

TransComply

Helping motor carriers cope with regulations, safety and contracts

Comparison of House and Senate motor carrier legislation

Surface Transportation Reauthorization and Reform Act (STRRA) and the Developing a Reliable and Innovative Vision for the Economy Act (DRIVE Act) as approved Nov. 5, 2015 by the House and July 30, 2015 by the Senate, respectively

Miscellaneous

[Vehicle weight limitations—interstate system](#)

[Regulation of motor carriers of property](#)

[Program to assist veterans to acquire commercial driver's licenses](#)

[Exemptions from requirements for certain welding trucks used in the pipeline industry](#)

[Waiver](#)

[Federal authority](#)

Motor carrier safety grant consolidation

[Grants to states](#)

[Performance and registration information systems management](#)

[Authorization of appropriations](#)

[Commercial driver's license program implementation](#)

[Extension of Federal Motor Carrier Safety Programs for fiscal year 2016](#)

[Motor Carrier Safety Assistance Program allocation](#)

[Maintenance of effort calculation](#)

FMCSA reform

Part I: Regulatory reform

[Notice of cancellation of insurance](#)

[Regulations](#)

[Guidance](#)

[Petitions](#)

[Petitions for regulatory relief](#)

[Inspector standards](#)

Part II: CSA reform

[Correlation study](#)

[Beyond compliance](#)

[Data certification](#)

[Data improvement](#)

[Interim hiring standard](#)

[Accident report information](#)

[Post-accident report review](#)

[Recognizing excellence in safety](#)

[High-risk carrier reviews](#)

Commercial motor vehicle safety

[Implementing safety requirements](#)

[Windshield mounted safety technology](#)

[Prioritizing statutory rulemakings](#)

[Safety reporting system](#)

[New entrant safety review program](#)

[Ready mixed concrete trucks](#)

Commercial motor vehicle drivers

[Opportunities for veterans](#)

[Drug-free commercial drivers](#)

[Certified medical examiners](#)

[Graduated commercial driver's license pilot program](#)

[Veterans expanded trucking opportunities](#)

General Provisions

[Minimum financial responsibility](#)

[Delays in goods movement](#)

[Report on motor carrier financial responsibility](#)

[Emergency route working group](#)

[Household goods consumer protection working group](#)

[Technology improvements](#)

[Notification regarding motor carrier registration](#)

[Report on commercial driver's license skills test delays](#)

[Covered farm vehicles](#)

[Operators of hi-rail vehicles](#)

[Electronic logging device requirements](#)

[Technical corrections](#)

[Automobile transporter](#)

[Ready mix concrete delivery vehicles](#)

[Additional state authority](#)

[Study on commercial motor vehicle driver commuting](#)

[Interstate van operations](#)

[Report on design and implementation of wireless roadside inspection systems](#)

[Motorcoach hours of service study](#)

[GAO review of school bus safety](#)

[Safety study regarding double-decker motorcoaches](#)

[Transportation of construction materials and equipment](#)

[Commercial delivery of light- and medium-duty trailers](#)

Hazardous materials transportation – Motor carrier-specific provisions

[Wetlines](#)

[Motor carrier safety permits](#)

[Endorsements](#)

Miscellaneous

Vehicle weight limitations – interstate system

STRRA: Section 1425 exempts commercial tow trucks from federal weight limits during the time such trucks tow disabled vehicles to a repair facility.

DRIVE Act: No provision

Regulation of motor carriers of property

STRRA: Section 1439 restores the ability of state and local governments to regulate tow truck operations.

DRIVE Act: No provision

Program to assist veterans to acquire commercial driver's licenses

STRRA: Section 1441 requires DOT in cooperation with DOD to fully implement the recommendations of a report mandated by section 32308 of MAP-21.

