

115TH CONGRESS
1ST SESSION

H. R. 2120

To direct the Secretary of Transportation to take actions to address issues affecting motorcoach and school bus operators, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2017

Mr. PERRY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Secretary of Transportation to take actions to address issues affecting motorcoach and school bus operators, 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 “Buses United for Safety, Regulatory Reform, and En-
6 hanced Growth for the 21st Century Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. FMCSA reform.
- Sec. 3. FAST Act reform.

- Sec. 4. Rules exemptions and rescission for motor carriers of passengers.
- Sec. 5. Beyond compliance.
- Sec. 6. Corrective action plans regarding motor carriers of passengers.
- Sec. 7. Civil penalties.
- Sec. 8. Modernization of Federal Motor Carrier Safety Regulations.
- Sec. 9. Rulemakings impacting motor carriers of passengers.
- Sec. 10. GAO study assessing effects of current oversight and regulations.
- Sec. 11. Pilot program on inspections.
- Sec. 12. Requirements for NHTSA.
- Sec. 13. Requirements for FTA.

1 **SEC. 2. FMCSA REFORM.**

2 (a) MISSION STATEMENT.—Section 113(b) of title
 3 49, United States Code, is amended by inserting “while
 4 fostering new and expanding passenger service through in-
 5 dustry collaboration, encouraging new entrant applicants
 6 by expediting operating authorizations, and identifying
 7 passenger carrier drivers as a profession” before “in
 8 motor carrier transportation.”.

9 (b) REQUIREMENTS FOR REGISTRATION OF MOTOR
 10 CARRIERS.—Section 13901 of title 49, United States
 11 Code, is amended by adding at the end the following:

12 “(d) OPERATING AUTHORITY TO TRANSPORT PAS-
 13 SENGERS.—

14 “(1) APPLICATIONS.—If a person submits to
 15 the Secretary under this section an application for
 16 motor carrier operating authority to transport pas-
 17 sengers, the Secretary, not later than 14 days after
 18 the date of the submission, shall—

19 “(A) approve the application; or

1 “(B) provide to the applicant, in writing, a
2 specific valid reason for withholding approval of
3 the application.

4 “(2) SUPPLEMENTAL INFORMATION.—If an ap-
5 plicant that receives written notice under paragraph
6 (1)(B) submits to the Secretary information that
7 satisfies the reason of the Secretary for withholding
8 approval of the application, the Secretary shall ap-
9 prove the application not later than 5 days after the
10 date of receipt of the information.

11 “(e) GUIDANCE FOR NEW ENTRANTS.—

12 “(1) ISSUANCE.—The Secretary shall—

13 “(A) issue written guidance to instruct new
14 entrants seeking operating authority under this
15 section to transport passengers on complying
16 with the Federal Motor Carrier Safety Regula-
17 tions; and

18 “(B) ensure that a new entrant that sub-
19 mits an application for such operating authority
20 receives the guidance.

21 “(2) CRITERIA FOR SAFETY AUDIT.—The guid-
22 ance issued under paragraph (1) shall serve as the
23 criteria for conducting a safety audit of an approved
24 new entrant motor carrier of passengers.

1 “(3) REGISTRATION FEES.—The Secretary may
2 not increase registration fees for new entrant appli-
3 cations described in paragraph (1) in excess of
4 \$350.”.

5 **SEC. 3. FAST ACT REFORM.**

6 (a) CARRIER SAFETY FITNESS DETERMINATIONS.—

7 (1) NOTICE OF PROPOSED RULEMAKING.—Be-
8 fore the date on which the Inspector General of the
9 Department of Transportation makes the certifi-
10 cation under section 5223(a) of the FAST Act (49
11 U.S.C. 31100 note; 129 Stat. 1541), the Secretary
12 of Transportation may not issue a notice of proposed
13 rulemaking to modify the carrier safety fitness
14 standards and methodologies in effect for motor car-
15 riers on the date of enactment of this Act.

16 (2) LIMITATIONS ON USE OF CARRIER SAFETY
17 FITNESS DETERMINATIONS.—The following require-
18 ments shall apply with respect to a carrier safety fit-
19 ness determination made by the Secretary, using
20 procedures in effect on the date of enactment of this
21 Act, in connection with a motor carrier engaged in
22 providing transportation of passengers:

23 (A) The Secretary may not use the carrier
24 safety fitness determination to instruct a ces-
25 sation of operations or revocation.

1 (B) The Secretary may determine the
2 motor carrier to be “unfit” to operate only
3 upon—

4 (i) completion of a compliance review
5 or comprehensive safety investigation; and

6 (ii) consideration of a corrective ac-
7 tion plan, if submitted.

