

117TH CONGRESS
1ST SESSION

S. _____

To authorize elements of the Department of Transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. CANTWELL (for herself and Mr. WICKER) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To authorize elements of the Department of Transportation,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Surface Transportation Investment Act of 2021”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—MULTIMODAL AND FREIGHT TRANSPORTATION

Subtitle A—Multimodal Freight Policy

1 (A) determine whether a motor vehicle
2 safety standard relating to equipping the com-
3 mercial motor vehicles described in that para-
4 graph with automatic emergency braking sys-
5 tems would meet the requirements and consid-
6 erations described in subsections (a) and (b) of
7 section 30111 of title 49, United States Code;
8 and

9 (B) if the Secretary determines that a
10 motor vehicle safety standard described in sub-
11 paragraph (A) would meet the requirements
12 and considerations described in that subpara-
13 graph, initiate a rulemaking to prescribe such a
14 motor vehicle safety standard.

15 **SEC. 3011. UNDERRIDE PROTECTION.**

16 (a) DEFINITIONS.—In this section:

17 (1) COMMITTEE.—The term “Committee”
18 means the Advisory Committee on Underride Protec-
19 tion established under subsection (d)(1).

20 (2) MOTOR CARRIER.—The term “motor car-
21 rier” has the meaning given the term in section
22 13102 of title 49, United States Code.

23 (3) PASSENGER MOTOR VEHICLE.—The term
24 “passenger motor vehicle” has the meaning given

1 the term in section 32101 of title 49, United States
2 Code.

3 (4) UNDERRIDE CRASH.—The term “underride
4 crash” means a crash in which a trailer or
5 semitrailer intrudes into the passenger compartment
6 of a passenger motor vehicle.

7 (b) REAR UNDERRIDE GUARDS.—

8 (1) TRAILERS AND SEMITRAILERS.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this Act, the Sec-
11 retary shall promulgate such regulations as are
12 necessary to revise sections 571.223 and
13 571.224 of title 49, Code of Federal Regula-
14 tions (relating to Federal Motor Vehicle Safety
15 Standard Numbers 223 and 224, respectively),
16 to require trailers and semitrailers manufac-
17 tured after the date on which those regulations
18 are promulgated to be equipped with rear im-
19 pact guards that are designed to prevent pas-
20 senger compartment intrusion from a trailer or
21 semitrailer when a passenger motor vehicle
22 traveling at 35 miles per hour makes—

23 (i) an impact in which the passenger
24 motor vehicle impacts the center of the
25 rear of the trailer or semitrailer;

1 (ii) an impact in which 50 percent of
2 the width of the passenger motor vehicle
3 overlaps the rear of the trailer or
4 semitrailer; and

5 (iii) an impact in which 30 percent of
6 the width of the passenger motor vehicle
7 overlaps the rear of the trailer or
8 semitrailer, if the Secretary determines
9 that a revision of sections 571.223 and
10 571.224 of title 49, Code of Federal Regu-
11 lations (relating to Federal Motor Vehicle
12 Safety Standard Numbers 223 and 224,
13 respectively) to address such an impact
14 would meet the requirements and consider-
15 ations described in subsections (a) and (b)
16 of section 30111 of title 49, United States
17 Code.

18 (B) EFFECTIVE DATE.—The regulations
19 promulgated under subparagraph (A) shall re-
20 quire full compliance with each Federal Motor
21 Vehicle Safety Standard revised pursuant to
22 those regulations not later than 2 years after
23 the date on which those regulations are promul-
24 gated.

1 (2) ADDITIONAL RESEARCH.—The Secretary
2 shall conduct additional research on the design and
3 development of rear impact guards that can—

4 (A) prevent underride crashes in cases in
5 which the passenger motor vehicle is traveling
6 at speeds of up to 65 miles per hour; and

7 (B) protect passengers in passenger motor
8 vehicles against severe injury in crashes in
9 which the passenger motor vehicle is traveling
10 at speeds of up to 65 miles per hour.

11 (3) REVIEW OF STANDARDS.—Not later than 5
12 years after the date on which the regulations under
13 paragraph (1)(A) are promulgated, the Secretary
14 shall—

15 (A) review the Federal Motor Vehicle Safe-
16 ty Standards revised pursuant to those regula-
17 tions and any other requirements of those regu-
18 lations relating to rear underride guards on
19 trailers or semitrailers to evaluate the need for
20 changes in response to advancements in tech-
21 nology; and

22 (B) update those Federal Motor Vehicle
23 Safety Standards and those regulations accord-
24 ingly.

25 (4) INSPECTIONS.—

1 (A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this Act, the Sec-
3 retary shall promulgate such regulations as are
4 necessary to revise the regulations relating to
5 minimum periodic inspection standards under
6 appendix G to subchapter B of chapter III of
7 title 49, Code of Federal Regulations, and the
8 regulations relating to driver vehicle inspection
9 reports under section 396.11 of that title to in-
10 clude requirements relating to rear impact
11 guards and rear end protection that are con-
12 sistent with the requirements described in sec-
13 tion 393.86 of that title.

