

## HIGHWAY ISSUES

ISSUE	SENATE BILL	HOUSE BILL	ATA POSITION
<b>Highway Funding Levels</b>	\$256 billion	\$226 billion	<ul style="list-style-type: none"> <li>• Support maximum funding level possible without a tax increase.</li> </ul>
<b>New Revenue Sources</b>	<ul style="list-style-type: none"> <li>• Authorizes \$15 billion in tax-exempt private facility bonds for highway and rail intermodal projects. No HTF impact.</li> <li>• Creates a Build America Corporation to issue bonds to fund qualified highway, public transportation and congestion relief projects. However, no funding is added and the tax title is not updated to allow any special tax treatment of such bonds. Intent is to add funding in conference.</li> <li>• Restores HTF revenues lost to ethanol subsidy.</li> <li>• 2.5 cents/gallon of gasohol tax currently deposited in General Fund transferred to HTF.</li> <li>• Shifts HTF interest to HTF.</li> <li>• Funds studies to look alternative HTF revenue sources, including through electronic tracking.</li> </ul>	<ul style="list-style-type: none"> <li>• Funds studies to look at alternative HTF revenue sources.</li> <li>• Restores HTF revenues lost to ethanol subsidy.</li> <li>• 2.5 cents/gallon of gasohol tax currently deposited in General Fund transferred to HTF.</li> </ul>	<ul style="list-style-type: none"> <li>• Support restoration of HTF \$ due to ethanol subsidy, restoration of HTF interest to HTF.</li> </ul>
<b>Interstate Tolls</b>	<ul style="list-style-type: none"> <li>• Allows HOT lanes.</li> <li>• Continues Interstate toll pilot program &amp; eases application process.</li> <li>• FAST Lane proposal allows tolls on any highway provided no new capacity is added. When tolls finance new capacity only new lanes can be tolled. Toll revenue can be used for paying off the bonds of any project eligible under Title 23 or 49, and for any project under those titles if the state certifies the tolled facility is being adequately maintained.</li> </ul>	<ul style="list-style-type: none"> <li>• Allows FAST Lanes – tolls on newly constructed, voluntary use lanes only.</li> <li>• Eliminates Congestion/Value Pricing Pilot Program, which allows tolls on existing Interstates.</li> <li>• Allows HOT lanes.</li> </ul>	<ul style="list-style-type: none"> <li>• Support HOT lanes proposal.</li> <li>• Oppose Interstate toll pilot, including changes to application requirements.</li> <li>• Oppose Senate FAST proposal.</li> <li>• Support House FAST proposal.</li> <li>• Support elimination of Pricing pilot or retention of pilot provided authority to toll existing Interstates is removed.</li> </ul>

ISSUE	SENATE BILL	HOUSE BILL	ATA POSITION
<b>Funding Diversion</b>	<ul style="list-style-type: none"> <li>• Freight Gateways program allows STP funding for publicly owned intermodal freight transportation projects.</li> <li>• TIFIA eligibility for public &amp; private freight rail facilities &amp; intermodal freight transfer facilities.</li> <li>• Statement of policy: “it is in the national interest to seek ways to eliminate barriers to transportation investment created by the current modal structure of transportation financing.”</li> <li>• New eligibility for control of invasive plant species and establishment of native species under NHS &amp; STP.</li> <li>• Allows funding for passenger rail between Boston and Portland, ME through Dec. 15, 2006.</li> <li>• Prohibits Highway Account from being used to fund rail projects unless they are publicly owned or yield a public benefit. Effect is virtually unlimited HA funding for freight or passenger rail.</li> <li>• 2% setaside of STP funds to mitigate existing stormwater runoff problems.</li> </ul>	<ul style="list-style-type: none"> <li>• Sets aside \$6.6 billion for new Projects of National and Regional Significance Program that allows spending on any Title 23 project, specifying freight rail.</li> </ul>	<ul style="list-style-type: none"> <li>• Oppose all new funding diversion.</li> <li>• Oppose EPW policy statement.</li> </ul>
<b>Intermodal Connectors</b>	<ul style="list-style-type: none"> <li>• 2% of state NHS funds set aside for freight connectors identified by FHWA.</li> <li>• Allows funding for grade crossings.</li> <li>• Increases federal share to 90%.</li> </ul>	<ul style="list-style-type: none"> <li>• \$1.365 billion setaside for all publicly owned freight intermodal connectors on an apportioned basis.</li> <li>• Maintains 80% match.</li> </ul>	<ul style="list-style-type: none"> <li>• Support setaside, prefer House language specifying publicly owned connectors.</li> <li>• Support 90% match.</li> <li>• Oppose grade crossing eligibility in EPW.</li> <li>• Prefer that eligibility be given to FHWA identified connectors to ensure prioritization of funds.</li> </ul>

