CLIENT ALERTS & INSIGHTS

Key Motor Carrier Provisions in the Bi-Partisan Infrastructure Bill

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H.R. 3684 of the 117th Congress passed the U.S. Senate on August 10 with a vote of 69-30. This bipartisan infrastructure legislation would make historic investments without increasing taxes, authorizing $550 billion in new spending over 5 years. Centrist Democrats in the U.S. House are currently attempting to negotiate a standalone vote on the legislation before October, rather than the alternative route of tying the bi-partisan infrastructure vote with the $3.5 trillion partisan budget reconciliation vote. If and when a compromise is reached, it is expected that the Senate version of the bill, as opposed to House Transportation Chair DeFazio's surface transportation bill or combination of the two, will be the vehicle for passage. The following information, provided by U.S. Senator Rob Portman's office (R-OH), one of the primary negotiators of the bill, outlines the Motor Carrier Safety provisions of the Senate-passed version.

Authorization of Appropriation
This section would authorize appropriations out of the Highway Trust Fund for administrative expenses of the Federal Motor Carrier Safety Administration, including appropriations to carry out the motor carrier safety assistance program, the high priority program, the commercial motor vehicle enforcement training and support grant program, the commercial motor vehicle operators grant program, and the financial assistance program for commercial driver's license implementation.

Motor Carrier Safety Advisory Committee
This section would revise the Motor Carrier Safety Advisory Committee to include small business motor carriers and extend the committee through September 2025.

Combating Human Trafficking
This section would allow funding to support the recognition, prevention, and reporting of human trafficking as well as the detection of and enforcement of laws relating to such criminal activity.

Immobilization Grant Program
This section would establish a grant program to provide discretionary grants to States to immobilize or impound passenger-carrying commercial motor vehicles that are determined to be unsafe or fail inspection. This section would require the Secretary to work with States to develop a list of safety violations that would warrant the immediate immobilization or impoundment of a passenger-carrying commercial motor vehicle.

Commercial Motor Vehicle Enforcement Training and Support
This section would establish a grant program to provide discretionary grants for nonprofit organizations to provide training to non-Federal employees who conduct commercial motor vehicle enforcement activities and to develop related training materials.

Study of Commercial Motor Vehicle Crash Causation
This section would require the Secretary to carry out a comprehensive study to determine the causes of, and contributing factors to, crashes that involve a commercial motor vehicle, as well as to identify data requirements, data collection procedures, reports, and any other measures that can help improve the ability of States and the Secretary to evaluate future crashes, monitor crash trends, and develop effective safety policies. This section would also require the Secretary to submit a report to Congress describing the results of the study and any legislative recommendations.

Promoting Women in the Trucking Workforce
This section would establish the Women of Trucking Advisory Board to identify barriers and industry trends that directly or indirectly discourage women from pursuing and retaining careers in trucking, and examine ways to facilitate support for women pursuing careers in trucking including training and outreach programs.

State Inspection of Passenger-Carrying Commercial Motor Vehicles
This section would require the Secretary to solicit additional comment on the advance notice of proposed rulemaking entitled “State Inspection Programs for Passenger-Carrier Vehicles” within one year, and to issue a final rule if supported by the data and information.

Truck Leasing Task Force
This section would require the Secretary, in consultation with the Secretary of Labor, to establish a Truck Leasing Task Force. The Task Force shall examine common truck leasing arrangements, including the impact of inequitable leasing agreements on the industry, and resources to assist commercial motor vehicle drivers in assessing the financial impacts of leasing agreements. This section requires the Task Force to submit its findings and recommendations to Congress, as well as the Secretary of Transportation, and the Secretary of Labor.

Automatic Emergency Braking
This section would require the Secretary, not later than two years after enactment, to prescribe a motor vehicle safety standard and accompanying performance requirements for automatic emergency braking systems for heavy-duty commercial motor vehicles, and to require that systems installed in such vehicles be in use during operation. This section would also direct the Secretary to study equipping other commercial motor vehicles with an automatic emergency braking system and, if warranted, develop performance standards for such systems.

Underride Protection
This section would direct the Secretary, within one year of enactment, to strengthen rear underride guard standards and to conduct additional research on the design and development of rear impact guards to prevent crashes at higher speeds. This section would also require the Secretary, within one year of enactment, to amend regulations on minimum periodic inspection standards and reports to include rear impact guards and rear-end protection. The Secretary would also be directed to complete additional research on side underride guards, and, if warranted, develop performance standards for side underride guards. This section also creates an Advisory Committee on Underride Protection.

Providers of Recreational Activities
This section would exempt providers of recreational activities operating small passenger vehicles from Federal registration requirements if they operate within a 150 air-mile radius.

Amendments to Regulations relating to Transportation of Household Goods in Interstate Commerce
This section would direct the DOT to update regulations relating to the interstate transportation of household goods, and to consider changes recommended by the Household Goods Consumer Protection Working Group.

Improving Federal-State Motor Carrier Safety Enforcement Coordination
This section would require the Secretary to publish in the Federal Register a process to review each out-of-service order issued by a covered State within 30 days after the date on which the out-of-service order is submitted to the Secretary. This section also requires the Secretary to publish a process under which the Secretary shall review imminent hazard determinations made by covered States.

Limousine Research
This section would require the Secretary to conduct research on crashworthiness and evacuation standards for limousines, and prescribe motor vehicle safety standards based upon that research. This section would also prevent a limousine operator from introducing a limousine into interstate commerce unless the operator has displayed the date of the most recent inspection under Federal or State law, the results of the inspection, and any corrective action to ensure the limousine passed inspection. This section provides that the Federal Trade Commission (FTC) shall enforce these requirements.

National Consumer Complaint Database
This section would require GAO to examine the National Consumer Complaint Database of the Federal Motor Carrier Safety Administration, and to evaluate the effectiveness of efforts to consider and follow-up on complaints submitted to the database, the types of complaints, and awareness of the database.

Electronic Logging Device Oversight
This section would require the Secretary to submit a report to Congress on the processes used by the Federal Motor Carrier Safety Administration to review electronic logging device logs and to protect proprietary and personally identifiable information.

Transportation of Agricultural Commodities and Farm Supplies
This section would exempt drivers transporting livestock within a 150 air-mile radius from the final destination from hours of service regulations prescribed by the Secretary.

Modification of Restrictions on Certain Commercial Driver's Licenses
This section would require the Administrator of the FMCSA to revise its regulations to limit a restricted commercial driver's license issued to an employee in a farm-related service industry to the applicable seasonal periods defined by the State issuing the license.

Report on Human Trafficking Violations involving Commercial Motor Vehicles.
This section would require the Secretary, acting through the DOT Advisory Committee on Human Trafficking, to report to Congress every 3 years on human trafficking violations involving commercial motor vehicles.

Broker Guidance relating to Federal Motor Carrier Safety Regulations

This section would require the Secretary to clarify the definition of broker and bona fide agent given changes to how technology has changed the roles of those involved in booking and dispatching freight services.

Apprenticeship Pilot Program
This section would establish a 3-year pilot program under which employers could create apprenticeship programs to allow drivers under the age of 21 to drive commercial motor vehicles in interstate commerce. This section would limit the pilot program to 3,000 apprentices at any one time. This section would require DOT to report to Congress on the findings and conclusions from the pilot program, including analyzing the safety records of these younger, apprentice drivers. This section would also require DOT to enter into an agreement with the National Academies of Science to study the impact methods of driver compensation have on safety and retention.

The Benesch Government Relations and Transportation & Logistics teams are here to help you navigate, prepare for, and capitalize on these proposed changes to the law.

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