(RESCISSION)

(HIGHWAY TRUST FUND)

The bill includes a rescission of $2,000,000,000 of the unobligated balances of funds apportioned to the states under chapter 1 of title 23, United States Code, excluding safety programs and funds set aside within the state for population areas. The Committee directs the FHWA to administer the rescission by allowing each state maximum flexibility in making adjustments among the apportioned highway programs.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

Section 120. The Committee includes a provision that distributes obligation authority among federal-aid highways programs.

Section 121. The Committee continues a provision that credits funds received by the Bureau of Transportation Statistics to the federal-aid highways account.

Section 122. The Committee includes a provision that provides additional funding to the transportation, community, and system preservation program.

Section 123. The Committee includes a new provision that clarifies funding for a Monterey, California, highway bypass included in Public Law 102–143.

Section 124. The Committee includes a provision that rescinds unobligated balances associated with completed demonstration or high priority projects from previous laws. The specific authorizations and amounts to be rescinded were identified in information provided to GAO and referenced in a GAO report dated May 11, 2006.

Section 125. The Committee includes a provision that rescinds unobligated funds authorized for the TIFIA program.

Section 126. The Committee includes a provision that rescinds unobligated contract authority authorized for administrative expenses of the FHWA that will not be available for obligation because of the limitation on administrative expenses imposed in this Act and prior Acts.

Section 127. The Committee includes a provision that rescinds unobligated contract authority authorized for fiscal year 2005, under title 5 of Public Law 109–59, for transportation research that will not be available for obligation because of the limitation on obligation imposed on those funds under title 5 of such law for fiscal year 2005.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to improve the safety of commercial vehicle operations on our nation's highways. To accomplish this mission, the FMCSA is focused on reducing the number and severity of large truck accidents. Agency resources and activities contribute to ensuring safety in commercial vehicle operations through enforcement, including the use of stronger enforcement measures against safety violators; expedited safety regulation; technology innovation; improvements in information systems; training; and improvements to commercial driver's license testing, record keeping, and sanctions. To accomplish these activities, the FMCSA works closely with federal, state, and local enforcement agencies, the motor carrier industry, highway safety organizations, and individual citizens. In addition, the FMCSA has the responsibility to ensure that Mexican commercial vehicles, entering the U.S. in accordance with the North American Free Trade Agreement (NAFTA), meet all U.S. hazardous material and safety regulations.

The FMCSA's scope was expanded in fiscal year 2003 by the U.S.A. Patriot Act (Public Law 107–56), which called for new security measures. In addition, beginning in fiscal year 2002, Appropriations Acts (Public Law 107–87, Public Law 108–7, Public Law 108–199, and Public Law 108–447) have funded border enforcement and safety related activities associated with implementation of NAFTA, and activities associated with permitting of hazardous materials.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), enacted August 10, 2005, reauthorizes the motor carrier safety activities of FMCSA through fiscal year 2009 and provides increased funding for many of the agency's programs. Funding for the FMCSA is also included within a highway discretionary spending category in the Budget Enforcement Act that is adjusted annually beginning in fiscal year 2007 based on receipts into the highway account of the highway trust fund. Additional resources provided by this automatic spending mechanism are called revenue-aligned budget authority (RABA) and a portion of this adjustment is added to FMCSA's motor carrier safety grants.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

	Liquidation of contract authorization	Limitation on obligations
Appropriation, fiscal year 2006	$282,000,000	($279,180,000)
Budget request, fiscal year 2007	294,000,000	(294,000,000)
Recommended in the bill	294,000,000	(294,000,000)
Bill compared to:		
Appropriation, fiscal year 2006	+12,000,000	(+14,820,000)
Budget request, fiscal year 2007	---	(---)

The FMCSA's motor carrier safety grants program was authorized by the Transportation Equity Act for the 21st Century, amended by the Motor Carrier Safety Improvement Act of 1999, and continued through fiscal year 2009 by SAFETEA–LU. This account provides the necessary resources to the motor carrier safety assistance program (MCSAP) state grants. Grants are used to support compliance reviews in the states; identify and apprehend traffic violators; conduct roadside inspections; and support safety audits on new entrant carriers. Grants are also provided to states for enforcement efforts at both the southern and northern borders to ensure that all points of entry into the U.S. are fortified with comprehensive safety measures; for improvement of state commercial driver's license (CDL) oversight activities to prevent unqualified drivers from being issued CDLs; and for improving the linkage between state motor vehicle registration systems and carrier safety data in order to identify unsafe commercial motor carriers.

COMMITTEE RECOMMENDATION

The Committee recommends $294,000,000 in liquidating cash for this program.

