

# **The National Traffic Safety Act of 2019**

For Safer Vehicles, Safer Trucks,  
Safer Streets, & Safer Drivers

Otherwise known as

## ***The Safer Roads Act***



Drafted September 2019  
*In memory of AnnaLeah & Mary Karth*

**Shown Here:**

**Referred in**

**116th CONGRESS  
1st Session**

**S. \_\_\_\_\_ & H. R. \_\_\_\_\_**

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**IN THE OF THE UNITED STATES**

**\_\_\_\_\_, 2019**

**Received; read twice and referred to the**

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**AN ACT**

To provide a framework for a [National Traffic Safety Ombudsman](#) to oversee a  
Towards Zero Traffic Safety Task Force of diverse stakeholders to collaborate for  
Safer Vehicles, Safer Trucks, Safer Streets, and Safer Drivers to address the  
national public health and traffic safety crisis in order to make a significant  
reduction of, on average, 40,000 traffic-related deaths annually.

*Be it enacted by the Senate and House of Representatives of the United States of America  
in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

**(a) Short Title.**—This Act may be cited as the “National Traffic Safety Act of 2019 or  
The Safer Roads Act”.

**(b) Table Of Contents.**—The table of contents for this Act is as follows:

**Section 1. Short title; table of contents.**

**Section 2. Purpose.** The purpose of this Act is to provide a comprehensive, collaborative approach to reach the national goal of a significant reduction of traffic-related deaths and injuries through safer vehicles, safer trucks, safer streets, and safer drivers.

**Section 3 [National Traffic Safety Ombudsman](#)** The [Traffic Safety Ombudsman](#) will be empowered with a unique office of authority and service to accomplish the mission of advocating for vulnerable victims of vehicle violence.

**Section 4 [Toward Zero National Traffic Safety Task Force](#)** to achieve a significant reduction in traffic-related deaths and injuries.

**Section 5 Advisory Councils** will be established for each component of the Act: Safer Vehicles, Safer Trucks, Safer Streets, and Safer Drivers.

**Section 6 [Safer \(Automated\) Vehicles](#)** To amend title 49, United States Code, regarding the authority of the National Highway Traffic Safety Administration over highly automated vehicles, to provide safety measures for such vehicles, and for other purposes.

**Section 7 Safer Trucks**

- (a) [Crash avoidance technologies](#) To prescribe a motor vehicle safety standard requiring new commercial motor vehicles to be equipped with an automatic emergency braking system, [speed limiters](#), electronic stability control, & onboard safety video recorder.
- (b) Crash mitigation technologies: [Underride Protection](#)
- (c) [Truck Driver Compensation](#) To address the inadequacies of the current system
- (d) [Protecting Truck Crash Victims](#) Through [Minimum Liability Insurance](#)

**Section 8 [Safer Streets](#)** The goals of a *complete streets* program are—

- (a) to provide technical assistance and incentives for the adoption of complete streets policies;
- (b) to encourage eligible entities to adopt a strategic and comprehensive approach for the development of complete streets;
- (c) to facilitate better pedestrian, bicycle, and public transit travel for users of all ages and abilities by addressing critical gaps in pedestrian, bicycle, and public transit infrastructure;
- (d) to distribute funding to reward eligible entities that have committed to adopting complete streets best practices developed by the Secretary under subsection (c); and
- (e) to ensure that underserved municipalities are served equitably by the complete streets program.

**Section 9 [Safer Drivers](#)** To systematically address unsafe driver behaviors nationwide.

## Sec. 2. PURPOSE.

**The purpose of this Act is to provide a comprehensive, collaborative approach to reach the national goal of a significant reduction of traffic-related deaths and injuries through safer vehicles, safer trucks, safer streets, and safer drivers.**

## Sec. 3 NATIONAL TRAFFIC SAFETY OMBUDSMAN (or ADVOCATE)

- (a) The Vision of Zero Traffic Deaths and Serious Injuries has been increasingly discussed and sought after by those concerned about the tragedies of highway carnage. How and whether such a lofty goal might be attained, however, has been uncertain. In many cases, traffic deaths have been viewed as more of a transportation problem rather than a public health crisis. In addition, the strategies to solve the problem have been fragmented and, therefore, less effective.
- (b) Vision Zero asks us to see those traffic deaths like polio or cholera: epidemics that, with an urgent health framing and public response, can be eradicated. . . .
- (c) Leilani Schwarcz says, “we should place the same moral standard on safety improvements and counter measures that are proven to save lives.” (<http://tinyurl.com/zwgwfu8> , Carolyn Szczepanski, Vision Zero Network)
- (d) Despite the fact that some have acknowledged the problem as a public health crisis, we have yet to acknowledge it as a united nation. It has *not* been declared a national issue. And the citizens of our country have not been mobilized to become a part of the solution.
- (e) Furthermore, when federal traffic safety regulations are being considered, saved lives are too often weighed and found wanting in comparison to societal economic costs. A prime example is underide rulemaking, in which questionable cost/benefit analysis conclusions have hindered the advancement of proven safety measures (some of which the industry has since found ways to offer at no additional cost).
- (f) A Traffic Safety Ombudsman remedies this by establishing an independent advocate who will serve as a vigilant voice for vulnerable victims of vehicle violence and who will mobilize safety professionals, citizens, and crash survivors, in tactical traffic safety projects with nationwide impact.
- (g) There needs to be awareness, action and collaborative efforts at many levels. A National Ombudsman without input from multiple voices across the country would be less-informed, without the whole picture and the vital support of the very people the Ombudsman is working to protect. even if there are vast numbers of frustrated, cognizant victims, if their outcries are not coalesced into a combined voice, they are much less likely to be heard and heeded. Though, if you bring them all together, each one may be competing to get their cause supported and, in the fray of political positioning, the foundational issues and long-term goals might be compromised. An effective spokesperson is needed to champion their cause.
- (h) Therefore, the Traffic Safety Ombudsman will be empowered with a unique office of authority and service to accomplish the mission of advocating for vulnerable victims of vehicle violence.
- (i)

**Sec. 4 Toward Zero National Traffic Safety Task Force** to achieve significant traffic-related deaths and injuries

- (a) Findings: On average, 40,000 people die each year in crashes on our roads. According to Advocates for Highway & Auto Safety, 362,532 Americans are “missing” i.e., lost their lives due to vehicle violence over the last 10 years. Using NHTSA figures of estimated injuries,

nearly 1.5 million additional people suffered serious injuries during that time. Using DOT values of \$9 million in comprehensive costs per fatality, these losses would be valued by DOT to be about \$3 trillion.

Our families cannot continue to sustain this unacceptably high number of losses and injuries. Therefore, I am directing the Office of the Vice President to lead an inter-agency effort to address traffic safety issues, including coordinating Federal enforcement efforts by executive departments and agencies (agencies) and helping institutions meet their obligations under Federal law.