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<b>Freight Planning and Research</b>	<ul style="list-style-type: none"> <li>• Requires each state to establish a freight coordinator position.</li> <li>• Requires states to fully integrate freight and economic development into the project development process.</li> <li>• \$26.5 million Freight Planning Capacity Building program for improving freight planning capabilities in state and local agencies.</li> <li>• \$1 billion Multistate Corridor Program includes freight planning eligibility.</li> <li>• No separate research program.</li> <li>• Gives BTS lead within DOT on statistical research and data collection and requires a TRB audit of DOT statistical and data collection activities; requires DOT to adopt recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>• \$25 million Freight Planning Capacity Building program for improving freight planning capabilities in state and local agencies.</li> <li>• Creates new \$21.5 million National Cooperative Freight Transportation Research Program under TRB.</li> <li>• Gives BTS enforcement authority to collect freight data.</li> </ul>	<ul style="list-style-type: none"> <li>• Support freight coordinator.</li> <li>• Support freight planning eligibility under multistate program; oppose emphasis on intermodalism.</li> <li>• Support integration of freight into planning processes.</li> <li>• Support freight planning capacity building program.</li> <li>• Support House NCFTRP.</li> <li>• Oppose House BTS enforcement provision unless BTS is required to obtain permission from the new Advisory Council prior to collecting new data or expanding collection.</li> </ul>
<b>Truck Parking</b>	<ul style="list-style-type: none"> <li>• \$50 million pilot program for truck parking expansion.</li> </ul>	<ul style="list-style-type: none"> <li>• \$25 million pilot program for truck parking expansion.</li> </ul>	<ul style="list-style-type: none"> <li>• Support Senate funding level.</li> </ul>
<b>Operational Improvements</b>	<ul style="list-style-type: none"> <li>• New eligibility for systems management and operations.</li> <li>• Requires DOT to create a transportation systems management and operations program which may include real-time system monitoring and information sharing program.</li> </ul>	<ul style="list-style-type: none"> <li>• New eligibility for systems management and operations.</li> <li>• Gives DOT the option of creating a transportation systems management and operations program.</li> <li>• Requires DOT to establish a Real-Time System Management Information Program to provide nationwide traffic and weather information.</li> </ul>	<ul style="list-style-type: none"> <li>• Support systems management &amp; operations eligibility.</li> <li>• Support mandatory DOT transportation systems monitoring and information sharing program.</li> </ul>

