents in which a commercial driver under the age of 21 is involved. Participating drivers may not transport passengers, hazardous cargo, or operate a vehicle in a special configuration.

SUBTITLE E – GENERAL PROVISIONS

SECTION 5502 – EMERGENCY ROUTE WORKING GROUP

One year after enactment, DOT will establish a working group to determine the best practices for expedited state approval of special permits for vehicles involved in emergency response and recovery. The working group is tasked with consideration of pre-identification and establishment of emergency routes between states through which materials could be delivered following a natural disaster or emergency.

SECTION 5504 – TECHNOLOGY IMPROVEMENTS

One year after enactment, the Comptroller General of the U.S. shall conduct an analysis of the IT and data collection and management systems of FMCSA. The study shall:

- Evaluate the efficacy of the existing information technology, data collection, processing systems, data correction procedures, and data management systems and programs, including their interaction with each other and their efficacy in meeting user needs;
- Identify redundancies among the systems, procedures, and programs
- Explore the feasibility of consolidating systems, procedures, and programs to meet the needs of FMCSA and the state agencies that implement the motor carrier safety assistance program
- Evaluate the adaptability of the systems, procedures, and programs in order to make necessary future changes
- Investigate and make recommendations regarding –
 - Deficiencies in existing data sets impacting program effectiveness; and
 - Methods to improve user interfaces

SECTION 5505 – NOTIFICATION REGARDING MOTOR CARRIER REGISTRATION

Requires, DOT to provide written notification of the actions it is taking to ensure that, to the greatest extent possible, it is processing each application for registration within 30 days of submission.

SECTION 5506 – REPORT ON COMMERCIAL DRIVER’S LICENSE SKILLS TEST DELAYS

This section requires (within 1 year of enactment) FMCSA submit a report to congress that:

- **Describes, for each state, the status of skills testing for applicants for a CDL, including –**
 - **The average wait time, by month and location, from the date an applicant requests to take a skills test to the date the applicant completes such test;**
 - **The average wait time, by month and location, from the date an applicant, upon failure of a skills test, requests a retest to the date the applicant completes such retest;**
 - **The actual number of qualified commercial driver’s license examiners, by month and location, available to test applicants; and**
 - **The number of testing sites available through the state department of motor vehicles and whether this number has increased or decreased from the previous year; and**
- **Describes specific steps FMCSA is taking to address skills testing delays in states that have average skills test or retest wait times of more than 7 days from the date an applicant requests to test or retest to the date the applicant completes such test or retest.**

SECTION 5507 – ELECTRONIC LOGGING DEVICE REQUIREMENTS

Amends 49 USC 31137(b). Provides an exception for motor carriers from hours of service requirements when transporting a motor home or recreation vehicle trailer within the definition of the term driveaway-towaway operation.” Such drivers may instead use a paper record of duty status form or an electronic logging device.

SECTION 5509 – MINIMUM FINANCIAL RESPONSIBILITY

This section requires DOT to take into account the following before proceeding with a rulemaking regarding minimum levels of financial responsibility:

- The safety or motor vehicle transportation; and

- The motor carrier industry;
- The ability of the insurance industry to provide the required amount of insurance;
- The extent to which current minimum levels of financial responsibility cover –
 - Medical care
 - Compensation; and
 - Other identifiable costs
- The frequency with which insurance claims exceed current minimum levels of financial responsibility in fatal accidents; and
- The impact of increased levels on motor carrier safety and accident reduction.

This section would also require a study specific to the minimum financial responsibility requirements for motor carriers of passengers.

SECTION 5510 – SAFETY STUDY REGARDING DOUBLE-DECKER MOTORCOACHES

Directs DOT, in consultation with the states, to conduct a study regarding the safety operations, fire suppression capability, tire loads, and pavement impacts of operating a double-decker motorcoach.

SECTION 5511 – GAO REVIEW OF SCHOOL BUS SAFETY

1 year after enactment, the Comptroller of the United States shall provide a report to Congress on the existing federal and state rules and guidance concerning school bus transportation of K-12 students, including regulations and guidance regarding driver training programs, capacity requirements, programs for special needs students, inspection standards, vehicle age requirements, best practices, and public access to inspection results and crash records.

