

“The Comprehensive Transportation and Consumer Protection Act of 2015”

Section-by-Section Summary

Sec. 1. Short Title; Table of Contents; References.

This section provides the short title of “The Comprehensive Transportation and Consumer Protection Act of 2015.” This section further provides a table of contents for the bill.

Sec. 2. Definition of Secretary.

This section notes that throughout this act, references to the “Secretary” mean the Secretary of Transportation.

TITLE I—OFFICE OF THE SECRETARY

Subtitle A—Accelerating Project Delivery

Sec. 1101. Delegation of Authority.

This section would require that the Secretary of Transportation delegate the authority of Administrator of a Department of Transportation operating administration to a specific individual for not more than 210 days.

Sec. 1102. Infrastructure Permitting Improvement Center.

This section would establish an Infrastructure Permitting Improvement Center, administratively housed within the Office of the Secretary of Transportation and overseen by a Steering Committee including Deputy-level representatives from certain agencies. This section would require the Infrastructure Permitting Improvement Center to coordinate and support priority infrastructure permitting reforms, support innovative pilot programs, provide technical assistance, and track permitting metrics and outcomes for projects in certain sectors.

Sec. 1103. Accelerated Decision-Making in Environmental Reviews.

This section would allow the Department of Transportation, in preparing a final environmental impact statement as lead agency, to modify the statement with minor and factual changes described in errata sheets attached to the statement, instead of rewriting the draft statement.

Sec. 1104. Environmental Review Alignment and Reform.

This section would require the Department of Transportation, in coordination with the Steering Committee described in section 1102, to develop a coordinated and concurrent environmental review and permitting process for transportation projects requiring an environmental impact statement. The section would require the Department of Transportation to coordinate with the Steering Committee to measure and report on the alignment of Federal review.

Sec. 1105. Multimodal Categorical Exclusions.

This section would modify the definition of “multimodal project” to expand its applicability to all Department of Transportation actions rather than only those funded under title 23 or chapter 53 of title 49. This section would also clarify the roles and responsibilities for applying a cooperating authority’s categorical exclusion (i.e., a determination that an action does not

involve significant environmental impacts) and would make certain changes to support cooperation between Department of Transportation operating administrations.

Sec. 1106. Improving Transparency in Environmental Reviews.

This section would require the Secretary of Transportation, within two years of enactment of this Act, to establish an online platform to make publically available the status and progress of environmental reviews and permitting on projects requiring either an environmental impact statement or an environmental assessment.

Subtitle B—Freight

Sec. 1201. Establishment of Freight Chapter.

This section would include a sense of Congress that freight planning activities should be multimodal and should be overseen by the Secretary, with the Undersecretary for Policy serving as the coordinator. This section would establish a freight chapter under title 49 and provide definitions for the chapter.

Sec. 1202. National Multimodal Freight Policy.

This section would establish a multimodal freight policy, including the goals for the programs outlined in this chapter. This section further outlines strategies and implementation plans for achieving the goals outlined. This section identifies the office of the Undersecretary for Policy as the lead on multimodal freight projects.

Sec. 1203. National Multimodal Freight Network.

This section would require the Secretary to establish a national freight network to assist state and Federal planning efforts. This section would set standards for designating and updating the primary freight system using state input.

Sec. 1204. National Freight Strategic Plan.

This section would require the Secretary to consult with states and other stakeholders to develop an assessment and plan to achieve freight goals. This section would further require the Secretary to develop and monitor freight metrics and tools.

Sec. 1205. State Freight Plans.

This section would provide guidance for state freight planning efforts and provide reporting standards for state freight plans. This section would further provide instructions to states on how to designate freight networks within the state.

Sec. 1206. Freight Investment Grants

This section would establish a grant program to fund freight infrastructure projects. This section would authorize appropriations from the General Fund of \$500 million per fiscal year (consistent with current spending levels under the TIGER program). This program would reform and replace the unauthorized TIGER discretionary grant program, and provide oversight of the program.

Sec 1207. Reports.

This section would require a report from the Secretary on the status of the freight network, and a GAO review of the implementation of the grant program and an annual report on the award of grants.

Sec. 1208. Repeals.

This section would repeal provisions in MAP-21 that are replaced by language in this Act.

Sec. 1209. Savings Provision.

This section would clarify that no element of this Subtitle should be perceived as additional authority to regulate private entities or infrastructure designated as part of the freight network.

Subtitle C—Research

Sec. 1301. Findings.

This section would indicate the Sense of Congress that coordination of research activities should occur at the Office of the Secretary, not solely within modal administrations, with the goal of reducing duplication of effort.

Sec. 1302. Modal Research Plans.