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<b>Border Issues</b>	<ul style="list-style-type: none"> <li>• \$1 billion discretionary border improvement program.</li> <li>• Requires background checks for Mexican and Canadian drivers hauling hazmat in the U.S.</li> <li>• Adds the word “import” and its definition to 49 USC Section 30112 to verify that a foreign vehicle entering the U.S. complies with 49 USC 30115, which requires the manufacturer to attach a Certification Label to the vehicle verifying that it complies with the Federal Motor Vehicle Safety Standards (FMVSS)</li> </ul>	<ul style="list-style-type: none"> <li>• \$1.13 billion apportioned border improvement program.</li> <li>• Requires background checks for Mexican and Canadian drivers hauling hazmat in the U.S.</li> </ul>	<ul style="list-style-type: none"> <li>• Support apportioned border improvement program at maximum funding levels.</li> <li>• ATA does not oppose Mexican/Canadian background checks provided existing cross-border security programs, such as FAST/CT-PAT, satisfy this requirement.</li> <li>• ATA opposes the “import” and Certification Label provision. Trucks crossing the border are not imported but are “instruments of international commerce.” The sole purpose of the Certification Label is for the manufacturer of the vehicle to certify to the dealer that the vehicle complies with the FMVSS. The motor carrier is only responsible for ensuring that the truck complies with the FMCSRs after purchase.</li> </ul>
<b>Highway Safety</b>	<ul style="list-style-type: none"> <li>• Combines grade crossing and hazard elimination programs into a single flexible Highway Safety Improvement Program. Funded at \$7.5 billion (apportioned). Sets aside \$1.2 billion for grade crossing gates and hazard elimination.</li> </ul>	<ul style="list-style-type: none"> <li>• Combines grade crossing and hazard elimination programs into a single Highway Safety Improvement Program. Funded at \$3.3 billion (apportioned) with 1/3 set aside for grade crossings.</li> <li>• \$675 million for new High-Risk Rural Road Safety Improvement Program for accident-prone collector and local roads.</li> </ul>	<ul style="list-style-type: none"> <li>• No position on combined safety program. Prefer flexible program without grade crossing setaside.</li> <li>• Oppose High-Risk Rural Road Safety Improvement Program. Money should be applied to NHS, not lower-order roads.</li> </ul>
<b>Corridor Improvements</b>	<ul style="list-style-type: none"> <li>• \$1 billion discretionary Multistate Corridor Program includes multistate/multimodal highway construction eligibility for all highways involving multiple jurisdictions.</li> <li>• New multistate international corridor development program. No funding is authorized for the program.</li> </ul>	<ul style="list-style-type: none"> <li>• Sets aside \$3.33 billion for new discretionary National Corridor Infrastructure Improvement Program.</li> </ul>	<ul style="list-style-type: none"> <li>• Support corridor program that is narrowly tailored to highways with heavy truck travel. Concerned that \$ will be appropriated to non-significant projects.</li> <li>• Emphasis on multimodal in Senate bill should be eliminated. Vast majority of interstate travel is by highway.</li> <li>• Support international corridor program provided eligibility limited to highway projects.</li> </ul>
<b>Tax Evasion</b>	<ul style="list-style-type: none"> <li>• Adopts fuel tax enforcement provisions.</li> <li>• Eliminates HVUT quarterly payments and requires annual electronic decal on each truck showing HVUT payment.</li> </ul>	<ul style="list-style-type: none"> <li>• \$109 million for an automated fuel tax reporting system and state enforcement.</li> <li>• Eliminates HVUT quarterly payments, but does not require a new decal.</li> </ul>	<ul style="list-style-type: none"> <li>• Support fuel tax evasion programs.</li> <li>• Oppose HVUT decal.</li> </ul>

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<b>Truck Lanes</b>	<ul style="list-style-type: none"> <li>Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>\$910 million for truck lane program to be administered by FHWA.</li> </ul>	<ul style="list-style-type: none"> <li>Support truck lane proposal.</li> </ul>
<b>Congestion Relief</b>	<ul style="list-style-type: none"> <li>\$12 billion Infrastructure Performance &amp; Maintenance Program allows highway funding for maintenance, limited capacity and operational improvements provided funds are obligated within 6 months.</li> </ul>	<ul style="list-style-type: none"> <li>Sets aside a portion of a state's highway \$ for congestion relief activities, giving broad discretion to the state to define eligibility.</li> <li>\$59 million congestion relief research initiative.</li> </ul>	<ul style="list-style-type: none"> <li>Support congestion relief programs.</li> <li>Support research.</li> </ul>
<b>Project Streamling</b>	<ul style="list-style-type: none"> <li>New planning requirements</li> <li>Reforms Section 4(f)</li> <li>No filing deadlines for lawsuits</li> <li>"Opt-in" provisions to streamline project development.</li> </ul>	<ul style="list-style-type: none"> <li>Comment deadlines for interagency reviews</li> <li>90 day filing deadlines for lawsuits</li> <li>Dispute resolution procedures</li> <li>Limited reform of Section 4(f) for minor historic site impacts</li> <li>Pilot program for state delegation of environmental reviews.</li> </ul>	<ul style="list-style-type: none"> <li>Support all House provisions.</li> <li>Support Senate 4(f) reform and "opt-in" provisions</li> </ul>

### SAFETY & REGULATORY ISSUES

ISSUE	SENATE BILL	HOUSE BILL	ATA POSITION
<b>FMCSA Administrative Funding</b>	\$1,314,100,000	\$1,298,000,000	<ul style="list-style-type: none"> <li>Support the Senate funding level.</li> </ul>
<b>MCSAP Funding</b>	\$1,173,900,000	\$1,121,000,000	<ul style="list-style-type: none"> <li>Support the Senate funding level, but focus increased funding over TEA 21 levels on non-truck traffic enforcement.</li> </ul>
<b>Border Enforcement Funding</b>	\$203,000,000	\$160,000,000	<ul style="list-style-type: none"> <li>Support the border enforcement program and the Senate funding level.</li> </ul>
<b>PRISM</b>	\$24,000,0000	\$20,000,0000	<ul style="list-style-type: none"> <li>Support the PRISM program but seek improvements in the SafeStat data &amp; methodology that supports the program.</li> </ul>
<b>MCSAP Program Changes</b>	<ul style="list-style-type: none"> <li>Requires states to place trucks OOS if trucks don't meet federal registration requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Requires states to place trucks OOS if trucks don't meet federal registration requirements.</li> </ul>	<ul style="list-style-type: none"> <li>No position, although OOS items are intended to be safety-related. Registration doesn't appear to fit that criterion.</li> </ul>