14 (B) CONSIDERATIONS.—In revising the
15 regulations described in subparagraph (A), the
16 Secretary shall consider it to be a defect or a
17 deficiency if a rear impact guard is missing an,
18 or has a corroded or compromised, element that
19 affects the structural integrity and protective
20 feature of the rear impact guard.

21 (c) SIDE UNDERRIDE GUARDS.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary
24 shall—

1 (A) complete additional research on side
2 underride guards to better understand the over-
3 all effectiveness of side underride guards;

4 (B) assess the feasibility, benefits, and
5 costs of, and any impacts on intermodal equip-
6 ment, freight mobility (including port oper-
7 ations), and freight capacity associated with, in-
8 stallings side underride guards on newly manu-
9 factured trailers and semitrailers with a gross
10 vehicle weight rating of 10,000 pounds or more;

11 (C) consider the unique structural and
12 operational aspects of—

13 (i) intermodal chassis (as defined in
14 section 340.2 of title 46, Code of Federal
15 Regulations; and

16 (ii) pole trailers (as defined in section
17 390.5 of title 49, Code of Federal Regula-
18 tions; and

19 (D) if warranted, develop performance
20 standards for side underride guards.

21 (2) INDEPENDENT RESEARCH.—If the Sec-
22 retary enters into a contract with a third party to
23 perform the research required under paragraph
24 (1)(A), the Secretary shall ensure that the third

1 party does not have any financial or contractual ties
2 to, or relationships with—

3 (A) a motor carrier that transports pas-
4 sengers or property for compensation;

5 (B) the motor carrier industry; or

6 (C) an entity producing or supplying
7 override guards.

8 (3) PUBLICATION OF ASSESSMENT.—Not later
9 than 90 days after completion of the assessment re-
10 quired under paragraph (1)(B), the Secretary
11 shall—

12 (A) issue a notice in the Federal Register
13 containing the findings of the assessment; and

14 (B) provide an opportunity for public com-
15 ment.

16 (4) REPORT TO CONGRESS.—Not later than 90
17 days after the conclusion of the public comment pe-
18 riod under paragraph (3)(B), the Secretary shall
19 submit to the Committee on Commerce, Science, and
20 Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives a report that includes—

23 (A) the results of the assessment under
24 paragraph (1)(B);

1 (B) a summary of any comments received
2 by the Secretary under paragraph (3)(B); and

3 (C) a determination as to whether the Sec-
4 retary intends to develop performance require-
5 ments for side underride guards, including any
6 analysis that led to that determination.

7 (d) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
8 TION.—

9 (1) ESTABLISHMENT.—The Secretary shall es-
10 tablish an Advisory Committee on Underride Protec-
11 tion to provide advice and recommendations to the
12 Secretary on safety regulations to reduce underride
13 crashes and fatalities relating to underride crashes.

14 (2) MEMBERSHIP.—

15 (A) IN GENERAL.—The Committee shall be
16 composed of not more than 20 members, ap-
17 pointed by the Secretary, who—

18 (i) are not employees of the Depart-
19 ment; and

20 (ii) are qualified to serve on the Com-
21 mittee because of their expertise, training,
22 or experience.

23 (B) REPRESENTATION.—The Committee
24 shall include 2 representatives of each of the
25 following:

- 1 (i) Truck and trailer manufacturers.
- 2 (ii) Motor carriers, including inde-
- 3 pendent owner-operators.
- 4 (iii) Law enforcement.
- 5 (iv) Motor vehicle engineers.
- 6 (v) Motor vehicle crash investigators.
- 7 (vi) Truck safety organizations.
- 8 (vii) The insurance industry.
- 9 (viii) Emergency medical service pro-
- 10 viders.
- 11 (ix) Families of underride crash vic-
- 12 tims.
- 13 (x) Labor organizations.
- 14 (3) COMPENSATION.—Members of the Com-
- 15 mittee shall serve without compensation.
- 16 (4) MEETINGS.—The Committee shall meet not
- 17 less frequently than annually.
- 18 (5) SUPPORT.—On request of the Committee,
- 19 the Secretary shall provide information, administra-
- 20 tive services, and supplies necessary for the Com-
- 21 mittee to carry out the duties of the Committee.
- 22 (6) REPORT.—The Committee shall submit to
- 23 the Committee on Commerce, Science, and Trans-
- 24 portation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of
2 Representatives a biennial report that—

3 (A) describes the advice and recommenda-
4 tions made to the Secretary; and

5 (B) includes an assessment of progress
6 made by the Secretary in advancing safety reg-
7 ulations relating to underride crashes.

8 (e) DATA COLLECTION.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary shall im-
10 plement the recommendations described in the report of
11 the Government Accountability Office entitled “Truck
12 Underride Guards: Improved Data Collection, Inspections,
13 and Research Needed”, published on March 14, 2019, and
14 numbered GAO–19–264.

15 **SEC. 3012. PROVIDERS OF RECREATIONAL ACTIVITIES.**

16 Section 13506(b) of title 49, United States Code, is
17 amended—

18 (1) in paragraph (2), by striking “or” at the
19 end;

20 (2) in paragraph (3), by striking the period at
21 the end and inserting “; or”; and

22 (3) by adding at the end the following:

23 “(4) transportation by a motor vehicle designed
24 or used to transport not fewer than 9, and not more
25 than 15, passengers (including the driver), whether