

## House Committee Advances \$547 Billion Highway Package

The House Transportation and Infrastructure Committee passed a \$547 billion package early Thursday aimed at fixing the nation's roads and transit systems. In a marathon 19-hour meeting that began on Wednesday, the Committee considered more than 200 amendments to the transportation package. Democrats said the bill would lay the foundations for President Biden's proposed \$2.3 trillion American Jobs Plan. The bill seeks to ensure that states maintain existing highway infrastructure before adding new lanes and would create programs aimed at reducing carbon emissions from driving. The following provisions of the bill would have a direct impact on small business energy marketers:

- **Drivers Hours of Service** – The bill requires the DOT to conduct a comprehensive review of hours-of-service regulations and their safety impact they have on CDL drivers. The bill would require the review to focus on the impact on safety and driver health from waivers and exceptions that extend maximum daily driving time and on-duty time, as well as exemptions from recording daily HOS on electronic recording devices. This section could lead to the elimination of the exception for short haul drivers from using electronic devices to record hours of service and reduction of the mileage circumference they must remain within during their daily shift. The bill could also roll back the recent hours-of-service expansion put into effect last year that gave CDL drivers 2 additional hours on duty and behind the wheel. EMA proposed and won both exceptions and are important because they significantly reduce compliance costs on small business energy marketers.
- **Vehicle Miles Traveled (VMT) Pilot:** Provides additional funding for (VMT) pilot programs across the country, and provides incentives for States to implement successful VMT programs. It also establishes a national VMT pilot program, including both passenger and commercial vehicles in all 50 states to invest in developing a sustainable funding mechanism for the highway trust fund (HTF). A VMT is a user fee based on miles traveled that can possibly be tracked by phone apps, in-car diagnostic systems or by other means.
- **EV Charging Rest Stop Commercialization** – The bill would carve out an exception to the Eisenhower era ban on rest stop commercial-activity to allow EV charging infrastructure along the nation's major highways. The exemption permits state governments to authorize the installation of EV charging stations and allows states to select at which rest stops the charging stations are located. The bill expands EV charging station locations beyond rest areas to any federal right of way along an interstate highway, opening up the door to new, purpose-built EV charging station facilities.
- **Commercial Motor Vehicles:** Mandates Automatic Emergency Braking systems in newly manufactured commercial motor vehicles. The bill also requires the Secretary of Transportation to establish rear underride guard safety standards for all newly manufactured trailers and semi-trailers capable of preventing passenger compartment underride at speeds up to 35 mph. The bill would require periodic inspection of rear underride equipment as well as daily pre-trip inspections by drivers. It also calls for a study on installing side underride guards on newly manufactured trailers and semitrailers.
- **Hazardous Material Transportation:** Requires PHMSA to study and report to Congress the safety impact of the current requirement for all commercial vehicles hauling hazardous

materials stop at railroad crossings; the frequency of rear impact to HAZMAT vehicles as a result of the requirement; and whether the requirement should be removed altogether.

- **Minimum Insurance Requirements:** The bill would more than double the current minimum insurance requirement for commercial motor vehicles (including cargo tank vehicles) from \$750,000 to \$2 million.
- **Electronic Vehicle Identifier** – The bill requires the Secretary of Transportation to issue a final motor vehicle safety standard that requires all newly manufactured commercial motor vehicle manufactured to be equipped with a universal electronic vehicle identifier mechanism that identifies the vehicle to roadside inspectors for enforcement purposes;
- **Sleep Apnea** - The bill directs the Secretary of Transportation to conduct a study on the effect untreated obstructive sleep apnea has on CDL drivers. The bill also directs the Secretary to issue regulations establishing obstructive sleep apnea screening criteria for medical professionals conducting CDL driver physicals. Drivers found to have obstructive sleep apnea would be required to use costly and uncomfortable supplemental oxygen devices during sleep periods. Serious cases of obstructive sleep apnea could lead to loss of CDL licensure.
- **Entry Level Driver Training** – The Bill seeks to speed-up the implementation of the rule establishing minimum training requirements for entry level commercial motor vehicle drivers. The bill requires the DOT to report to Congress every 90 days on the progress being made on final implementation of the rule. The Federal Motor Carrier Safety Administration announced last year a two-year delay in the compliance deadline to develop minimum training requirements for entry-level commercial motor vehicle operators. The compliance date for the rule has been moved from February 7, 2020 to February 7, 2022.
- **Driver Detention Time** – The bill requires the Secretary of Transportation to collect data on CDL driver delays during loading and unloading periods and promulgate a rule establishing limits on the amount of time a driver can be delayed without being paid for time delayed.