MEMORANDUM

TO: TOM FREEDMAN, MARY SMITH

FROM: JULIE MIKUTA

RE: BIG TRUCKS

DATE: AUGUST 14, 1997

SUMMARY

Truck driver associations are advocating increasing the permissible size and weight of semi-trailers. Opponents of this movement cite the relatively number of highway fatalities involving heavy trucks. The Administration did not take a stance on this issue in the OMB's March report on the reauthorization of the Intermodal Surface Transportation Efficiency Act. Another bill in Congress would limit the size and weight of trucks to their present levels. Attached is a description of the legislative options prepared by DOT.

BACKGROUND INFORMATION

- Heavy trucks include single, double or triple trailers. Single trailers are between 53 and 60 feet long. Double and triple trailers are up to 120 feet long. [Parade 7/20/97]

- Accidents involving heavy trucks killed 1903 people and injured 116,000 in 1995. The total number of fatalities on the highways was 41,798. Large trucks made up 3% of all registered vehicles; they accounted for 21% of all deaths in crashes involving two or more vehicles. [Parade 7/20/97]

- The Department of Labor places truck drivers on top of its list of occupations with large numbers of worker fatalities.

- The Alliance for Safe and Efficient Trucking wants to add axles to trucks and raise the gross limit for 18-wheelers to 97,000 pounds from 80,000. (Trucks often reach the 80,000 pound limit with plenty of available space.) Under current conditions, with no axles added, the additional weight would cut the lifetime for bridges and overpasses from 50 years to 29 years, according to the Federal Highway Administration.

- Currently, carriers may exceed federal weight limits in some states and on some roads-- for example, in South Dakota, and on the NY Thruway and Florida Turnpike.

- Thomas Donohue, President and CEO of the American Trucking Association, becomes head of the U.S. Chamber of Commerce in September.

THE ADMINISTRATION'S VIEWS

In March, OMB prepared a report on the reauthorization of the Intermodal Surface Transportation Efficiency Act (S. 468 and HR 1268, known as NEXTEA). Due to the controversy surrounding the large truck size and weight issues, the report said nothing about big trucks.

DOT issued a draft version of its "Truck Size and Weights" study in June. According to the OMB, the report says nothing substantial about the big trucks. DOT is currently running models on the impact of increasing truck size and/or weight; a report will be published in November at the earliest.

BILLS IN CONGRESS

Rep. Oberstar introduced HR 551 on 2/4/97; it now has 23 co-sponsors. The bill is summarized on the attached sheet. It limits the length of trailers to 53 feet, and freezes current state weight limits on the non-Interstate National Highway System.

Reauthorization of the Intermodal Surface Transportation Efficiency Act: $537 million was authorized for the Motor Carrier Safety Assistance Program. The Program's goal is to reduce accidents and fatalities involving trucks by enforcing size and weight limitations, enforcing traffic laws, and detecting transportation of unlawful substances.

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Legislative Options for Truck Size and Weights

Background

Current Federal Requirements

On the Interstate System (44k mi.):
- 20,000 lbs. single axles
- 34,000 lbs. tandem axles
- Bridge Formula B for axle spacings, with 80,000 lbs cap

On the Interstate System and National Truck Network (200k mi.):
- 102 inch width
- 48' minimum semitrailer length
- 28' minimum trailer length for doubles

Oberstar Proposal (would apply to the National Highway System)

Semi-Trailer Lengths - limit to 53', eventually phase out longer trailers (57', 59', etc) now grandfathered in 10 States (i.e., longer trailers manufactured after a fixed date not allowed to operate).

Terminate Grandfather Rights On Interstate - Applies to truck axle and gross weights exceeding Federal Statutes.

Nondivisible Load Proceeding - Secretary would have to define, by commodity, whether a load is divisible or not.

Weight Limitations - Freeze current state weight limits on the non-Interstate NHS (including all the currently grandfathered higher weights) .

Possible Departmental Responses/Positions

1. Take no action now

Pros

- Secretary initiated TS&W Study - supports previous stance that it needs to be completed before acting.

- Fulfills commitment made to State partners to work openly and colloboratively on a rational policy.

- Enables formulation of a rational policy based on integration of TS&W Study results.

Cons

- Creates perception of leaving a gap on safety and infrastructure protection.
- May preclude department from taking a leadership role on this significant issue.