SECTION 5512 – ACCESS TO NATIONAL DRIVER REGISTER

This section allows the Administrator of FMCSA to request the chief driver licensing official of a state provide information about an individual in connection with a safety investigation under the Administrator’s jurisdiction.

5513 – REPORT ON DESIGN AND IMPLEMENTATION OF WIRELESS ROADSIDE INSPECTION SYSTEMS

Directs DOT to submit a report to Congress on the design, development, testing, and implementation of wireless roadside inspection systems.

SECTION 5515 – STUDY ON COMMERCIAL MOTOR VEHICLE DRIVER COMMUTING

Directs FMCSA to conduct a study on the safety effects of motor carrier operator commutes exceeding 150 minutes.

SECTION 5516 – ADDITIONAL STATE AUTHORITY

Allows South Dakota to update and revise the routes designated as qualifying Federal-aid Primary System highways as long as the update shifts routes to divided highways or does not increase centerline miles by more than 5 percent and is expected to increase safety performance.

SECTION 5517 – REPORT ON MOTOR CARRIER FINANCIAL RESPONSIBILITY

Requires DOT to publish a report on minimum levels of financial responsibility as required under 49 USC 31139 no later than January 1, 2017. The contents of the report shall include:

- The differences between state insurance requirements and federal requirements;
- The extent to which current minimum levels of financial responsibility adequately cover –
 - Medical care;
 - Compensation; and
 - Other identifiable costs
- The frequency with which insurance claims exceed the current minimum levels of financial responsibility.

SECTION 5518 – COVERED FARM VEHICLES

This section amends 49 USC 31136 note so that a state may not be subject to federal transportation funding sanctions for requirements as amended for covered farm vehicles. The amendments make changes to conform more closely to state requirements regarding operation of covered farm vehicles.

SECTION 5520 – AUTOMOBILE TRANSPORTER

This section amends 49 USC 31111(a)(1) so that an automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul so long as it complies with weight limitations for a truck tractor and semitrailer combination.

SECTION 5521 – READY MIX CONCRETE DELIVERY VEHICLES

Amends 49 USC 31502 so that ready mixed concrete delivery vehicles are not subject to regulations regarding reporting, recordkeeping, or documentation of duty status under certain conditions.

SECTION 5522 – TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT

This section would increase the air radius mileage allowable for transportation of construction materials to 75 from 50 if it applies to movements that take place entirely within one state.

SECTION 5523 – COMMERCIAL DELIVERY OF LIGHT AND MEDIUM TRAILERS

Amends 49 USC 31111(a) and on. Allows towaway trailer transport combinations of up to two trailers, 82 feet and a total weight under 26,000 pounds to be used in the delivery of such trailers and semitrailer combinations by manufacturers, distributors or dealers if the trailer carries no property and is considered their inventory property.

SECTION 5524 – EXEMPTIONS FROM REQUIREMENTS FOR CERTAIN WELDING TRUCKS USED IN PIPELINE INDUSTRY

This section would provide an exemption for pick-up style trucks used by welders used in the construction or maintenance of pipelines from having to register as a motor carrier and from the related driver qualifications for a motor carrier (as well as hours of service).

TITLE VI – INNOVATION

SECTION 6004 – ADVANCED TRANSPORTATION AND CONGESTION MANAGEMENT TECHNOLOGIES DEPLOYMENT

6 months after enactment, DOT shall establish an advanced transportation and congestion management technologies deployment initiative to provide grants to eligible entities to develop model deployment sites for large scale installation and operation of advanced transportation technologies to improve safety, efficiency, system performance, and infrastructure return on investment.

SECTION 6010 – INFRASTRUCTURE DEVELOPMENT

Amends 23 USC 5. This amendment directs that funds made available to carry out operational tests of intelligent transportation systems shall be used primarily for the development of intelligent transportation system infrastructure, equipment and systems and NOT (to the maximum extent practicable) for the construction of physical surface transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an ITS system.

