

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

H. R. 3684

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. SINEMA (for herself, Mr.
PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN,
Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WAR-
NER, and Mr. ROMNEY)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Infrastructure Investment and Jobs Act”.

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. References.

DIVISION A—SURFACE TRANSPORTATION

Sec. 10001. Short title.
Sec. 10002. Definitions.

6

- Sec. 22401. Railway-highway crossings program evaluation.
- Sec. 22402. Grade crossing accident prediction model.
- Sec. 22403. Periodic updates to highway-rail crossing reports and plans.
- Sec. 22404. Blocked crossing portal.
- Sec. 22405. Data accessibility.
- Sec. 22406. Emergency lighting.
- Sec. 22407. Comprehensive rail safety review of Amtrak.
- Sec. 22408. Completion of hours of service and fatigue studies.
- Sec. 22409. Positive train control study.
- Sec. 22410. Operating crew member training, qualification, and certification.
- Sec. 22411. Transparency and safety.
- Sec. 22412. Research and development.
- Sec. 22413. Rail research and development center of excellence.
- Sec. 22414. Quarterly report on positive train control system performance.
- Sec. 22415. Speed limit action plans.
- Sec. 22416. New passenger service pre-revenue safety validation plan.
- Sec. 22417. Federal Railroad Administration accident and incident investigations.
- Sec. 22418. Civil penalty enforcement authority.
- Sec. 22419. Advancing safety and innovative technology.
- Sec. 22420. Passenger rail vehicle occupant protection systems.
- Sec. 22421. Federal Railroad Administration reporting requirements.
- Sec. 22422. National Academies study on trains longer than 7,500 feet.
- Sec. 22423. High-speed train noise emissions.
- Sec. 22424. Critical incident stress plans.
- Sec. 22425. Requirements for railroad freight cars placed into service in the United States.
- Sec. 22426. Railroad point of contact for public safety issues.
- Sec. 22427. Controlled substances testing for mechanical employees.

TITLE III—MOTOR CARRIER SAFETY

- Sec. 23001. Authorization of appropriations.
- Sec. 23002. Motor carrier safety advisory committee.
- Sec. 23003. Combating human trafficking.
- Sec. 23004. Immobilization grant program.
- Sec. 23005. Commercial motor vehicle enforcement training and support.
- Sec. 23006. Study of commercial motor vehicle crash causation.
- Sec. 23007. Promoting women in the trucking workforce.
- Sec. 23008. State inspection of passenger-carrying commercial motor vehicles.
- Sec. 23009. Truck Leasing Task Force.
- Sec. 23010. Automatic emergency braking.
- Sec. 23011. Underride protection.
- Sec. 23012. Providers of recreational activities.
- Sec. 23013. Amendments to regulations relating to transportation of household goods in interstate commerce.
- Sec. 23014. Improving Federal-State motor carrier safety enforcement coordination.
- Sec. 23015. Limousine research.
- Sec. 23016. National Consumer Complaint Database.
- Sec. 23017. Electronic logging device oversight.
- Sec. 23018. Transportation of agricultural commodities and farm supplies.
- Sec. 23019. Modification of restrictions on certain commercial driver's licenses.
- Sec. 23020. Report on human trafficking violations involving commercial motor vehicles.

1 tems would meet the requirements and consid-
2 erations described in subsections (a) and (b) of
3 section 30111 of title 49, United States Code;
4 and

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

11 **SEC. 23011. UNDERRIDE PROTECTION.**

12 (a) DEFINITIONS.—In this section:

13 (1) COMMITTEE.—The term “Committee”
14 means the Advisory Committee on Underride Protec-
15 tion established under subsection (d)(1).

16 (2) MOTOR CARRIER.—The term “motor car-
17 rier” has the meaning given the term in section
18 13102 of title 49, United States Code.

19 (3) PASSENGER MOTOR VEHICLE.—The term
20 “passenger motor vehicle” has the meaning given
21 the term in section 32101 of title 49, United States
22 Code.

23 (4) UNDERRIDE CRASH.—The term “underride
24 crash” means a crash in which a trailer or

1 semitrailer intrudes into the passenger compartment
2 of a passenger motor vehicle.