8 (C) The Secretary shall continue to assign
9 “satisfactory” and “conditional” ratings as ap-
10 propriate.

11 (D) Any assigned rating shall include the
12 date on which the rating was assigned.

13 (b) AVAILABILITY OF INFORMATION DEVELOPED
14 UNDER CSA PROGRAM.—

15 (1) IN GENERAL.—Section 5223 of the FAST
16 Act (49 U.S.C. 31100 note; 129 Stat. 1541) is
17 amended—

18 (A) in subsection (a) by striking “or the
19 commercial motor vehicle driver” and inserting
20 “, the commercial motor vehicle driver, or the
21 motor carrier of passengers (including any pri-
22 vate school bus operator)”; and

23 (B) in subsection (d)—

24 (i) in paragraph (1)—

1 (I) in subparagraph (A) by strik-
2 ing the semicolon at the end and in-
3 serting “; and”; and

4 (II) in subparagraph (B)—

5 (aa) by striking “and a com-
6 mercial motor vehicle driver” and
7 inserting “, a commercial motor
8 vehicle driver, and a motor car-
9 rier of passengers (including any
10 private school bus carrier)”;

11 (bb) by striking “or driver,
12 respectively; and” and inserting
13 “or driver, as appropriate.”; and

14 (cc) by striking subpara-
15 graph (C);

16 (ii) by striking paragraph (2); and

17 (iii) by redesignating paragraph (3) as
18 paragraph (2).

19 (2) APPLICABILITY.—The amendments made
20 by paragraph (1) shall apply to the availability of in-
21 formation beginning 1 day after the date of enact-
22 ment of this Act.

23 **SEC. 4. RULES EXEMPTIONS AND RESCISSION FOR MOTOR**
24 **CARRIERS OF PASSENGERS.**

25 (a) OBSTRUCTIVE SLEEP APNEA.—

1 (1) FINDING.—Congress finds that obstructive
2 sleep apnea is adequately addressed under the cur-
3 rent medical standards for commercial motor vehicle
4 drivers.

5 (2) EXEMPTION.—The Secretary of Transpor-
6 tation shall exempt commercial motor vehicle drivers
7 of motor carriers of passengers and private school
8 bus carriers from any requirements resulting from
9 the advance notice of proposed rulemaking of the
10 Federal Motor Carrier Safety Administration relat-
11 ing to “Evaluation of Safety Sensitive Personnel for
12 Moderate-to-Severe Obstructive Sleep Apnea” (81
13 Fed. Reg. 12642 (March 10, 2016)).

14 (b) FINANCIAL RESPONSIBILITY.—

15 (1) LIMITATION ON INCREASES.—The Secretary
16 may not increase the minimum financial responsi-
17 bility limits that apply, as of the date of enactment
18 of this Act, to motor carriers of passengers and pri-
19 vate school bus carriers unless the increase is ap-
20 proved by an Act of Congress.

21 (2) EXEMPTION.—The Secretary shall exempt
22 motor carriers of passengers and private school bus
23 carriers from any requirements resulting from the
24 advance notice of proposed rulemaking of the Fed-
25 eral Motor Carrier Safety Administration relating to

1 “Financial Responsibility for Motor Carriers,
2 Freight Forwarders, and Brokers” (79 Fed. Reg.
3 70839 (November 28, 2014)).

4 (c) SPEED LIMITERS.—

5 (1) FINDING.—Congress favors collecting and
6 disseminating statistical information to the motor
7 carrier industry in lieu of imposing requirements re-
8 lating to the installation of speed limiting devices.

9 (2) EXEMPTION.—The Secretary shall exempt
10 motor carriers of passengers and private school bus
11 carriers from any requirements resulting from the
12 advance notice of proposed rulemaking of the Na-
13 tional Highway Traffic Safety Administration and
14 the Federal Motor Carrier Safety Administration re-
15 lating to “Federal Motor Vehicle Safety Standards;
16 Federal Motor Carrier Safety Regulations; Parts
17 and Accessories Necessary for Safe Operation; Speed
18 Limiting Devices” (81 Fed. Reg. 61941 (September
19 7, 2016)).

20 (d) LEASE AND INTERCHANGE OF VEHICLES.—

21 (1) RESCISSION OF RULE.—The Secretary shall
22 withdraw and rescind the rule of the Federal Motor
23 Carrier Safety Administration relating to “Lease
24 and Interchange of Vehicles; Motor Carriers of Pas-
25 sengers” (80 Fed. Reg. 30164 (May 27, 2015)).

