

AAMVA Legislative/Regulatory Alert

To: Chief Motor Vehicle Officials
Chief Law Enforcement Officials

FR: Ian Grossman, Vice President of Member Services and Public Affairs

Date: February 3, 2012

RE: U.S. House of Representatives Surface Transportation Reauthorization Measure

On February 1st, House Transportation and Infrastructure Committee chairman John Mica (R-FL) introduced HR 7 - the American Energy and Infrastructure Jobs Act. With House bill numbers ranking above 3,000; the assignment of the bill number as HR 7 indicates it is a major priority for the House Republican leadership. The full Committee markup followed quickly on its heels, with the House transportation and Infrastructure Committee narrowly passing the bill by a vote of 29-24 after a full day of debate. The Committee began debate at 9 a.m. and completed their work at 2 a.m. the following morning. What was initially envisioned as a measure to prove the bipartisan spirit of the Congress, quickly devolved into a debate involving party ideals and partisan rancor. Many Democrats blamed the Republican leadership for not doing their due diligence in sharing the contents of the measure beforehand, and rushing to get a bill passed that focuses on infrastructure and business development at the expense of safety considerations.

The House version of the bill (which is attached) notes funding levels of approximately \$52 billion for each fiscal year through 2016 and differs from the Senate proposals in two very notable ways. The first is in its timeframe. The Senate proposal kept approximate current funding levels over the next two years. The House version is scheduled for five years and varies in its scheduled funding between years - sometimes set below current levels. The greatest obstacle, however, is finding a viable revenue stream to fund either bill while ensuring the Highway Trust Fund remains solvent. The House Ways and Means Committee is scheduled to mark up the funding portions of that bill (HR 3864) this morning. Without addressing and resolving this issue the content of the bills becomes irrelevant. The funding mechanism differs dramatically between the chambers, and touches on some of the party ideals both chambers hold sacred. The House version proposes funding the bill in part through increased domestic energy production - a notion the Senate Democrats have often refuted as untenable, with many experts doubting the probability of a successful conference between chambers.

AAMVA has completed a detailed analysis of the bill, which is also attached. Some of the major provisions of importance to the AAMVA membership are listed by section below, or can be found in the summary section of the attached analysis, with details following. Questions about

the measure or its contents can be directed to AAMVA's Senior Manager of Government Affairs, Cian Cashin at ccashin@aamva.org; (703) 908-8276.

- The measure takes effect October 1, 2012
- §1106 - Establishes a National Highway System Program which oversees direction of funds used in conjunction with projects as outlined in the State submitted asset management plan and defines what projects are eligible for funding.
- **§1116 – Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence – removes the definition of “license suspension” and redefines a qualifying “repeat intoxicated driver law” to avoid having part of their highway funds designated directly to combating impaired driving.**
- §1206 – Public-Private Partnerships – DOT shall compile and make available via the Web, best practices on how States, public transportation agencies and other public officials can work with the private sector in the development, financing, construction and operation of transportation facilities. **The best practices shall include policies and techniques to ensure that the interests of the traveling public and State and local governments are protected in any agreement entered into with the private sector.**
- §13010 Highway Safety Improvement Program – In general, projects available for funding under the include projects consistent with State strategic highway safety plans that improve highway safety problems. This section also provides for what may constitute such a program. A state must update this plan at least every 2 years, and be developed after consultation with a number of stakeholders including motor vehicle administration officials. The plans are fairly flexible, but must be included in a regularly updated plan submitted by the State, and must be data-based in identifying major problems to roadway safety and providing measurable outcomes. **This section also requires the states to implement a state safety data system one year after enactment,** and requires that reports detailed and submitted to the Secretary that outline the improvements to safety data and the evaluation of safety improvement efforts must be made available via the internet on the state transportation department of the state.
- §1404 – Trucking Productivity – allows a state by special permit the operation of vehicles with a gross vehicle weight of up to 126,000 pounds on a segment of the Interstate System that is not more than 25 miles in length. This section also authorizes a state to allow longer combination vehicles to operate on additional routes on the state if they have already (as of the date of enactment) been authorized to do so. Further weight determinations and exceptions are outlined in this section.
- §4001 - Inserts a new Chapter 52 in 49 USC Dealing with Transportation Planning. The idea is to get State, metropolitan, and national strategic goals to work together in planning for transportation systems that will serve the mobility needs of people and freight, foster economic growth between areas, and minimize fuel consumption and air pollution through planning. This section defines the items to be included in the state long-range transportation plan and transportation improvement plan.
- §5002 Authorization of Appropriations – this section includes:

- Highway Safety Programs – for carrying out 23 USC 402 - \$493,312,000 for FY 2013-2016
 - National Driver Register – 49 USC 303 - \$4,116,000 for FY 2013-2016
- §5003 – Highway Safety Programs – Amends 23 USC 402(a)
 - Each state shall have a highway safety plan subject to approval by the secretary and designed to reduce traffic crashes and fatalities, injuries and property damage. The plans must be expressed in terms of performance criteria and include programs fitting details of the Section. **This Section also includes definitions of applicable terms relating to highway safety programs, including graduated driving programs, ignition interlocks, and activities addressing impaired driving.**
- §5004 – Use of Certain Funds Made Available for Administrative Expenses – Secretary is authorized to use Highway Trust Fund money towards:
 - Research into driver behavior and its effect on traffic safety
 - Research on fatigued driving and distracted driving
 - Training or education programs in cooperation with other federal departments and agencies, states, private sector persons, highway safety personnel and law enforcement personnel
 - Research on and evaluations of the effectiveness of traffic safety countermeasures including seat belts and impaired driving initiatives
 - Identification of best practices related to driver education programs (including driver education curricula, instructor training and certification, program administration and delivery mechanisms) and make recommendations for harmonizing driver education and multistage graduated licensing systems
 - Research, training and education related to older drivers
 - Research, training and programs relating to motorcycle safety, including impaired driving
- §5008 National Driver Register – Not later than October 1, 2013, to ensure the accuracy of information contained in the National Driver Register, the secretary shall establish and implement procedures to ensure that participating States submit reports required with respect to a conviction not later than 31 days after receiving notice of the conviction.
- §6301 Motor Carrier Safety Assistance Program amends 49 USC 31102 to redefine MCSAP programs and the prescribe state procedures for participation in the program. States submitting must meet numerous requirements, including ensured participation in appropriate Federal Motor Carrier Safety Administration information systems and other information systems in jurisdictions receiving funding under this section; and further provide satisfactory assurances that the state is willing and able to exchange information with other states in a timely manner.
- §6302 – Amends the PRISM to generally state, “the secretary shall carry out a performance and registration information systems management program to link Federal motor carrier safety information systems with State commercial vehicle registration and licensing systems as part of the motor carrier information system established under section 31106.”
- §6303 Commercial Vehicle Information Systems and Networks Deployment Grants

- Funds are authorized for providing facilitated compliance with federal and state commercial motor vehicle regulatory requirements.
- §6304 – Commercial Motor Vehicle Safety Inspection Programs – amends 49 USC 31142(b) directing the Secretary to prescribe regulation on government standards for inspection of commercial motor vehicles and retention by employers of records of such inspections.
- §6401 National Clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators – The Secretary shall establish the clearinghouse not later than 1 year after enactment. Reports to the system, access, privacy protections and request mechanisms are described in this section.
- §6402 Commercial Motor Vehicle Operator Training – 2 years after enactment, the Secretary shall issue final regulations establishing minimum training requirements for commercial motor vehicle operators. This section also amends 49 USC 31308(1) to include that:
 - “(1) an individual issued a commercial driver’s license –
 - Pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a); **and**
 - **Present certification of completion of driver training that meets the requirements established by the Secretary under section 4042 of the Motor Carrier Safety, Efficiency, and Accountability Act of 2012.”**
- §6403 Commercial Driver’s License Program
 - Adds 2 new facets to the CDL program:
 - Before renewing or issuing a CDL to an individual, the state shall request information pertaining to the individual from the drug and alcohol clearinghouse maintained under section 31306a
 - **The State shall ensure that the State’s commercial driver’s license information system complies with applicable Federal information technology standards.**
 - States must also submit a state plan for complying with the requirement that they must use commercial driver’s license information systems to receive and submit conviction and disqualification data that runs through September 30, 2017. This section describes eligibility for grant funding including the ability to improve its commercial driver’s license program including computer hardware and software, publications, testing, personnel, training and quality control, CDL program coordinators, and to establish and implement a system to notify an employer of an operator of a commercial motor vehicle of a suspension or revocation of such operator’s driver’s license.
- §6404 – Commercial Driver’s License Passenger Endorsement Requirements – 2 years after enactment, the secretary shall review and assess the current knowledge and skill testing requirements for a CDL passenger endorsement to determine what improvements to the knowledge test or examination of driving skills are necessary to ensure safe operations for passenger CMVs.

- §6406 – Program to Assist Veterans to Acquire Commercial Driver’s Licenses – 1 year after enactment, the Secretary in consultation with the Secretary of Defense shall establish accelerated licensing procedures to assist veterans to acquire commercial driver’s licenses.
- §6609 – Repeals – Repeals numerous programs including CDLIS Modernization grants.