3 (b) REAR UNDERRIDE GUARDS.—

4 (1) TRAILERS AND SEMITRAILERS.—

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

19 (i) an impact in which the passenger
20 motor vehicle impacts the center of the
21 rear of the trailer or semitrailer;

22 (ii) an impact in which 50 percent of
23 the width of the passenger motor vehicle
24 overlaps the rear of the trailer or
25 semitrailer; and

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

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

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

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

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

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

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

19 (B) update those Federal Motor Vehicle
20 Safety Standards and those regulations accord-
21 ingly.

22 (4) INSPECTIONS.—

23 (A) IN GENERAL.—Not later than 1 year
24 after the date of enactment of this Act, the Sec-
25 retary shall promulgate such regulations as are

1 necessary to revise the regulations relating to
2 minimum periodic inspection standards under
3 appendix G to subchapter B of chapter III of
4 title 49, Code of Federal Regulations, and the
5 regulations relating to driver vehicle inspection
6 reports under section 396.11 of that title to in-
7 clude requirements relating to rear impact
8 guards and rear end protection that are con-
9 sistent with the requirements described in sec-
10 tion 393.86 of that title.

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

18 (c) SIDE UNDERRIDE GUARDS.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, the Secretary
21 shall—

22 (A) complete additional research on side
23 underride guards to better understand the over-
24 all effectiveness of side underride guards;

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

8 (C) consider the unique structural and
9 operational aspects of—

10 (i) intermodal chassis (as defined in
11 section 340.2 of title 46, Code of Federal
12 Regulations; and

13 (ii) pole trailers (as defined in section
14 390.5 of title 49, Code of Federal Regula-
15 tions; and

16 (D) if warranted, develop performance
17 standards for side underride guards.

18 (2) INDEPENDENT RESEARCH.—If the Sec-
19 retary enters into a contract with a third party to
20 perform the research required under paragraph
21 (1)(A), the Secretary shall ensure that the third
22 party does not have any financial or contractual ties
23 to, or relationships with—

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

1 (B) the motor carrier industry; or

2 (C) an entity producing or supplying
3 override guards.

4 (3) PUBLICATION OF ASSESSMENT.—Not later
5 than 90 days after completion of the assessment re-
6 quired under paragraph (1)(B), the Secretary
7 shall—

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

10 (B) provide an opportunity for public com-
11 ment.

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

19 (A) the results of the assessment under
20 paragraph (1)(B);

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

23 (C) a determination as to whether the Sec-
24 retary intends to develop performance require-

1 ments for side underride guards, including any
2 analysis that led to that determination.

3 (d) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
4 TION.—

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

10 (2) MEMBERSHIP.—

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

14 (i) are not employees of the Depart-
15 ment; and

16 (ii) are qualified to serve on the Com-
17 mittee because of their expertise, training,
18 or experience.

19 (B) REPRESENTATION.—The Committee
20 shall include 2 representatives of each of the
21 following:

22 (i) Truck and trailer manufacturers.

23 (ii) Motor carriers, including inde-
24 pendent owner-operators.

25 (iii) Law enforcement.

- 1 (iv) Motor vehicle engineers.
- 2 (v) Motor vehicle crash investigators.
- 3 (vi) Truck safety organizations.
- 4 (vii) The insurance industry.
- 5 (viii) Emergency medical service pro-
- 6 viders.

- 7 (ix) Families of underride crash vic-
- 8 tims.

- 9 (x) Labor organizations.

10 (3) COMPENSATION.—Members of the Com-
11 mittee shall serve without compensation.

12 (4) MEETINGS.—The Committee shall meet not
13 less frequently than annually.

14 (5) SUPPORT.—On request of the Committee,
15 the Secretary shall provide information, administra-
16 tive services, and supplies necessary for the Com-
17 mittee to carry out the duties of the Committee.

18 (6) REPORT.—The Committee shall submit to
19 the Committee on Commerce, Science, and Trans-
20 portation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives a biennial report that—

- 23 (A) describes the advice and recommenda-
- 24 tions made to the Secretary; and

1 (B) includes an assessment of progress
2 made by the Secretary in advancing safety reg-
3 ulations relating to underride crashes.

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

11 **SEC. 23012. PROVIDERS OF RECREATIONAL ACTIVITIES.**

12 Section 13506(b) of title 49, United States Code, is
13 amended—

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

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

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

19 “(4) transportation by a motor vehicle designed
20 or used to transport not fewer than 9, and not more
21 than 15, passengers (including the driver), whether
22 operated alone or with a trailer attached for the
23 transport of recreational equipment, if—

24 “(A) the motor vehicle is operated by a
25 person that provides recreational activities;