

Summary of H.R. 7 – American Energy & Infrastructure Jobs Act of 2012

House Transportation & Infrastructure Committee Bill

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TITLE I

Sec. 1404 – Trucking Productivity (Size & Weight Changes):

- Special Permit – 126,000 lbs. : Allows up to 3 states conduct a pilot program investigating impacts of issuing special permits for vehicles with a GVW of up to 126,000 lbs., and with loads conforming to such single axle, tandem axle, and bridge formula limits as may be established by the State, on up to 3 segments of the Interstate System in that State that are not more than 25 miles in length each.
- Disaster/Emergencies: Allows emergency exemptions to be granted for divisible loads of relief supplies being delivered.
- Emergency Vehicles: State may not enforce against an emergency vehicle a weight limit of:
 - < 24,000 lbs. on a single steering axle
 - < 33,500 lbs. on a single drive axle
 - < 62,000 lbs. on a tandem axle
 - < 52,000 lbs. on a tandem rear drive steer axle, up to maximum GVW of 86,000 lbs.
- Vehicle Lengths:
 - Changes length restrictions:
 - Semitrailer operating in a truck tractor-semitrailer combination – from 48ft to 53ft.
 - Semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination – from 28ft. to 33 ft.
 - Adds 4 new sections:
 - (G) imposes a vehicle length limitation of less than 80 feet on a stinger steered automobile transporters with a rear overhand of less than 6 feet;
 - (H) has the effect of imposing an overall length limitation of less than 82 feet on a tow away trailers transporter combination;
 - (I) imposes a limitation of less than 46 feet on the distance from the kingpin to the center of the rear axle on a trailer used exclusively or primarily for the transport of livestock; or

- (J) has the effect of prohibiting the use of a device designed by a bus manufacturer to affix the rear of an intercity bus purchased after October 1, 2012, for use in carrying passenger baggage, if the device does not result in the bus exceeding 47 feet in total length.

Sec. 1715 - Truck Parking Provision:

- Calls for a truck parking survey, due not later than 18 months after enactment, to measure the adequacy of CMV parking in the US, assess CMV traffic in each state and evaluate each state's ability to provide adequate parking based on their volume.
- Makes truck parking facilities eligible for federal funding.

TITLE V

Sec. 5003: Provides for the creation of uniform safety guidelines, including provisions for crash data, vehicle registration information, and other items of interest to enforcement.

- Encourages adoption of graduated licensing programs by making a portion of funds available only to states that have graduated license programs.

TITLE VI

Subtitle A: See Grant Analysis

Subtitle B:

Sec. 6201- 6204: Seeks to tighten registration requirements, targeting chameleon carriers

- Clarifies registration requirements for motor carriers
- Requires the Secretary to make registration information publically available
- Expanding requirements for Freight Forwarders or Brokers to register

Sec. 6205: Includes a new section on Reincarnated Carriers.

Sec. 6206: Financial Security of Brokers & Freight Forwarders

Sec. 6207: Strikes cap on URS registrant fee (was previously \$300).

Sec. 6208: Unlawful brokerage activities

Sec. 6209: Requirement for registration and DOT number

Subtitle C: Motor Carrier Safety Assistance Program

Sec. 6301: MCSAP

- Overhauls motor carrier safety funding (see grant attachment)
- Lists purposes of motor carrier safety program
 - No change on en route inspection issue
- MOE Modified (Pg. 550) – average of the 3 years prior to enactment of the bill.
 - Does not exclude secondary agencies – includes “the State and political subdivisions of the state”
 - States can exclude government sponsored pilot programs
 - States must exclude ‘Government amounts’

- States will be required to establish performance targets and submit a plan each year, outlining compliance with purposes of motor carrier safety program outline in section and guidance from Secretary
 - Plans must be approved by the Secretary
 - Funds can be withheld if plans are not adequate
 - Lays out details and performance metrics for the plans.

Sec. 6302-6303: makes changes to the PRISM program

- Requires that States comply with PRISM requirements no later than 9/30/15
- Makes CVISN program funds available at 100% match to support PRISM activities

Sec. 6304: Requires the Secretary to prescribe regulations on Government standards for inspection of commercial motor vehicles and retention by employers of records of such inspections.

- Adds a requirement for 'annual or more frequent' inspections of passenger carrying CMVs.
- States that a roadside inspection does not qualify as an annual inspection.

Sec. 6306 – New Entrants:

- Safety review in the first 18 months, unless HazMat (9 months) and passenger (90 days)
- Authority becomes permanent after carrier passes safety review
- Federal Share “may be” up to 100% for first 20% of General MCSAP funds

Sec. 6307 – Requires the Secretary to review the safety fitness of all passenger motor carriers by 9/30/15, and assign a safety fitness rating. The Secretary shall monitor the safety fitness of passenger carriers on a regular basis and a regulation is required outlining that process.

Sec. 6308 – Amends the National Registry of Medical Examiners to require the Secretary to develop an exam that examiners must pass. Also requires the Secretary to review implantation of medical requirements in at least 10 states each year, and to develop an oversight process for this process within 2 years of enactment. Requires establishment of Registry within 1 year of enactment.

Sec. 6309 – CMV Safety Standards:

- Requires the Secretary to conduct research on structural safety standards of CMVs.
- Requires, within 3 years of enactment, that the Secretary issue the following motorcoach safety standards:
 - occupant protection systems standards
 - roof strength
 - window glazing
 - fire prevention/mitigation
 - emergency evacuation design
- Allows the Secretary to also develop standards for existing motorcoaches, taking in to account technical feasibility – OR the Secretary may issue standards for various component parts that would increase occupant protection
- Requires the Secretary develop a process for certifying that motorcoaches meet the established standards.

