

DRIVE Act Summary

Senate Commerce, Science and Transportation Committee Provisions

Improved Project Delivery and DOT Management

Project Streamlining - Provides additional authority to streamline project delivery and consolidate burdensome permitting regulations (similar to the GROW AMERICA proposal).

Responsible Management - Requires that agencies be led by Senate-confirmed officials. Further clarifies that, in the absence of a confirmed official, an individual can serve no longer than the periods allowed under the Vacancies Act.

Improving Safety

Keeps Drug Users Off the Roads - Allows for more effective drug testing for commercial truck drivers (Manchin/Johnson). Also increases federal cooperation with state efforts to combat drug impaired driving (Ayotte).

Prohibits Rental of Vehicles Under Recall - Prohibits rental companies from renting or selling unrecalled vehicle under recall (Schumer/Boxer/ McCaskill/Nelson).

Incentivizes Crash Avoidance Technology - Adds that crash avoidance information be indicated on new car stickers to inform vehicle purchasing decisions (Heller/Markey).

Improves Information on Safety of Child Restraint Systems - Improves crash data collection to include child restraint systems (Wicker/Blumenthal).

Improves Vehicle Recall Notification

Improves Consumer Awareness of Recalls - Requires NHTSA to improve <http://www.safercar.gov> and consumer complaint filing process. Provides study on direct vehicle notification of recalls.

Requires Dealers to Notify Consumers of Open Recalls - Requires dealers to inform consumers of open recalls at service appointments (GROW AMERICA).

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 (GROW AMERICA).

Improves Tire Recall Efforts - Increases the time tire owners and purchasers have to seek a remedy for tire recalls at no cost to consumers (GROW AMERICA). Creates a publicly available database of tire recall information (Graham/Brown/Wicker).

Freight: Planning and Funding

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 (based on modified Cantwell proposal and GROW AMERICA). Provides a discretionary grant program to fund freight needs – subject to appropriations.

Flexibility for States

Provides for Flexible State Planning - Improves freight planning efforts to ensure that freight planning is multimodal and addresses the links between highways, railroads, ports, airports, and pipelines.

State-Approved Commercial Drivers - Provides the DOT Secretary with the ability to address the driver shortage by allowing states to develop interstate compacts to allow appropriately licensed drivers (18-21 yrs. old) to cross state lines using existing state commercial driver's licenses with numerous stipulations (Fischer/Tester). Program would be subject to the discretion of the Secretary. Currently, 48 states allow 18-21 year olds to drive intrastate on county, state, and Interstate highways.

FMCSA Grant Consolidation - Consolidates state trucking enforcement grants to provide additional flexibility to states to administer enforcement programs (GROW AMERICA).

NHTSA Grant Flexibility - Increases emphasis on "Section 402" grants to address each state's unique highway safety challenges and increases opportunities for states to obtain grants for implementing graduated drivers licensing (Klobuchar) and to allow more states to receive funding for enactment of distracted driving laws (Klobuchar-Hoeven) and impaired driving.

Regulatory Reform and 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 and Vehicle Safety Enforcement

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 audit of NHTSA following the GM ignition switch defect.

Increases Corporate Responsibility - Requires rules on corporate responsibility for reports to NHTSA (Nelson) and updates recall obligations under bankruptcy (GROW AMERICA).

Provides Increased Oversight of NHTSA - Requires DOT IG and NHTSA to provide updates on progress to implement IG recommendations to improve defect identification and directs IG and GAO audits of NHTSA's management of vehicle safety recalls, public awareness of recall information, and NHTSA's research efforts.

Improved Safety and Commonsense Relief for Motor Carriers

CSA Reform - Addresses shortcomings in the Compliance, Safety, Accountability program following concerns raised by the DOT IG, GAO, and a DOT internal review team about the reliance on flawed analysis in the scores used to evaluate freight companies.

Beyond Compliance - Establishes new incentives for trucking companies to adopt innovative safety technology and practices (based on FMCSA and law enforcement proposal).

Ports

Requires Port Metrics - Following a lack of data regarding the efficiency of U.S. ports, including during disruptions that can cause widespread economic harm to U.S. businesses and consumers, this provision will require an annual reporting requirement for U.S. ports based on the Port Performance Act (S. 1298).

Rail

Passenger Rail - Includes the bipartisan Railroad Reform, Enhancement, and Efficiency Act (S. 1626), which passed Committee by voice vote in June, that increases safety, improves infrastructure, cuts red tape, leverages private sector investment, and empowers state and local officials (Wicker/Booker).

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

Updated Positive Train Control (PTC) Plans - Requires the Secretary to review, on a case-by-case basis, updated plans with enforceable milestones, including fines and penalties, to ensure full and successful PTC implementation as soon as practicable. DOT/FRA and GAO have found the current December 31, 2015 deadline is not feasible for the vast majority of freight and commuter railroads. Absent this bi-partisan solution, our nation's freight and commuter railroads may be forced to cease some or all service at the deadline as a result of unknown liability and penalty risk.

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

Indexing the Liability Cap to Inflation - Adjusts passenger rail liability cap for inflation from its 1997 level, from \$200 to \$295 million, adjusts it every five years for inflation, and applies the revised cap to the Amtrak accident on May 12, 2015.