

June 3, 2020, the House Transportation & Infrastructure (T&I) Committee released the, Investing in a New Vision for the Environment and Surface Transportation in America in America Act or the INVEST Act. The INVEST Act is a five-year, \$494 billion surface transportation reauthorization bill, to replace the FAST Act which expires on September 30, 2020.

House Democrats described the act as, “an investment to get America’s infrastructure working again and fund new, transformative projects that will create millions of jobs and support American manufacturing and ingenuity while reducing carbon pollution, dramatically improving safety, and spurring economic activity. It’s investing in infrastructure that is smarter, safer, and made to last.”

The House T&I Committee plans to mark up the INVEST Act of June 17, 2020. The Senate Environment and Public Works Committee (EPW) passed their portion of the surface transportation bill last year. With that being said, the EPW Committee is only 25% of the Senate bill as the Committees on Commerce, Banking and Finance still have work to do outlining their particular areas of jurisdictions.

A large portion of the act in the amount of \$319 billion is dedicated towards investments in our nation’s highways. Specifically, the Act outlines the following investments:

- Delivers better roads and bridges faster by prioritizing fixing the broken, outdated infrastructure we already have, including 47,000 structurally deficient bridges, before building new highway capacity.
- Modernizes our infrastructure with bold new funding for addressing gridlock and the most impactful projects and bottlenecks that affect local regions and the national transportation network.
- Measures state-by-state greenhouse gas emissions, with incentives for best performers in carbon pollution reduction, and a new program to fund resilient infrastructure that can withstand the impacts of climate change.
- Dramatically increases funding for development of charging stations and other alternative fueling options for electric and zero-emissions vehicles.
- Addresses rising rates of pedestrian and bicyclist deaths by requiring States with the highest rates to set aside funding to tackle the problem, codifies and expands eligibility for safe routes to school, provides funding to develop active transportation networks, and strengthens emphasis on high risk rural roads.
- Doubles funding for technology deployment to increase innovation and creates new program to fund green materials research and to deploy green construction materials and practices to create smarter, more efficient transportation systems.

Items that would be of interest to TIA Members, included in the bill would include:

- Sec. 4204 – Compliance, Safety, Accountability (CSA):
 - Requires the FMCSA to implement a revised methodology to identify and prioritize motor carriers for interventions using the data from the study required under the FAST Act.
 - Reposts and makes publicly available all the CSA data and alerts that the FAST Act took down.
 - Requires the Agency to provide regular reports to Congress on actions taken and possible delays.
 - Requires Agency to publish the updated methodology in the Federal Register for notice and comment.
 - Safety Fitness Rule: Requires the Agency one year after the updated methodology is completed to begin rulemaking on a new safety fitness determination rulemaking. The rulemaking should consider all available data to determine the fitness of a motor carrier.
- Sec. 4302 – Alcohol and Controlled Substances Testing
 - Amends Section 31306(c)(2) by striking “urine testing.”
- Sec. 4303 – Entry Level Driving Training
 - Requires the Agency to complete and provide reports on the rulemaking on Entry Level Driver Training that was published on December 8, 2016.
- Sec. 4304 – Driver Detention Time
 - No later than 30-days after the date of enactment begin collecting data and make publicly available.
 - Not later than 1 year after the date of enactment, FMCSA to begin rulemaking on establishing limits on the amount of time that an operator of a CMV may be reasonably detained by a shipper or receiver, if the operator is not compensated for that time.
 - Requires several factors to be considered as part of this rulemaking, including:
 - diverse nature of the operations in the movement of goods by CMV,
 - any correlation between time detained and HOS rules,
 - whether the effect of detention time on safety differs depending on if the operator is:
 - how the operator is compensated; or
 - the contractual relationship between the operator and the motor carrier. For example, employee, leased owner-operator or an owner-operator with own authority.
 - Established a process for motor carriers, shippers, brokers and CMV operators to report instances of time detained beyond the Agency’s established limits.
- Sec. 4305 – Truck Leasing Task Force
 - Not later than 6-months after the date of enactment, the DOT and DOL shall establish a truck leasing task force. The task force will be comprised of representatives from labor groups, motor carrier operations (big and small), consumer protection groups, safety groups and members of the legal profession who specialize in consumer finance issues.