This section would require that modal administrations within the Department of Transportation submit to the Secretary an annual research plan with detailed information about the funding of research efforts. The Secretary would review, approve, and publically post plans. If, during the review of modal research plans, the Secretary identifies duplication of research objectives or plans, the Secretary would be directed to disapprove the plan and eliminate the duplication of effort. The Secretary would be required to issue an annual certification to Congress that there is no duplication of effort within research programs. This section would limit funding of research projects unless approved as part of a modal research plan.

Sec. 1303. Consolidated Research Prospectus and Strategic Plan.

This section would require the Secretary to annually publish a report containing the modal research plans required by section 1302 of this act, multimodal applications of projects contained within the report, and coordination between the modal agencies to maximize the usefulness of research conducted by the Department. This section further requires the Secretary to publish a five-year research strategic plan.

Sec. 1304. Research Ombudsman.

This section would create the position of Research Ombudsman within the Office of the Assistant Secretary for Research and Technology. This section would require that an individual selected for the position be knowledgeable about research study design and transportation. This section would further require that the individual not previously have served as a political appointee within the Department.

This section would grant the Research Ombudsman the authority to receive and address complaints about research efforts directed or funded by the Department. Complaints eligible for

review include: study design, sample composition, assumptions or bias, and conflict of interest. Upon receiving a complaint, the Research Ombudsman would review the concern, and provide a response, including a recommendation for remedy if necessary. Responses and proposed remedies would be posted on a public website.

Sec. 1305. Smart Cities Transportation Planning Study.

This section would require a study of how technology is being used to influence transportation planning. The study would offer the best practices for integrating and using technology to improve planning and would be posted on a public website.

Sec. 1306. Bureau of Transportation Statistics Independence.

This section would provide the Director of the Bureau of Transportation Statistics with statutory authority to manage, independent of other elements of the Department of Transportation, budget, staffing, and decision making with regard to the Director's role in developing sound statistical documents and reports.

Sec. 1307. Conforming Amendments.

This section makes conforming changes to the Code to elevate the office of the Assistant Secretary of Research and Technology, consistent with practice, and changes in appropriations.

Sec. 1308. Repeal of Obsolete Office.

This section would repeal the defunct Office of Intermodalism.

Subtitle D—Port Performance Act

Sec. 1401. Short Title.

This section would provide that this subtitle may be cited as the "Port Performance Act."

Sec. 1402. Findings.

This section highlights the critical role that America's ports play in the Nation's transportation supply chain network.

Sec. 1403. Port Performance Freight Statistics Program.

This section would establish a port performance statistics program within the Bureau of Transportation Statistics (BTS) and require its Director to provide an annual report to Congress on capacity and throughput at the Nation's top 25 ports by tonnage, top 25 ports by twenty-foot equivalent unit, and top 25 ports by dry bulk. This section would also require key U.S. ports that are subject to Federal regulation or receive Federal assistance to submit monthly statistics to BTS on their capacity and throughput statistics.

Additionally, this section would authorize the Director to commission a working group composed of public and private stakeholders from across the maritime and surface transportation industries, as well as representatives from various advisory committees and the National Academies, to provide recommendations to the Director on port performance measures, a process for the DOT to collect timely and consistent data, and safeguards to protect proprietary

information. Furthermore, this section would ensure that statistics compiled through this program are readily accessible to the public, consistent with applicable security constraints and confidentiality interests.

This section would further establish prohibitions on certain disclosures of ports performance data or reports collected or produced under the authority of this program.

Sec. 1404. Monthly Reports on Performance at United States Ports.

This section would require the Secretary of Transportation, in consultation with the Secretaries of Commerce and Labor, to report to Congress on port performance indicators required in Section 1403 of this bill, as well as the type and number of vessels awaiting berthing at a port, average wait time for berthing, the number of cancelled vessel calls at the port, an estimate of the economic impact associated with any delays at the port and across the national economy, an estimate of the amount of time required to clear any congestion, average number of positions ordered and filled, and any other factors that might have created delays, including weather, equipment maintenance or failures, or infrastructure development or repair.

Reports required by this section would be required for a port one year prior to expiration of its maritime labor agreement, three months prior to the expiration of that agreement, and then monthly from the time of expiration until a new labor agreement is reached.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER PROGRAMS

Subtitle A—Compliance, Safety, and Accountability Reform

PART I—COMPLIANCE, SAFETY, AND ACCOUNTABILITY

Sec. 2001. Correlation Study.

This section would require the Federal Motor Carrier Safety Administration (FMCSA) to commission a study from the Transportation Research Board to analyze the Compliance, Safety, and Accountability (CSA) program, which currently assigns Safety Management System (SMS) scores to commercial motor carriers. The study would evaluate whether the current data inputs and analyses reliably predict future crash risk for motor carriers, and whether the system provides similar enforcement benefits for large and small motor carriers.

Sec. 2002. Safety Improvement Metrics.

This section would require the Administrator to develop a structure to provide positive SMS points for investments in select safety technologies, tools, programs, and systems not mandated by law. The legislation further requires that the positive points associated with a motor carrier's safety investment be presented online with other SMS data.