(b) To these ends, it is hereby ordered as follows:

(1) Establishment of the White House Task Force to Protect Travelers From Traffic Crashes. There is established a White House Task Force to Protect Travelers From Traffic Crashes. The Task Force shall be chaired by the NATIONAL TRAFFIC SAFETY OMBUDSMAN. (a) Membership of the Task Force. In addition to the Chair, the Task Force shall consist of the following members: (b) the Attorney General; (ii) the Secretary of Transportation; (iii) the Secretary of Health and Human Services; (iv) the Secretary of Education; (v) the Secretary of Labor; (vi) the Secretary of Commerce; (vii) the Director of the Office of Science and Technology Policy; (viii) the Director of the Domestic Policy Council; (ix) the Cabinet Secretary; and (x) the heads of agencies or offices as the Chair may designate. (b) A member of the Task Force may designate, to perform the Task Force functions of the member, senior officials who are part of the member's agency or office, and who are full-time officers or employees of the Federal Government. (c) The Chair will also establish an Ad-Hoc Committee to advise this Task Force, and appoint to the Committee at least 12 individuals with expertise in areas related to traffic safety, including—but not limited to—driver training, truck driver training, distracted driving, driver fatigue, traffic safety engineering, state and local traffic law enforcement, crash reconstruction, the automotive industry, the trucking industry, injury prevention, truck drivers, crash survivors, [citizens](#) who have lost loved ones in preventable crashes and safety advocates. At least two members will be people who have been directly affected by a traffic fatality.

(2) Mission and Function of the Task Force.

(a) The Task Force shall work with agencies to develop a coordinated Federal response to traffic safety issues. The functions of the Task Force are advisory only and shall include making recommendations to meet the following objectives: (b) providing all stakeholders with evidence-based best and promising practices for preventing and responding to traffic crashes; (ii) building on the Federal Government's existing regulations and enforcement efforts to ensure that institutions comply fully with their legal and ethical obligations to prevent and respond to traffic crashes; (iii) increasing the transparency of the Federal Government's enforcement activities concerning traffic safety issues; (iv) broadening the public's awareness of traffic safety issues and, in particular, driver fatigue as it affects all drivers; and (v) facilitating coordination among agencies engaged in addressing traffic safety issues and those charged with helping bring institutions into compliance with the law.

(b) In accordance with applicable law and in addition to regular meetings, the Task Force shall consult with external stakeholders, including the Governors Highway Safety Association, MADD, other safety groups, ATA, TTMA, paramedics, coroners, ER professionals, law enforcement agencies, DMVs, DAs, American Association 12.2. for Justice, research and crash test organizations, educational organizations, truck drivers, and others as deemed wise and appropriate.

(c) Because traffic crashes affect all ages, the Task Force shall evaluate how its educational proposals and recommendations may apply to, and may be implemented by, schools, school districts, and other elementary and secondary educational entities receiving Federal financial assistance.

(3). Action Plan.

(a) Within 90 days of the date of this memorandum, the Task Force shall develop and submit proposals and recommendations to the President for a National Vision Zero Goal. This will include specific strategies for moving toward the reduction of crash deaths and serious injuries. It will also outline specific strategies for establishing national traffic safety standards which are proven to reduce crash deaths and which could then be adopted, as is, by every state. These strategies will ensure that the following will occur: (b) address the problem of traffic safety in a

coordinated manner, including the following concerns: crash avoidance technologies; road design and conditions; all kinds of enforcement issues to be pro-active in preventing crashes; handling of traffic safety when crashes occur; driver fatigue—acknowledging the scope, extent, and gravity of Driving While Fatigued (DWF) as a reckless behavior both for truck drivers and drivers of light vehicles, and adjusting the legal system to reflect this reality; all kinds of distracted and impaired driving; automotive safety defect issues and their resolution as a high priority issue in a timely manner; and other problems as deemed appropriate, including the need for manufacturers to be held liable for deaths due to their criminal negligence and for DOT to act with the necessary authority to issue and enforce Vision Zero safety regulations which impact not only vehicle occupants but also Vulnerable Road Users. (ii) address truck safety as a high priority due to the multitude of issues which need addressing, including: truck driver compensation policies; safety technology; underride guards; truck driver training; trucking minimum liability insurance; and truck maintenance. (iii) maximizing the Federal Government’s effectiveness in addressing traffic safety issues by, among other measures, enhancing communication among vital stakeholders—fostering an attitude of cooperation and shared goals rather than opposition and competition—as well as making its enforcement activities transparent and accessible; and (iv) promoting greater coordination, communication, and consistency among the agencies and offices that enforce the Federal laws addressing traffic safety issues and support improved system-wide responses to traffic crashes and newly-identified factors, research information, and recommended solutions; and measuring the success of prevention and response efforts and providing the public with this information;

(b) Within 1 year of the date of the passing of this Act, and then on an annual basis, the Task Force shall provide a report to the President on implementation efforts with respect to this mandate.

(4) General Provisions.

(a) This mandate is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(b) Nothing in this mandate shall be construed to impair or otherwise affect:

(c) the authority granted by law to an agency or the head thereof; or (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals. (iii) The heads of agencies and offices shall assist and provide information to the Task Force, consistent with applicable law, as may be necessary to carry out the functions of the Task Force. Each agency and office shall bear its own expenses of participating in the Task Force. (iv) This mandate shall be implemented consistent with applicable law and subject to the availability of appropriations, which will be specifically sought after to support the effective and timely implementation of the goals of this Task Force.

(e) The Secretary of Transportation is authorized and directed to publish this mandate in the Federal Register.

**Sec. 5 ADVISORY COUNCILS. The National Traffic Safety Ombudsman shall establish National Traffic Safety Advisory Councils for 1) Safer Vehicles, 2) Safer Trucks, 3) Safer Roads, and 4) Safer Drivers.**

(a) Establishment.—Subject to the availability of appropriations, not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish in the National Highway Traffic Safety Administration a Traffic Safety Advisory Council (hereinafter referred to as the “Council”).

(b) Membership.—Members of the Council shall include a diverse group representative of business, academia and independent researchers, State and local authorities, safety and consumer advocates, engineers, labor organizations, environmental experts, crash survivors, citizens who have lost loved ones in preventable crashes, a representative of the National Highway Traffic Safety Administration, and other members determined to be appropriate by the Secretary. Any subcommittee of the Council shall be composed of not less than 15 and not more than 30 members appointed by the Secretary.

(c) Terms.—Members of the Council shall be appointed by the Secretary of Transportation and shall serve for a term of three years.

(d) Vacancies.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(e) Duties And Subcommittees.—The Council shall form subcommittees as needed to undertake information gathering activities, develop technical advice, and present best practices or recommendations to the Secretary regarding each component of this Act, including Safer Vehicles, Safer Trucks, Safer Roads, and Safer Drivers.

