



SAFETY-RELATED PROVISIONS IN SAFETEA 2005 Section-By-Section Analysis

Title I. Motor Carrier Safety

Motor Carriers

- Sec. 104: High Risk Carrier Compliance Reviews
- Sec. 105: Overdue Reports, Studies, and Rulemakings
- Sec. 106: Amendments to the Listed Reports, Studies, and Rulemaking Proceedings
- Sec. 107: Motor Carrier Safety Grants (MCSAP)
- Sec. 109: Penalty for Denial of Access to Records
- Sec. 110: Medical Program
- Sec. 111: Operation of Commercial Motor Vehicles by Individuals Who Use Insulin To Treat Diabetes Mellitus
- Sec. 112: Financial Responsibility for Private Motor Carriers
- Sec. 113: Increased Penalties for Out-of-Service Violations and False Records
- Sec. 114: Intrastate Operations of Interstate Motor Carriers
- Sec. 115: Authority to Stop Commercial Motor Vehicles
- Sec. 116: Revocation of Operating Authority
- Sec. 117: Pattern of Safety Violations by Motor Carrier Management
- Sec. 118: Motor Carrier Research and Technology Program
- Sec. 120: Performance and Registration Information System Management
- Sec. 121: Commercial Vehicle Information Systems and Networks (CVISN) Deployment
- Sec. 122: Outreach and Education
- Sec. 123: Foreign Commercial Motor Vehicles
- Sec. 124: Pre-Employment Safety Screening
- Sec. 126: Decals
- Sec. 127: Roadability
- Sec. 128: Motor Carrier Regulations (Exemptions)

Commercial Driver Licenses

- Sec. 151: CDL Task Force
- Sec. 152: CDL Learner's Permit Program
- Sec. 153: Grants to States for CDL Improvements
- Sec. 154: Modernization of CDL Information System

Title II. Highway and Vehicular Safety

Highway Safety Grant Program

- Sec. 212: Authorization of Appropriations
- Sec. 213: Highway Safety Programs
- Sec. 214: Highway Safety Research and Outreach
- Sec. 216: Occupant Protection Grants
- Sec. 217: Older Driver Safety; Law Enforcement Training
- Sec. 218: Emergency Medical Services
- Sec. 220: Impaired Driving Program
- Sec. 221: State Traffic Safety Information System Improvements
- Sec. 222: NHTSA Accountability
- Sec. 223: Grants for Improving Child Passenger Booster Seat Safety Programs
- Sec. 224: Motorcyclist Safety Training and Motorist Awareness Programs

Specific Vehicle Safety-Related Rulings

- Sec. 251: Vehicle Rollover Prevention and Crash Mitigation
- Sec. 252: Side-Impact Crash Protection Rulemaking
- Sec. 253: Tire Research
- Sec. 254: Vehicle Backover Avoidance Technology Study
- Sec. 255: Vehicle Backover Data Collection
- Sec. 256: Safety Belt Use Reminders
- Sec. 257: Amendment of Automobile Information Disclosure Act
- Sec. 258: Power Window Switches
- Sec. 259: 15-Passenger Van Safety
- Sec. 260: Authorization of Appropriations

TITLE I – Motor Carrier Safety

MOTOR CARRIERS

Sec. 104 – High Risk Carrier Compliance Reviews

- Requires the Secretary to ensure that compliance reviews are completed on motor carriers posing highest safety risk.
- Compliance reviews shall be conducted when a motor carrier is rated category A or B for two consecutive months.

Sec. 105 – Required Completion of Overdue Reports, Studies, and Rulemakings

- Requires the Federal Motor Carrier Safety Administration (FMCSA) to transmit a schedule to Congress in 6 months for completing delayed rulemaking actions, studies, reports, and pilot programs;
- Requires a progress report sent to Congress every 6 months on completion schedule, with the Office of the Inspector General for the U.S. Department of Transportation charged with making a determination of whether the schedule is being met;
- Requires a report to Congress 12 months after enactment on the status of other uncompleted projects.