DRIVE Act: No provision

Exemptions from requirements for certain welding trucks used in the pipeline industry

STRRA: Section 1444 exempts from federal motor carrier regulations pick-up style trucks owned by welders that are equipped with welding rigs used in the construction or maintenance of pipelines and has a gross combination weight rating and weight of 15,000 pounds or less.

DRIVE Act: No provision

Waiver

STRRA: Section 1445 permits “covered logging vehicles” - which are considered raw or unfinished forest products including logs, pulpwood, biomass, or wood chips - that have a gross vehicle weight of no more than 99,000 pounds and has no less than six-axles to operate on a 24.152 mile segment of I-35 in Minnesota.

DRIVE Act: No provision

Federal authority

STRRA: Section 1446 clarifies the intent of Congress and ensure the motor carrier industry can operate under one standard when engaging in commerce and preempts state regulation of meal and rest breaks. The provision also prohibits state and local governments from requiring carriers paying employees on a piece-rate basis from paying separate or additional compensation provided that the total pay divided by total hours worked is at least equal to minimum wage.

DRIVE Act: No provision

Motor carrier safety grant consolidation

Grants to states

STRRA: Section 5101 consolidates nine existing FMCSA grant programs into four and streamlines program requirements to reduce administrative costs and improve flexibility for states. The section also:

- Makes several reforms to grant programs, including awarding priority to programs that train veterans and incentivizing the adoption of innovative truck and bus safety technologies

- Authorizes funds for the consolidated grant programs for fiscal years 2017 through 2021 at levels consistent with the CBO's baseline projections for the Highway Trust Fund
- Requires that states grant maximum reciprocity for inspections conducted using a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles.

DRIVE Act: Similar provision (Section 32502)

Performance and registration information systems management

STRRA: Section 5102 makes a conforming amendment to section 31106(b) of title 49, United States Code.

DRIVE Act: Same provision (Section 32504)

Authorization of appropriations

STRRA: Section 5103 authorizes FMCSA's administrative expenses for fiscal years 2016 through 2021 at fiscal year 2015 enacted levels.

DRIVE Act: Similar provision but provides for annual increases in funding authorization (Section 35205)

Commercial driver's license program implementation

STRRA: Section 5104 directs more of the available funding for implementing federal standards for commercial driver's licenses to the states by eliminating the set-aside for emerging and national issues related to commercial drivers licensing.

DRIVE Act: Same provision (Section 32506)

Extension of Federal Motor Carrier Safety Programs for fiscal year 2016

STRRA: Section 5105 authorizes fiscal year 2016 funding for FMCSA grant programs as these programs currently exist.

DRIVE Act: Similar provision but with different funding authorizations (Section 32507)

Motor Carrier Safety Assistance Program allocation

STRRA: Section 5106 establishes a temporary working group of outside experts to advise the Secretary in the development of a new allocation formula for the Motor Carrier Safety Assistance Program.

DRIVE Act: Essentially the same provision (Section 32508)

Maintenance of effort calculation

STRRA: Section 5107 establishes an interim maintenance of effort calculation for the fiscal years prior to the implementation of a new Motor Carrier Safety Assistance Program allocation formula and authorizes a modified maintenance of effort calculation once a new allocation formula is implemented.

DRIVE Act: Essentially the same provision (Section 32509)

FMCSA reform

Part I: Regulatory reform

Notice of cancellation of insurance

STRRA: Section 5201 authorizes the Secretary to suspend, in lieu of revoking, the operating authority of motor carriers during temporary lapses in insurance coverage.

DRIVE Act: Same provision (Section 32603)

Regulations

STRRA: Section 5202 makes several reforms to the process FMCSA must follow when developing new motor carrier regulations to improve transparency and accountability. It also requires FMCSA to revise or repeal regulations every five years if they are no longer current, consistent, and uniformly enforced.

DRIVE Act: Similar provision (Section 32305) related to regulatory impact analyses but no provision requiring a review of regulations every five years

Guidance

STRRA: Section 5203 reforms the process FMCSA uses to issue regulatory guidance and enforcement policies. It requires FMCSA to ensure guidance and enforcement policies are publicly accessible, regularly reviewed to ensure consistency and relevancy, and incorporated into regulations whenever possible.