## **Sec. 6 SAFER (Automated) VEHICLES**

- (a) Updated or new motor vehicle safety standards for highly automated vehicles. Safety for all, including the occupants of the AV, occupants of other vehicles on the road, people walking and biking, and communities of color, older adults, and people with disabilities, must be the top priority for any AV legislation. Therefore, any AV legislation must include comprehensive safety standards, appropriate federal government oversight, and industry accountability. Minimum performance standards must be included, such as a “vision test” for driverless vehicles which will ensure the vehicle can properly identify and respond to its surroundings, including other cars, motorcycles, pedestrians and cyclists, and road markings and traffic signs. Additional performance standards should address cybersecurity and vehicle electronics and human-machine interfaces for interacting with pedestrians, motorcyclists, and bicyclists and for when a human needs to take back control of a vehicle from a computer. Moreover, we urge Congress to direct the U.S. Department of Transportation (U.S. DOT) to set minimum performance requirements for proven crash avoidance technologies that will save lives and reduce injuries on the path to fully autonomous vehicles. By requiring that all new cars be equipped with systems including, at a minimum, automatic emergency braking (AEB) that is responsive to all road users and blind spot warning, safety can be drastically improved in the near term. AVs must be designed to comply with new mandatory performance standards that are written for the purpose of ensuring public safety and accessibility. Any AV legislation must require such standards are promulgated by a date certain. Until such time as new standards are adopted, AVs must be required to comply with existing requirements. Any bill should also provide for adequate collection of detailed crash data which may be used to further improve safety. Polls indicate that AV safety is of concern to the American people. Any legislation must give the public confidence that this new technology will be safe and this can be accomplished through legislating needed safeguards.
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- (b) **Cybersecurity of Automated Driving Systems.** Require appropriate data sharing to promote safety and efficiency. efficiency. In order to create safer conditions for every mode of travel—especially AVs— cities, states, law enforcement, and federal regulators need data to inform and optimize their planning, policymaking, infrastructure, and operations. This is particularly important for services identified for residents who face the most transportation barriers, including low-income people, people of color, and people with disabilities. In general, such data should follow best practices to preserve individual privacy, while providing cities and policy makers with data. Without an appropriate data sharing policy, safety will suffer, and local governments

will lack the necessary tools to optimize their infrastructure. This information will also help regulators, investigators, and others assess the on-road performance of AVs. Any federal AV legislation must guarantee the following data is shared between AV companies and fleets and appropriate federal, state, and local authorities, and researchers.

- Detailed crash and incident data in a standard and accessible format, including time, location, speed, weather and infrastructure conditions; if automated technology was active at the time of the crash and worked as intended; relevant driver, occupant, and pedestrian information, including any disabilities to identify any needed safety improvements;
- Following best practices, data on disengagements or near-misses would help to identify flaws in the technology and may allow cities and states to proactively invest in infrastructure or update the design of dangerous intersections and corridors to ensure safety for all street users; and,
- Real-time data on vehicle speeds, travel times, and volumes enables local communities to manage congestion, set speed limits, uncover patterns of excessive speeds, evaluate the success of street redesign projects, and ultimately improve productivity and quality of life.

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Data must be anonymized, including personally identifiable information, health and disability information, and must be handled appropriately to ensure the privacy of all passengers and pedestrians and prevent commercial or other tracking purposes without the explicit permission of the individual.

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- (c) **General exemptions.** NHTSA authority and State preemption for autonomous motor vehicles. Avoid preemption and ensure local policy control for safety on the roads. In general, the federal government regulates vehicle design, while states and local governments regulate driver behavior. AVs challenge this dynamic, as the vehicle becomes the driver. State and local governments have the authority to manage the operation of vehicles on their streets to address concerns such as safety, noise, local air quality, and congestion. Cities and states need to be able to manage AVs on their roads in the same way they manage all other vehicles, commercial and non-commercial, in order to ensure the safety of everyone using their system. We support maintaining the existing relationship between federal, state, and local authority and will not support any AV legislation that prohibits or preempts states and localities from having authority over their local roadways. Any AV legislation must integrate this AV technology safely into the existing road systems. Where AV testing is already happening on local streets, legislation must allow local authorities to continue to set local policy and allow local communities to leverage operation of automated vehicles to safely connect their residents—particularly low-income people and communities of color—to economic opportunity.

Motor vehicle testing or evaluation. Ensure safety through comprehensive performance standards. Information on highly automated driving systems made available to prospective buyers. Share information necessary to consumers and protect consumer rights. Safety for all, including the occupants of the AV, occupants of other vehicles on the road, people walking and biking, and communities of color, older adults, and people with disabilities, must be the top priority for any AV legislation. Therefore, any AV legislation must include comprehensive



safety standards, appropriate federal government oversight, and industry accountability. Minimum performance standards must be included, such as a “vision test” for driverless vehicles which will ensure the vehicle can properly identify and respond to its surroundings, including other cars, motorcycles, pedestrians and cyclists, and road markings and traffic signs. Additional performance standards should address cybersecurity and vehicle electronics and human-machine interfaces for interacting with pedestrians, motorcyclists, and bicyclists and for when a human needs to take back control of a vehicle from a computer. Moreover, we urge Congress to direct the U.S. Department of Transportation (U.S. DOT) to set minimum performance requirements for proven crash avoidance technologies that will save lives and reduce injuries on the path to fully autonomous vehicles. By requiring that all new cars be equipped with systems including, at a minimum, automatic emergency braking (AEB) that is responsive to all road users and blind spot warning, safety can be drastically improved in the near term. AVs must be designed to comply with new mandatory performance standards that are written for the purpose of ensuring public safety and accessibility. Any AV legislation must require such standards are promulgated by a date certain. Until such time as new standards are adopted, AVs must be required to comply with existing requirements. Any bill should also provide for adequate collection of detailed crash data which may be used to further improve safety. Polls indicate that AV safety is of concern to the American people. Any legislation must give the public confidence that this new technology will be safe and this can be accomplished through legislating needed safeguards.

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**(d) Highly Automated Vehicle Advisory Council.**

(a) Establishment.—Subject to the availability of appropriations, not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall establish in the National Highway Traffic Safety Administration a Highly Automated Vehicle Advisory Council (hereinafter referred to as the “Council”).

(b) Membership.—Members of the Council shall include a diverse group representative of business, academia and independent researchers, State and local authorities, safety and consumer advocates, engineers, labor organizations, environmental experts, a representative of the National Highway Traffic Safety Administration, and other members determined to be appropriate by the Secretary. Any subcommittee of the Council shall be composed of not less than 15 and not more than 30 members appointed by the Secretary.

(c) Terms.—Members of the Council shall be appointed by the Secretary of Transportation and shall serve for a term of three years.

