



## Owner-Operator Independent Drivers Association

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### *H.R. 3684, INVEST in America Act – Trucking Provisions Summary*

The U.S. House of Representatives has approved their version of the Highway Bill, H.R. 3684. OOIDA **AGGRESSIVELY OPPOSED** the legislation because it contains a crippling minimum insurance increase to \$2 million along with several other anti-trucker provisions such as required screening for sleep apnea, restrictive limits on personal conveyance, the return of public CSA scores, new authority for congestion pricing, an automatic emergency braking mandate and a potential side underride guard mandate. Although the legislation includes an unprecedented \$1 billion investment in truck parking projects, there are simply too many disastrous policies for small-business motor carriers and owner-operators.

The following is a list of provisions that will impact the trucking industry.

#### **Harmful Trucking Provisions**

- **Minimum Insurance Increase** – Sec. 4408. Increases the minimum amount of insurance required for commercial motor vehicles from \$750,000 to \$2 million, and directs this amount to be adjusted for inflation by FMCSA every five years.
- **Sleep Apnea Screening** – Sec. 4308. Directs FMCSA to, within one year, assess the risks posed by untreated obstructive sleep apnea, and initiate a rulemaking to establish screening criteria for obstructive sleep apnea among commercial vehicle drivers.
- **Limits on HOS/Personal Conveyance** – Sec. 4306. Requires FMCSA to conduct a comprehensive review of the impacts of current hours of service rules, including exemptions and expansions of on-duty time for commercial truck drivers finalized by the agency in a 2020 rulemaking. The Secretary must document existing exemptions from hours of service rules and conduct a safety analysis and a driver impact analysis as part of the comprehensive review. Directs FMCSA to revise the agency's guidance with respect to the use of a commercial motor vehicle for personal conveyance, to establish specific mileage or time limits on the use of this exception.
- **CSA Public Scores** – Sec. 4202. Requires the Secretary, within one year of enactment, to revise the methodology used to identify and prioritize motor carriers for safety interventions under the Compliance, Safety, Accountability (CSA) program. Requires the Secretary to make safety data publicly available upon revision of the methodology. Requires progress reports to Congress 30 days after enactment, and every 90 days thereafter on the status of the development of the revised methodology and related data modifications. Requires the Secretary to publish

regulations to revise the process for issuing safety fitness determinations for motor carriers no later than one year after implementing the new CSA methodology.

- **AEB Mandate** – Sec. 4404. Requires the Secretary, no later than one year after enactment, to prescribe a motor vehicle safety standard and accompanying performance requirements for newly manufactured heavy-duty commercial motor vehicles to be equipped with an automatic emergency braking system, and to require that systems installed in such vehicles be in use during operation.
- **Potential Underride Mandate** – Sec. 4405. Requires the Secretary to complete additional research on side underride guards and consider the feasibility, benefits, and costs associated with installing side underride guards, and if warranted, develop performance standards. Requires the Secretary to report to Congress on the findings of the research and the analysis that leads to the determination whether to develop performance standards. Creates an Advisory Committee on Underride Protection.
- **Expanded FMCSA Use of Personal ELD Data** – Sec. 4311. Allows data from Electronic Logging Devices to be used by FMCSA for transportation research.
- **Tolling/Congestion Pricing** – Sec. 1110. Ensures, by reinstating a requirement for tolling agreements with FHWA, that project sponsors seeking to institute tolls on any federal-aid highway project or for conversion of any part of the NHS (including the interstate) consider the following factors: congestion and air quality impacts on both the toll facility and non-tolled routes onto which traffic might be diverted; planned investments to improve public transportation or other non-tolled alternatives in the corridor; environmental justice and transportation equity impacts; impacts on freight movement; and economic impacts on travelers. Ensures that public transportation vehicles and intercity buses can use new toll facilities without paying a toll. Requires that any new toll facilities provide for electronic interoperability with other providers in the region and seeks to facilitate interoperable electronic tolling. Provides mainstream authority for congestion pricing, subject to the considerations above, as well as impacts on congestion on the facility, adjacent routes, and the corridor to ensure that any planned investments in operational improvements or in alternate travel options reduce congestion in the corridor. Strengthens the limitations on surplus revenues to ensure that any additional funds must be used within the corridor to improve operations or capacity of public transportation, operational improvements, or other alternatives to the tolled facility. Allows toll revenues to be used to fund toll rebate programs for commuters with no reasonable alternative to the toll facility. Toll revenues may only be invested outside the corridor if all the needs of both the facility and the corridor have been met.
- **VMT Pilot Programs** – Sec. 5401. Nearly doubles funding for State-level VMT pilot programs and directs program dollars towards implementation of successful State programs. Adds cybersecurity to the scope of the pilot programs.

