

Public Law 117–58
117th Congress

An Act

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

Nov. 15, 2021
[H.R. 3684]

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

Infrastructure
Investment and
Jobs Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

23 USC 101 note.

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

(b) **TABLE OF CONTENTS.**—The table of contents for 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.
- Sec. 10003. Effective date.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

- Sec. 11101. Authorization of appropriations.
- Sec. 11102. Obligation ceiling.
- Sec. 11103. Definitions.
- Sec. 11104. Apportionment.
- Sec. 11105. National highway performance program.
- Sec. 11106. Emergency relief.
- Sec. 11107. Federal share payable.
- Sec. 11108. Railway-highway grade crossings.
- Sec. 11109. Surface transportation block grant program.
- Sec. 11110. Nationally significant freight and highway projects.
- Sec. 11111. Highway safety improvement program.
- Sec. 11112. Federal lands transportation program.
- Sec. 11113. Federal lands access program.
- Sec. 11114. National highway freight program.
- Sec. 11115. Congestion mitigation and air quality improvement program.
- Sec. 11116. Alaska Highway.
- Sec. 11117. Toll roads, bridges, tunnels, and ferries.
- Sec. 11118. Bridge investment program.
- Sec. 11119. Safe routes to school.
- Sec. 11120. Highway use tax evasion projects.
- Sec. 11121. Construction of ferry boats and ferry terminal facilities.
- Sec. 11122. Vulnerable road user research.
- Sec. 11123. Wildlife crossing safety.
- Sec. 11124. Consolidation of programs.
- Sec. 11125. GAO report.
- Sec. 11126. Territorial and Puerto Rico highway program.
- Sec. 11127. Nationally significant Federal lands and Tribal projects program.
- Sec. 11128. Tribal high priority projects program.
- Sec. 11129. Standards.
- Sec. 11130. Public transportation.

motor vehicles, including any analysis that led to that determination.

Deadline.
Determinations.

(5) RULEMAKING.—Not later than 2 years after the date on which the study under paragraph (1) is completed, the Secretary shall—

(A) determine whether a motor vehicle safety standard relating to equipping the commercial motor vehicles described in that paragraph with automatic emergency braking systems would meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code; and

(B) if the Secretary determines that a motor vehicle safety standard described in subparagraph (A) would meet the requirements and considerations described in that subparagraph, initiate a rulemaking to prescribe such a motor vehicle safety standard.

49 USC 39111
note.

SEC. 23011. UNDERRIDE PROTECTION.

(a) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term “Committee” means the Advisory Committee on Underride Protection established under subsection (d)(1).

(2) MOTOR CARRIER.—The term “motor carrier” has the meaning given the term in section 13102 of title 49, United States Code.

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

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

(b) REAR UNDERRIDE GUARDS.—

(1) TRAILERS AND SEMITRAILERS.—

Deadline.
Regulations.
Requirement.

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to revise sections 571.223 and 571.224 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Numbers 223 and 224, respectively), to require trailers and semitrailers manufactured after the date on which those regulations are promulgated to be equipped with rear impact guards that are designed to prevent passenger compartment intrusion from a trailer or semitrailer when a passenger motor vehicle traveling at 35 miles per hour makes—

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

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

Determination.

(iii) an impact in which 30 percent of the width of the passenger motor vehicle overlaps the rear of the trailer or semitrailer, if the Secretary determines that a revision of sections 571.223 and 571.224 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Numbers 223 and 224,

respectively) to address such an impact would meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code.

(B) EFFECTIVE DATE.—The regulations promulgated under subparagraph (A) shall require full compliance with each Federal Motor Vehicle Safety Standard revised pursuant to those regulations not later than 2 years after the date on which those regulations are promulgated.

Compliance.
Deadline.

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

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

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

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

Deadline.

(A) review the Federal Motor Vehicle Safety Standards revised pursuant to those regulations and any other requirements of those regulations relating to rear underride guards on trailers or semitrailers to evaluate the need for changes in response to advancements in technology; and

(B) update those Federal Motor Vehicle Safety Standards and those regulations accordingly.

Update.