(d) Vacancies.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(e) Duties And Subcommittees.—The Council may form subcommittees as needed to undertake information gathering activities, develop technical advice, and present best practices or recommendations to the Secretary regarding—

(1) advancing mobility access for the disabled community with respect to the deployment of automated driving systems to identify impediments to their use and ensure an awareness of the needs of the disabled community as these vehicles are being designed for distribution in commerce;

(2) mobility access for senior citizens and populations underserved by traditional public transportation services and educational outreach efforts with respect to the testing and distribution of highly automated vehicles in commerce;

(3) cybersecurity for the testing, deployment, and updating of automated driving systems with respect to supply chain risk management, interactions with Information Sharing and Analysis Centers and Information Sharing and Analysis Organizations, and a framework for identifying and implementing recalls of motor vehicles or motor vehicle equipment;

(4) the development of a framework that allows manufacturers of highly automated vehicles to share with each other and the National Highway Traffic Safety Administration relevant, situational information related to any testing or deployment event on public streets resulting or that reasonably could have resulted in damage to the vehicle or any occupant thereof and validation of such vehicles in a manner that does not risk public disclosure of such information or disclosure of confidential business information;

(5) labor and employment issues that may be affected by the deployment of highly automated vehicles;

(6) the environmental impacts of the deployment of highly automated vehicles, and the development and deployment of alternative fuel infrastructure alongside the development and deployment of highly automated vehicles;

(7) protection of consumer privacy and security of information collected by highly automated vehicles;

(8) cabin safety for highly automated vehicle passengers, and how automated driving systems may impact collision vectors, overall crashworthiness, and the use and placement of airbags, seatbelts, anchor belts, head restraints, and other protective features in the cabin;

(9) the testing and deployment of highly automated vehicles and automated driving systems in areas that are rural, remote, mountainous, insular, or unmapped to evaluate operational limitations caused by natural geographical or man-made features, or adverse weather conditions, and to enhance the safety and reliability of highly automated vehicles and automated driving systems used in such areas with such features or conditions; and

(10) independent verification and validation procedures for highly automated vehicles that may be useful to safeguard motor vehicle safety.

(f) Report To Congress.—The recommendations of the Council shall also be reported to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(g) Federal Advisory Committee Act.—The establishment and operation of the Council and any subcommittees of the Council shall conform to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).

(h) Technical Assistance.—On request of the Council, the Secretary shall provide such technical assistance to the Council as the Secretary determines to be necessary to carry out the Council's duties.

(i) Detail Of Federal Employees.—On the request of the Council, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of Transportation to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(j) Payment And Expenses.—Members of the Council shall serve without pay, except travel and per diem will be paid each member for meetings called by the Secretary.

(k) Termination.—The Council and any subcommittees of the Council shall terminate 6 years after the date of enactment of this Act.

- (e) Rear seat occupant alert system.
- (f) Headlamps.
- (g) **Guarantee access for people with disabilities, older adults, and underbanked populations.** Nearly one in five people in the U.S. has a disability (more than 57 million), and 16 percent of the U.S. population is over the age of 65. Yet significant barriers to accessible, affordable, reliable transportation remain across modes and many people with disabilities are unable to obtain a driver's license and cannot afford to purchase an accessible vehicle. In 2017, 3.6 million Americans with a disability reported not leaving their homes. Access to transportation is necessary for people with disabilities to travel to work and school, support and spend time with family and friends, and live their lives to the fullest. AV technology has the potential to increase mobility for members of disability communities—if federal regulations ensure that the technology and vehicles are accessible and safe. Cross-disability representatives must be included in any regulatory advisory or working groups. Also, discrimination on the basis of disability in licensing for SAE level 4 and 5 AVs must be prohibited.

In addition, access to on-demand transport services is often predicated on the ability to make digital payments. Twenty-five percent of U.S. households are unbanked or underbanked, with higher incidence in working-age disabled households, lower-income households, less-educated households, younger households, black and Hispanic households, and households with volatile income. AV-based transport services must consider a variety of ways in which payment for service can be made in order to ensure that this technology supports equitable access and the inclusion of all.

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## **Sec. 7 SAFER TRUCKS**

### **(a) Crash avoidance safety technologies:**

- (1) speed limiters set at 68 mph;**
- (2) on-board video event recorders;**
- (3) electronic stability control;**
- (4) and automatic emergency braking.**

### **(b) Crash mitigation technologies: UNDERRIDE PROTECTION**

**\*\*\* Grant for independent Underride CBA**

**\*\*\* With RETROFIT requirements removed, Draft language shall be added to prevent a “Get Out Of Jail Free” Card grandfather liability clause for the trucking industry on existing trucks.**

## **(1). FINDINGS AND PURPOSES.**

### **(a) Findings.—Congress finds that—**

(1) underride crashes involving passenger motor vehicles striking and traveling underneath a truck or trailer are a significant public health and safety threat;

(2) the National Highway Traffic Safety Administration has reported that hundreds of preventable fatalities and life-threatening injuries have occurred as a result of underride crashes;

(3) the National Transportation Safety Board has recommended the installation of rear, side, and front underride guards on tractor-trailers and rear and side underride guards on single unit trucks to improve passenger motor vehicle safety; and

(4) this provision is dedicated to the memory of the thousands of victims of underride crashes, including—

(A) Roya Christine Sadigh, AnnaLeah Karth, Mary Lydia Karth, Roderick Cota, Moonjohn Kim, Corey Moore, Gregg Williams, Guy Champ Crawford, Carl Hall, Michael Higginbotham, Sandra Maddamma, David Mathis, Mary Katherine Mathis, James Mooney, Christopher Weigl, Bill Zink, David Magnan, Jasen Swift, Samuel Sierra, Brittany McHargue, Christopher Samuel Padilla, Riley Hein, Erin Alexander, Jordan Hensley, and Edward Hall;

(B) those whose catastrophic injuries dramatically changed their lives, including Julie Magnan, Nancy Meuleners, Joshua Rojas, Maiv Yang, Anita Plantage Bomgaars, and Michael B. Hawkins; and

(C) those whose precious lives were cut far too short as a result of preventable underride crashes.

(b) Purposes.—The purposes of this provision are—

(1) to reduce the number of preventable deaths and injuries caused by underride crashes; and

(2) to improve motor carrier and passenger motor vehicle safety.

(2) DEFINITIONS.

Section 30102(a) of title 49, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (2), (3), (4), (5), (7), (8), (9), (10), (11), (12), (15), (20), and (22), respectively;

(3) by inserting before paragraph (2) (as so redesignated) the following:

“(1) ‘comprehensive underride protection system’ means all of the front underride guards, rear underride guards, or side underride guards, as applicable, installed on a motor vehicle.”;

(4) by inserting after paragraph (5) (as so redesignated) the following:

“(6) ‘front underride guard’ means a device installed on or near the front of a motor vehicle that prevents or limits the distance that a vehicle struck by the vehicle with the device will slide under the front of the striking vehicle.”;

(5) by inserting after paragraph (12) (as so redesignated) the following:

“(13) ‘passenger motor vehicle’ has the meaning given that term in section 32101.

