

The Senate DRIVE Act, H.R. 22 (Passed Senate on 7/30/15)

The Worst of the Worst

(Sections Listed Numerically)

Section 32002: Safety Improvement Metrics (SIMS)

Needlessly gives motor carriers extra credit in their on-road safety scores for adopting reasonable, common sense safety actions that they should already be undertaking. This section would give extra credit to motor carriers that install any of the following base-line systems: collision mitigation systems, lane departure warnings, speed limiters, electronic logging devices, electronic stability control, critical event recorders, strengthening rear guards and side guards for underride protection, and enhanced driver fitness measures. Requires the Federal Motor Carrier Safety Administration (FMCSA) to provide public recognition to motor carriers that adopt safety practices beyond what is required by current regulations as part of the CSA program data scores.

Section 32003: Data Certification

Deprives the public from learning important safety information and seeing comparative ratings of freight and household goods motor carriers, even though the U.S. Department of Defense transportation division relies on the CSA scores. Prohibits FMCSA from posting for public view the CSA safety scores and rankings, or using such data for making safety fitness determinations, until corrective action taken to address 2014 GAO Report criticism of data sufficiency. Prevents companies with higher performance ratings from receiving additional credit for doing things right. Allows each motor carrier to access the CSA scores, rankings and alerts relevant to the motor carrier and permits agency to use the scores, rankings and alerts for purposes of enforcement and investigation prioritization. Requires FMCSA to remove CSA program data alerts, scores and rankings from public view until report and corrective plan is completed.

Section 32005: Accident Report Information

Permits FMCSA to make determinations as to fault for multi-vehicle crashes. This administrative decision based on limited information about a crash makes federal agency personnel the judge and jury, and usurps the role of civil juries in determining crash fault. 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, and other available crash information. If the motor carrier is not found to be at fault, the crash information would be removed from the CSA database.

Section 32201: Petitions for Exemptions from Hours of Service Regulations

Driver fatigue remains a critical safety issue and this provision ensures it will make an ever increasing problem worse. Permits 5-year exemptions from hours of service (HOS) requirements brought by any motor carrier on behalf of a class of motor carriers; exemptions may be renewed for additional 5 years or be made permanent.

Section 32305: Paralysis by Analysis

These requirements would drastically skew rulemaking process in favor of industry and includes unnecessary, wasteful and burdensome roadblocks to rulemaking at the expense of FMCSA fulfilling its role as a robust regulatory agency with public safety as its highest priority. Imposes additional requirements before FMCSA can take regulatory action by adding data requirements for regulatory impact analyses (RIA) and requiring that all major rules include an advanced notice of proposed rulemaking (ANPRM) stage unless the administrator determines and ANPRM is impractical, unnecessary or contrary to the public interest.

Section 32402: Additional State Authority to Allow LCVs

This provision will result in bigger trucks on American roads degrading our nation's infrastructure and harming public safety. 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 32403: Teen Truck Drivers

This is a cynical attempt to increase the pool of available commercial drivers by allowing inexperienced teens to drive commercial vehicles, both trucks and buses, interstate. Moreover, studies show that teen drivers behind the wheel of a car or a large truck have higher fatal crash rates. Six-year pilot program to allow 18-20 year olds to operate a truck or bus in interstate commerce.

Section 32609: Hours of Service for Bus Drivers

Driver fatigue remains a serious safety issue in the motorcoach industry and this provision will only exacerbate the problem. Prohibits the Secretary of Transportation from revising Hours of Service (HOS) regulations for bus drivers until Department of Transportation (DOT) completes unnecessary and burdensome study even though fatigue is a problem in the motorcoach industry.

Section 34122: Grant Restriction

Provision would result in less motorcycle riders wearing a helmet although Government Accountability Office (GAO) has reported that, "laws requiring all motorcyclists to wear helmets are the only strategy proved to be effective in reducing motorcyclist fatalities." Prohibits the use of federal funds for motorcycle helmet enforcement checkpoints.

Section 34201: Authorization of Appropriations (National Highway Traffic Safety Administration (NHTSA))

Severely underfunds NHTSA at a time when the agency is in need of additional funding to carry out its mission to protect public safety. Today, 95 percent of transportation-related fatalities and 99 percent of transportation injuries occur on our streets and highways and yet, NHTSA receives only one percent of the overall U.S. Department of Transportation (DOT) budget. Provides funding for NHTSA vehicle safety operations at levels well below funding requested by the administration in the GROW AMERICA Act.

Section 34203: Availability of Recall Information

Provision fails to require innovative actions to improve the public availability and access of vehicle safety recall information. Gives NHTSA two years to implement changes to make recall information available to the public but does not require any initiatives to ensure that recall repair rates will increase. Requires NHTSA to promote public awareness of available recall information and to provide guidance for consumers submitting safety complaints. Also requires Comptroller General to study the use of recall information by consumers, dealers and manufacturers and make recommendations. Provision does not require or sponsor any program to actively promote repair of recalled vehicles.

Section 34205: 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 provision does not go beyond providing information to require owners to get the safety problem repaired. DOT to establish 2-year state pilot program, to begin by October of 2016, to provide grants to 6 states to evaluate effectiveness of state DMV notification of open vehicle safety recalls to owners at time of vehicle registration. States are required to report data to DOT 90 days after program concludes. DOT is then required to evaluate the data provided and issue a report.