



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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May 18, 2018

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Highways and Transit
FROM: Staff, Subcommittee on Highways and Transit
RE: Subcommittee Hearing on “FAST Act Implementation: Motor Carrier Provisions”

PURPOSE

The Subcommittee on Highways and Transit will meet on Tuesday, May 22, 2018 at 10:00 a.m. in 2167 Rayburn House Office Building to receive testimony related to “FAST Act Implementation: Motor Carrier Provisions”. The purpose of this hearing is to receive the views of the Administration and motor carrier stakeholders regarding the implementation of various motor carrier provisions passed in the *Fixing America’s Surface Transportation Act* (FAST Act, P.L. 114-94). The Subcommittee will hear from the Federal Motor Carrier Safety Administration (FMCSA) as well as representatives of the bus industry, the Livestock Marketing Association, the Commercial Vehicle Safety Alliance, and the Truck Safety Coalition.

BACKGROUND

On December 4, 2015, the President signed H.R. 22, the FAST Act into law. Title V of the FAST Act reauthorizes the programs of the FMCSA through fiscal year 2020. It also required 20 rulemaking actions with respect to motor carrier safety, of which FMCSA has completed 14 of these required actions.

Improves Motor Carrier Safety

The FAST Act increases funding for and consolidates FMCSA grant programs, which support states’ efforts to improve commercial motor vehicle safety, regulate the qualifications of commercial drivers, and assess the fitness of motor carriers to operate in interstate commerce. The FAST Act streamlines grant program requirements to reduce administrative cost and regulatory burdens on the states.

The FAST Act incentivizes the adoption of innovative truck and bus safety technologies by authorizing FMCSA to give credit or improved safety scores to motor carriers that utilize

such technologies, and accelerates the implementation of safety regulations required by law. It also authorizes hair testing as a method to detect the use of drugs and alcohol by commercial motor vehicle drivers, but only after the U.S. Department of Health and Human Services establishes federal standards for hair testing.

The FAST Act also requires the Secretary of Transportation to establish a process to collect data on the causes of delays in goods movement, which impacts driver detention, and requires the U.S. Department of Transportation Inspector General (IG) to provide recommendations to Congress on ways to mitigate such delays.

Reform of the Compliance, Safety, and Accountability Program

The FMCSA primarily relies on the Compliance, Safety, Accountability (CSA) program to track unsafe truck and bus companies and prioritize them for enforcement. The FAST Act requires a thorough review and reform of the program, to ensure that CSA analysis is reliable for the public and for enforcement purposes. Specifically, the FAST Act requires the FMCSA Administrator to commission the National Academies of Sciences, Engineering, and Medicine (NAS) to study the CSA program, analyze its methodologies, evaluate the sufficiency of its data, and review concerns raised by the Government Accountability Office and the IG. The NAS report was released on June 27, 2017, a copy of which can be found [here](#).

The FAST Act requires the FMCSA Administrator to develop a corrective action plan based on the report and to submit that plan to Congress and the IG. The deadline for submission was October 25, 2017. To date, Congress has not received the plan.

The IG is required to review the corrective action plan and certify that it is responsive to the report's findings. Until the IG can make such certification, the FMCSA is required to remove the CSA scores from public view. Enforcement and inspection data reported by states and enforcement agencies will remain available for public view.

Regulatory Reforms

The FAST Act reforms the regulatory process by requiring FMCSA to use the best available science and data on various segments of the motor carrier industry when developing rulemakings, and by establishing a process under which the public or the industry can petition FMCSA to revise or repeal regulations if they are no longer current, consistent, and uniformly enforced. It further requires FMCSA to review its regulatory guidance and enforcement policies every five years to determine if they need to be updated or eliminated. The FAST Act extends the duration of administrative exemptions from Federal Motor Carrier Safety Regulations from two to five years, provides a mechanism for their renewal, and establishes a process for applicants to submit revised applications for exemptions if they are denied initially by FMCSA.

Provides Opportunities for Veterans

The FAST Act awards grant priority to programs that train veterans for careers in the motor carrier industry and reduces regulatory barriers faced by veterans seeking employment as commercial truck and bus drivers. It also eases the medical certification process for veterans that

drive commercial motor vehicles by enabling medical professionals at the U.S. Department of Veterans Affairs medical facilities to issue medical certificates to such veterans.¹ Finally, the FAST Act establishes a pilot program for veterans and reserve members younger than 21 years of age and who received training during their service in the military to drive certain commercial motor vehicles in interstate commerce.

WITNESS LIST

Panel I

The Honorable Ray Martinez
Administrator
Federal Motor Carrier Safety Administration

Panel II

Mr. Dale Krapf
Chairman
Krapf Transportation

Mr. Mike VanMaanen
Owner
Eastern Missouri Commission Company
on behalf of Livestock Marketing Association

Captain Christopher Turner
President
Commercial Vehicle Safety Alliance

Ms. Jennifer Tierney
Board Member
Citizens for Reliable and Safe Highways
on behalf of Truck Safety Coalition

¹ P.L. 115-105 expanded this to include other medical professionals, not just physicians.