

Section	Title/Language/Summary	U.S.C. and regulations affected	Timeline/ Output	Discussion
4101	AUTHORIZATION OF APPROPRIATIONS			
4101(a)	<ul style="list-style-type: none"> \$188,480,000 (2005) \$188,000,000 (2006) \$197,000,000 (2007) \$202,000,000 (2008) \$209,000,000 (2009) 	31102		MCSAP Grant Program
4101(b)	<ul style="list-style-type: none"> \$254,849,000 (2005) \$213,000,000 (2006) \$223,000,000 (2007) \$228,000,000 (2008) \$234,000,000 (2009) 	31104		FMCSA Expenses. Personnel, administrative infrastructure, rent, information technology, research and technology, information mgmt, administration of PRISM, outreach and education, other operating expenses and mandates.
4101(c)	GRANT PROGRAMS			
	1. CDL: \$25,000,000 annually (2006 to 2009)	31313		
	2. BORDER ENFORCEMENT: \$32,000,000 annually (2006 to 2009)	31107		
	3. PRISM: \$5,000,000 annually (2006 to 2009)	31109		
	4. CVISN: \$25,000,000 annually (2006 to 2009)	4126 of TEA-LU		
	5. SAFETY DATA IMPROVEMENT: \$2,000,000 (2006), \$3,000,000 (2007 to 2009)	4128 of TEA-LU		
4102	INCREASED PENALTIES FOR OUT OF SERVICE VIOLATIONS AND FALSE RECORDS			
4102(a)	RECORDKEEPING AND REPORTING VIOLATIONS <ul style="list-style-type: none"> Increase in (i) from \$500 to \$1,000, and from \$5,000 to \$10,000 	521(b)(2)(B)		
4102(b)	VIOLATIONS OF OUT-OF-SERVICE ORDERS <ul style="list-style-type: none"> Increase in (A – first offense) from 90 to 180 days, and from \$1,000 to \$2,500 	31310(i)(2)		

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	<ul style="list-style-type: none"> • Increase in (B – second offense) from 1 to 2 years, and from \$1,000 to \$5,000 • Increase in (C – employers) from \$10,000 to \$25,000 and potential criminal penalty of one year imprisonment and /or fines under Title 18 U.S.C. 			
4103	PENALTY FOR DENIAL OF ACCESS TO RECORDS			
4104	REVOCAION OF OPERATING AUTHORITY			
	<ul style="list-style-type: none"> • Authority to suspend registration pursuant to 13904(c) or 13906 • Authority to revoke registration pursuant to 31144 	13905(c)		Secretary must give notice to carrier. Suspension in effect until carrier complies with applicable sections or registration is revoked.
4105	STATE LAWS RELATING TO VEHICLE TOWING			Allows states to require private property owners to have prior written agreements for non-consensual removal of vehicles. Also requires the US DOT Secretary to study “predatory tow truck operations.”
4106	MOTOR CARRIER SAFETY GRANTS	31102(b)(1)		
4106(a)	<p>STATE PLAN CONTENTS</p> <p>(A) Performance based activities and technology deployment</p> <p>(E) MOE – Three-year average of State expenditures beginning after October 1 of the year 5 years prior to the beginning of each Government fiscal year.</p> <p>(Q) accurate, complete and timely data collection and upload; state participation in DataQs</p> <p>(U) include in driving manuals for CMV and Non-CMV drivers best practices for driving safety in the vicinity of non-CMVs and CMVs</p> <p>(V) enforce 13902 registration requirements</p> <p>(W) comprehensive and visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors</p> <p>(X) except in obvious/extreme case, inspections of passenger carriers occur at a terminal, destination, border, etc., or</p>	31102(c)		MOE example: for 2005, go back to end of FFY 2000, skip forward to next beginning State FY (for most is July) and calculate the average of MOE. Thus, for 2005, it would be 2001, 2002, and 2003.

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	other planned stop			
4106(b)	<p>USE OF GRANTS TO ENFORCE OTHER LAWS</p> <ul style="list-style-type: none"> • Inspection required: Size & Weight enforcement at other than fixed facilities, at specific locations, at ports; controlled substances • Inspection not required: traffic enforcement for CMVs and non-CMV's • Secretary to submit and annual report to Congress 	31102	Annual Report	<p><u>Traffic enforcement conditions:</u> (1) documented enforcement; (2) when necessary to promote the safe operation of CMVs; (3) state motor carrier safety activities must be maintained at a level at least equal to the average of FY 2003, 2004 and 2005; (4) not more than 5 percent of the basic grant can be used for non-CMV enforcement UNLESS the Secretary determines a higher percentage will significantly increase CMV safety.</p> <p><u>Annual Report on Grant Programs:</u> CMV safety trends in states, documents most effective CMV safety programs, describes effect of activities on CMV safety.</p>
4107	HIGH PRIORITY ACTIVITIES AND NEW ENTRANT AUDITS	31104 and 4101 of TEA-LU		
4107(a)	<p>HIGH PRIORITY ACTIVITIES</p> <ul style="list-style-type: none"> • Secretary to establish performance criteria for fund distribution. • Up to \$15,000,000 (2006 to 2009) available • Funding recipients can be states local governments • Organizations representing governments agencies/officials that use/train qualified officers/employees in coordination with state motor vehicle safety agencies • 90 percent of funding must go to state/local governments 			
4107(b)	<p>NEW ENTRANT AUDITS</p> <ul style="list-style-type: none"> • No match required • Up to \$29,000,000 per fiscal year for states 			