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<b>Traffic Enforcement</b>	<ul style="list-style-type: none"> <li>Allows MCSAP money to be used for non-truck traffic enforcement if designed to improve truck safety.</li> </ul>	<ul style="list-style-type: none"> <li>Allows up to 5% of MCSAP money to be used for non-truck traffic enforcement if designed to improve truck safety.</li> </ul>	<ul style="list-style-type: none"> <li>Strongly support non-truck traffic enforcement as part of the MCSAP program since passenger vehicle drivers contribute disproportionately to truck-involved fatal crashes.</li> <li>Support Senate language allowing uncapped funding.</li> </ul>
<b>Size &amp; Weight</b>	<ul style="list-style-type: none"> <li>Includes SHIPA language freezing trailer length at 53' on the NHS and extending the LCV freeze to the NHS.</li> </ul>	<ul style="list-style-type: none"> <li>Expands length of triple saddle mounts from 75' to 79'. This involves a 4-tractor combination (1 tractor pulling 3). While these combinations currently operate, the expanded length of tractors over the past few years has made the 75' limit impractical when transporting certain equipment.</li> </ul>	<ul style="list-style-type: none"> <li>Strongly oppose the Senate language.</li> <li>Support saddle mount language.</li> </ul>
<b>Public Education</b>	<ul style="list-style-type: none"> <li>Requires states to include information in commercial and non-commercial driver driving manuals on trucks sharing the road with cars and cars sharing the road with trucks, respectively.</li> <li>Allows FMCSA to make public or private grants for R&amp;D, education and other activities to support national truck safety goals (5% of MCSAP).</li> <li>Allows DOT to undertake outreach &amp; education programs through FMCSA (\$250,000) &amp; NHTSA (\$750,000) to improve truck safety. Allows funding of "Share the Road Safely", but not "Safety is Good Business."</li> </ul>	<ul style="list-style-type: none"> <li>Creates a FMCSA/NHTSA joint program to promote share the road (including public-private partnerships) and enhanced traffic enforcement. FMCSA budgeted \$5 million, NHTSA \$15 million.</li> </ul>	<ul style="list-style-type: none"> <li>Strongly support a comprehensive public education &amp; outreach program funded annually at a minimum of \$5 million.</li> </ul>
<b>Safety Performance Incentives</b>	<ul style="list-style-type: none"> <li>Allows DOT to use 10% of MCSAP money for state safety performance grants based on DOT-established criteria.</li> </ul>	<ul style="list-style-type: none"> <li>Requires states to include performance measures in their state plan, but does not set aside funding.</li> </ul>	<ul style="list-style-type: none"> <li>Support the Senate language.</li> </ul>
<b>New Entrants</b>	<ul style="list-style-type: none"> <li>Requires DOT to immediately convert a safety audit to a CR and appropriate enforcement actions taken.</li> <li>Allows DOT to designate \$29 million for new entrant audits.</li> </ul>	<ul style="list-style-type: none"> <li>Allows DOT to designate \$17 million for new entrant audits.</li> </ul>	<ul style="list-style-type: none"> <li>Support the new entrant program and the Senate funding level.</li> </ul>

