



Committee on Transportation and Infrastructure
U.S. House of Representatives

Bill Shuster
Chairman

Washington, DC 20515

Peter A. DeFazio
Ranking Member

Christopher P. Bertram, Staff Director

Katherine W. Dedrick, Democratic Staff Director

April 8, 2016

BACKGROUND MEMO

TO: Members, Subcommittee on Highways and Transit
FROM: Staff, Subcommittee on Highways and Transit
RE: Roundtable Policy Discussion on “Implementing Motor Carrier Provisions of the FAST Act”

PURPOSE

On Wednesday, April 13, 2016, at 10:00 a.m., in 2167 Rayburn House Office Building, the Subcommittee on Highways and Transit will hold a roundtable discussion on “Implementing Motor Carrier Provisions of the FAST Act”. The Subcommittee will hear from the Federal Motor Carrier Safety Administration (FMCSA), the American Trucking Associations, the Owner-Operator Independent Drivers Association, Greyhound Lines, Inc., the Commercial Vehicle Safety Alliance, and the Advocates for Highway and Auto Safety.

BACKGROUND

On December 4, 2015, the President signed H.R. 22, Fixing America’s Surface Transportation Act (FAST Act) into law (P.L. 114-94). Title V of the FAST Act reauthorizes the programs of the Federal Motor Carrier Safety Administration (FMCSA) through fiscal year 2020 and includes several reforms to improve commercial truck and bus safety, while reducing regulatory burdens. A chart summarizing the deadlines for implementing the provisions of Title V and the current status of FMCSA’s implementation efforts is attached.

The FAST Act Improves Commercial Motor Vehicle Safety

The FAST Act accelerates the implementation of safety regulations required by law by revising deadlines and establishing regular reporting requirements on the status of safety rulemakings. It also requires FMCSA to implement a program that incentivizes the motor carrier industry to adopt innovative truck and bus safety technologies by giving motor carriers credit or improved safety scores for the use of such technologies. FMCSA is also required to conduct reviews of motor carriers rated the highest safety risk and publicly report the results of such reviews. In addition, FMCSA must conduct an audit of its program to screen the safety of new

motor carriers and report to Congress on how the program is improving commercial motor vehicle safety. Finally, the FAST Act requires the Secretary of Health and Human Services to issue standards for testing hair samples for the presence of drugs and alcohol by December 4, 2016. Once such standards are issued, FMCSA is authorized to allow motor carriers to test hair samples from commercial motor vehicle drivers.

The FAST Act Reduces Regulatory Burdens

The FAST Act reforms the regulatory process by requiring FMCSA to use the best available science and data on various segments of the motor carrier industry when developing rulemakings, and by establishing a process under which the public or the industry can petition FMCSA to revise or repeal regulations if they are no longer current, consistent, and uniformly enforced. It further requires FMCSA to review its regulatory guidance and enforcement policies every five years to determine if they need to be updated or eliminated. The FAST Act extends the duration of administrative exemptions from Federal Motor Carrier Safety Regulations (FMCSRs) from two to five years, provides a mechanism for their renewal, and establishes a process for applicants to submit revised applications for exemptions if they are denied initially by FMCSA. Several permanent exemptions from specific FMCSRs, such as hours of service regulations, are included in the FAST Act for certain segments of the motor carrier industry. The FAST Act also prohibits an increase in minimum levels of insurance for motorcoaches until a study of the issue is completed. For trucks, it requires FMCSA to report to Congress on minimum levels of insurance and to consider several impacts on safety and the industry if the agency moves forward with a final rule on the matter. Finally, the FAST Act consolidates nine existing commercial motor vehicle safety grant programs into four and streamlines program requirements to reduce administrative costs and regulatory burdens on states.