Sec. 106 – Amendments to the Listed Reports, Studies, and Rulemaking Proceedings

- In addition to the foregoing requirements for completing unfinished actions, the Secretary is required to change the exit safety audit for new motor carrier entrants to a compliance review, with penalties applied for violations;
- Requires that all Federal Motor Carrier Safety Regulations apply to interstate operations of commercial motor vehicles designed to transport between 9 and 15 passengers regardless of the distance traveled.

Sec. 107 – Motor Carrier Safety Grants (MCSAP)

Amends Motor Carrier Safety Assistance Program (MCSAP) to make changes including:

- Increases border enforcement grant amounts to upgrade border motor carrier safety and security inspection and interdiction;
- Provides that States will enforce registration requirements by suspending the operation of any vehicle discovered to be operating without registration or beyond the scope of its registration;
- Provides additional discretionary funds to states and local governments to conduct high priority safety activities such as public education actions and demonstration of new safety technologies;
- Provides funds for modernization of the Commercial Driver Licensing Information System;
- Provides new entrant safety audit funds to the states (\$29M), but authorizes Secretary to withhold such funds from any state or local government unable to use personnel to conduct new entrant audits and instead to apply the funds to conduct additional safety audits of all motor carriers;
- Provides funds to enforce size and weight limitations at locations other than fixed weigh scales, controlled substances violations, and non-commercial motor vehicle violations.

Sec. 109 – Penalty for Denial of Access to Records

Adds a new penalty sanctioning any members of the motor carrier supply chain (motor carriers, brokers, freight forwarders) for refusal to provide FMCSA access to records, equipment, lands, buildings, or other property in connection with enforcement investigations.

Sec. 110 – Medical Program

Requires major improvements in FMCSA administration of the approval and oversight process for physical and medical qualifications of CDL applicants and current license holders:

- Establishes a Medical Review Board advisory committee;
- Requires a Chief Medical Examiner as a permanent officer of the agency;
- Requires FMCSA to adopt new, revised medical standards for CDL holders;
- Requires a national registry of certified health care providers to perform CDL-related medical examinations.

Sec. 111 – Operation of Commercial Motor Vehicles by Individuals Who Use Insulin To Treat Diabetes Mellitus

- Directs the Secretary to issue a rule to provide for individual assessments of CDL applicants who use insulin to treat diabetes;
- Statutorily exempts diabetic drivers from current medical requirements and from need to make application to FMCSA exemption diabetes exemption program;
- The rule may require CDL applicants with diabetes to have used insulin for a minimum period of time and to demonstrate stable control of their diabetes;
- Individuals using insulin may not be held to a higher standard than other commercial drivers except to a limited extent involving medical monitoring.

Sec. 112 – Financial Responsibility for Private Motor Carriers

Directs the Secretary to prescribe regulations requiring minimum levels of financial responsibility for liability awards against private motor carriers of passengers and of property, including required filing of such information with the Secretary.

Sec. 113 – Increased Penalties for Out-Of-Service Violations and False Records

Increases financial penalties for motor carriers that fail to produce required records, produce false records, or violate Out-Of-Service orders for vehicles or drivers.

Sec. 114 – Intrastate Operations of Interstate Motor Carriers

Requires the Secretary to prohibit a carrier from operating in interstate commerce when any state receiving MCSAP funds determines that the motor carrier is unfit for, and prohibited from, operating intrastate.

Sec. 115 – Authority to Stop Commercial Motor Vehicles

Requires motor carriers to stop and submit to inspection at any time by the FMCSA on penalty of fine or imprisonment, or both.

Sec. 116 – Revocation of Operating Authority

- Extends FMCSA jurisdiction to other members of the motor carrier supply chain, including brokers and freight forwarders, for violations of FMCSA orders and regulations;
- Permits the FMCSA to revoke the registration of any motor carrier that fails to comply with safety fitness requirements.

Sec. 117 – Pattern of Safety Violations by Motor Carrier Management

Authorizes FMCSA to suspend, amend, or revoke any part of a motor carrier's registration for operating authority if an officer of any motor carrier avoids regulatory compliance or conceals noncompliance.

Sec. 118 – Motor Carrier Research and Technology Program

- Establishes a broad research and technology enhancement program to be conducted by the Secretary that includes methods of reducing the number and severity of crashes, testing of promising technologies for achieving crash reductions, and training and education of commercial motor vehicle safety personnel;
- The research and testing effort may be carried out in cooperation with state, local, and foreign governments and with non-governmental organizations.