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	<ul style="list-style-type: none"> If state or local government employees are unable to conduct New Entrant Audits, the Secretary may use the funds to conduct the audits 			
4108	DATA QUALITY IMPROVEMENT	31106(a)(3)		
4108(a)	<ul style="list-style-type: none"> Make sure all data is complete, timely and accurate across all information systems and initiatives Establish/implement a national motor carrier safety data correction system (DataQs) 			
4108(b)	<ul style="list-style-type: none"> Report to Congress on the status of the revision of the safety fitness rating system 		1 year	
4109	PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT	31106(b)		
4109(a)	<p>DESIGN AND CONDITIONS FOR STATE PARTICIPATION</p> <p>(2) Design – link Federal safety systems with state registration/licensing systems and enable states to:</p> <ul style="list-style-type: none"> Determine safety fitness of motor carrier/registrant when licensing/registering or while in effect; deny/suspend/revoke registration of motor carrier or registrant when OOS Order has been issued <p>(3) Conditions</p> <ul style="list-style-type: none"> Comply with policies, procedures and standards established by the Secretary; authority to impose sanctions based on safety fitness; cancel registration and seize plates. 			
4110	BORDER ENFORCEMENT GRANTS	31107		
4110(a)	<ul style="list-style-type: none"> Secretary can make grants to an entity or state that shares a land border with another country to carry out CMV enforcement and related activities. MOE – expenditures of states/political subdivisions to be maintained at a level at least equal to the average level for the last 2 fiscal years of the State OR the Federal government ending before 2005, whichever the State designates. Up to 100 percent funding. 	31107		

	<ul style="list-style-type: none"> Funds available for expenditure during fiscal year allocated and the next fiscal year. Amounts not expended area available to the Secretary for reallocation under this section. 			
4111	<p>MOTOR CARRIER RESEARCH AND TECHNOLOGY PROGRAM</p> <p>(a) Research, Technology and Technology Transfer</p> <ul style="list-style-type: none"> Secretary to establish and carry out a R&T Program Include a multi-year research plan that focused on non-redundant innovate research and is coordinated across DOT. Focus areas to include (A) causes of accidents, injuries and fatalities involving CMVs; (B) means of reducing accidents, injuries and fatalities involving CMVs; (C) improving safety/efficiency of CMVs; (D) improving technology used by enforcement for inspections/CRs; (E) increasing safety/security of hazmat. Technology development, testing and CMV safety personnel training are eligible expenses. Efforts under this section can be independent, cooperatively with other federal entities or through grants/contracts/cooperative agreements with government and non-government entities. <p>(b) Collaborative Research & Development</p> <ul style="list-style-type: none"> Federal and non-federal entities are eligible. Cooperative agreements are eligible. Federal share not to exceed 50 percent unless there is substantial public interest/benefit. 	31108		
4112	NEBRASKA CUSTOM HARVESTERS LENGTH EXEMPTION			
4113	PATTERNS OF SAFETY VIOLATIONS BY MOTOR CARRIER MANAGEMENT	31135		
4113(a)	Motor carrier officers engaged in patterns of avoiding/masking compliance can result in suspension/revocation of registration.	13905	1 year	<ul style="list-style-type: none"> Establish regulations to implement this section.

				<ul style="list-style-type: none"> Officer means owner, director, CEO, COO, CFO, Safety Director, Maintenance Supervisor or others exercising controlling influence over operations.
4114	INTRASTATE OPERATIONS OF INTERSTATE MOTOR CARRIERS	31144(a)		
4114(a)	Secretary safety fitness determination to include: <ul style="list-style-type: none"> Accident record of owner/operator operating in interstate commerce. Accident and safety inspection record of operations that affect interstate commerce and operations in Canada/Mexico if operations are in the U.S. 			
4114(b)	Transportation affecting interstate commerce <ul style="list-style-type: none"> Owners/operators prohibited from operating in interstate commerce pursuant to paragraphs 1 through 3 may not operate until Secretary deems they are fit. 	31144(c)		
4114(c)	Determination of unfitness by State <ul style="list-style-type: none"> If a state receiving MCSAP funds determines an intrastate owner/operator is unfit in that state, using the standards prescribed by the Secretary, the Secretary shall prohibit the owner/operator from operating in interstate commerce until the State determines the owner/operator is fit. 			
4115	TRANSFER PROVISION	31136		Moves exemptions from Section 345 of NHS Act of 1995
4116	MEDICAL PROGRAM	31149		
4116(a)	a. Medical Review Board <ul style="list-style-type: none"> Secretary to establish a Medical Review Board to provide FMCSA with medical advice and recommendations on medical standards and guidelines for physical qualifications of CMV operators, medical education and medical research. b. Chief Medical Examiner c. Medical Standards and Requirements			

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	<p>d. National Registry of Medical Examiners</p> <ul style="list-style-type: none"> • Establish and maintain a current national registry of qualified medical examiners to perform examinations and issue certificates. • Remove medical examiners from the registry that fail to meet or maintain the qualifications. • Only registered examiners can issue valid certificates. • May make participation voluntary if it will enhance safety <p>e. Regulations</p>			
4116(b)	MEDICAL EXAMINERS	31136(a)(3)		
4116(c)	DEFINITION OF MEDICAL EXAMINER	31132		
4116(d)	FUNDING	31104(i)		
4116(f)	EFFECTIVE DATE		365 days following enactment	
4117	SAFETY PERFORMANCE HISTORY SCREENING	Chapter 311, Subchapter III		
4117(a)	<p>Provide MCMIS access to industry for pre-employment screening</p> <ul style="list-style-type: none"> • CMV accident reports • Inspection reports with no driver-related safety violations • Serious driver-related safety violation inspection reports 	31150		Purpose [see 4117(c)] is to assess individual operator crash and inspection history as a pre-employment condition
4117(b)	CONDITIONS FOR ACCESS			
4117(d)	SERIOUS DRIVER-RELATED SAFETY VIOLATION DEFINED			
4118	ROADABILITY	Chapter 311, Subchapter III		
4118(a)	<p>INSPECTION, REPAIR AND MAINTENANCE OF INTERMODAL EQUIPMENT</p> <ul style="list-style-type: none"> • Specifies regulatory parameters in 3(A) through (N) 	31151	120 days 1 year	<ul style="list-style-type: none"> • Initiate rulemaking proceeding • Issue regulations to ensure intermodal equipment used to transport intermodal containers is safe and systematically maintained.
4118(b)	INSPECTION, REPAIR AND MAINTENANCE OF			