The Administrator would also be required to develop a system for reviewing new technologies to be added to the list of systems eligible for inclusion in the program. It provides that stakeholders may petition for a system to be considered, and that the Administrator should include technology

that will be subject to a government mandate in the future (to incentivize early adoption of new safety technology before it is mandated). To prevent fraud, this section also requires the Administrator to develop a process for verifying the installation and use of these technologies.

This section would further require that the Administrator maintain an up-to-date website with data about approved technologies, pending petitions, and how the scores are calculated.

The section would also require the Administrator to use data gathered in this program to develop data-driven regulations in the future, and requires detailed reporting to Congress on the use of the program.

This section would provide that no element of this program can be used to provide the Administrator with additional authority to change requirements for operation of a commercial motor vehicle.

Sec. 2003. Data Certification.

This section would require that FMCSA remove SMS data alerts, scores, and percentiles from public view until the report and corrective action plan required by section 2001 have been published, and recommendations completed. This change was made to allow the FMCSA to address DOT IG, GAO, and internal DOT concerns about the ability of the analysis to accurately reflect crash risk. However, accident and violation information will still remain public. In addition, this section requires that the data not be made available until the Safety Improvement Metrics system developed in Section 2002 has been developed.

This section further requires that, in the interim, the data would remain available to state and local law enforcement for enforcement purposes only, and could be made available to the relevant driver or carrier upon request.

Sec. 2004. Data Improvement.

This section requires the Administrator of FMCSA to develop a data entry system to ensure the accurate and consistent entry of enforcement reports into agency data systems.

Sec. 2005. Accident Report Information.

This section would require the Administrator to develop a review program to remove accident data from the CSA system when the motor carrier was not at fault. The program developed under this section would allow for the review of accidents where another party to the crash was found at fault, was intoxicated, struck the motor vehicle from behind, was driving on the wrong side of the road, or if the commercial motor vehicle was stopped.

This section allows the Administrator to collect information from the motor carrier, including insurance records, crash reports, and court documents to determine if the motor carrier was the cause of the accident.

This section would authorize the collection of fees to offset the cost of the accident report information program. This section would further require the Secretary to report to Congress on the results of the review program.

Sec. 2006. Post-Accident Report Review.

This section would require the Secretary to convene a working group to review the types of information collected in post-accident reports. This section would direct the Secretary and working group to review the types of information states collect and transmit to the Federal government, and determine if additional data collection should occur following commercial motor vehicle accidents.

Sec. 2007. Recognizing Excellence in Safety.

This section would direct the Administrator of FMCSA to develop a program to recognize outstanding safety practices. This section would also clarify that such recognition would not be an endorsement of any motor carrier receiving an award.

Sec. 2008. High Risk Carrier Reviews.

This section would require that, following the completion of the certification required under Section 2003 of this Act, and the development of the safety fitness determination standard, the Secretary shall ensure that carriers identified as high risk carriers for more than four months shall receive a review. This section further requires a report to Congress on implementation of this program.

PART II—INTERIM HIRING STANDARD

Sec. 2101. Definitions.

This section provides definitions for the entities subject to the protections of the interim hiring standard.

Sec. 2102. National Hiring Standards for Motor Carriers.

This section would provide a process for shippers to verify the eligibility of a motor carrier to transport goods under the interim hiring standard. This section would provide that, if a carrier does not have an unsatisfactory safety fitness determination, it is fit for hiring under the standard. The section further provides that for lawsuits involving carriers hired under the interim hiring standard, only a shipper's verification of suitability under the standard, crash data, and violations may be used in court.

Sec. 2103. Applicability.

This section would establish that the hiring standard established in this Act would take effect on the date of enactment.

Subtitle B—Drug Free Commercial Driver Act of 2015

Sec. 2021. Short Title.

This section provides the short title of the subtitle, the Drug Free Commercial Driver Act of 2015.

Sec. 2202. Authorization of Hair Testing.

This section would allow the use of hair testing for pre-employment and subsequent random screening for controlled substance use by commercial motor vehicle drivers.

Sec. 2203. Exemption from Mandatory Urinalysis.

This section would allow any commercial motor carrier to apply to the FMCSA for an exemption to allow the use of hair testing as an alternative to urinalysis for pre-employment and random drug testing. The carrier would have to demonstrate the ability to conduct hair testing consistent with industry standards for the purpose of detecting the use of controlled substances by commercial motor vehicle operators.

This section would require that when the FMCSA is evaluating an application for exemption it must ensure: a carrier is using practices that are similar to those used by other fleets that have used hair testing for more than one year; that the testing laboratory has received accreditation from an accrediting body compliant with international and Federal standards; and that the hair testing standards used have been approved by the Food and Drug Administration.

This section would further require that positive test results and test refusals would be submitted to a national clearinghouse.

Sec. 2204. Guidelines for Hair Testing.