“(14) ‘rear underride guard’ means a device installed on or near the rear of a motor vehicle that prevents or limits the distance that the front end of a vehicle striking the rear of the vehicle with the device will slide under the rear of the impacted vehicle.”;

(6) by inserting after paragraph (15) (as so redesignated) the following:

“(16) ‘Secretary’ means the Secretary of Transportation.

“(17) ‘semi-trailer’ means a trailer, other than a pole trailer, which is designed to rest upon, or be carried by, a motor vehicle.

“(18) ‘side underride guard’ means a device installed on or near the side of a motor vehicle that prevents or limits the distance that the front end of a vehicle striking the side of the vehicle with the device will slide under the side of the impacted vehicle.

“(19) ‘single unit truck’ means a truck (excluding any attached trailer).”;

(7) by inserting after paragraph (20) (as so redesignated) the following:

“(21) ‘trailer’ means a vehicle, with or without motive power, that is designed—

“(A) to carry persons or property; and

“(B) to be drawn by a motor vehicle.”; and

(8) by inserting “The term” after the paragraph designation in each of paragraphs (1) through (22) (as so redesignated).

### **(3) UNDERRIDE GUARD RULEMAKING.**

(a) In General.—Subchapter II of [chapter 301](#) of title 49, United States Code, is amended by adding at the end the following:

“§ 30129. Underride guards

**“(a) Rear Underride Guards.—**

**“(1) IN GENERAL.—**Not later than 1 year after the date of enactment of this section, the Secretary shall issue a final rule to require the installation of rear underride guards that meet the performance standards described in paragraph (3) on—

**“(A) any trailer with a gross vehicle weight rating of 10,000 pounds or more that is manufactured on or after the effective date of the rule;**

**“(B) any semi-trailer with a gross vehicle weight rating of 10,000 pounds or more that is manufactured on or after the effective date of the rule; and**

**“(C) any single unit truck—**

**“(i) the bottom of the carriage of which is greater than 22 inches above the ground;**

**“(ii) with a gross vehicle weight rating of 10,000 pounds or more; and**

**“(iii) that is manufactured on or after the effective date of the rule.**

**“(2) PERFORMANCE STANDARDS.—**A rear underride guard shall be considered to meet the performance standard referred to in paragraphs (1) and (2) if the rear underride guard is able to prevent intrusion from the body or frame of a vehicle described in paragraph (1) or (2), as applicable, into the passenger compartment of a passenger motor vehicle that contacts the guard while traveling at 35 miles per hour, as verified through crash testing while attached to a trailer, after—

**“(A) an impact in which the passenger vehicle impacts the center of the rear of the trailer, semi-trailer, or single unit truck;**

**“(B) an impact in which 50 percent of the width of the passenger vehicle overlaps the rear of the trailer, semi-trailer, or single unit truck; and**

**“(C) an impact in which 30 percent of the width of the passenger vehicle overlaps the rear of the trailer, semi-trailer, or single unit truck.**

**“(3) COMPLIANCE DATES.—**

**“(A) IN GENERAL.—**Except as provided in subparagraph (B), compliance with each of the rules issued by the Secretary under paragraphs (1) and (2) shall be required beginning 1 year after the date on which the final rule is published in the Federal Register.

**“(B) PHASE-IN.—**The Secretary may permit a phase-in period (not to exceed 2 years) for the installation of rear underride guards on trailers, semi-trailers, and single unit trucks described in paragraph (2).

**“(b) Side Underride Guards.—**

**“(1) IN GENERAL.—**Not later than 1 year after the date of enactment of this section, the Secretary shall issue a final rule requiring the installation of side underride guards that meet the performance standards described in paragraph (3) on—

**“(A) any trailer with a gross vehicle weight rating of 10,000 pounds or more that is manufactured on or after the effective date of the rule;**

**“(B) any semi-trailer with a gross vehicle weight rating of 10,000 pounds or more that is manufactured on or after the effective date of the rule; and**

**“(C) any single unit truck—**

**“(i) the bottom of the carriage of which is greater than 22 inches above the ground;**

**“(ii) with a gross vehicle weight rating of 10,000 pounds or more; and**

**“(iii) that is manufactured on or after the effective date of the rule.**

**“(2) PERFORMANCE STANDARDS.—**A side underride guard shall be considered to meet the performance standards referred to in paragraphs (1) and (2) if the side underride guard is able to prevent intrusion from the body or frame of a vehicle described in paragraph (1) or (2), as applicable, into the passenger compartment of a passenger motor vehicle that contacts the guard while traveling 35 miles per hour at any angle between 10 degrees and 90 degrees.

**“(3) COMPLIANCE DATES.—**

**“(A) IN GENERAL.—**Except as provided in subparagraph (B), compliance with each of the rules issued by the Secretary under paragraphs (1) and (2) shall be required beginning on the date that is 1 year after the respective issuance date of each rule.

**“(B) PHASE-IN.—**The Secretary may permit a phase-in period, not to exceed 3 years, for the installation of side underride guards on trailers, semi-trailers, and single unit trucks described in paragraph (2).

**“(c) Front Underride Guards.—**

**“(1) IN GENERAL.—**Not later than 2 years after the date of enactment of this section, the Secretary shall issue a final rule requiring the installation of front underride guards on—

**“(A) any trailer with a gross vehicle weight rating of 10,000 pounds or more that is manufactured on or after the effective date of the rule;**

**“(B) any semi-trailer with a gross vehicle weight rating of 10,000 pounds or more that is manufactured on or after the effective date of the rule; and**

**“(C) any single unit truck—**

**“(i) the bottom of the carriage of which is greater than 22 inches above the ground;**

**“(ii) with a gross vehicle weight rating of 10,000 pounds or more; and**

**“(iii) that is manufactured on or after the effective date of the rule.**

**“(2) COMPLIANCE DATES.—**

**“(A) IN GENERAL.—Except as provided in subparagraph (B), compliance with each of the rules issued by the Secretary under paragraphs (1) and (2) shall be required beginning on the date that is 1 year after the respective issuance date of each rule.**

**“(B) PHASE-IN.—The Secretary may permit a phase-in period (not to exceed 3 years) for the installation of front underride guards on vehicles described in paragraph (2).**

**“(4) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall—**

**“(A) complete research on equipping the vehicles described in paragraphs (1) and (2) with a front underride guard to prevent trucks from overriding the passenger vehicle; and**

**“(B) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report on the research described in subparagraph (A).**

**“(d) Inspection And Repair Requirements.—**

**“(1) POST-ACCIDENT INSPECTIONS.—To ensure that all trailers, semi-trailers, and single unit trucks are maintained in safe and proper operating condition at all times, the Secretary shall require that any trailer, semi-trailer, or single unit truck involved in an accident (as defined in section 390.5 of title 49, Code of Federal Regulations (or a successor regulation)) undergo and pass an inspection described in appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations (or successor regulations), to certify that all components of the trailer, semi-trailer, or single unit truck, as applicable, are in safe and proper operating condition.**

**“(2) PRE-TRIP INSPECTIONS.—The Secretary shall require drivers—**

**“(A) to conduct a pre-trip inspection of the comprehensive underride protection system required under this section on their trailer, semi-trailer, or single unit truck—**



“(i) to identify—

“(I) any metal perforated by rust or corrosion that compromises structural integrity;

“(II) cracked welds;

“(III) cracked or fractured vertical members;

“(IV) cuts and tears in any underride guard; and

“(V) missing fasteners and loose fasteners; and

“(ii) to ensure the dimensional integrity of those guards;

“(B) to include the results of the inspection described in subparagraph (A) in the driver vehicle inspection report; and

“(C) to complete any necessary repairs to, or replacement of, the underride protection system before the vehicle is operated.”.