Sec. 120 – Performance and Registration Information System Management

- Requires linkage of federal motor carrier safety information systems with state registration and licensing systems for rapid determination of carrier safety fitness and of actions to deny, suspend, or revoke commercial motor vehicle registrations;
- Provides for Secretarial grants to states to implement performance and registration system management requirements.

Sec. 121 – Commercial Vehicle Information Systems and Networks Deployment

- Provides for Commercial Vehicle Information Systems and Networks (CVISN) program grants to the states to improve commercial motor vehicle and driver safety by advancing the technological capability and deployment of interoperable intelligent transportation system applications to commercial motor vehicles operations, and by enhancing motor carrier regulatory compliance;
- Funds the creation and maintenance of a safety information exchange to electronically collect and transmit vehicle and driver inspection data from inspection locations;
- Funds state capability to conduct roadside electronic screening of transponder-equipped commercial motor vehicles.

Sec. 122 – Outreach and Education

- Assigns joint responsibility for truck safety education efforts –including the “Share the Road” initiative – to both FMCSA and NHTSA, and awards 75% of the funding for administering those efforts to NHTSA;
- Requires Government Accountability Office to evaluate and determine whether the reauthorized program has actually reduced the number of crashes, deaths, and the severity of injuries, and to report to Congress its findings by June 30, 2006;

Sec. 123 – Foreign Commercial Motor Vehicles

- Requires FMCSA to provide training and outreach to State personnel enforcing federal safety regulations, and directs DOT Inspector General to periodically assess effectiveness of such training;
- Directs the FMCSA to conduct a review to determine degree to which Canadian and Mexican commercial vehicles, including buses, comply with the Federal Motor Vehicle Safety Standards, and report findings to Congress within one year after enactment. DOT Inspector General shall provide comments and observations on the FMCSA review within 4 months after the review is submitted.

Sec. 124 – Pre-Employment Safety Screening

- Directs the Secretary to provide motor carrier companies with access to commercial motor vehicle crash reports, inspection reports not containing driver safety violations, and serious driver-related safety violation inspection reports in the Motor Carrier Safety Management Information System;
- Use of this information is voluntary, not required, and may be used only for pre-employment screening purposes;
- Directs the Secretary to ensure that information made available meets the requirements of the Fair Credit Reporting Act and other applicable federal laws, that drivers provide written consent prior to granting motor carriers access to driver information, that unauthorized access is not provided, and that a process is adopted for drivers to correct misinformation of a record.

Sec. 126 – Decals

The Commercial Vehicle Safety Alliance (CVSA) is prohibited from restricting the sale of any motor carrier inspection decals to the FMCSA unless the Administrator of the agency fails to meet its responsibilities pursuant to a memorandum of understanding between CVSA and FMCSA.

Sec. 127 – Roadability

- Secretary is directed to issue regulations to ensure that intermodal equipment for transporting containers is safe and maintained;
- Requires such regulations to contain unique number identification of all intermodal equipment and its linkage to each intermodal equipment provider;
- Requires a system of maintenance and repair records for intermodal equipment provided by each intermodal provider;
- Requires inspections based on a list of components before equipment is operated over the road;
- Requires a program for audit of compliance by intermodal equipment providers with federal safety regulations;
- Requires new civil penalties for intermodal equipment providers failing to achieve satisfactory compliance with such regulations;
- Prohibits providers from placing equipment on public roads if equipment poses an imminent hazard;
- Requires a process for requesting investigations of provider, motor carriers, and equipment;
- Requires drivers to report damage or defects in equipment, and that such identified damage or defects are documented in maintenance records;
- Requires a process for correcting motor carrier, driver, and intermodal equipment provider safety records;
- Provides for federal authority to inspect any intermodal equipment and records;
- Provides that equipment that is unrepaired shall be taken out of service until repairs are effected;
- Conflicting State laws are pre-empted, unless Secretary deems the State requirement to be as effective as the federal requirement.