1 “(2) REVISIONS.—

2 “(A) NOTICE OF DEFICIENCIES.—If the
3 Secretary denies a corrective action plan of a
4 motor carrier of passengers, the Secretary
5 shall—

6 “(i) advise the motor carrier of the
7 specific deficiencies of the plan; and

8 “(ii) allow up to 14 days for the
9 motor carrier to submit a revised plan.

10 “(B) REVIEW OF REVISED PLANS.—Not
11 later than 30 days after the date of receipt of
12 the revised corrective action plan, the Secretary
13 shall accept or deny the revised plan.

14 “(3) LIMITATIONS ON SUSPENSIONS AND REV-
15 OCATIONS.—

16 “(A) IN GENERAL.—The Secretary may
17 not suspend or revoke the authority of a motor
18 carrier of passengers to conduct operations dur-
19 ing any period in which a corrective action plan
20 is being revised or reviewed in accordance with
21 the requirements of this subsection.

22 “(B) EXCEPTION.—Subparagraph (A)
23 shall not apply with respect to a motor carrier
24 of passengers if the Secretary determines the

1 motor carrier to be an imminent hazard to pub-
2 lic safety.

3 “(4) CONSIDERATION OF CORRECTIVE AC-
4 TIONS.—If a motor carrier of passengers implements
5 a corrective action during a compliance review or
6 safety audit, the Secretary shall consider the correc-
7 tive action before a safety fitness determination ac-
8 tion is concluded.”.

9 **SEC. 7. CIVIL PENALTIES.**

10 (a) ADDITIONAL PENALTY CONSIDERATIONS.—Sec-
11 tion 521(b)(2)(D) of title 49, United States Code, is
12 amended by inserting “scope of severity and willfulness,
13 ability to pay, size of fleet,” before “and such other mat-
14 ters as justice and public safety may require”.

15 (b) PROCEDURAL REQUIREMENT RELATING TO IN-
16 STALLMENT PLANS.—Section 521(b) of title 49, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 “(16) PROCEDURAL REQUIREMENT RELATING
20 TO INSTALLMENT PLANS.—A motor carrier of pas-
21 sengers, by contesting or appealing a notice of a vio-
22 lation issued by the Secretary under this subsection,
23 does not waive any right relating to installment
24 plans before the Secretary has issued an order af-

1 Safety Regulation as the regulation relates to reduc-
2 ing fatalities and bodily injury;

3 (2) identify, in original or modified form, those
4 Federal Motor Carrier Safety Regulations that pos-
5 sess the highest propensity for reducing fatalities
6 and bodily injuries;

7 (3) identify statutory provisions that impede the
8 elimination of burdensome, ineffective, and duplica-
9 tive Federal regulations;

10 (4) consider methods for improved record reten-
11 tion requirements through electronic media; and

12 (5) identify conflicting definitions relating to
13 motor carriers of passengers in statutes and regula-
14 tions.

15 (d) REPORT TO CONGRESS.—Not later than 1 year
16 after the date of enactment of this Act, the Secretary shall
17 submit to Congress a report on the activities and findings
18 of the Committee, including recommendations for statu-
19 tory revisions to achieve the goals described in subsection
20 (a).

21 (e) REGULATORY ACTIONS.—After the date of sub-
22 mission of the report, the Secretary shall initiate regu-
23 latory actions to implement the recommendations of the
24 Committee.

1 **SEC. 9. RULEMAKINGS IMPACTING MOTOR CARRIERS OF**
2 **PASSENGERS.**

3 In a rulemaking proceeding impacting both motor
4 carriers of property and motor carriers of passengers, the
5 Secretary of Transportation shall provide a separate and
6 distinct analysis, including a cost-benefit analysis, specific
7 to the impact of the proposed rulemaking on motor car-
8 riers of passengers.

9 **SEC. 10. GAO STUDY ASSESSING EFFECTS OF CURRENT**
10 **OVERSIGHT AND REGULATIONS.**

11 (a) **STUDY.**—The Comptroller General of the United
12 States shall conduct a comprehensive study on—

13 (1) the regulations affecting motor carriers of
14 passengers that were finalized in the preceding 10
15 years by the Federal Motor Carrier Safety Adminis-
16 tration and the National Highway Traffic Safety
17 Administration to determine if the projected goals of
18 the regulations are being realized, including reduc-
19 tions in fatalities and costs;

20 (2) the negative effects of suspension, revoca-
21 tion, and out-of-service orders on motor carriers of
22 passengers, the drivers of such carriers, communities
23 (including schools, religious organizations, and other
24 organizations), and financial institutions; and

25 (3) the disparate effects of regulations of the
26 Federal Motor Carrier Safety Administration and

1 the National Highway Traffic Safety Administration
2 finalized in the preceding 10 years on small fleet
3 motor carriers of passengers consisting of 10 or
4 fewer vehicles, and recommendations for exemptions
5 and implementation strategies to mitigate the dis-
6 parate effects.