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	<p>INTERMODAL EQUIPMENT</p> <ul style="list-style-type: none"> • The Secretary or designee may inspect intermodal equipment and copy related maintenance and repair records. 			
4118(c)	<p>OUT-OF-SERVICE UNTIL REPAIR</p> <ul style="list-style-type: none"> • Equipment failing to comply with standards may be placed OOS and not used on a public highway until repairs have been made. Repairs are to be documented. 			
4118(d)	<p>PREEMPTION</p> <ul style="list-style-type: none"> • Except as provided in (e), a law of a state, political subdivision or tribal organization is preempted if such law exceeds or is inconsistent with this section. 			
4118(e)	<p>PREEXISTING STATE REQUIREMENTS</p> <ul style="list-style-type: none"> • State requirements in effect on January 1, 2005 shall remain until requirements under this section take effect. • Preemption determination. • Amended State requirements. 			<p>The Secretary can formally accept existing state requirements as equivalent, but only if the State submits an application for preemption determination prior to the date under which the regulations in this section take effect. Amendments are permissive if submitted prior to the regulations being effective or if the Secretary determines that would not harm safety or interstate commerce.</p>
4118(f)	<p>DEFINITIONS</p> <ul style="list-style-type: none"> • Intermodal equipment • Intermodal Equipment Interchange Agreement • Intermodal Equipment Provider • Interchange 			
4119	<p>INTERNATIONAL COOPERATION</p> <ul style="list-style-type: none"> • Secretary is authorized to fund international activities to enhance motor carrier, CMV, driver and highway safety by such means as exchanging information, conducting research, and examining needs, best practices and new technology. 	<p>31104(i) Chapter 311, Subchapter III 31161</p>		

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4120	FINANCIAL RESPONSIBILITY FOR PRIVATE MOTOR CARRIERS (a) Transportation of passengers (b) Transportation of Property (c) Filing evidence of financial responsibility	31138(a) 31139		Requires private motor carriers and other persons to maintain and file proof of financial responsibility.
4121	DEPOSIT OF CERTAIN CIVIL PENALTIES			
4122	CDL LEARNER’S PERMIT PROGRAM	Chapter 313, Subchapter III		
4123	COMMERCIAL DRIVER’S LICENSE INFORMATION SYSTEM MODERNIZATION	31309		
4123(a)	Modernization Plan <ul style="list-style-type: none"> Secretary to develop and publish a comprehensive national plan to modernize the information systems that: <ul style="list-style-type: none"> (a) complies with Federal information technology standards (b) provides for the electronic exchange of all information including the posting of convictions (c) contains self-auditing features to evaluate correct and consistent posting (d) integrates the CDL and medical certificate (e) provide Consultation with industry, enforcement and licensing agencies. States will fund future efforts to modernize the CDLIS. Plan to establish a date by which all states must be operating compatible systems. Secretary to implement the plan once developed. States may use funds available under section 31318 to modernize their systems. 	31309	120 days	
4123(b)	STATE PARTICIPATION			
4123(c)	GRANTS <ul style="list-style-type: none"> Secretary may make grants to states or organizations representing agencies and officials of a state to modernize the state CDL information system to be compatible with 	31309		

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	<p>the modernized system, if the state is in substantial compliance with section 31311 and this section.</p> <ul style="list-style-type: none"> • Secretary to establish criteria for distribution and notify states of the criteria. • Grants may only be used for improvements consistent with the modernization plan. • Federal share is 80 percent. 			
4123(d)	<p>FUNDING</p> <ul style="list-style-type: none"> • \$5,000,000 (2006) • \$7,000,000 (2007) • \$8,000,000 (2008) • \$9,000,000 (2009) 			Funds remain until expended.
4123(f)	<p>BASELINE AUDIT</p> <ul style="list-style-type: none"> • The Secretary, in consultation with the IG, shall perform a baseline audit of the information system maintained under 31309, to include: <ul style="list-style-type: none"> (a) Assessment of the validity of data on a state-by-state basis. (b) Assessment of the extent to which convictions are validly posted on a driver’s record. (c) Recommendations on how to update the audit. (d) Identification on a state-by-state basis of actions the IG finds necessary to improve the integrity of the data to ensure proper posting. (e) Analysis of the amounts and revenues derived from the fees charged. 		1 year	
4124	COMMERCIAL DRIVER’S LICENSE IMPROVEMENTS	Chapter 313, Subchapter III		
4124(a)	<p>STATE GRANTS</p> <ul style="list-style-type: none"> • Grants can be made to comply with requirements of 31311, and to improve implementation of its CDL Program. • Eligible expenses include computer hardware and software, publications, testing, personnel, training and 	31313		

	<p>quality control.</p> <ul style="list-style-type: none"> • MCSIA compliance receives priority. • State must submit applications for funds, and is to include an assessment of its CDL Program. • MOE – expenditures of states/political subdivisions to be maintained at a level at least equal to the average level for the last 2 fiscal years of the State ending before the date of enactment of this section. • Government share up to 100 percent. 			
4124(b)	<p>HIGH-PRIORITY ACTIVITIES</p> <ul style="list-style-type: none"> • Secretary may make a grant to a state or local government or other person for 100 percent of the costs for research, development, demonstration projects, public education and other activities relating to commercial driver licensing and motor vehicle safety that are of benefit to all US jurisdictions or are designed to address national safety issues. • For this purpose the Secretary may deduct up to 10 percent of the amounts available under this section. 			
4124(c)	<p>EMERGING ISSUES</p> <ul style="list-style-type: none"> • To address emerging issues relating to CDL improvements the Secretary may deduct up to 10 percent of the amounts available under this section. 			
4124(d)	<p>APPORIONMENT</p> <ul style="list-style-type: none"> • Amounts to be apportioned according to criteria prescribed by the Secretary. 			
4125	HOBBS ACT			
4126	COMMERCIAL VEHICLE SYSTEMS AND NETWORKS DEPLOYMENT			
4126(a)	<p>Secretary to carry out CVISN to:</p> <ul style="list-style-type: none"> • Improve safety and productivity of commercial vehicles and drivers. • Reduce costs associated with federal and state CMV regulatory requirements. 			