Sec. 128 – Motor Carrier Regulations

- Federal hours of service limits on maximum driving and on-duty time are exempted for drivers of motor carriers transporting agricultural commodities and farm supplies during planting and harvesting season if such transportation is limited to 100 air miles radius from commodities source or farm supply distribution point;
- Definition of ‘agricultural commodity’ is expanded to include non-processed food, feed, fiber, livestock, and insects;
- Definition of ‘farm supplies’ means products directly related to growing or harvesting agricultural commodities during planting and harvesting season, as well as livestock feed at any time of the year;
- Also provides that drivers of property or passengers to or from theatrical or movie production sites within a 100 airmile radius of the drivers normal work reporting location shall have maximum daily hours of service determined by the hours of service regulation in effect on April 27, 2003;
- Also provides that federal hours of service regulations are inapplicable to drivers of utility service vehicles, and, further, that the States are prohibited from enacting or enforcing any laws or regulations that are similar to such regulations.

COMMERCIAL DRIVER LICENSES

Sec. 151 – CDL Task Force

Requires the federal government to form a working group, including requiring membership of safety advocates, to study and address current problems with the CDL program.

Sec. 152 – CDL Learner’s Permit Program

Adds new requirements that increase the stringency of testing an applicant for a learner’s permit to operate a commercial motor vehicle.

Sec. 153 – Grants to States for Commercial Driver’s License Improvements

- Secretary may make grants to any State to improve its CDL program;
- Secretary may make additional, high-priority grants to a State agency, local government, or organization representing government agencies or officials for a wide variety of actions and projects on the CDL and motor carrier safety.

Sec. 154 – Modernization of CDL Information System

- Secretary is directed to establish a separate information system modernization account, and fees collected in excess of costs shall be credited to that account;
- Funds are to be devoted to implementing a modernization plan that the Secretary is directed to develop which provides for electronic exchange of all information, including driver convictions, and for integrating the CDL with the federal medical certificate;
- Secretary shall set a date for all States to convert to the new, electronic information system;
- U.S. DOT Inspector General is directed to perform a baseline audit of the new information system showing how well the system meets legislated goals, with any recommendations for improvements on a State-by-State identified basis.

TITLE II – Highway and Vehicular Safety

HIGHWAY SAFETY GRANT PROGRAMS

Sec. 212 – Authorization of Appropriations

Provides total authorizations fiscal years 2006-2009 in amounts as follows:

<u>Program</u>	<u>Amounts in Thousands (000)</u>				
	<u>FY2006</u>	<u>FY2007</u>	<u>FY2008</u>	<u>FY2009</u>	<u>TOTAL</u>
Highway Safety Programs (§402)	222,732	223,791	236,088	241,418	924,029
Highway Safety Research/Outreach (§403)	141,852	142,323	141,560	141,952	567,687
Occupant Protection Programs (§405)	154,295	154,420	154,133	153,615	616,463
Older Driver/Law Enforcement/Motorcycle	7,400	7,400	7,400	7,400	29,600
Emergency Medical Services (§407A)	5,000	5,000	5,000	5,000	20,000
Impaired Driving Program (§410)	115,721	129,065	134,819	147,615	527,220
Traffic Safety Information Systems (§412)	45,000	45,000	45,000	45,000	180,000

Sec. 213 – Highway Safety Programs

Makes minor amendments to Sec. 402 programs by adding aggressive driving program criterion and by requiring states to adhere to International Association of Chiefs of Police chase guidelines.

Sec. 214 – Highway Safety Research and Outreach Programs

General research authority extended to older driver programs and to evaluate and develop driver education best practices, curricula, and instructor training and certification programs.

Specific research actions required include:

- On-scene motor vehicle collision causation: National Academy of Sciences to review research design of the National Highway Traffic Safety Administration (NHTSA) crash causation study.
- Nationwide traffic safety campaigns: Requires NHTSA to conduct at least 2 high-visibility traffic safety law enforcement campaigns in each year starting in 2006 until 2009; the objectives of the traffic safety campaigns are either to reduce alcohol or drug-impaired driving, or to increase seat belt use, or both; \$24M is authorized annually to fund the campaigns.
- Effects of use of controlled substances: to develop measures to measure impairment and train law enforcement personnel to detect impairment.
- Research on distracted, inattentive and fatigued drivers: not less than 5 demonstration projects to evaluate new and innovative means to combat these problems.
- Study on refusal of intoxication testing: determine frequency of refusals and effect on prosecutions.