This section would require the Secretary of Health and Human Services to issue scientific and technical guidelines for the use of hair testing for controlled substances. This section would further require the Secretary to consider how environmental exposure and use may be differentiated during testing.

Sec. 2205. Annual Report to Congress.

This section would require the Secretary to submit an annual report to Congress for a period of five years. The report would include a summary of results of pre-employment and random drug screening using hair testing and urinalysis, a comparison of both methods, and a determination of which method would be the most accurate over time.

Subtitle C—Transparency and Accountability

Sec. 2301. Rulemaking Requirements.

This section would establish requirements for any rulemaking associated with minimum levels of financial responsibility for motor carriers.

Sec. 2302. Petitions for Regulatory Relief.

This section would provide a process for groups to petition the Federal Motor Carrier Safety Administration for temporary and permanent exemption from hours of service regulations. This

process would mirror the petitions process already in place via regulation, but with a clear timetable for consideration. This section would make permanent several temporary exemptions granted through the regulatory petitions process by the Federal Motor Carrier Safety Administration.

Sec. 2303. Inspector Standards.

This section would incorporate by reference the inspector standards developed by the North American Accrediting Association, the Commercial Vehicle Safety Alliance.

Sec. 2304. Technology Improvements.

This section would direct the Government Accountability Office to complete a study regarding the technology needs and usage of the Federal Motor Carrier Safety Administration. The study would review redundancies in Information Technology at FMCSA, and determine if systems should be further consolidated.

Subtitle D- Trucking Rules Updated by Comprehensive and Key Safety Reform Act

Sec. 2401. Update on Statutory Requirements.

This section would require that the Secretary provide updates to Congress every 90 days on the status of incomplete regulations that were required by statute.

Sec. 2402. Statutory Rulemaking.

This section would require that the Secretary prioritize development of rulemakings required by statute before proceeding with other activities.

Sec. 2403. Guidance Reform.

This section would require that all regulatory guidance issued by the Federal Motor Carrier Safety Administration include a date of issuance and an agency point of contact for public information regarding the guidance.

This section would further require that issued or re-issued guidance must be published in the federal register on date of issuance or re-issuance. If, after the five year review, FMCSA attempts to reissue a guidance, the guidance will be effective up to 24 months after the conclusion of each review.

This section would further require FMCSA to conduct a comprehensive review of all guidance and enforcement policies to determine whether or not they are (1) consistent and clear, (2) consistently enforceable, and (3) if a guidance is still necessary. Prior to the review, FMCSA must offer a notice and comment period for stakeholder input. After the date of review, FMCSA must publish a report on the DOT website.

Sec. 2404. Petitions.

This section would prioritize stakeholder petitions based on the likelihood of safety improvements and require FMCSA to formally respond to petitions no later than six months after a petition is submitted.

This section would require the agency to maintain a publically available inventory of all petitions received, including information about the disposition of each petition.

This section would define petitions as requests for new regulations, regulatory interpretations, or clarifications, or a retrospective review of regulations to eliminate or modify obsolete, ineffective, or overly-burdensome rules.

Sec. 2405. Regulatory Reform

This section would require each regulatory impact analysis of a proposed or final rule issued by the Federal Motor Carrier Safety Administration to consider the effects of the rule on carriers with differing characteristics and to formulate estimates and findings on the best available science. This section would require the analysis use data from a representative sample of commercial vehicle operators or motor carriers and consider effects on carriers of various sizes and types.

This section would require the Secretary of Transportation, prior to issuing a proposed rule that is reasonably likely to lead to a major rule concerning motor vehicle and driver programs, to determine whether to proceed with a negotiated rulemaking or to issue an advance notice of proposed rulemaking requesting public comment on certain issues.

Subtitle E—State Authorities

Sec. 2501. Emergency Route Working Group.

This section would require the establishment of a working group to identify best practices for expediting the issuance of special permits for vehicles responding to, or transporting goods for, emergency response.

Sec. 2502. Additional State Authority.

This section would allow a state, for 180 days following enactment of this Act, to redesignate the allowable routes for longer combination vehicles to roadways designed for larger vehicles provided doing so is expected to increase safety performance.

Sec. 2503. Commercial Driver Access

This section would authorize the Secretary to establish a six-year pilot program to allow states to enter into interstate compacts to allow for appropriately licensed drivers between the ages of 18 and 21 to travel in interstate commerce. This section would limit the number of pilot program compacts to six compacts.

This section would provide that participating states could limit the scope of the interstate compacts to drivers of a certain age, or restrict the travel area, or hours of service available to younger drivers. Such drivers would be prohibited from operating special vehicle configurations or from transporting hazardous materials. This section would further allow the Secretary to place safety limitations on drivers participating in such compacts. Interstate compacts agreed to under this section would be approved by the Governors of participating states, and the Secretary.