2. **Support the Oberstar Bill in total (excluding commodity-specific designation req'ment)**

Pros

- Responds to safety and infrastructure protection concerns.
- Because safety of single trailers longer than 53' is slightly worse (poorer off-tracking), precluding their proliferation would have some safety benefit. Small infrastructure protection benefit (ramps, curbs, guardrails; does not affect pavement or bridge wear). Most State transportation departments would likely support this move because of their concern for infrastructure. Technical supporting arguments documentable.
- Ending states' ability to claim grandfather rights on Interstates creates opportunity to aggressively resist "creeping incrementalism" of weight on Interstates while rationalized policy is developed.
- Freezing weights on NHS prevents safety degradation and reduces infrastructure damage. Other options are available, however, for addressing weight-related safety and infrastructure concerns.
- Ensures department will be a player in the debate on this issue.
- Safety community will applaud this move.

Cons

- Precludes formulation of a rational policy based on integration of TS&W Study results and is inconsistent with Secretary's previous reluctance to support measures such as this.
- Oberstar Bill does not address current Bridge Formula B loopholes. which result in increased bridge and pavement damage.

- Violates states' outreach/openness expectations relative to TS&W Study.

- May be difficult to develop supporting analysis for this position.

- Federally intrusive.

3. **Support Oberstar Bill (excluding commodity-specific designation req'ment), but without Weight Restrictions**

Pros

- Sends signal that Department is serious about safety. Makes department a player in debate.

- Because safety of single trailers longer than 53' is slightly worse (poorer off-tracking), precluding their proliferation would have some safety benefit. Small infrastructure protection benefit (ramps, curbs, guardrails; does not affect pavement or bridge wear). Most State transportation departments would likely support this move because of their concern for infrastructure. Technical supporting arguments documentable.

- Ending states' ability to claim grandfather rights on Interstates creates opportunity to aggressively resist "creeping incrementalism" of weight on Interstates while rationalized policy is developed.

- Maintains integrity of commitment to partner with states on the weight issue.

- Preserves opportunity to develop a rationalized weight policy based on TS&W Study results. Implies we have a better method for addressing weight related concerns.

Cons

- Could be perceived to be "weak" on safety and infrastructure protection relative to weight.

- Oberstar Bill does not address current Bridge Formula B loopholes. which result in increased bridge and pavement damage.

- Federally intrusive, but less so than Option 2.

- Safety community less supportive.

his fall, Congress votes on a transportation law affecting truck size, weight and routes. or some, it could be a matter of life and death.

Should The Big Trucks

3Y BERNARD GAVZER

IF YOU DRIVE ON AMERICA'S highways, the outcome of a critical debate in Congress may very well touch your life. The issue: whether to reauthorize the existing highway and surface transportation bill, which expires Sept. 30, or write a new one.

In the current debate, "there will be a lot of competing interests, such as the trucking industry seeking increases in the size, weight and routes of y trucks [including those of double and triple trailers, restricted by the previous bill, in 1991] and more exemptions from safety standards," says Gerald A. Donaldson, senior re h director of Advocates for Highway Auto Safety. "The question is whether the American people are going to be able to get into the driver's seat to demand safety as the main objective for this legislation."

In 1995, while large trucks made up 3% of all registered vehicles, they accounted for 21% of all deaths in crashes involving two or more vehicles.

HOW DANGEROUS ARE THE BIG RIGS? Heavy trucks include 18-wheel single trailers (53 to 60 feet long), double triple trailers—the latter, at up to 120 as long as a 10-story building. The Department of Transportation reports that accidents involving heavy trucks killed 4903 and injured 116,000 in 1995.

"That's an average of 13 Americans y day in truck crashes, with 12 of the 13 being occupants of passenger cars," says Joan Claybrook, president of Public Citizen, a public-interest group, and chairw of Citizens for Reliable and Safe Highways (CRASH), a grassroots safety organization. "That death toll is equivalent to having more than 30 fully loaded 737 jetliners crashing. If this were the airline industry, it would be grounded."

Thomas Donohue, president and CEO of the American Trucking Associations (ATA), sees it differently. "In 1995," he says, "41,798 people died on our nation's highways. Most of those fatalities—88%—did not involve trucks. And the fatality rate per 100 million vehicle miles decreased from 2.6 in 1994 to 2.3 in 1995, for the lowest on record."