DRIVE Act: Essentially the same provision (Section 32303)

Petitions

STRRA: Section 5204 reforms the process FMCSA uses when considering petitions for regulatory actions. FMCSA to make the petitions publicly accessible and sets a deadline for the agency to formally respond.

DRIVE Act: Same provision (Section 32304)

Petitions for regulatory relief

STRRA: No provision

DRIVE Act: Section 32201 requires FMCSA to establish procedures for the application and review of exemptions from any provision of the hours-of-service regulations for a class or group of motor carriers. It also requires that exemptions generally be valid for five years and makes permanent the following HOS exemptions:

- Department of Defense Military Surface Deployment and Distribution Command transport of weapons, munitions, and sensitive classified cargo as published in the Federal Register Volume 80 on April 16, 2015
- Department of Energy transport of security-sensitive radioactive materials (June 22, 2015)
- Motor carriers that transport hazardous materials shipments requiring security plans under regulations of the Pipeline and Hazardous Materials Safety Administration (May 1, 2015)
- Perishable construction products (April 2, 2015)
- Passenger vehicle record of duty status change (June 4, 2015)
- Transport of commercial bee hives (June 19, 2015)
- Specialized carriers and drivers responsible for transporting loads requiring special permits (June 18, 2015)
- Safe transport of livestock (June 12, 2015)

Inspector standards

STRRA: No provision

DRIVE Act: Section 32202 requires FMCSA to incorporate into Part 385 regulations by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.

Part II: CSA reform

Correlation study

STRRA: Section 5221 requires the Administrator of the FMCSA to commission the National Academies to conduct a study on ways to improve the CSA program and report to Congress and the DOT Inspector

General (IG) on the study's findings. The section also requires FMCSA to provide a corrective action plan to Congress describing the improvements that will be made to the CSA program. The DOT IG is required to review the corrective action plan to ensure it responds to the study's findings.

DRIVE Act: Same provision (Section 32001)

Beyond compliance

STRRA: Section 5222 authorizes FMCSA to use the calculation of safety scores to incentivize motor carrier to install the latest safety technology on trucks and buses, adopt enhanced driver safety measures, implement safety management programs, and undertake other safety activities.

DRIVE Act: Similar but more detailed and specific provision (Section 32002)

Data certification

STRRA: Section 5223 prohibits the publication of CSA program scores and certain other data until the Inspector General certifies that the corrective action plan under section 5221 and improvements to the CSA program are implemented.

DRIVE Act: Similar provision (Section 32003) with a couple of notable exceptions. The DRIVE Act:

- Allows the continuation of public display of CSA data on motorcoach operators online provided there is a notation indicating that the ratings or alerts listed are not intended to imply any federal safety rating of the carrier.
- Requires that if FMCSA continues to display inspection and violation information, it must include the following notation:

“Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation's roadways.”

Data improvement

STRRA: No provision

DRIVE Act: Section 32004 requires FMCSA to develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program.

Interim hiring standard

STRRA: Section 5224 adopts a hiring standard that provides limited liability relief to shippers and brokers that hire motor carriers with satisfactory safety ratings from the FMCSA.

DRIVE Act: No similar provision, although the Senate Commerce, Science and Transportation Committee in July approved a comparable provision in S. 1732 (a bill that was mostly incorporated into the DRIVE Act) that is different in at least one critical respect. The language in S. 1732 provides relief if the carrier does not have an unsatisfactory safety, but H.R. 3763 offers relief only if the carrier has a satisfactory safety rating, which only a small percentage of carriers do.

Accident report information

STRRA: No provision

DRIVE Act: Section 32005 requires a demonstration program allowing motor carriers and drivers to request a review of crashes and the removal of crash data for use in the Safety Measurement System if the commercial motor vehicle was operated legally and another motorist in connection with the crash is found to have committed certain serious violations.