(4) INSPECTIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to revise the regulations relating to minimum periodic inspection standards under appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, and the regulations relating to driver vehicle inspection reports under section 396.11 of that title to include requirements relating to rear impact guards and rear end protection that are consistent with the requirements described in section 393.86 of that title.

Deadline.
Regulations.

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

(c) SIDE UNDERRIDE GUARDS.—

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

Deadline.

(A) complete additional research on side underride guards to better understand the overall effectiveness of side underride guards;

(B) assess the feasibility, benefits, and costs of, and any impacts on intermodal equipment, freight mobility (including port operations), and freight capacity associated

Assessment.

	with, installing side underride guards on newly manufactured trailers and semitrailers with a gross vehicle weight rating of 10,000 pounds or more;
	(C) consider the unique structural and operational aspects of—
	(i) intermodal chassis (as defined in section 340.2 of title 46, Code of Federal Regulations; and
	(ii) pole trailers (as defined in section 390.5 of title 49, Code of Federal Regulations; and
Standards.	(D) if warranted, develop performance standards for side underride guards.
Contracts.	(2) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform the research required under paragraph (1)(A), the Secretary shall ensure that the third party does not have any financial or contractual ties to, or relationships with—
	(A) a motor carrier that transports passengers or property for compensation;
	(B) the motor carrier industry; or
	(C) an entity producing or supplying underride guards.
Deadline.	(3) PUBLICATION OF ASSESSMENT.—Not later than 90 days after completion of the assessment required under paragraph (1)(B), the Secretary shall—
Notice. Federal Register, publication. Public comment.	(A) issue a notice in the Federal Register containing the findings of the assessment; and
	(B) provide an opportunity for public comment.
	(4) REPORT TO CONGRESS.—Not later than 90 days after the conclusion of the public comment period under paragraph (3)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—
	(A) the results of the assessment under paragraph (1)(B);
Summary.	(B) a summary of any comments received by the Secretary under paragraph (3)(B); and
Determination. Analysis.	(C) a determination as to whether the Secretary intends to develop performance requirements for side underride guards, including any analysis that led to that determination.
	(d) ADVISORY COMMITTEE ON UNDERRIDE PROTECTION.—
Recommendations.	(1) ESTABLISHMENT.—The Secretary shall establish an Advisory Committee on Underride Protection to provide advice and recommendations to the Secretary on safety regulations to reduce underride crashes and fatalities relating to underride crashes.
	(2) MEMBERSHIP.—
Appointments.	(A) IN GENERAL.—The Committee shall be composed of not more than 20 members, appointed by the Secretary, who—
	(i) are not employees of the Department; and
	(ii) are qualified to serve on the Committee because of their expertise, training, or experience.
	(B) REPRESENTATION.—The Committee shall include 2 representatives of each of the following:
	(i) Truck and trailer manufacturers.

- (ii) Motor carriers, including independent owner-operators.
- (iii) Law enforcement.
- (iv) Motor vehicle engineers.
- (v) Motor vehicle crash investigators.
- (vi) Truck safety organizations.
- (vii) The insurance industry.
- (viii) Emergency medical service providers.
- (ix) Families of underride crash victims.
- (x) Labor organizations.

(3) COMPENSATION.—Members of the Committee shall serve without compensation.

(4) MEETINGS.—The Committee shall meet not less frequently than annually. Time period.

(5) SUPPORT.—On request of the Committee, the Secretary shall provide information, administrative services, and supplies necessary for the Committee to carry out the duties of the Committee.

(6) REPORT.—The Committee shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a biennial report that—

(A) describes the advice and recommendations made to the Secretary; and Recommendations.

(B) includes an assessment of progress made by the Secretary in advancing safety regulations relating to underride crashes. Assessment.

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

SEC. 23012. PROVIDERS OF RECREATIONAL ACTIVITIES.

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

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

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

(3) by adding at the end the following:

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

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

“(B) the transportation is provided within a 150 air-mile radius of the location at which passengers initially boarded the motor vehicle at the outset of the trip; and

“(C) in the case of a motor vehicle transporting passengers over a route between a place in a State and a place in another State, the person operating the motor vehicle is lawfully providing transportation of passengers over the entire route in accordance with applicable State law.”.