The FAST Act Reforms the Compliance, Safety, Accountability Program

The FAST Act requires a thorough review and reform of the current motor carrier enforcement prioritization program, the Compliance, Safety, Accountability (CSA) program, to ensure that CSA's analysis is the most reliable possible for the public and for enforcement purposes. The FAST Act requires the National Research Council of the National Academies (NRC) to study the CSA program, analyze its methodologies, evaluate the sufficiency of its data, review concerns raised by the Government Accountability Office and the U.S. Department of Transportation Inspector General (IG), and report back to Congress by June 4, 2017 on its findings. FMCSA is then required to submit to Congress a corrective work plan to address any deficiencies or opportunities for improvement in the CSA program identified by the NRC. The IG must review the corrective work plan to ensure it is responsive to NRC's findings. FMCSA's analysis of enforcement data for commercial trucks is required to be temporarily removed from public websites until the agency has implemented its corrective action plan and completed other reforms required by the FAST Act. Motor carrier enforcement and inspection data reported by state law enforcement, as well as out-of-service rates and absolute measures are required to remain available for public view. Finally, the FAST Act requires the Motor Carrier Safety Advisory Committee to recommend a process for FMCSA to use when making determinations about whether a crash involving a motor carrier is preventable.

The FAST Act Provides Opportunities for Veterans

The FAST Act awards grant priority to programs that train veterans for careers in the motor carrier industry and reduces regulatory barriers faced by veterans seeking employment as commercial truck and bus drivers. It also eases the medical certification process for veterans that drive commercial motor vehicles by enabling physicians at the U.S. Department of Veterans Affairs medical facilities to issue medical certificates to such veterans. Finally, the FAST Act establishes a pilot program for veterans and reserve members younger than 21 years of age and who received training during their service in the military to drive certain commercial motor vehicles in interstate commerce.

Other Motor Carrier Provisions Included in the FAST Act

Title V of the FAST Act includes several other provisions intended to improve the efficiency of motor carrier operations, facilitate interstate commerce, and enhance consumer protections. It requires the Secretary of Transportation to establish a processes to collect data on the causes of delays in goods movement and requires the IG to provide recommendations to Congress on ways to mitigate such delays. Working groups are established under the FAST Act to make recommendations on how to improve the process states use when issuing special permits to commercial motor vehicles responding to emergencies, as well as to enhance consumer understanding of federal regulations governing interstate moving companies. Finally, the FAST Act empowers state and local governments to fully regulate instances of involuntary towing.

PARTICIPANT BIOGRAPHIES

Mr. Bill Quade, Associate Administrator for Enforcement, FMCSA

- Mr. Quade oversees all regulatory enforcement operations at FMCSA.
- He has been with the U.S. Department of Transportation for more than 20 years, heading the Hazardous Materials Division and the Office of Safety Programs at FMCSA.

Mr. Dave Osiecki, Executive Vice President and Chief of National Advocacy, American Trucking Associations

- Mr. Osiecki joined the American Trucking Associations in 1996 and currently oversees all policy development, as well as congressional, regulatory, and legal advocacy.
- Previously, Mr. Osiecki worked for FMCSA's predecessor agency, the Office of Motor Carriers at the Federal Highway Administration.

Mr. Todd Spencer, Executive Vice President, Owner-Operator Independent Drivers Association

- Mr. Spencer began his career in trucking as an employee-driver in 1974 and became an owner-operator in 1976.
- He was elected Executive Vice President of the association in 1992 and has served as an industry advisor to FMCSA and the National Transportation Safety Board.

Mr. Bill Blankenship, Chief Operating Officer, Greyhound Lines, Inc.;

- Mr. Blankenship joined Greyhound Lines in 1996 and currently oversees all operations of the company in the United States and Canada, including the safety and security of its fleet.
- Previously, Mr. Blankenship managed Greyhound's western division operations and directed its package delivery service, Greyhound Package Express.

Mr. Collin Mooney, Executive Director, Commercial Vehicle Safety Alliance

- Mr. Mooney was named Executive Director of the association in January 2016 after serving in several roles since he joined the staff in 2003.
- Mr. Mooney has 27 years of experience in the transportation safety industry, including working in Canada as a certified commercial vehicle safety inspector.