LIMITATION ON OBLIGATIONS

The Committee recommends a limitation on obligations of $294,000,000 for the grant programs of FMCSA. This level is consistent with SAFETEA–LU and is $14,820,000 above the fiscal year 2006 level. In addition, consistent with SAFETEA–LU, the highway funding guarantees are adjusted for RABA in fiscal year 2007. Of the amount provided under RABA, an amount to be calculated is available to FMCSA for the motor carrier safety grant program and bill language is included under the Federal Highway Administration to transfer this funding to FMCSA.

The bill also provides separate obligation limitations for the following funding allocations:

Motor carrier safety assistance program	($197,000,000)
Commercial driver's license improvements program	(25,000,000)
Border enforcement grants	(32,000,000)
Performance and registration information system management program	(5,000,000)
Commercial vehicle information systems and networks deployment program	(25,000,000)
Safety data improvement program	(3,000,000)
Commercial driver's license information system modernization program	(7,000,000)

New entrant audits.—Section 31104(f)(5) of title 49, United States Code, as amended by SAFETEA–LU, provides the secretary the discretion to deduct up to $29,000,000 of the funds made available for motor carrier safety grants for audits of new entrant motor carriers. The interim final rule for the new entrant safety assurance process was published on May 13, 2002, with an effective date of January 2003. This rule requires all new entrants to pass a safety audit within the first 18 months of operations in order to receive permanent DOT registration. Therefore, the Committee strongly urges the department to use this authority to fund the new entrant program to the full extent allowable.

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

	Liquidation of contract authorization	Limitation on obligations
Appropriation, fiscal year 2006	$213,000,000	($210,870,000)
Budget request, fiscal year 2007	223,000,000	(223,000,000)
Recommended in the bill	223,000,000	(223,000,000)
Bill compared to:		
Appropriation, fiscal year 2006	+10,000,000	(+12,130,000)
Budget request, fiscal year 2007	- - -	(- - -)

This limitation controls spending for salaries and operating expenses and for motor carrier research by the FMCSA. It provides the necessary resources to support motor carrier safety program activities and maintain the agency's administrative infrastructure. Funding supports nationwide motor carrier safety and consumer enforcement efforts, including federal safety enforcement activities at the U.S./Mexico border to ensure that Mexican carriers entering the U.S. are in compliance with Federal Motor Carrier Safety Regulations. Resources are also provided to fund motor carrier regulatory development and implementation, information management, research and technology, safety education and outreach, and the safety and consumer telephone hotline.

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COMMITTEE RECOMMENDATION

The Committee recommends $223,000,000 in liquidating cash for the operations and research activities of the FMCSA, consistent with the amount of contract authority provided under SAFETEA–LU.

LIMITATION ON OBLIGATIONS

The Committee recommends a limitation on obligations of $223,000,000 for the implementation, execution, and administration of the motor carrier safety program, motor carrier safety research, and motor carrier outreach and education programs by the FMCSA. This funding level is consistent with SAFETEA–LU and represents a $12,130,000 increase over fiscal year 2006.

Bill language is included that makes the $10,296,000 provided for research and technology programs available until September 30, 2009.

The Committee also continues bill language that prohibits any funds relating to outreach and education from being transferred to another agency.

Safety compliance reviews.—The Committee continues to be concerned that only a very small percentage of registered motor carriers undergo a safety compliance review each year. FMCSA's own fiscal year 2007 budget submission estimates that only 10,000 compliance reviews will be conducted by the agency in fiscal year 2006 out of approximately 685,000 registered interstate motor carriers—less than 1.5 percent of registered motor carriers. In addition, the National Transportation Safety Board (NTSB) has included truck safety on its current list of "Most Wanted Transportation Safety Improvements" because FMCSA's entire safety fitness regime operates too leniently with criteria that do not result frequently enough in dangerous, unsafe motor carriers being shut down or drivers having their licenses revoked, and that FMCSA's compliance review standards actually allow unsafe motor carriers to continue to operate. The Committee directs FMCSA to submit a report to the House and Senate Committees on Appropriations no later than March 1, 2007, on how it will revise the compliance review process to improve detection of motor carriers with poor safety practices and cease their operations.

Entry level truck driver training.—The Committee notes that earlier this year, a U.S. Court of Appeals rendered a unanimous decision remanding the FMCSA's final rule on entry level truck driver training. The Court found that FMCSA did not adequately address the recommendations of a DOT contracted adequacy report and independent model curriculum on driver training. According to the

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Court, FMCSA "entirely failed to consider important aspects of the CMV training problems before it; it largely ignored the evidence in the adequacy report and abandoned the recommendations of the model curriculum without reasonable explanation; and it adopted a final rule whose terms have almost nothing to do with an "adequate" CMV training program." The Committee is concerned that 15 years has elapsed without the issuance of a comprehensive entry-level driver training standard. The Committee believes that FMCSA should expedite its revisions to the driver training rule and carefully consider the obvious benefits of a comprehensive training requirement that includes on-street, behind-the-wheel skills training for entry-level truck drivers.