7 (b) REPORT TO CONGRESS.—Not later than 1 year
8 after the date of enactment of this Act, the Comptroller
9 General shall submit to Congress a report on the results
10 of the study.

11 **SEC. 11. PILOT PROGRAM ON INSPECTIONS.**

12 (a) IN GENERAL.—The Secretary of Transportation
13 shall carry out a pilot program to compare the effective-
14 ness of prescheduled garage, terminal, or place of business
15 vehicle and driver inspections with random destination in-
16 spections on motor carriers of passengers.

17 (b) GOAL.—The goal of the pilot program shall be
18 to determine which inspection method achieves a higher
19 level of compliance with Federal Motor Carrier Safety
20 Regulations and reductions in crashes and fatalities.

21 (c) REPORT TO CONGRESS.—Not later than 2 years
22 after the date of enactment of this Act, the Secretary shall
23 submit to Congress a report on the results of the pilot
24 program.

1 SEC. 12. REQUIREMENTS FOR NHTSA.

2 (a) NEW VEHICLE REQUIREMENTS.—The Secretary
3 of Transportation may not promulgate any new regulatory
4 mandates for motorcoaches or school buses that are not
5 based solely on sound data and science that will directly
6 reduce crashes or the effects thereof. All proposed modi-
7 fications to design or accessory requirements relating to
8 motorcoaches or school buses shall be pursued by the Sec-
9 retary through the formal regulatory process based on a
10 comprehensive cost-benefit analysis and sound scientific
11 research.

12 (b) INCLUSION OF INDUSTRY REGARDING AUTONO-
13 MOUS VEHICLE POLICY.—The Secretary shall include and
14 consult with the motorcoach and school bus industries
15 through its representatives, including motorcoach and
16 school bus manufacturers, companies operating motor-
17 coaches and school buses, and motorcoach and school bus
18 industry associations, in all phases of development of au-
19 tonomous vehicle policy and proposed regulations.

20 SEC. 13. REQUIREMENTS FOR FTA.

21 (a) PRIVATE SECTOR EXCLUSION SUMMARY.—

22 (1) MANDATORY REPORTS.—As a condition for
23 receiving funds made available under chapter 53 of
24 title 49, United States Code, the Secretary of Trans-
25 portation shall require a recipient of such funds to
26 report to the Secretary any instance in which a pri-

1 vate sector motor carrier of passengers or a private
2 sector school bus passenger carrier providing charter
3 or scheduled service is displaced by a public trans-
4 portation provider receiving financial assistance
5 through the use of such funds.

6 (2) VOLUNTARY REPORTS.—In addition to the
7 reports required under paragraph (1), the Secretary
8 shall allow a private sector motor carrier of pas-
9 sengers described in paragraph (1) to voluntary re-
10 port any instance described in paragraph (1).

11 (3) REPORTING PROCEDURES.—The Secretary
12 shall establish procedures for receiving reports under
13 paragraphs (1) and (2).

14 (4) ANNUAL REPORT TO CONGRESS.—Not later
15 than 1 year after the date of enactment of this Act,
16 and annually thereafter, the Secretary shall submit
17 to Congress a report that contains a list of the re-
18 ports submitted in the prior year under paragraphs
19 (1) and (2), including a description of the specific lo-
20 cations and estimated economic losses to private sec-
21 tor motor carriers of passengers and private sector
22 school bus passenger carriers associated with each
23 report.

24 (b) PUBLIC MEETING DISCLOSURE WEBSITE.—As a
25 condition for receiving funds made available under chapter

1 53 of title 49, United States Code, the Secretary shall re-
2 quire a recipient of such funds to publish, on an Internet
3 website to be established and maintained by the Secretary,
4 a notice of any public meeting scheduled by the recipient.

5 (c) COMBINED AGENCY BIENNIAL REPORTS.—The
6 Secretary shall integrate the charter registration website
7 of the Federal Transit Administration and the biennial up-
8 date website of the Federal Motor Carrier Safety Adminis-
9 tration so as to permit entities under the jurisdictions of
10 those Administrations to make a single registration up-
11 date.

12 (d) PRIVATE SECTOR ENGAGEMENT.—

13 (1) EXPANDED CERTIFICATION.—As a condi-
14 tion for receiving funds made available under chap-
15 ter 53 of title 49, United States Code, the Secretary
16 shall require a recipient of such funds to file with
17 the Secretary an expanded certification of specific
18 considerations and engagements utilized by the re-
19 cipient to encourage the participation of the private
20 sector to the maximum extent feasible in projects
21 and activities of the recipient involving the use of
22 such funds.