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4126(c)	<p>CORE DEPLOYMENT GRANTS</p> <ul style="list-style-type: none"> Maximum aggregate amount per state under this subsection and 5001(a)(5) & (6) of TEA-21 is \$2,500,000. Funds to be used for CVISN core deployment only. States that have either completed core deployment or completed deployment before grant funds are expended can use funds for expanded CVISN deployment. 			
4126(d)	<p>EXPANDED DEPLOYMENT GRANTS</p> <ul style="list-style-type: none"> From the funds remaining from grants made in (c), Secretary may make grants, on request, from eligible States for expanded CVISN. Secretary may distribute funds equally among eligible States, but not to exceed \$1,000,000 per State. 			To be eligible, states must have completed core deployment.
4126(e)	<p>STATE GRANT ELIGIBILITY</p> <ul style="list-style-type: none"> Have an approved CVISN Program Plan. Certify that its CVISN activities are consistent with the National ITS and CVISN architectures and standards and promote interoperability and efficiency to the extent practicable. Agree to execute interoperability tests developed by FMCSA. 			
4126(f)	<p>FEDERAL SHARE</p> <ul style="list-style-type: none"> Not to exceed 50 percent of funds from this section, and not to exceed 80 percent from all federal sources. 			
4127	OUTREACH AND EDUCATION			
4127(a)	Secretary to conduct, through grants, contracts or cooperative agreements, an outreach and education program to be administered by FMCSA and NHTSA.			
4127(b)	<p>Program Elements</p> <ul style="list-style-type: none"> Share the road between CMV and non-CMV drivers. Promote enhanced traffic enforcement to reduce the most common unsafe driving behaviors that cause or contribute to crashes involving CMVs. Establish a public-private partnership to develop and 			

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	disseminate information.			
4127(c)	FEDERAL SHARE <ul style="list-style-type: none"> • 100 percent funding. 			
4127(d)	Secretary to prepare an annual report on activities under this section.		09/30/09 deadline	Final report to be submitted no later than September 30, 2009.
4127(e)	FUNDING <ul style="list-style-type: none"> • \$1,000,000 to FMCSA (annually from 2006 to 2009) • \$3,000,000 to NHTSA (annually from 2006 to 2009) 			
4127(f)	STUDY <ul style="list-style-type: none"> • Update the GAO evaluation of the “Share the Road Safely” Program. 		06/30/06 deadline	
4128	SAFETY DATA IMPROVEMENT PROGRAM			
4128(a)	Secretary to make grants to States for activities to improve the accuracy, timeliness, and completeness of CMV safety data reported to the Secretary.			
4128(b)	STATE ELIGIBILITY <ul style="list-style-type: none"> • Conducted a comprehensive audit of its CMV safety data system within then preceding 2 years. • Developed a plan that identifies and prioritizes its CMV safety data needs and goals. • Identified performance-based measures to determine progress toward those goals. 			
4128(c)	FEDERAL SHARE <ul style="list-style-type: none"> • 80 percent funding 			
4128(d)	BIENNIAL REPORT <ul style="list-style-type: none"> • Not later than 2 years after the date of enactment of this act, and biennially thereafter, Secretary is to submit a report to Congress on activities under this section. 		Report every 2 years	
4129	OPERATION OF COMMERCIAL MOTOR VEHICLES BY INDIVIDUALS WHO USE INSULIN TO TREAT DIABETES MELLITUS			
4129(a)	Secretary to begin revising 09/03/03 final rule to allow individuals who use insulin to operate CMVs in interstate commerce.	31305	90 days	Make consistent with section 4018 of TEA-21.

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4129(b)	Secretary may not require individuals using insulin who are applying for an exemption to have experience operating CMVs while using insulin.			After issuance of the revised final rule.
4129(c)	Minimum period of insulin use: <ul style="list-style-type: none"> • 2 months for Type 1 diabetes, unless directed by a treating physician • 1 month for Type 2 diabetes, unless directed by a treating physician 			Consistent with the July 2000 expert medical panel findings.
4130	OPERATORS OF VEHICLES TRANSPORTING AGRICULTURAL COMMODITIES AND FARM SUPPLIES	229(a)(1) of MCSIA and 4115		
4130(a)	<ul style="list-style-type: none"> • Regulations prescribed in 31136 and 31502 regarding maximum driving and on-duty time shall not apply to drivers during planting and harvest periods to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State as long as it is within 100 air mile radius from the source of the commodities or the distribution point for the farm supplies. 			
4130(b)	REVIEW BY THE SECRETARY			
4130(c)	DEFINITIONS <ul style="list-style-type: none"> • Agricultural commodity – any agricultural commodity, non-processed food, feed, fiber, or livestock (including livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 and insects) • Farm Supplies for Agricultural Purposes – Products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons, and livestock feed at any time of the year. 			
4131	MAXIMUM HOURS OF SERVICE FOR OPERATORS OF GROUND WATER WEILL DRILLING RIGS <ul style="list-style-type: none"> • Except as required in section 395.3 in effect on the date of enactment of this sentence, no additional off-duty time is required to operate such a vehicle. 	229(a)(2) of MCSIA 4115		Reaffirms their 24-hour restart for the 60/70 hour rule.
4132	HOURS OF SERVICE FOR OPERATORS OF UTILITY	229 of		Modifies MCSIA and subsequent

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	SERVICE VEHICLES <ul style="list-style-type: none"> Modifies subsection (a)(4)(A) to read: such regulations shall not apply to a driver of a utility service vehicle. Modifies subsection (a)(4)(B) to read: A State, a political subdivision of a State, an interstate agency, or other entity consisting of 2 or more States, shall not enact or enforce any law, rule, regulation or standard that imposes requirements on a driver of a utility service vehicle that are similar to the requirements contained in such regulations. 	MCSIA 4115		HOS rulemaking provision to exempt Utility Service Vehicle drivers from all federal AND state HOS requirements. States, local governments, and state compacts are prohibited from imposing HOS regulations on these drivers.
4133	HOURS OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION OT MOVIE PRODUCTION SITES <ul style="list-style-type: none"> Maximum daily hours of service for a CMV providing property or passenger service to or from a theatrical or television production site located within a 100 air mile radius of the operator work reporting location will be those sections in effect on April 27, 2003 	31136 31502		These drivers within the 100 air mile radius are subject to the “old” rules. (10 hours driving, 15 hours on-duty, 8 hours off, no 34-hour restart).
4134	GRANT PROGRAM FOR COMMERCIAL VEHICLE OPERATORS			
4134(a)	<ul style="list-style-type: none"> Secretary to establish a grant program to train CMV operators and future operators on the safe use of CMVs. 			
4134(b)	FEDERAL SHARE <ul style="list-style-type: none"> 80 percent. 			
4134(c)	FUNDING <ul style="list-style-type: none"> \$1,000,000 annually (2005 through 2009) 	31104(i)		
4135	CDL TASK FORCE			
4135(a)	<ul style="list-style-type: none"> Secretary to convene a task force to study and address impediments and challenges to CDL Program’s effectiveness and needs, to include (1) State enforcement practices; (2) Operational procedures to detect/deter fraud; (3) improvements for seamless information sharing; (4) effective methods for accurately sharing electronic data; (5) adequate proof of citizenship; (6) updated technology; 			