Post-accident report review

STRRA: No provision

DRIVE Act: Section 32006 establishes a working group to review data elements of post-accident reports for tow-away accidents involving commercial motor vehicles and recommend best practices for state post-accident reports.

Recognizing excellence in safety

STRRA: No provision

DRIVE Act: Section 32007 mandates an FMCSA program to publicly recognize motor carriers and drivers whose safety records and programs exceed compliance with the agency's safety regulations and demonstrate clear and outstanding safety practices. However, the program is not to be deemed to be an endorsement of or a preference for motor carriers or drivers recognized under the program.

High-risk carrier reviews

STRRA: No provision

DRIVE Act: Section 32008 requires reviews on each motor carrier that demonstrates through performance data that it poses the highest safety risk. The high-risk carrier reviews would be implemented once FMCSA addresses CSA flaws and has established the new safety fitness determination program.

Commercial motor vehicle safety

Implementing safety requirements

STRRA: Section 5301 accelerates the implementation of important FMCSA safety regulations required by law by requiring DOT to report on why the deadlines can't be met and on what deadlines for those rules it actually will meet. The rulemakings specified are the drug and alcohol clearinghouse, electronic logging devices and minimum training standards for entry-level drivers.

DRIVE Act: Includes a similar provision (Section 32301) for periodic rulemaking status reports on specific regulations – entry-level driver training standards, motor carrier safety fitness determinations, speed limiters, and the visibility of agricultural equipment – and any outstanding CMV safety regulation required by law and incomplete for more than two years.

Windshield mounted safety technology

STRRA: Section 5302 updates regulations to allow for the mounting of innovative safety technologies on truck and bus windshields.

DRIVE Act: Essentially the same provision (Section 32601)

Prioritizing statutory rulemakings

STRRA: Section 5303 requires FMCSA to prioritize the completion of rulemakings required by law.

DRIVE Act: Same provision (Section 32302)

Safety reporting system

STRRA: Section 5304 requires the Government Accountability Office (GAO) to report to Congress on the feasibility of establishing a self-reporting system for motor carriers to report and correct en route equipment failures.

DRIVE Act: No provision

New entrant safety review program

STRRA: Section 5305 requires the Secretary to assess the effectiveness of the FMCSA’s new operator safety review program and report to Congress on the results of the assessment.

DRIVE Act: Similar provision (Section 5303)

Ready mixed concrete trucks

STRRA: Section 5306 makes permanent the current administrative exemption from compliance with the hours of service 30-minute rest break requirement for drivers of ready mix concrete trucks.

DRIVE Act: No provision

Commercial motor vehicle drivers

Opportunities for veterans

STRRA: Section 5401 requires the Secretary to reduce regulatory barriers faced by veterans seeking employment as commercial truck and bus drivers.

DRIVE Act: No provision

Drug-free commercial drivers

STRRA: Section 5402 authorizes the use of hair testing as an alternative to urine tests to screen for possible drug and alcohol use by commercial truck and bus drivers once standards have been established by for the Department of Health and Human Services. The section sets a one-year deadline for the Department of Health and Human Services to establish federal standards for hair testing.

DRIVE Act: Similar provision (Section 32611)

Certified medical examiners

STRRA: Section 5403 authorizes the Secretary to grant exemptions on a case-by-case basis to drivers that receive fitness determinations from medical examiners that are not on the National Registry of Certified Medical Examiners.

DRIVE Act: No provision

Graduated commercial driver’s license pilot program

STRRA: Section 5404 authorizes a limited pilot program for up to six agreements of two contiguous states each to allow drivers between the ages of 19 1/2 and 21 to operate commercial motor vehicles across state lines. The section establishes a task force that include representatives of state motor vehicle administrators, motor carriers, labor organizations, safety advocates and others to recommend to FMCSA the parameters of the pilot program prior to its establishment.