This section would further require the Secretary to report to Congress on the results of the pilot program with a recommendation on whether the interstate commercial driving regulations should be changed.

Subtitle F—Motor Carrier Safety Grant Consolidation

Sec. 2601. Definitions.

This section would amend section 31101 of title 49, to define the Secretary as being the Secretary of Transportation.

Sec. 2602. Grants to States.

This section would consolidate grants to states for enforcement of commercial motor vehicle regulations and laws. This section would fund the grant programs from the Highway Trust Fund.

This section would combine the New Entrant Safety Audit program, the Safety Data Improvement Program, and the Border Enforcement Grant program into the Motor Carrier Safety Assistance Program (MCSAP) formula funding. This consolidation will make state administration of applications easier.

This section would change the Federal share for all FMCSA grant awards to be at least 85%. This would decrease the State match for the MCSAP, currently at 20%. The current Border Enforcement and New Entrant Safety Audit grant programs require no match from the States, so the State match in support of these programs would be increased. This proposal would decrease the State match for the Commercial Vehicle Information Systems Network (CVISN) from 50%. It would increase the Commercial Driver License Program Implementation (CDLPI) and the CMV Operator Training match from 0% to 15%.

This section would provide States with the authority to submit multi-year plans, rather than annual plans to further reduce the administrative burden on states. This section would extend the period of performance for the grant programs as follows: MCSAP (award plus one); MCSAP High Priority activities related to motor carrier safety (award plus two); MCSAP High Priority Intelligent Transportation Deployment (award plus four); CDLPI (award plus four); CMV Operator Training (award plus one).

Sec. 2603. New Entrant Safety Review Program Study.

This section would require a study by the Inspector General on the effectiveness of the New Entrant Safety Review program. Following the completion of the report, this section further requires the Secretary to send to Congress any recommended changes to the program.

Sec. 2604. Performance and Registration Information Systems Management (PRISM).

This section amends the PRISM program to be funded through the MCSAP grant funding stream in Section 31104 of title 49, United States Code.

Sec. 2605. Authorization of Appropriations.

This section authorizes spending from the Highway Trust Fund for the administrative expenses of the FMCSA. The funding increases by CPI (i.e. 2.1 percent) each year.

Sec. 2606. Commercial Driver's License Program Implementation.

This section would amend the Commercial Driver's License Implementation Financial Assistance Program (CDLPI) to include cooperative agreements.

Sec. 2607. Extension of Federal motor carrier safety programs for fiscal year 2016.

This section would extend the current structure and funding levels for grant programs for one year because the proposed grant consolidation will not occur until fiscal year 2017.

Sec. 2608. Motor Carrier Safety Assistance Program Allocation.

This section establishes a MCSAP Allocation Formula Working Group that must begin work within 6 months of enactment and must complete recommendations within 1 year of working group formation. The working group must be 51 percent state personnel. It is exempt from the Federal Advisory Committee Act. The working group will provide a recommendation to the Secretary, and the final allocation formula will require a formal rulemaking.

This section establishes an interim formula calculation for MCSAP, calculated by utilizing the standard MCSAP formula plus the 2013, 2014, 2015 average awards for Border Enforcement Grant and New Entrant.

This section also provides immediate relief for withholding provisions to states currently subject to the withholding, and requires the Secretary to apply all future withholdings consistent with the new requirements of the Act.

Sec. 2609. Maintenance of Effort Calculation

This section would establish the maintenance of effort calculation to ensure that states are not required to spend significantly more to achieve the same enforcement goals and match Federal funds than they did under the previous grant program.

Subtitle G—Miscellaneous Provisions

Sec. 2701. Windshield Technology.

This section would allow for the voluntary mounting of safety technology on the windshield of a commercial motor vehicle.

Sec. 2702. Electronic Logging Devices Requirements.

This section would allow for the use of paper record of duty status records for the transport of tow away and recreational vehicles that would not require the use of electronic logging devices following delivery.

Sec. 2703. Lapse of Required Financial Security; Suspension of Registration.

This section would allow the Secretary to suspend, rather than revoke, registration in the event of the lapse of required financial security documents, allowing for the renewal of registration once appropriate documents were filed.

Sec. 2704. Access to National Driver Register.

This section provides the Administrator of the Federal Motor Carrier Administration with the authority to access the National Driver Register.

Sec. 2705. Study on Commercial Motor Vehicle Driver Commuting.

This section would direct the Secretary to study the impact of commuting time on commercial motor vehicle drivers, and report to Congress with findings.

Sec. 2706. Household Goods Consumer Education Working Group

This section would direct the Secretary to create a working group to determine if consumer protection materials provided during household goods moves could be streamlined.

TITLE III—HAZARDOUS MATERIALS

Sec. 3101. Endorsements.

This section would allow the operation of vehicles providing fuel for agricultural operations to be exempt from the requirement to obtain a hazardous materials endorsement.

Sec. 3102. Enhanced Reporting.

