

# Commerce Committee Provisions in Five-Year Surface Transportation Bill

Below is an extended summary of key provisions in the Senate Commerce, Science, and Transportation Committee's titles in the five-year surface transportation bill:

## IMPROVED PROJECT DELIVERY AND DEPARTMENT OF TRANSPORTATION (DOT) MANAGEMENT

**Project Streamlining** – Provides additional authority to streamline project delivery and consolidate burdensome permitting regulations (similar to the administration's GROW AMERICA proposal).

## IMPROVING HIGHWAY SAFETY

**Keeps Drug Users Off the Roads** – Allows for more effective drug testing for commercial truck drivers. Also increases federal cooperation with state efforts to combat drug impaired driving and directs a study on the feasibility of an impairment standard for driving under the influence of marijuana.

**Prohibits Rental of Vehicles Under Recall** – Prohibits covered rental companies from renting or selling an unrepaired vehicle under recall. Based upon the Raechel and Jacqueline Houck Safe Rental Car Act of 2015 (S. 1173).

**Incentivizes Crash Avoidance Technology** – Adds that crash avoidance information be indicated on new car stickers to inform vehicle purchasing decisions and foster competition in the marketplace.

**Tire Pressure Monitoring** – Requires the National Highway Traffic Safety Administration (NHTSA) to update the rule governing tire pressure monitoring technologies; modified in conference to avoid unintended consequences and clarify that the rule should not be technology specific.

**Improves Information on Safety of Child Restraint Systems** – Improves crash data collection to include child restraint systems.

## IMPROVES VEHICLE RECALL NOTIFICATION

**Improves Consumer Awareness of Recalls** – Requires NHTSA to improve the safecar.gov website and the consumer complaint filing process. Provides a study on the technological feasibility of direct vehicle notification of recalls. Also requires manufacturers to identify and include applicable part numbers when notifying NHTSA of safety defects, making this information publicly available.

**Incentivizes Dealers to Notify Consumers of Open Recalls** – Incentivizes auto dealers to inform consumers of open recalls at service appointments.

**Creates Program for States to Notify Consumers of Recalls** – Creates a state pilot grant to inform consumers of open recalls at the time of vehicle registration.

**Improves Tire Recall Efforts** – Increases the time tire owners and purchasers have to seek a remedy for tire recalls at no cost to consumers. Creates a publicly available database of tire recall information. Also includes a provision adopted in conference to direct NHTSA to study the feasibility of requiring electronic identification on tires in order to facilitate registration and ease the burden on small businesses.

## **FREIGHT**

**Develops a National Freight Strategy and Strategic Plan** – Sets goals to enhance U.S. economic competitiveness by improving freight transportation networks that serve our agriculture, retail, manufacturing, and energy sectors. Focuses freight planning efforts in the Office of the Secretary with the Undersecretary for Policy to provide multimodal coordination.

**Requires Additional Freight Data** – Establishes a working group and an annual reporting requirement to collect additional freight data to help improve the movement of freight throughout the country.

**Improves Freight Planning** – Improves freight planning efforts to ensure that freight planning is multimodal and addresses the links between highways, railroads, ports, airports, and pipelines.

## **FLEXIBILITY FOR STATES**

**Federal Motor Carrier Safety Administration (FMCSA) Grant Consolidation** – Consolidates state trucking enforcement grants to provide additional flexibility to states to administer enforcement programs.

**NHTSA Grant Flexibility** – Increases emphasis on “Section 402” highway safety grants to address each state’s unique highway safety challenges. Also increases opportunities for states to obtain grants for implementing graduated drivers licensing, distracted driving laws and impaired driving. Creates a new non-motorized grant to create programs to enhance safety for pedestrians and bicyclists.

## **REGULATORY REFORM & TRANSPARENCY**

**Petitions** – Requires FMCSA to respond to stakeholder petitions for review of regulations or new rulemakings.

**Transparency** – Requires FMCSA to maintain updated records relating to regulatory guidance, and provides for regular review to ensure consistency and enforceability.

## **NHTSA OVERSIGHT & VEHICLE SAFETY ENFORCEMENT**

**Vehicle Safety Enforcement** – Triples penalties for auto safety violations per incident and triples the overall penalty cap to \$105 million, provided that NHTSA conducts a previously-required rulemaking on penalty assessment factors.

**Whistleblower Incentives** – Incentivizes auto employees to come forward with information about safety violations by authorizing the Secretary to award a percentage of certain collected sanctions to whistleblowers. Based upon the bipartisan Motor Vehicle Safety Whistleblower Act, which passed the Senate by voice vote in April (S. 304).