- The task force will examine a number of issues with truck leasing including, common arrangements, terms of agreements, the prevalence of predatory leasing agreements, specific agreements available to drayage drivers at ports related to the Clean Truck Program, the impact of trucking leasing agreements on overall compensation, resources to assist truck drivers in assessing agreements, and the classification of CMV drivers under lease agreements.
- Sec. 4306 – Hours of Service
 - Delays the HOS Final Rule until 60-days after the Agency submits a comprehensive report to Congress on potential impacts of the amended changes. Specifically, focusing on waivers, safety and impact to drivers.
- Sec. 4307 – Driver Recruitment
 - No later than 1 year after the date of enactment the Inspector General of DOT shall submit a report to Congress examining the operation of CMV in the U.S. by drivers admitted to the U.S. under a temporary business visa.
- Sec. 4404 – Automatic Emergency Braking
 - No later than 1 year after the date of enactment, the DOT shall prescribe a motor vehicle safety standard that requires all CMVs that are manufactured after the date of enactment to be equipped with an automatic braking system.
- Sec. 4405 – Underride Protection
 - No later than 1 year after the date of enactment, the DOT shall prescribe a safety standard that requires all tractors and trailers that are manufactured after the date of enactment to be equipped with rear impact guards that are designed to prevent passenger compartment intrusion.
- Sec. 4406 – Transportation of Horses
 - Prohibits the transportation of horses in a motor vehicle containing 2 or more levels stacked on top of each other.
- Sec. 5106 – National Cooperative Multimodal Freight Transportation Research Program
 - Establishes this research program and advisory board, which will include a representative from the logistics industry. Will examine several aspects of the multimodal industry and report back to Congress.
- Sec. 5304 – Study on safe interactions between automated vehicles and road users.
 - Undertake a study to ensure that increasing deployment of automated vehicles does not jeopardize the safety of road users.
- Sec. 5501 – Ergonomic Seating Working Group
 - Establish a working group to examine the seating standards for commercial drivers.
- Sec. 6006 – Study of Freight Transportation Fee
 - No later than 90-days after the date of enactment, the DOT and Treasury shall establish a joint task force to study the establishment and administration of a fee on multimodal freight surface transportation services. An estimation of the revenue that a fee of up to 1 percent on freight transportation services.
 - Identify entities that would be subject to the 1 percent fee paid by the owners or suppliers of cargo.

- Sec. 8201 – Repeal of Certain Requirements Related to Lithium Cells and Batteries
 - Repeals provisions from 2012 that state that the Secretary of Transportation or designee may not issue or enforce any regulation or other requirement regarding the transportation by aircraft of lithium metal cells or batteries or lithium ion cells or batteries, if the requirement is more stringent than the ICAO technical instructions.
- Sec. 8202 – Transportation of Liquefied Natural Gas by Rail Tank Car
 - Requires an evaluation not later than 90-days after the date of enactment of the safety, security and environmental risks of transporting liquefied natural gas by rail.
- Sec. 8204 – Study on Hazardous Materials Transported by CMV on Highway-Rail Grade Crossings
 - Calls for the study to evaluate the overall safety of the requirement that CMVs come to a full stop at highway-rail grade crossings.
- Sec. 9106 – Rail Network Climate Change Vulnerability Assessment
 - DOT must conduct a study by the National Academies to conduct an assessment of the potential impacts of climate change on the national rail network.
- Sec. 9501 – National Academies Study on Safety Impact of Trains Longer than 7,500 feet
 - DOT must conduct a study by the National Academies to conduct an assessment of the safety impacts of freight trains longer than 7,500 feet.
- Sec. 9507 – Rail Safety Improvements
 - Requires DOT to complete a comprehensive study on how signage can be used to improve safety in the rail industry.
- Sec. 9509 – Freight Train Crew Size Safety Standards
 - Amends U.S.C. to state that no freight train may be operated unless such train has a crew of at least 1 appropriately qualified and certified conductor and 1 appropriately qualified and certified engineer. There are certain exemptions included as well.
- Sec. 9513 – Annual Report on PTC System Failures
 - Not later than April 16th of each calendar year following the date of the implementation deadline, each railroad must submit a report containing the number of positive train control system failures, separated by each major hardware category, that occurred during the previous calendar year.