Ms. Cathy Chase, Vice President of Governmental Affairs, Advocates for Highway and Auto Safety

- Ms. Chase currently serves as the key advisor to the president of the association on public policy and program decisions, directs federal lobbying efforts, and leads the program staff.
- Ms. Chase has played a critical role in advancing highway and auto safety in state legislatures and in Congress including occupant protection, impaired driving, teen driving, distracted driving, consumer protection, and motor vehicle and commercial motor vehicle safety.

Provision Implemented

FAST Act Implementation Status Title V - Motor Carrier Safety			
Section	Header	Description	Status
5101	Grants to States	Consolidation of motor carrier safety assistance grant programs to states.	None Notice of Funding Opportunity expected to be released in June
5102	Performance and Registration Information Systems Management	Redesignates the title of a grant program.	None Implemented
5103	Authorization of Appropriations	Authorizes funding for Federal Motor Carrier Safety Administration (FMCSA) administrative expenses for fiscal years 2016 through 2020.	None Implemented
5104	Commercial Driver's License Program Implementation	Reforms existing grant program.	None Implemented
5105	Extension of Federal Motor Carrier Safety Programs for Fiscal Year 2016	Authorizes funding for motor carrier safety assistance grant programs for fiscal year 2016.	None Implemented
5106	Motor Carrier Safety Assistance Program Allocation	Establishes a working group to make recommendations on revising the allocation formula for motor carrier safety assistance grants.	Recommendations due June 4, 2017 Working group established
5107	Maintenance of Effort Calculation	Authorizes a revision of the motor carrier safety assistance grant maintenance of effort calculation for the states.	None Pending
5201	Notice of Cancellation of Insurance	Authorizes the Secretary to suspend, in lieu of revoking, the operating authority of a motor carrier during temporary lapses in insurance coverage.	None Implemented
5202	Regulations	Reforms the process FMCSA must follow when developing new motor carrier regulations.	None Implemented
5203	Guidance	Requires FMCSA guidance and enforcement policies be publicly accessible, regularly reviewed to ensure consistency and relevancy, and incorporated into regulations whenever possible.	First review required by December 4, 2016 FMCSA implementation working group established
5204	Petitions	Establishes a process for the public to use to petition for a revision or repeal of regulations if they are no longer current, consistent, and uniformly enforced.	None Website established
5205	Inspector Standards	Requires FMCSA to update its regulations governing certification standards for roadside inspectors.	March 3, 2016 Guidance issued
5206	Applications	Extends the duration of administrative exemptions from Federal Motor Carrier Safety Regulations (FMCSRs) from two to five years, provides a mechanism for their renewal, and establishes a process for applicants to resubmit revised applications for exemptions if they are denied initially by FMCSA. Includes permanent exemptions from specific FMCSRs, for certain segments of the motor carrier industry.	None Final rule implementing provision expected Summer 2016