Sec. 216 – Occupant Protection Grants

Provides incentive grants to states with primary enforcement seat belt laws or with a 90% seat belt use rate:

- One-time grant to each State that enacts or enacted primary belt law after Dec. 31, 2002, or attains 90% or greater safety belt use rate for 2 immediately preceding calendar years;
- Grant amount is equal to five times (5x) State's FY2003 Sec. 402(c) grant amount;
- Eligibility in each fiscal year requires State primary law be enacted prior to July 1st of that year;
- If grant program funds are insufficient in any year, State receives grant in order in which state law took effect or belt use rate was 90% or more for 2 consecutive calendar years, however any State denied a grant due to lack of funds can receive catch-up grant in following fiscal year;
- If, in any fiscal year, grant funds remain after award of grants to States that enacted primary belt laws after Dec. 31, 2002, then States with primary belt laws enacted and that took effect on or prior to Dec. 31, 2002 (pre-2003) are eligible for grant equal to two and one-half times (2.5x) State's FY2003 Sec. 402(c) grant amount which may be paid in installments over FY2006-2009.

Sec. 217 – Older Driver Safety; Law Enforcement Training.

- Requires Secretary to formulate older driver traffic safety plan to guide conduct of comprehensive research and demonstration program to improve traffic safety pertaining to older drivers. \$2 million is allocated for this purpose in each fiscal year 2006-2009.
- Also requires Secretary to carry out training program for State law enforcement personnel in police chase guidelines issued by International Association of Chiefs of Police. \$200,000 is allocated for this purpose.

Sec. 218 – Emergency Medical Services

Establishes a federal interagency committee on emergency medical services (EMS) to ensure coordination of federal agencies and facilitate improvements in EMS programs nationwide, and requires NHTSA to coordinate a nationwide EMS program to strengthen transportation safety and public health and implement improved EMS communication systems.

Sec. 220 – Impaired Driving Program

Reauthorizes Sec. 410 with new activities including:

- States are eligible to receive grants if they comply with 4 of 6 criteria:
 - High-visibility, statewide checkpoint or saturation patrols;
 - Prosecution and adjudication – state monitors adjudication of impaired driving cases, emphasis placed on prosecution of repeat offenders, and outreach to judges and prosecutors regarding innovative approaches to impaired driving prosecutions;
 - Establishment of state impaired operation information system to track impaired driver cases and dispositions;
 - Improvement in state impaired driving performance, measured by decreased percentage of fatally injured drivers with 0.08 BAC compared to 2 prior years;
 - Self-sustaining impaired driving prevention programs paid for by fines or surcharges collected from violators;
 - Programs with graduated, enhanced sanctions for drivers convicted with BAC of 0.15 or higher;
 - Creation of specialized impaired driving courts.
- Authorizes the 10 states with the highest impaired driving fatality rate in prior calendar year to receive a grant for this status alone, half of which must be expended on the programs described above and after consultation with NHTSA. These states may receive double grant amounts if they also comply with 4 of the program areas.

Sec. 221 – State Traffic Safety Information System Improvements

Authorizes grants to improve state traffic records and data collection accuracy, accessibility, and integration with other data systems.

Sec. 222 – NHTSA Accountability

Requires NHTSA to review state highway safety (Sec. 402) programs to ensure effectiveness:

- NHTSA to review each state program every 3 years and assist states in achieving goals;
- DOT Inspector General to review NHTSA procedures for Sec. 402 management reviews and formulate best practices recommendations.

Sec. 223 – Grants for Improving Child Passenger Safety Programs

- Authorizes a grant program providing \$18M in FY2006 increasing to \$30M in FY2009, to be shared by states with booster seat laws;
- States must spend 50% of grant on enforcement, education or public awareness, and 50% of grant to fund child restraint (booster seats and safety seats) give away programs.

Sec. 224 – Motorcyclist Safety Training and Motorist Awareness Programs

The Secretary:

- shall annually publish list of States with qualifying motorcyclist training and motorist awareness programs and allocate to each such State at least the amount of funding provided in the previous fiscal year but in any event not less than \$100,000;
- and may contract with an organization recommended by, and that represents the interests of State Motorcycle Safety Administrators to review, determine, and disseminate a description of best practices in motorcycle safety training and motorist awareness;
- \$5,200,000 is authorized annually for FY2006-2009.