**Increases Funding for Vehicle Safety** – Following the record number of auto recalls in 2014, the bill authorizes additional funding increases to GROW AMERICA levels for vehicle safety efforts, but only if the DOT Secretary certifies that certain reforms have been implemented following the scathing inspector general (IG) audit of NHTSA following the GM ignition switch defect.

**Increases Corporate Responsibility** – Requires rules on corporate responsibility for reports to NHTSA and updates recall obligations under bankruptcy; increases the retention period during which manufacturers must maintain safety records and expands the time frame for remedying defects at no cost to consumers.

**Provides Increased Oversight of NHTSA** – Requires DOT IG and NHTSA to provide updates on progress to implement IG recommendations to improve defect identification, requires an annual agenda, clarifies the limits of agency guidelines, and directs IG and Government Accountability Office GAO audits of NHTSA's management of vehicle safety recalls, public awareness of recall information, and NHTSA's research efforts.

## **CONSUMER PRIVACY**

**Driver Privacy** – Makes clear that the owner of a vehicle is the owner of any information collected by an event data recorder. Based on the bipartisan Driver Privacy Act, which the Committee approved in March (S. 766).

## **TRUCKING REFORMS & IMPROVEMENTS**

**CSA Reform** – Addresses shortcomings in the Compliance, Safety, and Accountability (CSA) program following concerns raised by the DOT IG, the GAO, and a DOT internal review team about the reliance on flawed analysis in the scores used to evaluate freight companies, while maintaining public information on enforcement data and consumer information on the scores of intercity buses.

**Beyond Compliance** – Establishes new incentives for trucking companies to adopt innovative safety technology and practices.

**Commercial Driver Opportunities for Veterans** – Establishes a pilot program to address the driver shortage by allowing qualified current or former members of the armed forces, who are between 18 and 21 years old, to operate a commercial motor vehicle in interstate commerce. Currently, 48 states allow 18-21 year olds to drive intrastate on county, state, and Interstate highways.

## **RAIL**

**Passenger Rail Reform** – Reauthorizes Amtrak services through 2020, empowers states, improves planning, and better leverages private sector resources. It also creates a working group and rail restoration program to explore options for resuming service discontinued after Hurricane Katrina. Many of these provisions are based on the bipartisan Railroad Reform, Enhancement, and Efficiency Act (S. 1626), which passed the Commerce Committee by voice vote in June.

**Railroad Loan Financing Reform** – Reforms the existing \$35 billion Railroad Rehabilitation and Improvement Financing Program to increase transparency and flexibility, expand access for limited option freight rail shippers, and provide tools to reduce taxpayer risks.

**Rail Infrastructure Improvements** – Improves rail infrastructure and safety by consolidating rail grant programs, cutting red tape and dedicating resources for best use. It also establishes a Federal-State partnership to bring passenger rail assets into a state of good repair.

**Expedites Rail Projects** – Accelerates the delivery of rail projects by significantly reforming environmental and historic preservation review processes, applying existing exemptions already used for highways to make critical rail investments go further.

**Dedicated Funding for Positive Train Control (PTC)** – Establishes a new limited authorization with guaranteed funding for the Secretary of Transportation to provide commuter railroads and States with grants and/or loans that can leverage approximately \$2+ billion in financing for PTC implementation.

**Testing of Electronically-Controlled Pneumatic (ECP) Brakes** – Preserves the DOT's final rule requiring ECP brakes on certain trains by 2021 and 2023, while requiring an independent evaluation and real-world derailment test. It requires DOT to re-evaluate its final rule within the next two years using the results of the evaluation and testing.

**Liability Cap** – Increases the passenger rail liability cap to \$295 million (adjusting the current \$200 million cap for inflation), applies the increase to the Amtrak accident in Philadelphia on May 12, 2015, and adjusts the cap for inflation every five years going forward.

**Cameras on Passenger Trains** – Requires all passenger railroads to install inward-facing cameras to better monitor train crews and assist in accident investigations, and outward-facing cameras to better monitor track conditions, fulfilling a long-standing recommendation from the National Transportation Safety Board.

**Thermal Blankets on Tank Cars Carrying Flammable Liquids** – Closes a potential loophole in Department of Transportation regulations and reduces the risk of thermal tears, which is when a pool fire causes a tank car to rupture and potentially result in greater damage.

**Real-Time Emergency Response Information** – Improves emergency response by requiring railroads to provide accurate, real-time, and electronic train consist information (e.g., the location of hazardous materials on a train) to first responders on the scene of an accident.

**Grade Crossing Safety** – Increases safety at highway-rail crossings by requiring action plans to improve engineering, education, and enforcement, evaluating the use of locomotive horns and quiet zones, and examining methods to address blocked crossings.

**Passenger Rail Safety** – Enhances passenger rail safety by requiring speed limit action plans, redundant signal protection, alerters, and other measures to reduce the risk of overspeed derailments and worker fatalities.