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<b>Research</b>	<ul style="list-style-type: none"> <li>• Allows FMCSA to make public or private grants for R&amp;D, education and other activities to support national truck safety goals (5% of MCSAP).</li> <li>• Motor Carrier R&amp;T Program to look at accident causes and mitigation measures, testing &amp; development of new inventions, processes, etc., training &amp; education. May make grants.</li> <li>• DOT to carry out demonstration projects to evaluate means of combatting traffic system problems caused by distracted, inattentive, or fatigued drivers.</li> <li>• DOT to conduct a study to examine the effects of increased speed limits enacted by States after 1995.</li> </ul>	<ul style="list-style-type: none"> <li>• Motor Carrier R&amp;T Program to look at accident causes and mitigation measures, testing &amp; development of new inventions, processes, etc., training &amp; education. May make grants.</li> </ul>	<ul style="list-style-type: none"> <li>• Support the accident causation, training/education, and grant components of the R&amp;T program.</li> </ul>
<b>CDL Improvement Grant Program</b>	<ul style="list-style-type: none"> <li>• Allows DOT to make grants to states for CDL improvements.</li> <li>• 10% of CDL grant money available for high priority public or private R&amp;D, public education, etc.</li> <li>• 10% of grant money available for public or private agencies and individuals addressing emerging CDL issues.</li> <li>• Creates a CDL working group.</li> <li>• Prohibits possession of more than 1 learner's permit and adds learners permit data to CDLIS, requires driver to pass written test before being issued a learner's permit.</li> <li>• \$139,000,000</li> </ul>	<ul style="list-style-type: none"> <li>• Allows DOT to make grants to states for CDL improvements.</li> <li>• 10% of CDL grant money available for high priority public or private R&amp;D, public education, etc.</li> <li>• \$30 million CDLIS modernization program.</li> <li>• Creates a 3-state pilot to evaluate a system for sharing license info on all commercial and non-commercial licenses issued in each state.</li> <li>• \$117,000,000</li> </ul>	<ul style="list-style-type: none"> <li>• Support a new CDL grant program for system improvements.</li> <li>• Oppose language in CDL high priority grant program (House &amp; Senate) which allows grants for "motor vehicle safety." This language should be clarified to apply to CMV safety use only. Also, support House language allowing "other person" to be eligible for grants.</li> <li>• Oppose Senate bill working group on the basis that it is not broad enough in scope. Should be converted into a Motor Carrier Advisory Committee, with specific direction for the committee to focus on CDL issues initially. Whether or not the group is broadened as suggested above, the report required should include the status of state compliance with the requirements of Section 31311.</li> </ul>

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<b>Penalties</b>	<ul style="list-style-type: none"> <li>• Makes denial of access by DOT to records, equipment and facilities a violation subject to civil penalty.</li> <li>• Substantially increases penalties for report/record-keeping violations and violations of OOS orders</li> </ul>	<ul style="list-style-type: none"> <li>• Makes denial of access by DOT to records, equipment and facilities a violation subject to civil penalty.</li> <li>• Substantially increases penalties for report/record-keeping violations and violations of OOS orders</li> </ul>	<ul style="list-style-type: none"> <li>• Support these provisions.</li> </ul>
<b>Regulatory Exemptions</b>	<ul style="list-style-type: none"> <li>• Eliminates various commodity-based exemptions from DOT jurisdiction.</li> </ul>	<ul style="list-style-type: none"> <li>• Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>• No position.</li> </ul>
<b>Safety Fitness</b>	<ul style="list-style-type: none"> <li>• Requires DOT to consider accident &amp; inspection data of interstate carriers involved in intrastate operations to determine safety fitness.</li> <li>• CMVs unfit for interstate commerce would be prohibited from operating in intrastate commerce and vice versa.</li> </ul>	<ul style="list-style-type: none"> <li>• Requires DOT to consider accident &amp; inspection data of interstate carriers involved in intrastate operations to determine safety fitness.</li> <li>• CMVs unfit for interstate commerce would be prohibited from operating in intrastate commerce and vice versa.</li> <li>• Requires DOT to ensure that safety data is complete, timely &amp; accurate.</li> <li>• \$15 million DOT grant program to improve state truck safety data.</li> </ul>	<ul style="list-style-type: none"> <li>• Support the House bill language regarding safety data improvements and the new safety data improvement grant program. This is SafeStat-related.</li> </ul>
<b>Medical Issues</b>	<ul style="list-style-type: none"> <li>• Creates a Medical Review Board to advise FMCSA.</li> <li>• Instructs DOT to issue a final rule in 90 days allowing insulin-treated drivers to operate in interstate commerce.</li> <li>• Requires DOT to appoint a Chief Medical Examiner for FMCSA.</li> <li>• Requires CMV driver medical examiners to have received proper training and to be listed in a national registry to be established by DOT.</li> <li>• Requires DOT to establish medical standards for CDL holders and applicants, and require CDL holders to pass periodic physical exams. DOT is to consult with FAA when establishing the standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Creates a Medical Review Board to advise FMCSA.</li> <li>• Drivers using insulin must demonstrate control of diabetes over a period of time, but do not need driving experience to qualify to drive.</li> </ul>	<ul style="list-style-type: none"> <li>• Support the medical board and oppose the new medical examiner requirement.</li> <li>• Support medical review board and chief medical examiner position. Oppose Senate bill national registry of medical examiners, new "medical standards and requirements" section in para. (c), and the FAA consultation in para. (e). These are overreaches not supported by data. Absent data indicating medical conditions are a significant truck crash problem, this program is likely to impose large costs with little or no safety benefits. A compromise is to fund a study of the costs and benefits of such a program, but only after results of the large truck crash causation study are available.</li> </ul>
<b>Roadside Inspections</b>	<ul style="list-style-type: none"> <li>• Gives FMCSA officials authority to stop trucks for inspection.</li> </ul>	<ul style="list-style-type: none"> <li>• Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>• No position.</li> </ul>