SPECIFIC VEHICLE SAFETY-RELATED RULINGS

Sec. 251 – Vehicle Rollover Prevention and Crash Mitigation

Requires Secretary to initiate rulemaking proceedings to establish rules or standards for:

- **Rollover prevention:** Establish performance criteria to reduce rollovers consistent with stability enhancing technologies. NPRM by Oct. 1, 2006, final rule by April 1, 2009.
- **Occupant ejection prevention:** Establish performance standard to reduce ejections from outboard seating positions; NPRM by June 30, 2008, final rule by Oct. 1, 2009. Complete upgrade of standard on door locks and door retention components; final rule due 30 months after enactment.
- **Protection of Occupants:** Establish performance criteria to upgrade the roof strength standard for both driver and passenger sides, and consider dynamic tests that duplicate actual forces transmitted to roof in rollover crash. NPRM by Dec. 31, 2005, final rule by July 1, 2008.
- **Deadlines:** If any deadline cannot be met Secretary shall set new deadline and explain reasons for delay to Congress.

Sec. 252 – Side-Impact Crash Protection Rulemaking

Secretary shall complete rulemaking to establish a standard designed to enhance passenger protection in all seating positions in side impact crashes and issue a final rule by July 1, 2008.

Sec. 253 – Tire Research

Secretary shall report to Congress in 2 years on research and recommendations regarding tire aging.

Sec. 254 – Vehicle Backover Avoidance Technology Study

Requires NHTSA to conduct study and report to Congress on methods to reduce death and injuries resulting from vehicles backing into pedestrians, including:

- analysis of backover prevention technology;
- accuracy, effectiveness, cost, and feasibility for installation;
- estimate of cost savings attributable to prevention of injuries, fatalities, and vehicle damage.

Study to be completed within one year from enactment and findings to be reported to Congress.

Sec. 255 – Nontraffic Incident Data Collection (Deaths, Injuries In Non-Traffic, Non-Accident Incidents In and Around Motor Vehicles)

Requires NHTSA to establish a method to collect and maintain data on the number and types of injuries and deaths involving motor vehicles in non-traffic, non-accident incidents and to publish the data biennially.

Sec. 256 – Safety Belt Use Reminders

Amends Sec. 30124 to allow NHTSA to require or permit seat belt interlocks and use of seat belt reminder systems with audible buzzer that lasts longer than 8 seconds. Also requires review of safety belt use technologies, i.e., belt use reminder systems, to consider strategies for achieving high belt use rates and complete study by July 1, 2008.

Sec. 257 – Amendment of Automobile Information Disclosure Act

Requires vehicle window label that includes information about safety ratings assigned and formally published or released by NHTSA as part of the New Car Assessment Program (NCAP) and which:

- provides a graphic depiction that clearly distinguishes the rating awarded each vehicle and the maximum possible safety rating for that vehicle;
- refers to ratings for frontal impact, side impact, and rollover resistance tests if applicable to that vehicle or a statement that the vehicle has not been rated;
- describes the nature and meaning of crash test data; and,
- will be presented in a legible, visible, and prominent fashion.

Sec. 258 – Power Window Switches

Secretary to require light duty vehicles to have power window switches that raise the window only when pulled up or pulled out. Final rule required by April 1, 2007.

Sec. 259 – 15-Passenger Van Safety

- Requires testing of 15-passenger vans as part of New Car Assessment Program (NCAP) rollover resistance program.
- Prohibits, as of the date of enactment, the purchase, rental or lease by a school or school system of a motor vehicle designed or used to transport 15 passengers including the driver that will be used significantly to transport pre-primary, primary, or secondary school students to or from school or a school-related event, unless the vehicle meets the safety standards required for school buses and multifunction school activity buses.

Sec. 260 – Authorization of Appropriations

Authorizations to carry out this subtitle and chapter 301 of title 49 USC is:

FY2006 = \$136,000,000;

FY2007 = \$142,800,000;

FY2008 = \$142,900,000;

FY2009 = \$157,400,000.