(b) Clerical Amendment.—The chapter analysis for [chapter 301](#) of title 49, United States Code, is amended by striking the item relating to section 30128 and inserting the following:

“30128. Vehicle rollover prevention and crash mitigation.

“30129. Underride guards.”.

(c) Rulemakings.—The Secretary of Transportation shall amend—

(1) sections 396.11 and 396.13 of title 49, Code of Federal Regulations, in accordance with section 30129(d)(2) of title 49, United States Code (as added by subsection (a));

(2) section 396.17 of title 49, Code of Federal Regulations, to include a requirement that motor carriers and intermodal equipment providers include an inspection of the comprehensive underride protection system (as defined in section 30102(a) of title 49, United States Code) of the commercial motor vehicle in a periodic inspection required under section 396.17 of title 49, Code of Federal Regulations;

(3) section 392.7 of title 49, Code of Federal Regulations, to include the comprehensive underride protection system (as defined in section 30102(a) of title 49, United States Code) in the list of parts and accessories and components required to be in good working order under each of subsections (a) and (b) of section 392.7 of title 49, Code of Federal Regulations; and

(4) appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations—

(A) by redesignating paragraphs 6 (relating to safe loading) through 14 (relating to motorcoach seats) as paragraphs 7 through 15, respectively; and

(B) by inserting after paragraph 5 (relating to lighting devices) the following:

**“6. REAR IMPACT GUARDS AND REAR END PROTECTION.—Any trailer or semitrailer required under section 393.86 to be equipped with a rear impact guard or rear end protection—**

**“(A) that does not meet the requirements under section 393.86;**

**“(B) that—**

**“(i) is missing; or**

**“(ii) has—**

**“(I) any metal perforated by rust or corrosion that compromises structural integrity;**

**“(II) a cracked weld;**

**“(III) a cracked or fractured vertical member;**

**“(IV) a cut or tear in any underride guard component; or**

**“(V) a missing fastener or a loose fastener; or**

**“(C) for which the dimensional integrity of the guard or protection is compromised.”.**

#### **SEC. 5. RESEARCH AND PERIODIC REVIEW OF UNDERRIDE GUARD STANDARDS.**

**(a) Request For Proposals.—As soon as practicable, the Secretary of Transportation shall issue a Request for Proposals for the design of 2 high-capacity rear underride barrier prototypes of a generic guard (with energy absorption and without energy absorption) to prevent underride crashes and protect motor vehicle passengers against severe injury at crash speeds of up to 65 miles per hour.**

**(b) Evaluation.—The Secretary shall—**

**(1) evaluate the proposals received in response to the Request for Proposals issued pursuant to subsection (a); and**

**(2) update the underride guard standards under section 30129 of title 49, United States Code (as added by section 4(a)), as appropriate, to provide the best underride protection that is technologically feasible.**

**(c) Periodic Reviews.—**

**(1) IN GENERAL.—**Not later than 5 years after the underride guard standards are updated pursuant to subsection (b)(2), and every 5 years thereafter, the Secretary shall—

**(A)** conduct a review of underride guard standards to evaluate the need for changes in response to advancements in technology; and

**(B)** update the standards accordingly.

**(2) REPORT.—**After each review conducted under this section, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report on the results of the review.

**SEC. 6. COMMITTEE ON UNDERRIDE PROTECTION.**

**(a) Establishment.—**The Secretary of Transportation shall establish the Committee on Underride Protection (referred to in this section as the “Committee”) to oversee the ongoing underride rulemaking process.

**(b) Representation.—**The Committee shall be composed of—

**(1)** 1 representative of truck manufacturers;

**(2)** 1 representative of trailer manufacturers;

**(3)** 1 roadside inspector;

**(4)** 1 motor vehicle engineer, who shall be a technician who works on motor vehicle safety improvements;

**(5)** 1 motor vehicle crash reconstructionist;

**(6)** 2 representatives of consumer-oriented traffic safety organizations;

**(7)** 1 representative of the truck and auto insurance industry;

**(8)** 1 law enforcement crash investigator;

**(9)** 1 emergency medical service provider;

**(10)** 1 public health or injury prevention professional; and

(11) at least 4 people whose families have been impacted by an underride crash.

(c) Meetings.—The Committee shall meet—

(1) until the final rules have been issued pursuant to section 30129 of title 49, United States Code (as added by section 4(a))—

(A) monthly, via conference call; and

(B) quarterly, in person, at the Department of Transportation headquarters; and

(2) subsequent to the issuance of the final rules described in paragraph (1), annually, at the Department of Transportation headquarters, to assess the status of underride crash protection.

(d) Annual Report.—The Committee shall submit an annual report to the appropriate congressional committees that describes the progress made by the Secretary of Transportation in meeting the rulemaking deadlines set forth in section 30129 of title 49, United States Code (as added by section 4(a)).

#### SEC. 7. PUBLICATION OF VICTIMS OF TRUCK UNDERRIDE CRASHES.

The Secretary of Transportation shall—

(1) publish data on victims of truck underride crashes on a publicly accessible website; and

(2) update the data described in paragraph (1) not less frequently than quarterly.

**(c) Truck Driver Compensation** Requires the Secretary of Labor to mandate that employers compensate truck drivers for hours worked. Unfortunately, standard industry practice is for truck drivers to be paid based on miles driven and not hours worked, causing truckers to be overworked which creates perilous safety conditions on the nation's roads.

#### **(d) Protecting Truck Crash Victims Through Trucking Minimum Liability Insurance Requirements**

Increases the minimum levels of insurance trucks must carry from \$750,000 to \$1.5 million. Insurance minimums have not been raised since the 1980's and the current amounts do not provide adequate compensation for victims. The bill also increases insurance levels to keep pace with inflation, and gives the Secretary of Transportation discretion to raise minimum levels if deemed necessary.