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<b>Revocation/Denial of Carrier Registration</b>	<ul style="list-style-type: none"> <li>• Requires DOT to revoke the registration of a carrier found unfit under sec. 31144.</li> <li>• Requires DOT to revoke the registration of a carrier found to be an imminent hazard to public health.</li> <li>• Allows DOT to revoke or deny a carrier's registration if the officers are found to have engaged in a pattern of safety violations.</li> </ul>	<ul style="list-style-type: none"> <li>• Allows DOT to revoke or deny a carrier's registration if the officers are found to have engaged in a pattern of safety violations.</li> </ul>	<ul style="list-style-type: none"> <li>• Sections 4227 Penalty for Denial of Access to Records, 4235 Revocation of Operating Authority, 4236 Pattern of Safety Violation by Mgmt, and 4240 PRISM sections should each be amended to include intermodal equipment providers to support FMCSA's intermodal equipment inspection program.</li> </ul>
<b>Regulatory Deadlines</b>	<ul style="list-style-type: none"> <li>• Requires DOT to complete a number of overdue items within 36 months and report on the status of other items within 12 months.</li> </ul>	<ul style="list-style-type: none"> <li>• Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>• No position.</li> </ul>
<b>Commercial Zones</b>	<ul style="list-style-type: none"> <li>• Requires DOT to review the status of commercial zone exemptions (other than border) and recommend changes.</li> </ul>	<ul style="list-style-type: none"> <li>• Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>• No position.</li> </ul>
<b>Hours of Service</b>	<ul style="list-style-type: none"> <li>• Exempts utility service vehicle drivers from all state and federal hours of service requirements.</li> <li>• Overturns all DOT restrictions on agricultural commodity HOS exemptions.</li> <li>• Defines "agricultural commodity."</li> </ul>	<ul style="list-style-type: none"> <li>• Exempts movie industry drivers from new HOS regs.</li> <li>• Overturns all DOT restrictions on agricultural commodity HOS exemptions.</li> <li>• Defines "agricultural commodity." However, the language does not reference existing definitions of livestock.</li> <li>• HOS exemption for groundwater well drilling rigs.</li> </ul>	<ul style="list-style-type: none"> <li>• Support the Senate language defining agricultural commodities and overturning DOT restrictions on the agricultural commodity exemption.</li> </ul>
<b>Roadability</b>	<ul style="list-style-type: none"> <li>• Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>• Requires a FMCSA rulemaking.</li> <li>• Gives DOT inspection authority over providers of intermodal equipment.</li> </ul>	<ul style="list-style-type: none"> <li>• Support House language.</li> <li>• Need additional language that (a) prohibits intermodal equipment providers from tendering equipment not in compliance with the FMCSRs; (b) prohibits indemnification of equipment providers; (c) assigns a violation to an intermodal carrier only if the carrier caused the violation.</li> </ul>