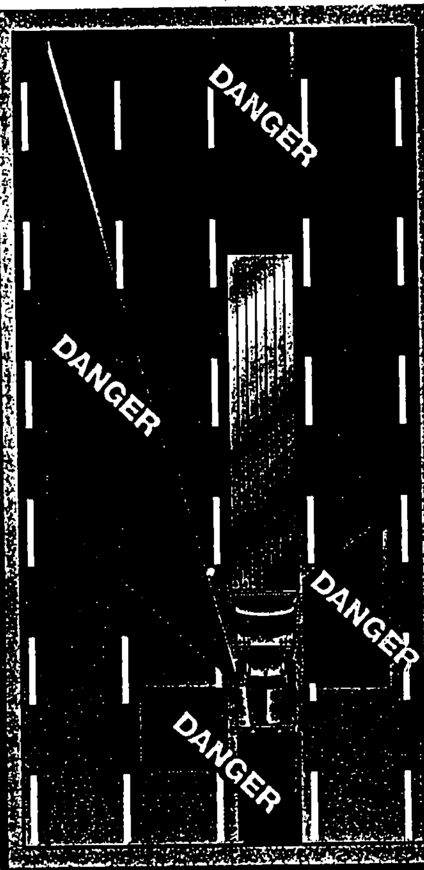
Observers point out, however, that trucks account for a disproportionate share of highway accidents. In 1995, while large trucks made up 3% of all registered vehicles, they accounted for 21% of all deaths in crashes involving two or more vehicles, according to the Insurance Institute for Highway Safety.

I spoke with motorists around the nation who expressed their concerns. Said Ellyn Bold of Overland Park, Kan.: "I drive a 4x4 Land Rover, which is a pretty solid vehicle. Yet I have to admit that those big trucks on I-435 and I-35 can intimidate me. You can feel your car vibrate alongside them. You have to go 75 mph if you want to pass them." Said Peggy Valva of Cupertino, Calif.: "I get the jitters when I get on the Nimitz Freeway and these big trucks just keep coming and coming and coming. So I have total respect for them and pretend I'm a skilled race-car driver and stay out of their way." Said Tony DeLauro of New York: "They drive right up on top of you. They go too fast. They're dangerous. I try to avoid them."

"GET IT THERE YESTERDAY" Some critics blame the safety problem on industry pressures that make truckers drive long hours while fatigued in order to meet delivery deadlines. "The individual truck driver is a victim in all this," says Michael Scippa, executive director of CRASH. "He is being pushed to meet impossible schedules that force him, at the risk of losing his job, to exceed speed limits, or violate the hours-of-service rule by working too long, or give up sleep and drive tired."

"Shippers want it absolutely, positively overnight," says Lana Batts, president of the Truckload Carriers Association. In some cases, notes the ATA's Donohue, this overrides safety and health concerns. "There's a group of shippers whose treatment of truck drivers is immoral, unacceptable and borders on the illegal," he says.

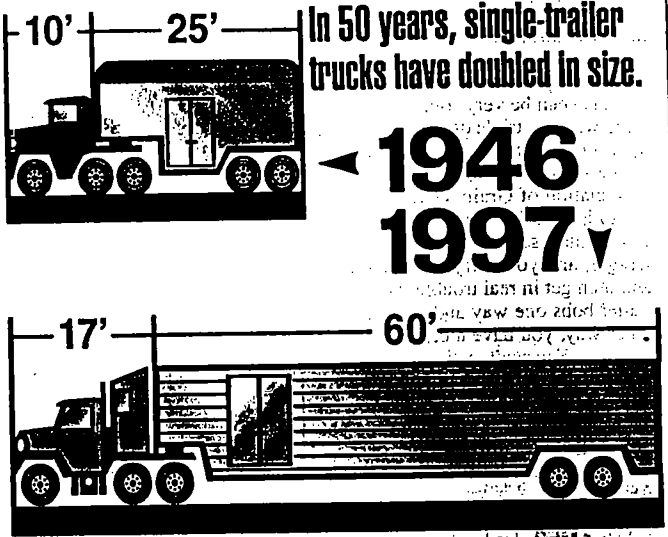
That "absolutely, positively overnight" pressure apparently figured in a spectacular police chase in Pennsylvania. Robert Earl Carney had picked up a load of onions in El Centro, Calif., on May 17 with orders to get it to Goshen, N.Y., on May 21, the Lehigh County District Attorney's office said. In Pennsylvania, the D.A.'s office alleges,



Motorists, Beware!

