

HOUSE APPROVES 2015 TRANSPORTATION APPROPRIATIONS BILL

On June 10 the U.S. House of Representatives passed an appropriations bill that will fund the Department of Transportation and its related agencies for fiscal year 2015. The bill passed by a vote of 229-192.

The bill includes language directing the Federal Motor Carrier Safety Administration to provide a report to the House and Senate Appropriations Committees within 90 days of enactment that catalogues the scientific evidence which supports the safety benefits of limiting the 34-hour restart provision in the hours of service regulations to once every 168 hours, as well as the effects on safety and traffic of requiring the 34-hour restart to include two periods of 1:00 a.m. to 5:00 a.m.

Unlike the Senate appropriations bill, however, the House bill would not stay enforcement of the 34-hour restart changes while the study is being completed. The full Senate will consider its 2015 DOT appropriations bill later this month. Assuming that the Senate bill HOS provision is not amended on the floor, the two differing HOS provisions in the House and Senate will be resolved in the conference committee.

The House bill includes three provisions related to truck weight:

- **WISCONSIN:** The Wisconsin provision would allow the higher weight limits for six axle trucks currently in place on Highway 41 to remain in effect when the road is converted to an Interstate Highway. This provision simply maintains the status quo. Defeating it would be very disruptive to Wisconsin shippers, who would have to reroute heavier trucks to less safe, non-Interstate routes.
- **MISSISSIPPI:** In Mississippi, State Highway 78 currently allows trucks carrying certain commodities to operate at weights up to 84,000 pounds by permit. The provision in the bill would allow those specific weights to continue once Highway 78 is converted to Interstate 22 later this year. This provision simply maintains current weight limits and would not extend to other highways or to other states.
- **IDAHO:** In Idaho, Interstate weight limits for “bridge formula compliant” vehicles are already at 105,500 pounds. The Idaho provision, which has the strong support of the Governor, the state legislature and the state DOT, would allow the state to raise Interstate limits for certain multiple-axle rigs from 105,500 pounds to up to 129,000 pounds.

In addition, the House adopted an amendment offered by Rep. Steve Daines (R-MT) that prohibits funding to issue regulations that increase insurance coverage minimums required of trucking and bus companies. The amendment was adopted by a vote of 214-212. The FMCSA has recently begun a rulemaking process to adjust the minimum liability coverage amounts, which have not been changed since 1985.

The House also adopted an amendment to prohibit the funding of high-speed rail in California or funding for the California High-Speed Rail Authority.

Further, the bill requires the FMCSA to revise its processes regarding holders of Hazardous Materials Safety Permits. The current process does not include any method to challenge or appeal out-of-service violations that can leave smaller carriers out of business due to automatic sanctions against the HMSP. The bill prohibits FMCSA from denying an application to renew a HMSP permit application based solely on a carrier's OOS rate unless: (1) the carrier has been given a reasonable opportunity to provide evidence of corrective actions taken or a corrective action plan underway; and (2) the FMCSA finds that those actions or plan would be insufficient to address specific and apparent safety concerns raised by the carrier's inspection citations.

Finally, the House committee report on the bill addressed concerns with the FMCSA's CSA program. The report stated:

The Committee directs FMCSA to carry out recommendations for its Compliance, Safety, Accountability program (CSA) as outlined in the Government Accountability Office's February 2014 report. FMCSA shall revise Safety Measurement System (SMS) methodology to better account for data limitations that undermine meaningful comparisons of safety performance information across carriers. FMCSA is directed to conduct a formal analysis that specifically identifies what are the limitations in data used to calculate SMS scores as well as limitations in resulting SMS scores and report that analysis to the House and Senate Committees on Appropriations within 180 days of enactment. Such analysis shall also identify, for each purpose for which SMS scores are used, what data sufficiency standard is necessary to ensure SMS is reliable enough to serve that purpose. FMCSA is also directed to demonstrate that any use of data, including SMS, to determine a carrier's fitness to operate has adequately accounted for data limitations.