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<b>SSRS</b>	<ul style="list-style-type: none"> <li>Repeals SSRS and provides uniform national standards for registration, identification &amp; financial responsibility &amp; makes safety &amp; insurance related information on all carriers available to States, industry &amp; the public. Includes all carriers &amp; ensures revenue replacement for currently participating SSRS states.</li> </ul>	<ul style="list-style-type: none"> <li>Fully repeals SSRS without replacement.</li> </ul>	<ul style="list-style-type: none"> <li>Support repeal of SSRS and replacement with an alternative system. If this is not possible, repeal of SSRS without replacement is acceptable.</li> </ul>
<b>Driver Training</b>	<ul style="list-style-type: none"> <li>Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>\$5 million truck driver training grant program under DOT.</li> </ul>	<ul style="list-style-type: none"> <li>Support the House language.</li> </ul>
<b>Advisory Committees</b>	<ul style="list-style-type: none"> <li>Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>Requires DOT to establish a CMV Safety Advisory Committee.</li> <li>Adds FMCSA to Intermodal Transportation Advisory Board.</li> </ul>	<ul style="list-style-type: none"> <li>Support the House language.</li> </ul>
<b>Overdue Studies and Rulemakings</b>	<ul style="list-style-type: none"> <li>Requires Completion of Overdue Studies and Rulemakings</li> </ul>	<ul style="list-style-type: none"> <li>Not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>ATA opposes requiring that all rulemakings must result in a final rule. This unnecessarily takes decisionmaking discretion away from FMCSA.</li> </ul>
<b>Household Goods</b>	<ul style="list-style-type: none"> <li>No definition of HH Goods carrier.</li> </ul>	<ul style="list-style-type: none"> <li>Includes a broad definition of HH Goods carrier.</li> </ul>	<ul style="list-style-type: none"> <li>Support inclusion of a definition, but it needs to be more narrow than House language so that carriers that carry HH goods, but are not predominantly HH goods movers, are excluded.</li> </ul>
<b>Freight Forwarders Registration</b>	<ul style="list-style-type: none"> <li>No provision</li> </ul>	<ul style="list-style-type: none"> <li>Authorizes DOT to eliminate registration requirement.</li> </ul>	<ul style="list-style-type: none"> <li>Oppose House language.</li> </ul>
<b>FLSA</b>	<ul style="list-style-type: none"> <li>No provision</li> </ul>	<ul style="list-style-type: none"> <li>No provision</li> </ul>	<ul style="list-style-type: none"> <li>Support FLSA correction for milk haulers.</li> </ul>

ISSUE	SENATE BILL	HOUSE BILL	ATA POSITION
<b>HazMat Permits</b>	<ul style="list-style-type: none"> <li>• Makes no changes to the sec. 5109 federal permit.</li> <li>• Does not establish a date certain for implementation of the sec. 5119 uniform permit program.</li> </ul>	<ul style="list-style-type: none"> <li>• Makes no changes to the sec. 5109 federal permit.</li> <li>• Implements 5119 uniform program, but does not include industry participation on the working group or specify the outcome of the rulemaking.</li> <li>• Weakens the preemption standard applicable to state hazmat permits</li> </ul>	<ul style="list-style-type: none"> <li>• Support 1-stop shop hazmat permit.</li> <li>• Support implementation of §5119 Uniform Permitting Program. Federal permit under §5109 should either be deleted or folded into the Uniform Program.</li> <li>• As an alternative, revise Sec. 5109 to establish a single federal hazmat permit that preempts the 40 state-based hazardous materials permits in existence today.</li> <li>• Oppose House weakening of preemption standard applicable to state hazmat permits by no longer requiring that they be the “same as” the Secretary’s regulation.</li> </ul>
<b>HazMat Civil Penalties</b>	<ul style="list-style-type: none"> <li>• Increases civil penalties from \$27,000 to \$100,000 per violation.</li> <li>• Allows states to assess substantial penalties based upon a “strict liability” standard, rather than requiring application of the existing federal “knowing” or “willful” standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Increases maximum civil penalty from \$27,500 to \$50,000 for each violation. In those incidents resulting in death, serious illness, or substantial destruction of property, DOT could seek a maximum penalty of \$100,000.</li> </ul>	<ul style="list-style-type: none"> <li>• Support current level of maximum civil penalties.</li> <li>• Oppose ability of states to assess penalties on the basis of strict liability</li> </ul>
<b>HazMat Security (Patriot Act)</b>	<ul style="list-style-type: none"> <li>• Limits background checks to placarded loads</li> <li>• Allows HHS to recommend biological materials to be regulated as a HazMat.</li> <li>• Requires drivers from Canada and Mexico who are transporting hazmat into the U.S. to have background checks similar to those conducted on U.S. drivers who transport hazmat.</li> </ul>	<ul style="list-style-type: none"> <li>• Requires drivers from Canada and Mexico who are transporting hazmat into the U.S. to have background checks similar to those conducted on U.S. drivers who transport hazmat.</li> <li>• Requires Secretary to develop uniform standards governing collection of information, review of the information, and notification of the results of background checks on individuals transporting hazardous materials.</li> </ul>	<ul style="list-style-type: none"> <li>• Support restricting the applicability of background checks to placarded loads.</li> <li>• Support requiring drivers from Canada and Mexico to undergo similar background checks with reciprocity for FAST-approved drivers.</li> <li>• Support the Senate position, which lets the Secretary of Transportation have exclusive jurisdiction over the designation of hazardous materials.</li> <li>• Support uniform disqualification standards for hazmat endorsed drivers and standardization of information collection.</li> <li>• Support employer notification of background check failures.</li> </ul>
<b>HazMat Shipping Papers</b>	<ul style="list-style-type: none"> <li>• Extends to three years the amount of time that a carrier must maintain copies of the shipping papers.</li> </ul>	<ul style="list-style-type: none"> <li>• Requires shippers and carriers retain hazmat shipping papers for two years after the shipping paper is prepared.</li> </ul>	<ul style="list-style-type: none"> <li>• Support current 1 year retention period.</li> </ul>