23 (2) PUBLIC AVAILABILITY OF CERTIFI-
24 CATIONS.—The Secretary shall ensure that certifi-

1 cations made under this subsection appear on a pub-
2 lic Internet website administered by the Secretary.

3 (e) CAPITAL COST OF CONTRACTING.—

4 (1) EDUCATION PROGRAM.—The Secretary
5 shall carry out a program to educate recipients of
6 funds under chapter 53 of title 49, United States
7 Code, on the use of capital cost of contracting for
8 partnering with private sector motor carriers of pas-
9 sengers and private sector school bus passenger car-
10 riers.

11 (2) STATE AND REGIONAL SESSIONS.—In car-
12 rying out the program, the Secretary shall conduct
13 a series of State or regional (or both) sessions that
14 will be open to the public and include participation
15 by private sector motor carriers of passengers, pri-
16 vate sector school bus passenger carriers, and recipi-
17 ents of funds under chapter 53 of title 49, United
18 States Code.

19 (f) PRIVATE SECTOR PARTICIPATION.—

20 (1) INCENTIVES FOR COMPETITIVELY CON-
21 TRACTED SERVICE.—Section 5323(i) of title 49,
22 United States Code, is amended by adding at the
23 end the following:

24 “(3) INCENTIVES FOR COMPETITIVELY CON-
25 TRACTED SERVICE.—

1 “(A) ELIGIBILITY.—Subject to subpara-
2 graph (C), a recipient of assistance under this
3 chapter that meets the targets under subpara-
4 graph (B) for competitively contracted service
5 shall be eligible, at the request of the recipient,
6 for a Federal share of 90 percent for the capital
7 cost of buses and bus-related facilities and
8 equipment purchased with financial assistance
9 made available under this chapter.

10 “(B) TARGET.—To qualify for the com-
11 petitively contracted service incentive program
12 under this paragraph, a public transit agency or
13 governmental unit shall competitively contract
14 for at least 20 percent of its fixed route bus
15 service. The percentage of competitively con-
16 tracted service shall be calculated by deter-
17 mining the ratio of competitively contracted
18 service vehicles operated in annual maximum
19 service to total vehicles operated in annual max-
20 imum service.

21 “(C) MAINTENANCE OF EFFORT.—A pub-
22 lic transit agency or governmental unit shall be
23 eligible for an increased Federal share under
24 this paragraph only if the amount of State and
25 local funding provided to the affected public

1 transit agency or governmental unit for the
2 capital cost of buses and bus-related facilities
3 and equipment will not be less than the average
4 amount of funding for such purposes provided
5 during the 3 fiscal years preceding the date of
6 enactment of this paragraph.

7 “(D) DEFINITIONS.—In this paragraph,
8 the following definitions apply:

9 “(i) COMPETITIVELY CONTRACTED
10 SERVICE.—The term ‘competitively con-
11 tracted service’ means fixed route bus
12 transportation service purchased by a pub-
13 lic transit agency or governmental unit
14 from a private sector motor carrier of pas-
15 sengers or a private sector school bus pas-
16 senger carrier based on a written contract.

17 “(ii) VEHICLES OPERATED IN ANNUAL
18 MAXIMUM SERVICE.—The term ‘vehicles
19 operated in annual maximum service’
20 means the number of transit vehicles oper-
21 ated to meet the annual maximum service
22 requirement during the peak season of the
23 year, on the week and day that maximum
24 service is provided.”.

1 (2) STRATEGIES TO REDUCE OR ELIMINATE IM-
2 PEDIMENTS TO PRIVATE SECTOR PARTICIPATION IN
3 PROVIDING PUBLIC TRANSPORTATION SERVICE.—

4 (A) STUDY.—The Secretary shall conduct
5 a study on—

6 (i) private sector participation by pri-
7 vate sector motor carriers of passengers
8 and private school bus passenger carriers
9 in providing public transportation service;

10 (ii) impediments to such participation;

11 and

12 (iii) strategies and recommendations
13 taken to reduce or eliminate the impedi-
14 ments.

15 (B) REPORT TO CONGRESS.—

16 (i) IN GENERAL.—Not later than 1
17 year after the date of enactment of this
18 Act, the Secretary shall transmit to Con-
19 gress a report containing the results of the
20 study.

21 (ii) CONTENTS.—The report shall in-
22 clude summaries and observations from
23 various trade associations representing the

- 1 private sector motor carriers of passengers
- 2 industries.

○