DRIVE Act: Section 32403 authorizes a limited pilot program for up to three agreements of no more than four contiguous states each to allow drivers between the ages of 18 and 21 to operate a commercial motor vehicle across state lines. The bill does not create a task force but still gives FMCSA the authority to establish requirements, conditions and restrictions.

Veterans expanded trucking opportunities

STRRA: Section 5405 authorizes physicians employed by the U.S. Department of Veterans Affairs to certify the fitness of and provide a medical certificate to veterans with commercial driver’s licenses.

DRIVE Act: No provision

General Provisions

Minimum financial responsibility

STRRA: Section 5501 requires DOT to consider several factors prior to issuing a final rule that would change minimum insurance requirements for commercial trucks. It also mandates a study of current levels of minimum insurance for commercial buses prior to initiating a rulemaking that would change such levels.

DRIVE Act: No provision

Delays in goods movement

STRRA: Section 5502 requires the DOT Inspector General to report on the impacts of delays in the pick-up and delivery of goods by motor carriers and drivers and make recommendations to Congress on ways to mitigate the delays. It also requires DOT to establish a process to collect data on delays.

DRIVE Act: No provision

Report on motor carrier financial responsibility

STRRA: Section 5503 requires the Secretary to publish a report prior to April 1, 2016 on the current levels of minimum insurance for commercial trucks.

DRIVE Act: No provision

Emergency route working group

STRRA: Section 5504 establishes a temporary working group to advise DOT on ways to expedite the response time by utility and other vehicles providing emergency response and restoration to disaster zones. DOT must inform Congress on the actions that will be taken to implement the recommendations of the working group.

DRIVE Act: Essentially the same provision (Section 32401)

Household goods consumer protection working group

STRRA: Section 5505 establishes a temporary working group to advise DOT on ways to improve public understanding of household goods movement and consumer protections.

DRIVE Act: Same provision (Section 32606)

Technology improvements

STRRA: Section 5506 requires GAO to report to Congress on ways to improve FMCSA's information technology and data collection systems.

DRIVE Act: Same provision (Section 32203)

Notification regarding motor carrier registration

STRRA: Section 5507 requires DOT to inform Congress on the actions that will be taken to reduce delays in the registration of new motor carriers.

DRIVE Act: No provision

Report on commercial driver's license skills test delays

STRRA: Section 5508 requires FMCSA to report to Congress on the delays experienced by individuals seeking to take the skills test portion of their commercial driver's license exam and what actions the agency is taking to address the delays.

DRIVE Act: No provision

Covered farm vehicles

STRRA: Section 5509 clarifies current law to ensure that states do not lose federal transportation funding when enacting state laws or regulations that provide exemptions or other minimum standards for operation of farm vehicles, including drivers of those vehicles, that are less stringent than the standards established for commercial motor vehicles and drivers under federal transportation laws and regulations.

DRIVE Act: No provision

Operators of hi-rail vehicles

STRRA: Section 5510 ensures that up to two hours (and no more than 30 hours per month) of the time spent by an operator of a hi-rail vehicle driving to or from a duty assignment does not count toward the total “on-duty” time with respect to FMCSA’s hours-of-service regulations. It also ensures that such drivers may respond to an emergency situation without violating HOS regulations.

DRIVE Act: No provision

Electronic logging device requirements

STRRA: Section 5511 clarifies that motor carriers transporting motor homes or recreational vehicles to dealers or customers can continue to comply with the hours of service record of duty status requirements with a paper form.

DRIVE Act: Same provision (Section 32602)

Technical corrections

STRRA: Section 5512 makes technical corrections to title 49, United States Code, and other motor carrier laws.

DRIVE Act: No provision

Automobile transporter

STRRA: Section 5513 prohibits states from imposing a limitation of less than 80 feet on the length of a stinger-steered automobile transporter operating on the National Highway System and certain other roads.