SEC. 2. COMPLETE STREETS PROGRAM. (a) DEFINITIONS.—In this section: (1) COMPLETE STREETS.—The term “complete street” means a public road that provides safe and accessible options for multiple travel modes for people of all ages and abilities, including modes such as walking, cycling, transit, automobiles, and freight. (2) COMPLETE STREETS POLICY.—The term “complete streets policy” means a policy adopted by an eligible entity under subsection (d)(1). (3) COMPLETE STREETS PRINCIPLE.—The term “complete streets principle” means a principle at the local, State, or regional level that ensures— (A) the safe and adequate accommodation, in all phases of project planning and development, of all users of the transportation system, including pedestrians, bicyclists, public transit users, children, older individuals, individuals with disabilities, motorists, and freight vehicles; and (B) the consideration of the safety and convenience of all users of the transportation system in all phases of project planning and development. (4) COMPLETE STREETS PRIORITIZATION PLAN.—The term “complete streets prioritization plan” means a plan developed by an eligible entity under subsection (e)(1) that is a comprehensive strategy and list of specific projects to design, and carry out the design of, complete streets— 3 MAZ19671 S.L.C. (A) to improve safety, mobility, or accessibility of a street; (B) that identifies— (i) the streets and infrastructure to be affected by a project; (ii) a cost estimate of the project; and (iii) a timeline for the completion of the project; and (C) that aligns with local infrastructure plans and roadway maintenance schedules. (5) COMPLETE STREETS PROGRAM.—The term “complete streets program” means a program established by a State under subsection (b)(1). (6) ELIGIBLE ENTITY.—The term “eligible entity” means— (A) a unit of local government; (B) a regional planning organization; (C) a metropolitan planning organization; (D) a transit agency; (E) a natural resource or public land agency; (F) a Tribal government; (G) a nonprofit entity responsible for the administration of local transportation safety programs; or 4 MAZ19671 S.L.C. (H) any other local or regional governmental entity, other than a State agency, with responsibility for or oversight of transportation or recreational trails that the State in which the project will occur determines to be eligible, consistent with the goals of this section. (7) METROPOLITAN PLANNING ORGANIZATION.—The term “metropolitan planning organization” means a metropolitan planning organization designated under— (A) section 134 of title 23, United States Code; or (B) section 5303 of title 49, United States Code. (8) SECRETARY.—The term “Secretary” means the Secretary of Transportation. (b) ESTABLISHMENT.— (1) IN GENERAL.—Not later than October 1 of the first fiscal year that begins not less than 2 years after the date of enactment of this Act, each State shall establish a program for a competitive process for an eligible entity to seek— (A) technical assistance for a project to design and construct a project included in the 5 MAZ19671 S.L.C. complete streets prioritization plan of the eligible entity under subsection (f)(4); and (B) grants for the design and construction of complete streets under subsection (g). (2) FUNDING.—Not later than October 1 of the first fiscal year that begins not less than 3 years after the date of enactment of this Act, each State shall begin to provide grants for the design and construction of complete streets under subsection (g)(1). (3) GOALS.—The goals of a complete streets program are— (A) to provide technical assistance and incentives for the adoption of complete streets policies; (B) to encourage eligible entities to adopt a strategic and comprehensive approach for the development of complete streets; (C) to facilitate better pedestrian, bicycle, and public transit travel for users of all ages and abilities by addressing critical gaps in pedestrian, bicycle, and public transit infrastructure; (D) to distribute funding to reward eligible entities that have committed to adopting complete streets best practices developed by the Secretary under subsection (c); and (E) to ensure that underserved municipalities are served equitably by the complete streets program. (c) COMPLETE STREETS BENCHMARKS AND GUIDANCE.— (1) IN GENERAL.—Not later than 450 days after the date of enactment of this Act, the Secretary shall prepare and make available to States and eligible entities benchmarks and guidance by which— (A) States can carry out complete streets programs; (B) eligible entities can carry out complete streets policies and complete streets principles; and (C) eligible entities can evaluate the effectiveness of complete streets projects. (2) FOCUS.—The benchmarks and guidance prepared and made available under paragraph (1) shall— (A) be designed to result in the establishment of methods of effectively carrying out a complete streets policy, a complete streets program, and complete streets principles, as appli2 cable; 3 (B) focus on modifying scoping, design, 4 and construction procedures to more effectively 5 combine modes of transportation into integrated 6 facilities that meet the needs of each of those modes of transportation in an appropriate balance; and (C) indicate the expected operational and safety performance of alternative approaches to facility design. (3) TOPICS OF EMPHASIS.—In preparing the benchmarks and guidance under paragraph (1), the Secretary shall emphasize— (A) procedures for identifying the needs of users of all ages and abilities of a particular roadway; (B) procedures for identifying the types and designs of facilities needed to serve each class of users; (C) safety and other benefits provided by carrying out complete streets principles; (D) common barriers to carrying out complete streets principles; (E) procedures for overcoming the most common barriers to carrying out complete streets principles; (F) procedures for identifying the costs associated with carrying out complete streets principles; (G) procedures for maximizing