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	and (7) timely notification from judicial bodies concerning traffic and criminal convictions.			
4135(c)	<ul style="list-style-type: none"> The Secretary, on behalf of the task force, shall submit a report to Congress on its findings and recommendations for legislative, regulatory and enforcement changes. 	4101(c)(1)	2 years	\$200,000 available annually in 2006 and 2007.
4136	INTERSTATE VAN OPERATIONS <ul style="list-style-type: none"> FMCSRs for passenger carrying vehicles of 9-15 persons (including driver) apply to all interstate operations regardless of distance traveled. 			Eliminates the 75-mile radius exemption for passenger van operations that are subject to the FMCSR.
4137	DECALS <ul style="list-style-type: none"> CVSA may not restrict the sale of any inspection decal to FMCSA unless the Administration fails to meet its responsibilities under its MOU with the Alliance. 			Other than a failure due to the Administration's compliance with federal law.
4138	HIGH RISK CARRIER COMPLIANCE REVIEWS <ul style="list-style-type: none"> The Secretary will conduct CRs on high risk carriers with demonstrated (through performance data) problems. At a minimum, CRs are to be conducted on carriers having an A or B rating for 2 consecutive months. 	31104(i)		
4139	FOREIGN COMMERCIAL MOTOR VEHICLES			
4139(a)	Operating Authority Assistance <ul style="list-style-type: none"> FMCSA to conduct training and outreach to State enforcement personnel to ensure their awareness of the process to verify operating authority. IG may periodically assess this program's implementation and effectiveness. 		180 days	
4139(b)	Study of foreign commercial vehicles <ul style="list-style-type: none"> FMCSA to determine the degree to which Canadian and Mexican CMVs comply with FMVSS. Report to Congress. 		1 year	No later than 4 months after the report is submitted the IG will assess the review and provide comments to Congress.
4140	SCHOOL BUS DRIVER QUALIFICATIONS AND ENDORSEMENT KNOWLEDGE TEST <ul style="list-style-type: none"> The Secretary will recognize drivers passing a FMCSA approved knowledge test for a school bus endorsement. Section 383.123 is not in effect until after September 30, 	383.123		

	2006.			
4141	<p>DRIVEAWAY SADDLEMOUNT VEHICLES</p> <ul style="list-style-type: none"> • Drive-away saddlemount with a fullmount vehicle transporter combination means a combination used to tow up to 3 trucks or truck tractors, each connected to the frame or fifth wheel of the forward vehicle. • The length limitation is 97 feet. 			
4142	<p>REGISTRATION OF MOTOR CARRIER AND FREIGHT FORWARDERS</p>			
4143	<p>AUTHORITY TO STOP COMMERCIAL MOTOR VEHICLES</p> <ul style="list-style-type: none"> • Requires CMVs to stop for an inspection at or in the vicinity of an inspection site, when directed to do so by an authorized FMCSA employee. • Provides authority for FMCSA to stop and inspect CMVs. 	Title 18, Chapter 2 31132		
4144	<p>MOTOR CARRIER SAFETY ADVISORY COMMITTEE</p> <ul style="list-style-type: none"> • The Secretary shall establish a motor carrier safety advisory committee to: (1) provide advice and recommendations to the FMCSA about needs, objectives, plans, approaches, content and accomplishments of motor carrier safety programs; and (2) provide advice and recommendations to FMCSA on motor carrier safety regulations. • Consist of 20 members appointed by the Administrator to include industry, safety advocates and enforcement. 		2010	Termination date.
4145	<p>TECHNICAL CORRECTIONS</p>			
4146	<p>EXEMPTION DURING HARVEST PERIODS</p> <ul style="list-style-type: none"> • Regulations regarding maximum driving and on-duty time do not apply for the transportation of grapes west of Interstate 81 in the State on New York if: (1) it is during a harvesting period; and (2) is limited to a 150 air-mile radius from where the grapes are picked or distributed. 			From date of enactment to the end of fiscal year 2009.
4147	<p>EMERGENCY CONDITION REQUIRING IMMEDIATE RESPONSE</p>			Emergency conditions do not include request to refill empty gas tanks.

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	<ul style="list-style-type: none"> Hours of Service regulations do not apply to a CMV driver transporting propane winter heating fuel or responding to a pipeline emergency if the regulations prevent the driver from responding to the emergency condition. Emergency condition is one that if left unattended would result in immediate serious bodily harm, death or substantial property damage. Propane conditions include (but are not limited to) the detection of gas odor, activation of carbon monoxide alarms, detection of carbon monoxide poisoning, and any real or suspected damage to a propane gas system following a sever storm or flooding. Pipeline conditions include (bit are not limited to) an abnormal pressure event, leak, release or rupture. 			The language of the Act that gives the grape harvesters and propane drivers those hours of service exemptions also exempts them from the rest of the Motor Carrier Safety Regulations (but not exempt from CDL).
4148	SUBSTANCE ABUSE PROFESSIONALS			
4149	OFFICE OF INTERMODALISM <ul style="list-style-type: none"> The Director, in consultation with the advisory board and other public/private interests, shall develop a plan to improve the intermodal transportation system. Plan to include standards for impact methodology and measurements. 	5502 5503	2 years Plan Reports	Initial progress report due. Follow up report due 2 years thereafter.
4201	HOUSEHOLD GOODS TRANSPORTATION			“Household Goods Mover Oversight Enforcement and Reform Act of 2005”
4202	DEFINTIONS; APPLICATION OF PROVISIONS <ul style="list-style-type: none"> Household Goods Motor Carrier – a motor carrier that provides transportation of household goods, and offers some or all of the following services: (1) binding and non-binding estimates; (2) inventorying; (3) protective packing and unpacking at personal residences; and (4) loading and unloading at personal residences. It <u>includes</u> any person already considered to be a household goods motor carrier. It <u>does not include</u> a motor carrier moving goods in 			