Section	Header	Description	Deadline	Status
5221	Correlation Study	Requires the National Research Council of the National Academies (NRC) to study the Compliance, Safety Accountability (CSA) program, analyze its methodologies, evaluate the sufficiency of its data, and report back to Congress. FMCSA is then required to submit to Congress a corrective work plan to address any deficiencies or opportunities for improvement in the CSA program identified by the NRC. The Department of Transportation Inspector General (IG) must review the corrective work plan to ensure it is responsive to the NRC's findings.	NRC study due June 4, 2017	NRC study commenced February 2016
5222	Beyond Compliance	Requires FMCSA to implement a program that incentivizes motor carriers to adopt innovative truck and bus safety technologies by giving the motor carrier credit or improved safety scores for the use of such technologies.	June 4, 2017	Listening sessions ongoing between stakeholders and FMCSA
5223	Data Certification	FMCSA's analysis of enforcement data for commercial trucks (CSA scores) is required to be temporarily removed from public websites until the IG certifies that the agency has implemented the CSA corrective action plan and completed other reforms required by the FAST Act. Motor carrier enforcement and inspection data reported by state law enforcement, as well as out-of-service rates and absolute measures are required to remain available for public view.	December 5, 2015	CSA scores have been removed from public view
5224	Data Improvement	Requires FMCSA to improve roadside inspection data collection systems.	None	FMCSA implementation working group established
5225	Accident Review	Requires a review of the treatment of preventable crashes under the FMCSA's Safety Management System.	1 year after completion of Correlation Study under Section 5221	Pending
5301	Windshield Technology	Requires FMCSA to revise regulations governing motor carrier windshields to accommodate safety technology.	June 1, 2016	Interim final rule implementing provision expected Summer 2016
5302	Prioritizing Safety Rulemakings	Requires FMCSA to prioritize the completion of regulations required by statute.	None	Implemented
5303	Safety Reporting System	Requires the Government Accountability Office (GAO) to report to Congress on the cost and feasibility of establishing a self reporting system for commercial motor vehicle drivers to report equipment failures.	December 4, 2016	Study commenced
5304	New Entrant Safety Review Program	Requires an audit of FMCSA's program to screen the safety of new motor carriers and a report to Congress on how the program is improving commercial motor vehicle safety.	Report due December 4, 2016	Pending
5305	High Risk Carrier Reviews	Requires reviews of motor carriers rated the highest safety risk and public reporting regarding such reviews.	None	Website to be established Summer 2016
5306	Post Accident Report Review	Establishes a working group to make recommendations on improving accident reports involving motor carriers.	April 4, 2016	Working group established
5307	Implementing Safety Requirements	Establishes regular reporting requirements on the status of safety rulemakings.	First report due January 4, 2016	First report completed

Section	Header	Description	Deadline	Status
5401	Opportunities for Veterans	Sets a deadline for implementing the Military Commercial Driver's License (CDL) Act. Eases other regulations for veterans seeking CDLs.	December 31, 2015 to implement the Military CDL Act. December 31, 2016 to ease other regulations.	Notice of Proposed Rulemaking (NPRM) issued to implement Military CDL Act. NPRM expected to be issued Summer 2016 to ease other regulations.
5402	Drug Free Commercial Drivers	Requires the Secretary of Health and Human Services to issue standards for testing hair samples for the presence of drugs and alcohol. Once such standards are issued, FMCSA is authorized to allow motor carriers to test hair samples from commercial motor vehicle drivers.	Standards are to be issued by December 4, 2016	Pending
5403	Medical Certification of Veterans for Commercial Driver's Licenses	Enables physicians at the U.S. Department of Veterans Affairs medical facilities to issue medical certificates to commercial motor vehicle drivers who are military veterans.	None	Guidance expected to be issued Summer 2016
5404	Commercial Driver Pilot Program	Establishes a pilot program for veterans and reserve members younger than 21 years of age and who received training during their service in the military to drive certain commercial motor vehicles in interstate commerce.	None	Notice on the pilot program expected Summer 2016
5501	Delays in Goods Movement	Requires the Secretary of Transportation to establish a processes to collect data on the causes of delays in goods movement and requires the IG to provide recommendations to Congress on ways to mitigate such delays.	IG recommendations due December 4, 2016	IG commenced study
5502	Emergency Route Working Group	Establishes a working group to make recommendations on how to improve the process states use when issuing special permits to commercial motor vehicles responding to emergencies.	Recommendations due December 4, 2016	Notice soliciting members of the working group expected from the Federal Highway Administration (FHWA) Spring 2016
5503	Household Goods Consumer Protection Working Group	Establishes a working group to make recommendations on ways to enhance consumer understanding of federal regulations governing interstate moving companies.	Recommendations due December 4, 2016	Notice soliciting members of the working group expected by May 2016
5504	Technology Improvements	Requires GAO to study the data collection and information technology systems of FMCSA.	Study due June 4, 2017	Pending
5505	Notification Regarding Motor Carrier Registration	Requires the Secretary of Transportation to notify Congress on what actions the Secretary is taking to reduce the time it takes to process applications for registrations by motor carriers.	Notification due January 4, 2016	Notification received
5506	Report on Commercial Driver's License Skill Test Delays	Requires a report to Congress on delays experienced by commercial motor vehicle drivers seeking to take CDL examinations.	Report due June 4, 2017	Report commenced
5507	Electronic Logging Device Requirements	Provides an exemption from the requirement to use an electronic logging device for driveaway-towaway operators.	None	Final rule implementing provision expected Summer 2016
5508	Technical Corrections	Makes technical corrections to title 49, United States Code.	None	Implemented
5509	Minimum Financial Responsibility	Prohibits an increase in minimum levels of insurance for motorcoaches until a study of the issue is completed. For trucks, it requires FMCSA to consider several impacts on safety and the industry if the agency moves forward with a final rule on the matter.	None	Pending