This section would amend the requirement for the biennial report on the transportation of hazardous materials to require the Pipeline and Hazardous Materials Safety Administration to post it on its public website, instead of transmitting it to Congress.

Sec. 3103. Hazardous Material Information.

This section requires the Secretary of Transportation to amend railroad accident and incident reporting to track additional information related to crude oil and ethanol accidents and incidents. This section also requires the Secretary to increase the accuracy, consistency, and connectivity of overlapping databases tracking rail accidents or incidents involving the release of hazardous materials, and this section requires an evaluation of such database issues by the Department of Transportation Inspector General.

Sec. 3104. Hazardous Materials Training Requirements and Grants.

This section amends the hazardous materials training grant requirements to allow the Secretary of Transportation to make grants, through a competitive process and subject to the availability of funds, to instructors to train hazmat employees, employees who enforce hazardous materials regulations, and employees who respond to hazardous materials incidents, instead of only to hazmat employees.

Sec. 3105. National Emergency and Disaster Response.

This section would authorize the Secretary to prescribe standards to facilitate the movement of hazardous materials in and out of federally-declared disaster and emergency areas.

Sec. 3106. Authorization of Appropriations.

This section authorizes appropriations for fiscal years 2016 through 2021 to carry out Chapter 51 of title 49. The authorization amounts would increase by CPI (2.1 percent) each fiscal year. This section also authorizes the Secretary to expend certain amounts from the Hazardous Materials Emergency Preparedness Fund.

TITLE IV – HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A – Highway Traffic Safety

Part I – Highway Safety

Sec. 4101. Authorization of Appropriations.

This section would authorize amounts, from the Highway Trust Fund (other than the Mass Transit Account), for the National Highway Traffic Safety Administration (NHTSA) highway safety programs for fiscal years 2016 through 2021. The aggregate authorization amounts under this section would increase by 2.1 percent each fiscal year. However, a larger percentage increase in authorization amounts each fiscal year would be provided to Highway Safety Programs (23 U.S.C. 402 or “402 grants”) compared to National Priority Safety Programs (23 U.S.C. 405 or “405 grants”). This section would further provide grant matching requirements and require the Secretary to establish a single deadline for grant applications. Finally, this section would amend the current transfer authority to require the Secretary to reallocate any unused 405 grant amounts to increase the amounts under 402 grants, which generally provide states with greater flexibility.

Sec. 4102. Highway Safety Programs.

This section would strike the current prohibition on using 402 grant funds for research and development purposes, while maintaining the prohibition on using funds for highway construction activities. This section would further clarify that a state may transfer 402 and 405 grant funds to Indian tribal governments. This section would also require the Secretary to develop a grant tracking process to identify and mitigate possible systemic issues with grant management. Finally, this section would amend the existing maintenance of effort requirement for receiving funds for certain 405 grants to reduce the administrative burden on states.

Sec. 4103. Grants for Alcohol Ignition Interlock Laws and 24-7 Sobriety Programs.

This section would amend the grant for alcohol ignition interlock devices to include eligibility for states that provide 24/7 sobriety programs. It would also provide that states with interlock laws that include exceptions for individuals required to operate an employer’s motor vehicle in the course and scope of employment and individuals certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device, would still be eligible for this grant. The section would also amend the definition of 24-7 sobriety program.

Sec. 4104. Study on the National Roadside Survey of Alcohol and Drug Use by Drivers.

This section would require that the Secretary review and report on NHTSA’s implementation of any recommendations provided by the Government Accountability Office’s review of the National Roadside Survey of Alcohol and Drug Use.

Part II – Stop Motorcycle Checkpoint Funding Act

Sec. 4121. Short Title.

This section would provide that this part may be cited as the “Stop Motorcycle Checkpoint Funding Act.”

Sec. 4122. Grant Restriction.

This section would prohibit grants or any Federal funds to be provided for any program to check motorcycle helmet usage or to create checkpoints that specifically target motorcycle drivers or passengers.

Part III – Improving Driver Safety Act of 2015

Sec. 4131. Short Title.

This section would provide that this part may be cited as the “Improving Driver Safety Act of 2015.”

Sec. 4132. Distracted Driving Incentive Grants.

This section would amend the current distracted driving grant to require that states include distracted driving issues as part of the state’s driver’s license exam, and prohibit states from providing exceptions to distracted driving laws that allow drivers to text while stopped in traffic. For fiscal years 2017 and 2018, this section would require the Secretary to provide up to 50 percent of the grant amount available under the distracted driving grants to states that certify that they have enacted basic text messaging statutes that are applicable to drivers of all ages, and make violation of the statute a primary offense or a secondary enforcement action. For fiscal years 2019 through 2021, this section would require the Secretary to provide up to 50 percent of the grant amounts to states that continue to meet the requirements for eligibility in fiscal years 2017 and 2018, and also impose increased fines for repeat violations, and have a statute that prohibits drivers younger than 18 from using a personal wireless communications device while driving. This section would also allow states to use funds received for activities related to enforcement of distracted driving laws and for public information and awareness purposes. It also would allow states to use up to 15 percent of the amounts they receive in fiscal years 2017 and 2018 for any eligible project or activity under section 402. For fiscal years 2019 through 2021, this section would allow States to use up to 25 percent of the amounts they receive for any eligible project or activity under section 402.