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	<p>trailers entirely loaded and unloaded by someone other than the motor carrier.</p> <ul style="list-style-type: none"> Individual Shipper – a person who (1) is the shipper, consignor or consignee of a household goods shipment; (2) is identified as the shipper 			
4203	PAYMENT OF RATES			Establishes conditions on household goods carriers' receipt of payments.
4204	ADDITIONAL REGISTRATION REQUIREMENTS FOR MOTOR CARRIERS OF HOUSEHOLD GOODS	13902(a)		Establishes additional requirements that household goods carriers' must do prior to receiving their DOT registration.
4205	HOUSEHOLD GOODS CARRIER OPERATIONS	14104(b)		Requirements relating to written estimates and documentation that the carrier must provide to the shipper.
4206	<p>ENFORCEMENT OF REGULATIONS RELATED TO THE TRANSPORTATION OF HOUSEHOLD GOODS</p> <ul style="list-style-type: none"> States may enforce consumer protection provisions that apply to shippers and are related to the delivery and transportation of household goods in interstate commerce. Fines can be levied and retained by the State. State to notify Secretary or the Board of any civil action prior to (or immediately upon) initiating such action. FMCSA to implement an outreach plan to enhance coordination and effective enforcement. Plan to include law enforcement and consumer protection authorities. State "authority" means the agency of the State authorized to regulate the intrastate movement of household goods. 	14501(c)(2)(B)		Includes conditions/protocols and criteria under which communication and enforcement/judicial actions are to be taken, as well as the interaction to occur between the states and federal government.
4207	LIABILITY OF CARRIERS UNDER RECEIPTS AND BILLS OF LADING	14706(f)		
4208	ARBITRATION REQUIREMENTS	14708(a) 14708(b) 14708(d)		
4209	CIVIL PENALTIES RELATING TO HOUSEHOLD GOODS BROKERS AND UNAUTHORIZED	14901(d)		

	TRANSPORTATION			
4210	PENALTIES FOR HOLDING HOUSEHOLD GOODS HOSTAGE	14915		
4211	CONSUMER HANDBOOK ON DOT WEB SITE		1 year	“Your Rights and Responsibilities When You Move” to be displayed on FMCSA web site.
4212	RELEASE OF HOUSEHOLD GOODS BROKER INFORMATION		1 year Part 375	Brokers to provide shippers with certain information.
4213	WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS <ul style="list-style-type: none"> The Secretary will establish a working group of State attorneys general, consumer protection administrators and law enforcement officials to develop procedures to enhance enforcement and information exchange and to make legislative and regulatory recommendations. Industry will be consulted. 		90 days	In effect until September 30, 2009.
4214	CONSUMER COMPLAINT INFORMATION <ul style="list-style-type: none"> The Secretary to establish a system for filing consumer complaints, a database to house them, and a procedure for public access. Issue regulations for motor carrier reporting. 		1 year	
4215	REVIEW OF LIABILITY OF CARRIERS <ul style="list-style-type: none"> Surface Transportation Board to review household goods carriers’ liability protection and to revise regulations if necessary. 		1 year	
4216	APPLICATION OF STATE CONSUMER PROTECTION LAWS TO CERTAIN HOUSEHOLD GOODS CARRIERS <ul style="list-style-type: none"> Comptroller General to study the consumer protection authorities and action of DOT and the impact on shippers and carriers. 		18 months Study	Report to Congress.
4301	UNIFIED CARRIER REGISTRATION ACT OF 2005			“Unified Carrier Registration Act of 2005”
4302	RELATIONSHIP TO OTHER LAWS	14504		

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	<ul style="list-style-type: none"> This subtitle is not intended to prohibit any State or political subdivision from enacting, imposing or enforcing any law/regulation with respect to a motor carrier, private motor carrier, broker, freight forwarder, or leasing company that is not otherwise prohibited by law. 	14504(a) 14506		
4303	INCLUSION OF MOTOR PRIVATE AND EXEMPT CARRIERS			
4303(a)	<ul style="list-style-type: none"> Any person registered with the Secretary to provide transportation service as a motor carrier or motor private carrier as of January 1, 2005 but not registered pursuant to 13902(a), shall be treated as registered for purposes of section 13908 and 14504(a). Does not apply to wholly intrastate operations. 	13905 13908 14504(a)		Grandfather provision
4303(b)	<ul style="list-style-type: none"> Any person, other than a motor private carrier, registered with the Secretary to provide transportation as a motor carrier shall file a bond, insurance policy or other security with the Secretary in amount(s) not less than the requirements in 31138 and 31139. 	13906(a) 13905(b)	120 days	
4303(c)	<p>TERMINATION OF TRANSITION RULE</p> <ul style="list-style-type: none"> On and after the transition date the Secretary: <ul style="list-style-type: none"> (f)(1)(A) May not register a common or contract carrier. (B) Register applicants as motor carriers. (C) Issue a certificate of registration specifying the type of transportation service(s) (f)(2) The Secretary will redesignate motor carrier certificates or permits issued prior to the transition termination date as a motor carrier certificate of registration. No distinctions can be made between common or contract carriage. (f)(3) The transition termination date is 12 months after the date of enactment of the UCR Act of 2005. 	13902	12 months	Transition Termination Date
4304	<p>UNIFIED CARRIER REGISTRATION SYSTEM</p> <p>(a) The Secretary to issue regulations to establish an online registration system to replace: (1) the SSRS under section</p>	503 9701 of Title 31	1 year	“Unified Carrier Registration System” to be established.