local cooperation in the introduction of complete streets principles and carrying out those principles; and (H) procedures for assessing and modifying the facilities and operational characteristics of existing roadways to improve consistency with complete streets principles. (4) PUBLIC REVIEW AND COMMENT.—The complete streets benchmarks and guidance prepared and made available under paragraph (1) shall be subject to a period of public review and comment. (d) COMPLETE STREETS POLICIES.—(1) IN GENERAL.—An eligible entity seeking technical assistance or funds from a complete streets program shall adopt a complete streets policy using complete streets principles and approved by— (A) the State of the eligible entity; or (B) a metropolitan planning organization that serves an area under the jurisdiction of the eligible entity. (2) REQUIREMENTS.—A complete streets policy of an eligible entity shall— (A) include a description of— (i) how the eligible entity intends to develop complete streets infrastructure; (ii) how, after the development of complete streets infrastructure, the transportation system will serve users of all ages and abilities, including pedestrians, bicyclists, and public transit passengers, as well as trucks, buses, and automobiles; (iii) how the complete streets policy will apply to all projects and phases of projects that affect the streets under the complete streets policy, including reconstruction, new construction, planning, design, maintenance, and operations, for the entire street; (iv) any exceptions to the complete streets policy, including a clear procedure for the approval of those exceptions, as described in paragraph (3); (v) the jurisdiction in which the complete streets policy applies; and (vi) the steps necessary for implementation of the complete streets policy; (B) encourage a comprehensive, integrated, and connected network for all modes of transportation; (C) benefit users of all abilities; (D) emphasize the need to coordinate with other jurisdictions with respect to the streets under the jurisdiction of the complete streets policy; (E) require the use of the latest and best design criteria and guidelines, particularly standards relating to providing access to individuals with disabilities, in projects under the complete streets policy; (F) recognize the need for flexibility in balancing user needs; (G) be context sensitive and complement the community, including consideration of the urban, suburban, or rural location in which a project is located; (H) establish performance standards with measurable outcomes to ensure that the complete streets infrastructure complies with complete streets principles; (I) meet the minimum standards established by the Secretary under subsection (e)(2)(A); and (J) except as provided in paragraph (3), require the complete streets policy to apply to new road construction and road modification projects, including design, planning, construction, reconstruction, rehabilitation, maintenance, and operations, for the entire right-of-way under the jurisdiction of the complete streets policy. (3) EXEMPTION REQUIREMENTS AND PROCEDURES.—A complete streets policy shall allow for a project-specific exemption from the complete streets policy if— (A) the roadway affected by the project may not, under applicable law, be used by certain types of users, in which case the eligible entity shall make a greater effort to accommodate the types of users elsewhere, including on roadways that cross or otherwise intersect with the affected roadway; (B) the cost of the project to comply with the complete streets policy would be excessively disproportionate (as defined in the document of the Department of Transportation entitled “Design Guidance Accommodating Bicycle and Pedestrian Travel: A Recommended Approach” and required under section 1202(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 217 note; Public Law 105–178)) compared to the need or particular use of the affected roadway; or (C) the existing and expected population, employment density, traffic volume, or level of transit service on and around the affected roadway is so low that the expected users of the affected roadway will not include pedestrians, public transportation, freight vehicles, or bicyclists. (4) GUIDANCE.—The Secretary shall establish guidance for a State or metropolitan planning organization to evaluate and approve a complete streets policy of an eligible entity. (5) REPORTS.—(A) IN GENERAL.—Each State department of transportation shall submit to the Secretary a report describing the implementation by the State of measures to achieve complete streets principles within complete streets policies of eligible entities within the State at such time, in such manner, and containing such information as the Secretary may require. (B) DETERMINATION BY SECRETARY.—On receipt of a report under subparagraph (A), the Secretary shall determine whether the complete streets program of the State has incorporated complete streets principles into all aspects of the transportation project development, programming, and delivery process, including project planning, project identification, project scoping procedures, design approval, design manuals, and performance measures. (e) CERTIFICATION.—(1) CERTIFICATION OF STATE PROGRAMS.—Not later than October 1 of the first fiscal year that begins not less than 3 years after the date of enactment of this Act, the Secretary shall establish a method of evaluating and certifying compliance by States with the requirements of this Act, including a requirement that each State department of transportation submit a report to the Secretary that describes— (A) the complete streets program of the State; (B) the plan to carry out the complete streets program of the State; and (C) the degree of involvement of eligible entities within the State in developing and carrying out the complete streets program of the State. (2) MINIMUM STANDARDS FOR COMPLETE STREETS POLICIES.—Not later than October 1 of the first fiscal year that begins not less than 1 year after the date of enactment of this Act, the Secretary shall establish minimum requirements for the

certification of an eligible entity by a State or metropolitan planning organization that describes— (A) the minimum standards for a complete streets policy that allows an eligible entity to receive a grant under subsection (g)(1); and (B) a method for metropolitan planning organizations to certify that the complete streets policy of an eligible entity meets the minimum requirements required by the Secretary under subparagraph (A). (3) REPORT.—Not later than October 1 of the first fiscal year that begins not less than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes— (A) the evaluation and certification method established under paragraph (1); (B) the status of activities for adopting and carrying out complete streets programs by States; (C) the tools and resources provided by the Secretary to States to assist with adopting and carrying out complete streets programs by States; and (D) other measures carried out by the Secretary to encourage the adoption of complete streets policies by eligible entities described in subsection (d)(1). (f) COMPLETE STREETS PRIORITIZATION PLAN.— (1) IN GENERAL.—To receive a grant under subsection (g)(1), an eligible entity shall develop, and the State of the eligible entity shall approve of, a complete streets prioritization plan. (2) REQUIREMENTS.—In developing a complete streets prioritization plan, an eligible entity shall MAZ19671 S.L.C. prioritize projects based on the extent to which projects intended to be included in the complete streets prioritization plan improve— (A) safety; (B) pedestrian mobility; (C) bicycle mobility; (D) public transit operations and access; (E) vehicular operations; (F) freight operations; (G) air quality; and (H) any other factor the Secretary determines to be necessary. (3) APPROVAL.—A State shall approve of a complete streets prioritization plan if the State determines that the complete streets prioritization plan— (A) meets the requirements of this section; and (B) meets the goals described in subsection (b)(3). (4) TECHNICAL ASSISTANCE FUNDING.—A State may provide not more than \$50,000 in each fiscal year to an eligible entity with a complete streets policy approved by the applicable State or metropolitan planning organization to conduct studies or analyses to support the completion of a complete streets prioritization plan. (g) GRANTS FOR COMPLETE STREETS INFRASTRUCTURE.— (1) IN GENERAL.—A State may provide a grant for the design and construction of 1 or more projects included in the complete streets prioritization plan of an eligible entity. (2) LIMITATION.—A grant provided to an eligible entity under paragraph (1) may be in an amount that is not more than \$500,000 for each fiscal year. (h) ACCESSIBILITY STANDARDS.— (1) FINAL STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Architectural and Transportation Barriers Compliance Board established under section 502(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 792(a)(1)) shall promulgate final standards for accessibility of new construction and alteration of pedestrian facilities for public rights-of-way. (2) TEMPORARY STANDARDS.—During the period beginning on the date of enactment of this Act and ending on the date on which the Architectural and Transportation Barriers Compliance Board promulgates final standards under paragraph (1), a State or metropolitan planning organization shall apply to public rights-of-way— (A) the standards for accessible transportation facilities in section 37.9 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act); or (B) if the standards referred to in subparagraph (A) do not address, or are inapplicable to, an affected public right-of-way, the guidelines described in the notice of availability of draft guidelines of the Architectural and Transportation Barriers Compliance Board entitled “Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines; Public Rights-of-Way” (70 Fed. Reg. 70734 (November 23, 2005)). (i) FUNDING.—A State shall obligate 5 percent of the funds apportioned to the State under section 104(b) of title 23, United States Code, to carry out the complete streets program of the State. SEC. 3. SAFETY FOR USERS. Section 1442 of the FAST Act (23 U.S.C. 109 note; Public Law 114–94) is amended by striking subsection (a) and inserting the following: “(a) IN GENERAL.—The Secretary shall require each State and metropolitan planning organization to adopt and implement standards for the design of Federal surface transportation projects that provide for the safe and adequate accommodation of all users of the surface transportation network, including motorized and non-motorized users, in all phases of project planning, development, and operation.”. <https://www.markey.senate.gov/imo/media/doc/Complete%20Streets%20Act%202019.pdf>

**Section 9 SAFER DRIVERS** This Advisory Council will address [National Traffic Safety Standards](#) and appropriate consequences to curb unsafe driver behavior.