DRIVE Act: No provision

Ready mix concrete delivery vehicles

STRRA: Section 5514 clarifies that drivers of ready mix concrete trucks can utilize the hours-of-service 100 air-mile radius logbook exemption as long as such drivers do not exceed 14 consecutive hours of on-duty time per shift.

DRIVE Act: No provision

Safety study regarding double-decker motorcoaches

STRRA: Section 5515 requires the Department of Transportation to conduct a study on the safety of operations of a double-decker motorcoach equipped with a luggage carrier at the rear of the vehicle;

DRIVE Act: No provision

Transportation of construction materials and equipment

STRRA: Section 5516 increases the air-mile radius from 50 airmiles to 75 air-miles for the transportation of construction materials and equipment, to satisfy the 24-hour reset period under Hours of Service rules. Gives states the ability to opt out of this increase if the distance is entirely included within the state’s borders.

DRIVE Act: No provision

Commercial delivery of light- and medium-duty trailers

STRRA: Section 5517 permits two light- or medium-duty trailers to be towed together, only when empty and being delivered to a retailer for sale, subject to length and weight limitations, and operated by professional CDL drivers.

DRIVE Act: No provision

GAO review of school bus safety

STRRA: Section 5518 requires a GAO study of the safety of school bus transportation of elementary school and secondary school students.

DRIVE Act: Similar provision (Section 32610)

Additional state authority

STRRA: No provision

DRIVE Act: Section 32402 gives states the option to update routes associated with vehicle length restrictions provided that the update shifts routes to divided highways or does not increase centerline miles by more than 5% percent and the change is expected to increase safety performance.

Study on commercial motor vehicle driver commuting

STRRA: No provision

DRIVE Act: Section 32605 requires an FMCSA study of the effects of motor carrier operator commutes exceeding 150 minutes commuting time on safety and commercial motor vehicle driver fatigue.

Interstate van operations

STRRA: No provision

DRIVE Act: Section 32607 exempts commuter vanpool operations from safety regulations that apply to interstate operations of commuter motor vehicles designed to transport between 9 and 15 passengers (including the driver).

Report on design and implementation of wireless roadside inspection systems

STRRA: No provision

DRIVE Act: Section 32608 requires a DOT study regarding the design, development, testing and implementation of wireless roadside inspection systems, including a determination of whether they:

- Conflict with existing non-federal electronic screening systems, or create capabilities already available;
- Require additional statutory authority to incorporate generated inspection data into the safety measurement system or the safety fitness determinations program; and
- Provide appropriate restrictions to specifically address privacy concerns of affected motor carriers and operators.

Motorcoach hours of service study

STRRA: No provision

DRIVE Act: Section 32609 prohibits any revision to driver hours of service regulations for passenger carriers until a study is conducted that properly accounts for operational differences and variances in crash data for drivers in intercity motorcoach service and interstate property carrier operations and between segments of the intercity motorcoach industry.

Hazardous materials transportation – Motor carrier-specific provisions

Wetlines

STRRA: Section 7005 requires the Pipeline and Hazardous Materials Safety Administration (PHMSA) to withdraw the Jan. 27, 2011, notice of proposed rulemaking on safety requirements for external product piping on cargo tanks transporting flammable liquids.

DRIVE Act: No provision

Motor carrier safety permits

STRRA: Section 7009 allowing carriers to submit corrective actions or other documentation proving their safety worthiness, prior to FMCSA denying a Hazardous Material Safety Permit.

DRIVE Act: No provision

Endorsements

STRRA: No provision

DRIVE Act: Section 33101 exempts from the requirement to obtain a hazardous materials endorsement Class A commercial driver's license holders who are custom harvesters, agricultural retailers, agricultural business employees, agricultural cooperative employees or agricultural producers while operating a service vehicle carrying diesel fuel in quantities of 1,000 gallons or less if the tank containing such fuel is clearly marked with a placard reading "Diesel Fuel."