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	<p>14504; (2) the registration system contained in this chapter and the financial responsibility information system in section 13906; and (3) the service of process agent systems under section 503 and 13304.</p> <p>(b) The UCR System shall serve as a clearinghouse and depository of information on those required to register with DOT. The Secretary shall ensure Federal, State, industry officials and the public have access.</p> <p>(c) Regulations establishing procedures for industry to correct erroneous data.</p> <p>(d) Fee System – Secretary to establish a fee system (9701 of Title 31) under the following guidelines: (1) fee for new registrants shall (nearly as possible) cover all costs of processing the registration not to exceed \$300; (2) fee for filing financial responsibility not to exceed \$10 per filing; (3) a nominal fee for access/retrieval of information from UCR to cover system O&M costs.</p> <p>(e) Intrastate carriers not required to register.</p>	<p>13304 13906 13908 14504</p>	<p>60 days</p>	<p>Regulations prescribed for data correction.</p>
4305	REGISTRATION OF MOTOR CARRIERS BY STATES			
4305(a)	Section 14504 is repealed on the first January 1 st occurring more than 12 months following enactment.	<p>14504 14504a</p>		Sunset provision for SSRS.
4305(b)	<p>UNIFIED CARRIER REGISTRATION SYSTEM PLAN</p> <p>(a) Definitions</p> <p>(a)(1)(A) CMV as defined under 31101</p> <p>(a)(1)(B) Motor carriers have the option to include in their registration (for authority or insurance) with a State any self-propelled vehicle used on the highway in commerce to transport passengers or property, regardless of the GVWR or number of passengers transported.</p> <p>(a)(2)(A) Base State means a State: (i) that is in compliance with subsection e (State Participation), and (ii) in which the registrant maintains its principal place of business.</p> <p>(a)(2)(B) A registrant can designate another State to be its base State if: (i) the State is not in compliance with subsection e; or</p>			<p>The UCR will replace the Single-State registration System. Private [interstate] carriers are brought into the registration system. FMCSA will register only “motor carriers,” not “motor common carriers” or “motor common carriers.” UCR replaces, “(1) the current Department of Transportation identification number system, the single state registration system under section 14504; (2) the registration system contained in this chapter and the financial responsibility information system under section</p>