SECTION 6020 – SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES

This section directs DOT to provide grants to states to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund. A state or group of states receiving funds under this section to test the design, acceptance and implementation of user-based alternatives shall address:

- The implementation, interoperability, public acceptance, and other potential hurdles to the adoption of the user-based alternative revenue mechanism;
- The protection of personal privacy;
- The use of independent and private third-party vendors to collect fees and operate the user-based mechanism;
- Market-based congestion mitigation, if appropriate;
- Equity concerns;
- Ease of compliance for different users;
- The reliability and security of technology used to implement the system;
- The flexibility and choices of user-based mechanisms, including the ability of users to select from various technology and payment options;
- The cost of administering the user-based mechanism; and
- The ability of administering audits and enforcing user compliance.

SECTION 6022 – HIGHWAY EFFICIENCY

This section allows DOT to examine the impact of pavement durability and sustainability on vehicle fuel consumption, vehicle wear and tear, road conditions, and road repairs.

SECTION 6025 – GAO REPORT

GAO is directed to develop a public report that assesses the status of autonomous transportation technology policy developed by public entities, assesses the organizational readiness of DOT to

address autonomous vehicle technology challenges, including consumer privacy protections, and recommend implementation paths for autonomous vehicles.

SECTION 6026 – TRAFFIC CONGESTION

This section would allow DOT to conduct research on recommendations to accelerate the adoption of transportation management systems that alleviates traffic congestion.

SECTION 6028 – PERFORMANCE MANAGEMENT DATA SUPPORT PROGRAM

This section directs FHWA to develop, use, and maintain data sets and data analysis tools to assist stakeholders in carrying out performance management analyses.

TITLE VII – HAZARDOUS MATERIALS TRANSPORTATION

SECTION 7203 – PLANNING AND TRAINING GRANTS

This section directs DOT to make grants to States to develop, improve, and carry out emergency plans under the Emergency Planning and Community Right-To-Know Act of 1986 including ascertaining flow patterns of hazardous material on lands under the jurisdiction of a state or Indian tribe, to decide the need for regional hazardous material emergency response teams; and to train public sector employees to respond to accidents and incidents involving hazardous materials.

SECTION 7208 – HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION

DOT shall allow a State, at the State’s discretion, to waive the requirement for a holder of a Class A commercial driver’s license to obtain a hazardous materials endorsement under 49 USC 383 if the license holder:

- **Is acting within the scope of the license holder’s employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and**
- **Is operating a service vehicle that is**
 - **Transporting diesel in a quantity of 1,000 gallons or less; and**
 - **Is clearly marked with a “flammable” or “combustible” placard as appropriate.**

TITLE VIII – MULTIMODAL FREIGHT TRANSPORTATION

SECTION 8001 – MULTIMODAL FREIGHT POLICY

The title directs improvement and enhancement of the National Multimodal Freight Network to increase economic efficiency and competitiveness.

DIVISION B – COMPREHENSIVE TRANSPORTATION AND CONSUMER PROTECTION ACT OF 2015

TITLE XXIV – HIGHWAY AND MOTOR VEHICLE SAFETY

SECTION 24102 – INSPECTOR GENERAL RECOMMENDATIONS

This section would instruct the Inspector General to periodically report to the appropriate subcommittees of Congress on whether and what progress has been made to implement the recommendations in the Office of Inspector General Audit Report issued June 18, 2015 (ST-2015-063). This Report is in regards to NHTSA's past actions with regards to recalls, entitled "Inadequate Data Analysis Undermine NHTSA's Efforts to Identify and Investigate Vehicle Safety Concerns." It would also require that NHTSA's Administrator also report on this and submit a final report on implementation of all recommendations.

SECTION 24103 – IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION

2 years after enactment, DOT shall implement current information technology, web design trends and best practices that will help ensure that motor vehicle safety recall information available to the public is readily accessible and easy to use by improving the organization, availability, readability and functionality of the website; by accommodating high-traffic volumes; and by establishing best practices for scheduling routine maintenance. GAO is also instructed to study use by consumers, dealers and manufacturers of safety recall information and report to Congress with recommendations. This section also directs NHTSA to promote public awareness of resources on recall information. It also directs DOT to provide guidance on how consumers can effectively submit complaints. Finally, it would direct DOT to work with manufacturers and dealers to study the feasibility of searching multiple vehicle identification numbers at the same time and how to best make this information publicly available.