Sec. 4133. Barriers to Data Collection Report.

This section would require NHTSA to submit a report to Congress identifying barriers to capturing adequate data on the prevalence of wireless communications use while driving and provides recommendations on how to address these barriers.

Part IV – Technical and Conforming Amendments

Sec. 4141. Technical Corrections to the Motor Vehicle and Highway Safety Improvement Act of 2012.

This section would provide technical and conforming amendments to the Motor Vehicle and Highway Safety Improvement Act of 2012.

Subtitle B – VEHICLE SAFETY

Sec. 4201. Authorization of Appropriations.

This section would establish authorization amounts to carry out the vehicle safety provisions (chapter 301 of title 49, and part C of subtitle VI of title 59, United States Code) for fiscal years 2016 through 2021. Authorization amounts would be increased at 2.1 percent each fiscal year.

Sec. 4202. Inspector General Recommendations.

This section would require the Department of Transportation Inspector General to report to the appropriate congressional committees not later than 90 days after enactment on whether and what progress NHTSA has made to implement the recommendations in the Inspector General's June 18, 2015 audit report on NHTSA's vehicle defect identification efforts. It would also require NHTSA to provide periodic briefings to the appropriate congressional committees on the actions it has taken to implement the recommendations in the audit report and to provide a plan for implementing any remaining recommendations. NHTSA would also be required to submit a final report 1 year after enactment on the implementation of all of the recommendations in the audit.

Sec. 4203. Improvements to the Availability of Recall Information.

This section would require the Secretary to improve the organization, availability, and readability of the website that provides consumers with safety recall information, and ensure that it can accommodate high traffic volume and improve public awareness of safety recall information. The section would also require the Secretary to provide guidance to consumers submitting safety complaints. This section would require the Comptroller General to study and report upon the current use of safety recall information by consumers, dealers, and manufacturers, including the usability and content of websites. Finally, this section would require the Secretary, in coordination with industry to study the feasibility of searching multiple vehicle identification numbers at a time to retrieve motor vehicle safety recall information, the feasibility of making such a search and retrieval mechanism publically available, taking into account the potential costs and risks to privacy and security.

Sec. 4204. Recall Process.

This section would allow manufacturers to provide the required notice to the Secretary about defects and noncompliance by electronic mail. It would also require the Secretary to provide reports to relevant committees on an analysis of vehicle safety recall completion rates and potential actions NHTSA could take to improve these rates. This section would further require

the Department of Transportation Inspector General to conduct an audit of NHTSA's management of vehicle safety recalls.

Sec. 4205. Pilot Grant Program for State Notification to Consumers of Motor Vehicle Recall Status.

This section would require the Secretary to conduct a 2-year pilot program for a state process to inform consumers of open motor vehicle recalls at the time of motor vehicle registration. Participation in the pilot program would be available to up to 6 states that meet eligibility requirements. The section would require that each State provide a performance report and would require the Secretary to complete an evaluation of the pilot program.

Sec. 4206. Recall Obligations Under Bankruptcy.

This section would amend the current recall obligations under bankruptcy to include manufacturers undergoing Chapter 7 bankruptcy proceedings (liquidation).

Sec. 4207. Dealer Requirement to Check for Open Recall.

This section would require franchise dealers to notify the owner of each of the manufacturer's motor vehicles it services of any open recalls at the time of service, and would require this notification obligation be specified in its franchise, operating, or other agreement.

Sec. 4208. Extension of Time Period for Remedy of Tire Defects.

This section would increase the length of time consumers have to seek a free remedy for tire recalls from 60 days to 180 days after receiving notification of the recall.

Sec. 4209. Rental Car Safety.

This section would require rental companies that have received notice of a defect or noncompliance under recall either to remedy the defect or noncompliance, or to provide the renter with a notice of the recall in writing prior to acceptance of the rental agreement before renting that motor vehicle. It would also require rental companies that have received a recall notification for which a remedy is not immediately available and for which an interim remedy has been identified, to provide renters with written notice informing the renter of whether the interim remedy was performed. If the rental company receives a recall notification during a pending vehicle rental, this section would require the company to notify each renter as soon as is practicable, but not later than 24 hours after the date the rental company received the notice. This section would require that its provisions take effect 1 year after the date of enactment of this Act.

Sec. 4210. Motor Vehicle Equipment.

This section would amend the definition of "motor vehicle equipment" to exclude portable wireless communications devices and associated software, which do not operate or control a critical or primary system, part, or component of a motor vehicle.