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<p>(ii) the registrant does not have its principal place of business in the U.S.</p> <p>(a)(3) Intrastate fee means any fee, tax or other type of assessment, including per vehicle fees and gross receipts taxes, imposed on a motor carrier for the renewal of the intrastate authority or insurance filings with a State.</p> <p>(a)(4) Leasing Company.</p> <p>(a)(5) Motor Carrier.</p> <p>(a)(6) Participating State means a State that has complied with subsection e.</p> <p>(a)(7) SSRS</p> <p>(a)(8) Unified Carrier Registration Agreement means the interstate agreement developed under the UCR Plan governing the collection and distribution of registration and financial responsibility information provided and fees paid by motor carriers, motor private carriers, brokers, freight forwarders and leasing companies pursuant to this section.</p> <p>(a)(9) Unified Carrier Registration Plan means the organization of State, federal and industry representatives responsible for the developing, implementing and administering of the UCR Agreement.</p> <p>(a)(10) Vehicle Registration means the registration of any CMV under the International registration Plan (section 31701) or any other registration law or regulation of a jurisdiction.</p> <p>(b) Applicability of provisions to freight forwarders A freight forwarder that operates CMVs and is not required to register as a carrier pursuant to section 13903(b) shall be subject to the provisions of this section as if they were a motor carrier.</p> <p>(c) Unreasonable Burden Provides an explanation of limitations on States regarding actions that can be taken on interstate motor carriers and motor private carriers.</p> <p>(d) Unified Carrier Registration Plan (d)(1)(A) Board of Directors to be established by the Secretary</p>		<p>13906; and (3) the service of process agent systems under sections 503 and 13304 [Section 4304 of the Act, amending 49 USC §13908].”</p> <p><u>Registration Fees:</u> Not to exceed \$300; financial responsibility filing fee not to exceed \$10. “Commercial motor vehicle” for UCR includes the 49 USC §31101 definition (10,001 lb. GVWR / 9 – 15 passengers for hire / 16 or more passengers / placardable HM), and also can include any for-hire passenger or property transportation [e.g., courier operations, small limos or “towncar” services]. States cannot charge fees to interstate carriers if they don’t charge the same fee to an intrastate carrier of the same commodity. The Act excludes fuel taxes from fee limits.</p> <p><u>UCR Board of Directors:</u> 15 members: Four State Agency Chief Administrative Officers (one from each of the FMCSA four service center regions); five members drawn from State Agency Professional Staff, nominated probably by NARUC; five motor carrier industry representatives, at least one from ATA, and at least one small business; and the Deputy Administrator of the FMCSA.</p> <p><u>Fee usage and revenue sharing:</u> States must submit a plan within three years in order to participate in receiving UCR fees. States must use a</p>
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<p>(d)(1)(B) Board will consist of 15 directors appointed by the Secretary and to include: (i) One director from each of FMCSA’s 4 Service Centers from among the chief administrative officers of State agencies; (ii) Five directors from the professional staffs of State agencies – nominees to be submitted to the Secretary by the national association of professional employees; (iii) Five directors from the motor carrier industry, at least one from a trade association representing the general carrier of property, at least one representing a motor carrier in the smallest fleet bracket; (iv) Deputy Administrator of FMCSA, or another appointee by the Secretary.</p> <p>(d)(1)(C) Chair and Vice Chair</p> <p>(d)(1)(D) Terms</p> <p>(d)(2) Rules and Regulations Governing the UCR Agreement to be established by the Board of Directors to include:</p> <p>(d)(2)(A) Uniform forms and formats</p> <p>(d)(2)(B) Administer the UCR Agreement</p> <p>(d)(2)(C) Procedures for dispute resolution</p> <p>(d)(2)(D) Designating a depository</p> <p>(d)(3) Compensation and expenses</p> <p>(d)(4) Meetings</p> <p>(d)(4)(A) Board will meet at least once per year</p> <p>(d)(4)(B) A majority constitutes a quorum</p> <p>(d)(4)(C) Approval requires a majority of directors present at the meeting</p> <p>(d)(4)(D) Open meetings</p> <p>(d)(5) Subcommittees</p> <p>(d)(5)(A) Industry Advisory Subcommittee</p> <p>(d)(5)(B) Audit Subcommittee, Dispute Resolution Subcommittee, and others as required.</p> <p>(d)(5)(C) Membership</p> <p>(d)(5)(D) Representation on Subcommittees</p> <p>(d)(6) Delegation of Authority</p> <p>(d)(7) Determination of Fees</p>			<p>dollar amount at least equal to UCR fee receipts for motor carrier safety, enforcement, and UCR administration. States currently in SSRS and complying with UCR are “entitled” to monies equal to their last year’s SSRS collections. States not in SSRS can receive up to \$500,000 per year.</p>
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<p>(d)(7)(A) Board to recommend initial annual fees and is to consider: (i) administrative costs of UCR Plan and Agreement; (ii) revenues generated and ability to achieve the revenue levels set by the Board; and (iii) provisions governing fees in subsection (f)(1)</p> <p>(d)(7)(A) Secretary will set the initial annual fees for the next agreement year and any subsequent adjustment within 90 days of the Board recommendation and after public notice and comment.</p> <p>(d)(8) Liability protections for Directors</p> <p>(d)(9) Inapplicability of Federal Advisory Committee Act</p> <p>(d)(10) Does not limit the amount of money a State can charge for IFTA.</p> <p>(e) State Participation</p> <p>(e)(1) State Plan – no state is eligible to participate in the UCR or can receive revenues derived for the UCR Agreement unless within 3 years after enactment the State submits a plan to the Secretary which (A) identifies the State agency with the authority to administer the agreement and (B) that demonstrates that an amount at least equal to the revenue derived by the State from the UCR Agreement shall be used for motor carrier safety programs, enforcement, or the administration of the UCR Plan and UCR Agreement.</p> <p>(e)(2) Amended Plan – State can change the designated agency.</p> <p>(e)(3) Withdrawal of Plan – if a State withdraws its Plan it may longer participate in the UCR Agreement nor receive any revenues.</p> <p>(e)(4) Termination of Eligibility. If a State fails to submit or withdraws its plan, the State may not submit or resubmit a plan or participate in the agreement.</p> <p>(e)(5) Provision of Plan to Chairperson.</p> <p>(f) Contents of Unified Carrier Registration Agreement</p> <p>(f)(1) Fees.</p> <p>(f)(2) Determination of ownership or operation.</p> <p>(f)(3) Calculation of number of commercial vehicles owned or</p>			
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<p>operated.</p> <p>(f)(4) Payment of fees.</p> <p>(g) Payment of Fees. Revenues derived under the UCR Agreement will be allocated to participating states as follows:</p> <p>(g)(1) A State that participated in SSRS in the last registration year under the SSRS (and is in good standing) is entitled to the equivalent of revenues it received under the SSRS in such registration year.</p> <p>(g)(2) A State that collected intrastate registration fees from interstate motor carriers, interstate private motor carriers or interstate exempt carriers (and is in good standing) is entitled to an additional portion of the revenues, equivalent to the revenues it received in the last calendar year before enactment of the Act.</p> <p>(g)(3) States that did not participate in SSRS during the last registration year (and are in good standing) are entitled to an annual allotment not to exceed \$500,000 from revenues generated by the UCR Agreement.</p> <p>(g)(4) Revenues to which a State is entitled will be determined by the Board and approved by the Secretary.</p> <p>(h) Distribution of UCR Agreement Revenues.</p> <p>(h)(1) Eligibility.</p> <p>(h)(2) Entitlement to revenues. A State may retain an amount of the gross revenues it collects under the UCR Agreement equivalent to the portion to which the State is entitled under (g). All excess amounts will be forwarded to the depository.</p> <p>(h)(3) Distribution of funds from the depository will be made as follows: (A) on a pro rata basis to each participating State that did not collect revenues under the UCR Agreement equivalent to the amount such State is entitled, except the total amount received cannot exceed what the Sate is entitled to; (B) after all disbursements are made under (A), to cover the administrative costs of the UCR Plan and Agreement.</p> <p>(h)(4) Excess funds after (h)(A & (B) will be applied to reduce the fees for the following year.</p> <p>(i) Enforcement</p>			
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	<p>(j)(1) Civil actions (j)(2) Venue (j)(3) Relief (j)(4) Enforcement by States. Participating States can impose fines and penalties pursuant to State laws/regulations for failure to (i) submit information documents; (ii) pay required fees; and (B) States cannot require a display of evidence of compliance in excess of those permitted in 14506 on or in a CMV. (j) Application to Intrastate Carriers. A State may apply the provisions of the UCR Agreement to motor carriers and motor private carriers and freight forwarders subject to its jurisdiction that operate in intrastate commerce.</p>			
4306	<p>IDENTIFICATION OF VEHICLES</p> <ul style="list-style-type: none"> • States cannot enact or enforce identification requirements other than those required by the Secretary. • Exceptions permitted for: (1) IRP; (2) IFTA; (3) State law regarding license plates or other displays deemed appropriate by the Secretary; (4) in connection with federal hazmat transportation requirements in 5103; or (5) in connection with federal vehicle inspection standards in 31136. 	390.21		<p><u>Identification:</u> States can only require ID that conforms to 49 CFR §390.21, but can continue to mandate IRP and IFTA credentials, HM registration documents required under 49 USC §5103, annual inspections, and “under a State law regarding motor vehicle license plates or other displays that the Secretary determines are appropriate [Section 4306 of the Act adding 49 USC §14506].”</p>
4307	<p>USE OF UCR AGREEMENT REVENUES AS MATCHING FUNDS</p> <ul style="list-style-type: none"> • Amounts generated under the UCR Agreement and received by a State and used for motor carrier safety purposes may be used as the State share not provided by the United States. 	31103(a)		<p><u>Relationship to MCSAP:</u> States can use UCR funds can be used as any part of the State’s 20% MCSAP match.</p>
4308	REGULATIONS			
4401	TECHNICAL ADJUSTMENT			
4402	TRANSFER			
4403	EXTENSION OF ASSISTANCE			
4404	DESIGNATIONS			

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4405	LIMITED EXCEPTION			
4406	AIRPORT LAND AMENDMENT			
4407	RIGHTS OF WAY			
4408	RIALTO MUNICIPAL AIRPORT			
4409	CONFORMING AMENDMENTS			
4410	RALPH M. BARTHOLOMEW VETERANS' MEMORIAL BRIDGE			
4411	DON YOUNG'S WAY			
4412	QUALITY BANK ADJUSTMENTS			
4413	TECHNICAL AMENDMENT			