Section	Header	Description	Deadline	Status
5510	Safety Study Regarding Double Decker Motorcoaches	Requires a study of the safety of using rear mounted baggage compartments on double decker motorcoaches.	Study due June 4, 2016	Study commenced
5511	GAO Review of School Bus Safety	Requires GAO to study and report to Congress on the safety of certain aspects of school buses.	Report due December 4, 2016	Study commenced
5512	Access to National Driver Registry	Requires states to provide driver registry information to FMCSA for the purpose of investigations.	None	Implemented
5513	Report on the Design and Implementation of Wireless Roadside Inspection Systems	Requires the Secretary of Transportation to report to Congress on the implementation of wireless roadside inspection systems.	Report due June 4, 2016	Report commenced
5514	Regulation of Tow Truck Operators	Authorizes state and local governments to fully regulate instances of involuntary towing.	None	Implemented
5515	Study on Commercial Motor Vehicle Driver Commuting	Requires FMCSA to study and report to Congress on the safety impacts of long commutes by commercial motor vehicle drivers.	Report due June 4, 2017	Study commenced
5516	Additional State Authority	Authorizes South Dakota to update routes available to longer combination vehicles.	None	Pending FHWA guidance
5517	Report on Motor Carrier Financial Responsibility	Requires the Secretary of Transportation to report on minimum levels of insurance for commercial trucks.	Report due January 1, 2017	Report commenced
5518	Covered Farm Vehicles	Clarifies existing law governing the regulation of certain farm vehicles.	None	Final rule implementing provision expected Summer 2016
5519	Operators of Hi-Rail Vehicles	Provides a limited exemption from certain hours of service regulations for drivers of hi-rail vehicles.	None	Final rule implementing provision expected Summer 2016
5520	Automobile Transporter	Clarifies that general freight may be moved on an automobile transporter during backhauls and increases the permitted length of certain automobile transporters.	None	Guidance issued by FHWA
5521	Ready Mix Concrete Delivery Vehicles	Provides a limited exemption from certain hours of service regulations for drivers of ready mix concrete vehicles.	None	Final rule implementing provision expected Summer 2016
5522	Transportation of Construction Materials and Equipment	Amends an existing exemption from certain hours of service regulations for drivers of certain construction vehicles.	None	Final rule implementing provision expected Summer 2016
5523	Commercial Delivery of Light and Medium Duty Trailers	Provides a limited exemption from length limitations for light and medium duty trailers delivered in tandem.	None	Guidance issued by FHWA
5524	Exemptions from Requirements for Certain Welding Trucks used in Pipeline Industry	Provides exemptions from certain FMCSRs for certain trucks equipped with welding rigs.	None	Final rule implementing provision expected Summer 2016
5525	Report	Requires the Secretary of Transportation to report to Congress on the safety impacts of certain statutory exemptions.	Report due December 4, 2019	Pending