SECTION 24104 – RECALL PROCESS

270 days after enactment, DOT shall prescribe a final rule revising 49 CFR 577.7 so that manufacturers may include "electronic means" such as email or electronic notification as a means of notification of recall beyond first class mail. This section would also require DOT to conduct an analysis of vehicle safety recall completion rates and report to Congress on their findings and how to improve them. The Office of the Inspector General is tasked with auditing the NHTSA management of the recall process.

SECTION 24105 – PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS

This section would require that not later than October 1, 2016, DOT implement a 2 year pilot program to evaluate the feasibility and effectiveness of a state process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the state. The section would provide for grants to each eligible state, but not more than 6 states who agree to notify at the time of registration, each owner or lessee of any open recall on a vehicle presented for registration. Participating states must provide the information at no cost to each owner or lessee. 90 days after the performance period, participating states must report such information as prescribed by the Secretary to evaluate the program.

SECTION 24107 – DEALER REQUIREMENT TO CHECK FOR OPEN RECALL

Amends Section 301200(f). This section would require that at the time of providing service for each of the manufacturer's motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall. It would also require that this type of notification requirement be a part of the franchise or operating agreement between the dealer and the manufacturer.

SECTION 24108 – EXTENSION OF TIME PERIOD FOR REMEDY OF TIRE DEFECTS

This section would extend the time period for remedy of tire defects from 60 days to 180 days.

SECTION 24109 – RENTAL CAR SAFETY

Amends 30120(i) so that a rental company that receives notification of an open recall may not rent that vehicle until the recall has been satisfied. This section provides that it does not apply to a “junk vehicle” and cites state retitling and reporting to NMVTIS as required as inapplicability standards towards sale, lease or rental.

SECTION 24110 – INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF MOTOR VEHICLE SAFETY

This section increases the civil penalties for violations of recall or nonconforming vehicle obligations.

SECTION 24111 – ELECTRONIC ODOMETER DISCLOSURES

Amends Section 32705(g). A state may allow for written disclosures or notices and related matters to be provided electronically without DOT approval if they comply with (cited 15 USC 96 regarding electronic signatures) and State laws regarding compliance with 15 USC 7002(a) regarding electronic signatures and the disclosures or notices otherwise meet appropriate authentication and security measures. This authority would cease to be effective once NHTSA regulations regarding this have been prescribed.

SECTION 24113 – DIRECT VEHICLE NOTIFICATION OF RECALLS

1 year after enactment, the Secretary shall issue a report on the feasibility of a technical system that would operate in each new motor vehicle to indicate when the vehicle is subject to an open recall.

SECTION 24114 – UNATTENDED CHILDREN WARNING

Directs DOT to initiate research into effective ways to minimize the risk of hyperthermia or hypothermia to children or other unattended passengers in rear seating positions. This includes vehicle technologies to provide an alert, public awareness campaigns or other ways to mitigate the risk.

SECTION 24115 – TIRE PRESSURE MONITORING SYSTEM

1 year after enactment, the Secretary shall publish a proposed rule that updates the standards pertaining to tire pressure monitoring systems to ensure that a tire pressure monitoring system cannot be overridden, reset, or recalibrated to an unsafe pressure level. Two years after enactment DOT shall provide a final rule.

SUBTITLE B – RESEARCH AND DEVELOPMENT AND VEHICLE ELECTRONICS

SECTION 24201 – REPORT ON OPERATIONS OF THE COUNCIL FOR VEHICLE ELECTRONIC, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES

1 year after enactment, DOT shall submit a report including information about how the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies is integrating and aggregating electronic and emerging technologies at NHTSA and the priorities of the Council over the next 5 years.

SUBTITLE C – MISCELLANEOUS PROVISIONS

SECTION 24302 – LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS

This section clarifies that any data retained by an event data recorder is the property of the owner, or in the case of a leased vehicle, the lessee. Data recorded or transmitted may not be accessed by a person other than an owner or a lessee unless a court authorizes the retrieval of the data, the owner provides consent, the data is retrieved pursuant to an investigation, the data is part of an emergency medical response due to a motor vehicle crash, or the data is part of traffic safety research and the personally identifiable information and VIN are not disclosed with the data.