Motor coach accessibility.—The Committee is concerned about reports that a number of curbside motor coach operators are not in compliance with the department's regulations requiring accessibility to over-the-road buses for people with disabilities (49 CFR part 37, Subpart H). The Committee understands that the Department of Justice has general enforcement authority for violations of the Americans with Disabilities Act. However, it is the DOT that is responsible for ensuring that only bus companies that are willing and able to comply with DOT regulations receive, and retain, interstate registration. The Committee urges the secretary to give serious consideration to withholding interstate registration from a motor coach operator that is not willing and able to comply with the department's regulations on providing access for the disabled. The Committee directs the Secretary of Transportation to provide a letter report on what specific actions DOT will take to improve accessibility for the disabled to the House and Senate Committees on Appropriations by February 15, 2007.

The Committee includes bill language that rescinds unobligated contract authority authorized for the old "Motor Carrier Safety" and "National Motor Carrier Safety Program" accounts that will not be available for obligation because of limitations on obligations imposed on those funds in previous acts.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Section 130. The Committee continues a provision subjecting funds appropriated in this Act to the terms and conditions of section 350 of Public Law 107–87, including a requirement that the secretary submit a report on Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The National Highway Traffic Safety Administration (NHTSA) was established as a separate organizational entity in the Department of Transportation in March of 1970. It succeeded the National Highway Safety Bureau, which previously had administered traffic and highway safety functions as an organizational unit of the Federal Highway Administration.

NHTSA's current programs are authorized in five major laws: (1) the National Traffic and Motor Vehicle Safety Act (chapter 301 of title 49, United States Code (U.S.C.)); (2) the Highway Safety Act (chapter 4 of title 23, U.S.C.); (3) the Motor Vehicle Information and Cost Savings Act (MVICSA) (Part C of subtitle VI of title 49, U.S.C.); (4) the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act; and (5) the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU).

The National Traffic and Motor Vehicle Safety Act provides for the establishment and enforcement of safety standards for vehicles and associated equipment and the conduct of supporting research, including the acquisition of required testing facilities and the operation of the national driver register, which was reauthorized by the National Driver Register Act of 1982.

The Highway Safety Act provides for coordinated national highway safety programs (section 402 of title 23, U.S.C.) to be carried out by the states and for highway safety research, development, and demonstration programs (section 403 of title 23, U.S.C.). The Anti-Drug Abuse Act of 1988 (Public Law 100–690) authorized a new drunk driving prevention program (section 410 of title 23, U.S.C.) to make grants to states to implement and enforce drunk driving prevention programs.

MVICSA provides for the establishment of low-speed collision bumper standards, consumer information activities and odometer regulations. Amendments to this law established the responsibility for the administration of mandatory automotive fuel economy standards, theft prevention standards for high theft lines of passenger motor vehicles, and automobile content labeling requirements.

In 2000, the TREAD Act amended the National Traffic and Motor Vehicle Safety Act. Changes included numerous new motor vehicle safety and information provisions, including a requirement that manufacturers give NHTSA notice of safety recalls or safety campaigns in foreign countries involving motor vehicles or items of motor vehicle equipment that are identical or substantially similar to vehicles or equipment in the United States; higher civil penalties for violations of the law; a criminal penalty for violations of reporting requirements; and a number of rulemaking directions that include developing a dynamic rollover test for light duty vehicles, updating the tire safety and labeling standards, improving the safety of child restraints, and establishing a child restraint safety rating consumer information program.

SAFETEA–LU, which was enacted on August 10, 2005, either reauthorized or added new authorizations for the full range of NHTSA programs for fiscal years 2005 through 2009. These include highway safety programs (section 402 of title 23, U.S.C.), highway safety research and development (section 403 of title 23, U.S.C.), occupant protection incentive grants (section 405 of title 23, U.S.C.), alcohol-impaired driving countermeasures incentive grants (section 410 of title 23, U.S.C.), and the national driver register (chapter 303 of title 49, U.S.C.). SAFETEA–LU also enacted new initiatives, such as the high visibility enforcement program (section 2009 of SAFETEA–LU), motorcyclist safety grants (section 2010 of SAFETEA–LU), and child safety and child booster seat safety incentive grants (section 2011 of SAFETEA–LU). Finally, SAFETEA–LU adopted a number of new motor vehicle safety and information provisions, including rulemaking directions to reduce vehicle rollover crashes, reduce complete and partial ejections of vehicle occu-