- Standards are effective 3 years after completion, and has a 2 phase compliance process – carriers must be 50% compliant within 6 years and 100% compliant after 12.

Sec. 6310 – Requires the Secretary to complete, by 10/1/13, a study of CMV crash avoidance technologies

Sec. 6311 – Requires the Secretary to add systems that can respond to a stopped vehicle to the ongoing collision mitigation study. A report is due to Congress by 10/1/13

Sec. 6401 – National Drug & Alcohol Clearinghouse

- Requires the Secretary to establish and maintain a National Drug & Alcohol Clearinghouse within 1 year of enactment.
- Sets standards for Clearinghouse and compliance requirements.
- Requires interoperability with other systems to the extent possible.
- Permits the Secretary to collect a fee for access to the system to offset costs – fee should be set to cover costs operating system.

Sec. 6402 – CMV Operator Training

- Requires the Secretary to establish, within 2 years of enactment, regulations regarding minimum training requirements for CMV operators.
- Sets for specifications for training

Sec. 6403 – CDL Program

- Requires states to check with Drug & Alcohol Clearinghouse before issuing a CDL
- Requires state CDL information systems comply with Federal technology standards
- Requires states to submit a plan for complying with existing Federal CDL standards by 9/30/17; prescribes requirements for the plan.
- Makes CDL grants available for these purposes.
- Sets MOE for CDL program at the average level of funding for the 3 years prior to enactment
- Changes the grant apportionment – New formula: funds apportioned based on the ratio of:
 - “(A) the number of commercial driver’s licenses issued in each State; bears to
 - “(B) the total number of commercial driver’s licenses issued in all States.
 - Sets minimum apportionment for any state at not less than one-half of 1 percent of the total funds available to carry out this section (\$33m/year - \$165,000).

Sec. 6404 – Requires the Secretary to review, within 2 years of enactment, the passenger CDL requirements and make a report to Congress, recommending any necessary changes,

Sec. 6405 – CDL HazMat Endorsement Exemption: Class A CDL not required to get a HazMat endorsement to carry 1000 gallons or less of diesel fuel if the vehicle is clearly placarded with “Diesel Fuel” and is acting as an employee of: Agri-chemical business, custom harvesters, farm retail outlet and suppliers or livestock feeders.

Sec. 6406 – Creates a program to assist veterans in acquiring a CDL.

Sec. 6502 – Hours of Service Study

- Requires the Secretary to complete, by 3/31/13, a complete field study of the efficacy of the new HOS restart provision.
- Outlines requirements for the study.
- Report to Congress is due 4/30/13.
- The previous restart rule will remain in effect until the study and report are complete.

Sec. 6503 – Electronic Logging Devices

- If DOT issues regulations regarding electronic logging devices, the regulations must include performance standards.
- Outlines standards, including:
 - Requires the devices be tamper proof
 - Standard user interface for law enforcement
 - Secure data transfer, including transportability for law enforcement.
 - Requires that electronic HOS logs ONLY be used to enforce HOS violations

Sec. 6504 – MCSAC – extends through 2017

Sec. 6505-6506 – Agricultural exemptions

Sec. 6601 – Additional farm vehicle exemptions

Sec. 6603 – Requires the Comptroller General to conduct a study on the impact of regulations on small trucking companies. A report is due to Congress within 9 months of enactment.

Sec. 6604 – Requires the Secretary to develop and submit to Congress a report on how to better balance trucking competitiveness and efficiency with safety.

Sec. 6605 – Requires the Secretary to issue a rule to improve the day and night time visibility of agricultural equipment on public roads. The report is due within 2 years of enactment.

Sec. 6606 – Transportation of Horses

Sec. 6607 – Requires the Secretary to review and revise the regulatory code to simplify the regulations, eliminate outdated or excessive requirements

Sec. 6608 – Instructs the Secretary to take actions to expedite safety regulations.

Title IX

Sec. 9007 – Inspection of Motor Vehicles Transporting Radioactive Material:

- Requires that the Secretary issue a regulation that, prior to each use of a motor vehicle to transport radioactive materials, that vehicle must be inspected and certified in compliance with relevant laws and regulations.
- Permits the Secretary to allow for federal certification or self certification.

- Requires other states to honor the inspection and not re-inspect the vehicle en route with an equivalent level inspection, but lower level inspections are permitted.; allows for a Level VI if conditions for the load, vehicle, driver, etc., have changed.

Sec. 9010 – Program Review and Report: Requires the Secretary, within 9 months of enactment, to examine the implementation of the hazardous materials safety permit program. In doing so, the Secretary is required to consult with CVSA, among others. A report is due 1 year after enactment on implementation of the hazardous materials safety permit program.

Sec. 9016 – permits the Secretary enter into agreements to work with State enforcement personnel with information and training relating to the uniform enforcement of the regulations governing the transportation of hazardous material

SEC. 9022. WETLINES.

- Requires the Secretary to ‘enter into an arrangement with an objective non-profit organization to conduct a peer-reviewed study of the transportation of flammable liquids in the external product piping of cargo tank motor vehicles (commonly referred to as “wetlines”).
- Sets requirements for the study.
- Study due not later than 1 year after enactment
- Prohibits the Secretary from issuing a final rule regulating on the matter until the study is completed

Sec. 9023. Product Study - Requires the Secretary to conduct a study on whether it is necessary to continue designating products containing ethyl alcohol as a hazardous material