

S. 1732, The Comprehensive Transportation and Consumer Protection Act of 2015

The Worst of the Worst

Section 2002: Safety Improvement Metrics

Requires the Federal Motor Carrier Safety Administration (FMCSA) provide public recognition to motor carriers that adopt safety practices beyond what is required by current regulations as part of the Compliance, Safety, Accountability (CSA) program data scores. While not allowing the public to see the CSA motor carrier safety ratings, the bill would give formal recognition to motor carriers that in some respects exceed regulatory requirements.

Section 2003: Data Certification

Requires FMCSA to remove CSA program data alerts, scores and percentiles from public view until report and corrective plan is completed as required under the Correlation Study in Section 2001 of the bill. The provision prohibits FMCSA from posting the safety scores and rankings developed under the CSA program. It prevents companies with higher performance ratings from receiving credit for doing things right. It also deprives the public from learning important safety information about motorcoach companies and seeing comparative ratings of all motor carriers. The Defense Department relies on the CSA data.

Section 2005: Accident Report Information

Permits FMCSA to make determinations as to fault for multi-vehicle crashes. Motor carriers and drivers get to pick which crashes to challenge. Challenges will be done soon after the crash based on the Police Accident Report of the crash which is often incomplete or incorrect. If the motor carrier is not found to be at fault, the information would be removed from the CSA database. This ad hoc administrative decision based on limited information about a crash makes federal agency personnel judge and jury, and usurps role of civil juries in determining crash fault.

Section 2102: National Hiring Standards for Motor Carriers

Insulates shippers, brokers, household goods freight forwarders, warehouses and other freight consigners from being held liable for negligent selection of a motor carrier so long as motor carrier has minimum insurance and a satisfactory safety rating, which are the most basic requirements to legally operate a truck.

Section 2201: Minimum Insurance Levels

Prohibits the Department of Transportation (DOT) from conducting a rulemaking to increase the minimum insurance levels for motor carriers, set 30 years ago, unless DOT determines that a significant number of crashes are not covered by the current minimum requirements.

Section 2202: Petitions for Regulatory Relief from Hours of Service Regulations

Permits class action exemptions from hours of service (HOS) requirements brought by any motor carrier on behalf of class or group of motor carriers and permits 5 year renewable exemptions and permanent exemptions from HOS rules.

Section 2305: Regulatory Reform

Drastically skews rulemaking process in favor industry and includes unnecessary and wasteful burdens and roadblocks to rulemaking at the expense of FMCSA fulfilling its role as a robust regulatory agency with public safety as its highest priority.

Section 2402: Additional State Authority to Allow LCVs

Violates 1991 Longer Combination Vehicle (LCV) Freeze by permitting all states to expand grandfathered LCV routes by up to an additional 5% of centerline miles allowed under The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) law.

Section 2403: Teen Truck Drivers

Six year pilot program to allow drivers 18-21 to operate a truck in interstate commerce. Allows for up to six state compacts between contiguous states with no limit on the number of states in each compact. This is a cynical attempt to increase the available of commercial drivers by allowing inexperienced teens to drive trucks. 18-20 year old truck drivers are allowed to operate trucks within each state and they have crash rates that are 4-6 times higher than older truck drivers.

Section 2505: Authorization of Appropriations

Adds new subsection 31110(c) that authorizes a Motor Carrier Safety Facility Working Capital Fund to use federal tax dollars to pay for motor carrier modernization, construction, leases and expenses for vacating, occupying, maintaining, expanding “safety” facilities and associated activities. Provides federal tax funds to subsidize unspecified and vague capital expenses of motor carriers.

Section 4103: Alcohol Ignition Interlock State Grants

Allows 24/7 sobriety program as a qualifying criterion under the ignition interlock incentive grant program.

Section 4122: Grant Restriction

Prohibits use of federal funds for motorcycle helmet enforcement checkpoints.

Section 4203: Improvements in Availability of Recall Information

While providing for more study of consumer information and the National Highway Traffic Safety Administration (NHTSA) programs and guidance, the bill fails to provide for actions that would actually improve the public availability of vehicle safety recall information beyond current requirements.

Section 4205: Pilot Program for State Notification to Consumers of Motor Vehicle Recall Status

While establishing pilot program for state notification of owners with vehicles subject to a safety recall, the bill does not advance a measure to require the owners to get the safety problem repaired.

Section 4210: Motor Vehicle Equipment

Deprives NHTSA of jurisdiction over distracting portable communications devices that distract drivers while operating a motor vehicle. This prevents the agency from acting to protect public safety, and could call into question agency regulations regarding use of devices to call, text, watch videos while driving or prevent hackers from interfering with vehicle computers and software.

Anti-Safety Amendments Added to Bill During Markup

Blunt 1: Hours of Service for Bus Drivers

Prohibits Secretary of Transportation from revising Hours of Service (HOS) regulations for bus drivers until DOT completes unnecessary and burdensome study.

Incremental Advances - Amendments Added During Markup

Ayotte 1: Increases Public Awareness of Drugged Driving

Requires NHTSA in consultation with the White House Office of National Drug Policy, Secretary of Health & Human Services, State Highway Safety Offices and others chosen by the DOT Secretary to increase awareness of drug-impaired driving.

Gardner/Markey 1: Tire Pressure Monitoring Systems

Requires DOT to issue rule to update standards pertaining to tire pressure monitoring systems to ensure the system cannot be overridden, reset or recalibrated to an unsafe pressure level.

Klobuchar 2: Distracted Driving State Grant Program

Reforms the requirements for the distracted driving state grant program enacted in the Moving Ahead for Progress in the 21st Century Act (MAP-21) in 2012. These revisions will likely lead to more states qualifying for the grant program while ensuring that the program continues to serve as a true incentive for states to enact more effective statutes.

Klobuchar 3: Graduated Driver Licensing (GDL) State Grant Program

Will revise the GDL state grant program enacted in MAP-21 so that more states will likely qualify for the program and continue to encourage states to enact more effective GDL laws.

McCaskill 1: Raechel and Jacqueline Houck Safe Rental Car Act of 2015

Prohibits a rental car with an open recall from being given to a consumer.

Markey 7: GAO Review of School Bus Safety

Requires U.S. Government Accountability Office (GAO) to issue to Congress a report on school bus safety.

Schatz, Heller, Markey, Udall: Non-Motorized User Safety

DOT shall establish standards to ensure that Federal surface transportation projects take into consideration the needs of motorized and non-motorized users.

Wicker 3: Collection of Data For Crashes Involving Child Restraint Systems

NHTSA must collect data involving the type of child restraint systems used during crashes.