## **Beneficial Provisions**

- **Truck Parking** – Sec. 1308. Provides \$1 billion over the life of the bill for a grant program to address the shortage of parking for commercial motor vehicles to improve the safety of commercial motor vehicle drivers.
- **Small Motor Carrier Representation** – Sec. 4201. Extends the authorization for the Motor Carrier Safety Advisory Committee through FY26 and adds small carriers among those required to be represented on the Committee.
- **Entry-Level Driver Training** – Sec. 4303 Requires progress reports to Congress 30 days after enactment, and every 90 days thereafter until full implementation of FMCSA’s Entry Level Driver Training rule, including: a schedule and benchmarks to finalize implementation of the requirements; reporting of any anticipated delays in meeting the benchmarks; progress made in updating FMCSA’s information technology infrastructure to support the training rule; and progress made by states in implementing the rule.
- **Detention Time** – Sec. 4304. Requires the Secretary to begin collecting data on delays experienced by drivers in the loading and unloading of goods, or detention time, within 30 days of enactment. Requires such data to be made publicly available in an anonymized manner. Requires a rulemaking, no later than one year after enactment, to establish limits on the amount of time that a driver may be reasonably detained, unless compensated for the time.
- **Truck Leasing Task Force** – Sec. 4305. Requires the Secretary of Transportation, in consultation with the Secretary of Labor, to establish a Truck Leasing Task Force to examine common truck leasing agreements, and the terms of such agreements, available to truck drivers, including port drayage drivers specifically. The Task Force shall also examine the impact of truck leasing agreements on the net compensation of drivers, and resources available to assist drivers in assessing the impacts of leasing agreements.
- **B-1 Visas** – Sec. 4307. Requires the DOT Inspector General to examine and report to Congress on the prevalence of the operation of commercial motor vehicles by drivers admitted to the United States under temporary business visas, and the safety impacts of such operations.
- **Women in Trucking** - Sec. 4309. Directs the FMCSA Administrator to establish and facilitate a “Women of Trucking Advisory Board” to encourage organizations and programs that provide education, training, mentorship, or outreach to women in the trucking industry; and recruit women into the trucking industry.
- **Highway Repair** - Various investments in highways, roads, bridges, and infrastructure improvements.

## **Other Notable Provisions**

- **Section 106, FMCSA Funding.** Provides an additional \$209.9 million in contract authority in FY21 for FMCSA motor carrier safety programs.
- **Section 4208, Labor Laws.** Requires the Department of Transportation and the Department of Labor to review the relationship between labor and employment laws and regulations and motor carrier safety laws and regulations.
- **Section 5304, Study on safe interactions between automated vehicles and road users.** Directs U.S. DOT to study how automated vehicles will safely interact with general road users, including vulnerable road users such as bicyclists and pedestrians. Includes numerous safety considerations to ensure that the study accounts for the complexities of the surface transportation system and its many users. Establishes a working group of road users to guide the study.
- **Section 5309, Automated commercial vehicle reporting.** Directs the Secretary to require entities operating automated commercial motor vehicles in interstate commerce to report safety data to the Secretary. Requires the Secretary to establish a repository of such data and make certain data publicly available in a safe manner that protects the privacy of submitting entities.