Sec. 4211. Transfer to the Highway Trust Fund of Certain Motor Vehicle Safety Penalties.

This section would deposit in the Highway Trust Fund any amount collected in connection with a civil penalty under section 30165 of title 49, United States Code, reduced by any award paid to a whistleblower. Civil penalties are currently deposited in the General Fund of the U.S. Treasury.

Subtitle C - Research and Development and Vehicle Electronics

Sec. 4301. Report on Operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies.

This section would require the Secretary to submit a report on the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies to relevant committees within 1 year of enactment.

Sec. 4302. Cooperation with Foreign Governments.

This section would authorize the Secretary to enter into cooperative agreements and collaborative research and development agreements with foreign governments in coordination with the Department of State. It would also require the Department of Transportation Inspector General to conduct an audit of the Secretary's management and oversight of cooperative agreements and collaborative research and development agreements.

Subtitle D – Miscellaneous Provisions

Part I – Driver Privacy Act of 2015

Sec. 4401. Short Title.

This section would provide that this part may be cited as the “Driver Privacy Act of 2015”.

Sec. 4402. Limitations on Data Retrieval from Vehicle Event Data Recorders.

This section would make any data retained by a vehicle event data recorder the property of the owner or lessee of the motor vehicle in which it is installed. The section would also prohibit data recorded or transmitted by the event data recorder from being accessed by a person other than the owner or lessee of the motor vehicle in which the event data recorder is installed. It would provide certain limited exceptions to allow the data to be accessed: pursuant to a court order; with the consent of the data owner (including by agreeing to a subscription); pursuant to an investigation or inspection, if the personally identifiable information of the owner or lessee is not disclosed; for emergency medical response; or research, provided that the personally identifiable information of an owner or lessee and the vehicle identification number is not disclosed.

Sec. 4403. Vehicle Event Data Recorder Study.

This section would require NHTSA, within 1 year of the date of enactment, to submit to Congress a report containing the results of a study to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record vehicle-related data in order to provide sufficient information to investigate the cause of motor vehicle crashes. This section would also require the Administrator to promulgate regulations establishing the appropriate period during which passenger motor vehicle event data recorders may capture and

record for retrieval vehicle-related data in order to provide accident investigators with pertinent crash information.

Part II – Safety Through Informed Consumers Act of 2015

Sec. 4421. Short Title.

This section would provide that this part may be cited as the “Safety Through Informed Consumers Act of 2015”.

Sec. 4422. Passenger Motor Vehicle Information.

This section would require the Secretary to ensure crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers. This section would require the Secretary to complete a rulemaking on this requirement not later than one year after the date of enactment.

TITLE V- RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY ACT

Note: Title V of this Act is the Railroad Reform, Enhancement, and Efficiency Act, as reported by the Senate Commerce Committee on June 25, 2015, with the addition of the sections listed below.

Sec. 5441. Coordination of Spectrum

This section would require the Secretary of Transportation, in coordination with the Chairman of the Federal Communications Commission, to assess spectrum needs and availability for implementing positive train control systems and to report to Congress on the results of that assessment.

Sec. 5442 Updated Plans

This section would allow a Class I railroad carrier or other entity subject to positive train control system requirements to submit to the Secretary of Transportation an updated implementation plan. This section would set a review and approval process for the updated plan if the railroad carrier or other entity submitting the plan has encountered technical or programmatic challenges, is demonstrating due diligence, has included milestones and metrics for sustained and substantial progress toward positive train control system implementation, and has set an implementation deadline schedule that requires installation and spectrum acquisition no later than December 31, 2018. This section would allow the Secretary to require modification of the updated plans for incomplete or deficient items.

This section would require the Secretary to make the updated plans available on the website of the Federal Railroad Administration. This section would specify the metrics and milestones that shall be used to demonstrate sustained and substantial progress, and it specifies the dates that must be included in a complete implementation schedule. This section would require the railroad carrier or other entity to submit annual progress reports.

This section would require a railroad carrier or entity to implement a positive train control system in accordance with its updated plan. This section authorizes the Secretary to assess civil penalties for the failure to comply with the updated plan, including any milestones or metrics and updated implementation schedules approved by the Secretary.

Sec. 5443. Early Adoption and Interoperability

This section would allow for a one-year period, beginning after the last positive train control system certification and implementation, before a railroad carrier or other entity is subject to operating restrictions in the event of a positive train control system component failure. This section would provide for sequencing in which all carriers using a railroad line shall be certified prior to operating restrictions in the event of a component failure. This section would direct the Secretary of Transportation to extend the implementation deadline for small railroads.

Sec. 5444. Positive Train Control at Grade Crossing Effectiveness Study

This section would require the Secretary to enter into an agreement with the National Cooperative Rail Research Program Board to conduct a study of the possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings and to report to Congress on the results of that study.