ISSUE	SENATE BILL	HOUSE BILL	ATA POSITION
<b>HazMat Preemption (Emergency Waiver)</b>	<ul style="list-style-type: none"> <li>• “Emergency Waiver of Preemption” allows local jurisdictions to enact unique hazmat restrictions in the event of a “possible” terrorist threat.</li> </ul>	<ul style="list-style-type: none"> <li>• No provision.</li> </ul>	<ul style="list-style-type: none"> <li>• Oppose “Emergency Waiver of Preemption.”</li> </ul>
<b>HazMat (OSHA/DOT) Shared jurisdiction</b>	<ul style="list-style-type: none"> <li>• Retains the clerical error granting shared jurisdiction.</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminates shared jurisdiction over registration and permitting, but retains shared jurisdiction over HazMat handling. Clarifies that OSHA and DOT have shared jurisdiction over hazardous materials training and handling.</li> </ul>	<ul style="list-style-type: none"> <li>• Support correcting clerical error in 49 U.S.C. § 5107, which granted OSHA and DOT overlapping jurisdiction on hazmat transport.</li> <li>• DOT should have exclusive jurisdiction over HazMat handling and all other aspects of HazMat transportation.</li> </ul>
<b>HazMat Exemptions (Special Permits)</b>	<ul style="list-style-type: none"> <li>• Clarifies that DOT may issue a special permit to any person who performs a function identified under section 5103(b)(1). Increases maximum renewal period of special permits from 2 to 4 years, except for special permits issued that are related to highway routing of hazardous materials.</li> </ul>	<ul style="list-style-type: none"> <li>• Clarifies that DOT may issue a special permit to any person who performs a function identified under section 5103(b)(1). Increases maximum renewal period of special permits from 2 to 4 years, except for special permits issued that are related to highway routing of hazardous materials.</li> </ul>	<ul style="list-style-type: none"> <li>• Support use of the term special permits and the increase in the maximum renewal period.</li> </ul>
<b>HazMat Registration</b>	<ul style="list-style-type: none"> <li>• Updates current statutory language to require all persons who design and inspect hazmat packages, or package components, to register with the Secretary. Also reduces the maximum fee the Secretary may assess from \$5,000 to \$2,000.</li> </ul>	<ul style="list-style-type: none"> <li>• Updates current statutory language to require all persons who design and inspect hazmat packages, or package components, to register with the Secretary. Also reduces the maximum fee the Secretary may assess from \$5,000 to \$3,000.</li> </ul>	<ul style="list-style-type: none"> <li>• Support inclusion of packaging manufacturers in the registration program and the reduction in maximum registration fee from \$5,000 to \$2,000; however, this level is significantly higher than the current registration fee.</li> </ul>
<b>HazMat Inspection Authority</b>	<ul style="list-style-type: none"> <li>• Amends sec. 5121 to provide for enhanced authority to discover hidden shipments of hazmat and to clarify and enhance the inspection and enforcement authority of DOT officials and inspection personnel.</li> </ul>	<ul style="list-style-type: none"> <li>• Amends sec. 5121 to provide for enhanced authority to discover hidden shipments of hazmat and to clarify and enhance the inspection and enforcement authority of DOT officials and inspection personnel. This authority may be implemented through guidance, prior to issuance of regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• Do not support the ability to implement enhanced inspection/enforcement authority through the issuance of guidance. The Senate’s version is preferable.</li> <li>• Oppose the provision of the House bill that allows DOT to issue “guidance” prior to completing the rulemaking.</li> </ul>