PART II – SAFETY THROUGH INFORMED CONSUMERS ACT OF 2015

SECTION 24322 – PASSENGER MOTOR VEHICLE INFORMATION

1 year after enactment the Secretary shall promulgate a rule to ensure that crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers.

PART IV – ALTERNATIVE FUEL VEHICLES

SECTION 24341 – REGULATION PARITY FOR ELECTRIC AND NATURAL GAS VEHICLES

This section requires that EPA ensure that any preference or incentive provided to an electric vehicle is also provided to a natural gas vehicle.

SUBTITLE D – ADDITIONAL MOTOR VEHICLE PROVISIONS

SECTION 24401 – REQUIRED REPORTING OF NHTSA AGENDA

Requires that NHTSA publish on the DOT Website an annual plan for the following calendar year detailing the Administration's projected activities, including:

- The Administrator's policy priorities;
- Any rulemakings projected to be commenced;
- Any plans to develop guidelines;
- Any plans to restructure the Administration or to establish or alter working groups;
- Any planned projects or initiatives of the Administration, including the working groups and advisory committees of the Administration; and
- Any projected dates or timetables associated with any of these.

SECTION 24402 APPLICATION OF REMEDIES FOR DEFECTS AND NONCOMPLIANCE

This section amends the requirement that a remedy does not have to be provided without charge if the motor vehicle or replacement equipment was bought by the first purchaser more than 10 years ago. It extends that date to 15 years ago.

SECTION 24403 – RETENTION OF SAFETY RECORDS BY MANUFACTURERS

Directs DOT to issue a final rule within 18 months that requires each manufacturer to retain all motor vehicle safety records for a period of not less than 10 calendar years from the date on which they were generated or acquired by the manufacturer.

SECTION 24404 – NONAPPLICATION OF PROHIBITIONS RELATING TO NONCOMPLYING MOTOR VEHICLES TO VEHICLES USED FOR TESTING OR EVALUATION

This section would allow the introduction of a motor vehicle in interstate commerce solely for the purposes of testing or evaluation by a manufacturer as long as the manufacturer:

- Has manufactured and distributed motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;
- Has submitted to the Secretary appropriate manufacturer identification information;
- If applicable, has identified an agent for service of process; and
- Agrees not to sell or offer for sale the motor vehicle at the conclusion of the testing or evaluation.

SECTION 24405 – TREATMENT OF LOW-VOLUME MANUFACTURERS

DOT shall exempt from the manufacture, sale and importing of noncomplying motor vehicles not more than 325 replica motor vehicles per year that are manufactured or imported by a low-volume manufacturer and limit any such exemption to the Federal Motor Vehicle Safety Standards applicable to motor vehicles and not motor vehicle equipment. To qualify for such an exemption a low-volume manufacturer must register with DOT. DOT shall also require a low-volume manufacturer to affix a permanent label to a motor vehicle that identifies the specified standards and regulations for which it is exempt and designates the model year such vehicle replicates. A written notice of the exemption must be provided to the dealer and the first purchaser of the motor vehicle. The Secretary shall maintain an up-to-date list of registrants (manufacturers) and a list of the make and model of motor vehicles exempted on at least an annual basis and publish the list in the Federal Register or a published website. AAMVA worked diligently with Congress to include a registration protection stating, “nothing in this subsection shall be construed to preempt, affect, or supersede any State titling or registration law or regulation for a replica motor vehicle, or exempt a person from complying with such law or regulation.” Separately, the section allows that exempted specially produced motor vehicles are exempt from motor vehicle certification testing and vehicle emission control inspection and maintenance programs.

SECTION 24407 – IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPANTS IN VEHICLE CRASHES

1 year after enactment, DOT shall revise the crash data investigation data collections system of NHTSA to include the collection of data in connection with vehicle crashes whenever a child restraint system was in use in a vehicle involved in a crash. This would include the type or types of child restraint systems

in use during the crash, whether a five point harness or belt-positioning booster was used, and whether the restraint system was forward or rear-facing.

SECTION 41004 – INTERSTATE COMPACTS

This section provides consent for 3 or more contiguous states to enter into an interstate compact establishing regional infrastructure development agencies to facilitate authorization and review of covered projects that will advance infrastructure development, production, and generation within the states.