PHOTOGRAPH BY GREG SMITH/SABA; ILLUSTRATIONS BY SCOTT MACNEILL+MACINTOSH.

Get Bigger?



In 50 years, single-trailer trucks have doubled in size.

Carney hit four vehicles during a police lasted nearly two hours over 97 miles. Fortunately, there were no injuries.

W I described this to some truckers at the Clinton Diner in Maspeth, N.Y., none seemed surprised. A few thought Carney's timetable was dumb, but doable. "I can go from California to I York in four days by driving for 10 hours and then taking eight hours for , then 10 hours driving again," said Jerronne Mattry Jr., 27, from Winston-Salem, N.C. "I can just about do 1000 miles a day." Mattry says he gets 25 cents a mile plus $15 a stop. He averages 2500 miles and 40 stops a week.

"[redacted] 41,798 people on our nation's highways. of those fatalities—88% —did t involve trucks. The fatality rate for trucks was the lowest on record."

—Thomas Donohue, President and CEO, an Trucking Associations

"That death toll [for car crashes involving trucks] is equivalent to having more than 30 fully loaded 737 jetliners crashing. If this were the airline industry, it would be grounded."

—Joan Claybrook, Chairwoman, Citizens for Reliable and Safe Highways

Ralph Nader, founder of Public Citizen, said he has talked with "drivers who say they can doze at the wheel on long straightaways and practically drive from c : to coast with only short fuel stops." I could not find any drivers who said they had ever done that, but some admitted that they had unintentionally c then awakened when their truck touched the shoulder of the road.

Do truckers take drugs to stay awake or get to sleep? In a 1993 Federal Highway Administration study of 31,000 drivers, 4.6 % tested positive for cocaine, amphetamines, PCP, marijuana or opiates. (Tests of 65,000 drivers, however, showed that more than 99% had no alcohol in their blood or levels well below the amount at which they could be cited for driving while intoxicated.) A new study on drug and alcohol use has been conducted, but the FHWA has not released its findings.

The U.S. Department of Labor places truck drivers on top of its list of occupations with large numbers of worker fatalities. It also is one of the few jobs not covered by the Fair Labor Standards Act. "We need more reasonable hours of service regulations that will guarantee adequate time for rest," says Gary Williams, a veteran driver from Colton, Calif. "Trucking companies have made our jobs into rolling sweatshops. It's about time we got the security of being paid by the hour." (Most drivers—paid by the mile, stops or loads—make $33,000 to $35,000 a year. Owner-operators do better.)

WHY BIGGER TRUCKS? Trucking industry leaders like to talk about increased "productivity" when they argue for bigger trucks, heavier loads or long combination vehicles. Federal law limits trucks to a gross vehicle weight of 80,000 pounds. With a cargo of potatoes or pig iron, for instance, the truck could reach the weight limit with plenty of space remaining. In the industry's eyes, that is nonproductive.

Eric White, head of the Alliance for Safe and Efficient Trucking, wants to raise the gross limit for 18-wheelers to 97,000 pounds. That weight increase, he says, would enable four trucks to haul what now takes about five. "Increasing the weight, as well as adding axles, would be a way to reduce congestion," he says. "There also would be less damage to the highways, because the axles would spread the weight out." (Under current conditions, the FHWA says, with no axles added, boosting the allowable weight to 97,000 pounds would cut the lifetime for bridges and overpasses from 50 years to 29 years.)

At present, carriers may exceed federal weight limits in some states and on some roads, as in South Dakota and on the New York Thruway and the Florida Turnpike.

Over the last 50 years, trucks have gotten longer as well as heavier. In 1946, a 10-foot tractor pulled a 25-foot trailer. By 1994, the tractor was 17 feet and the trailer 60 feet.

Sharon Nichols of the Western Highway Institute, which represents the interests of truckers who use double and triple trailers, says they have the best safety record. "That's because it is a

continued

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2) Should trucks be permitted to get bigger, heavier and longer? YES (press 1) NO (press 3)

3) Should truck drivers be allowed at the wheel for 12 consecutive hours instead of 10 (the present maximum)? YES (press 1) NO (press 3)

4) Should larger trucks be allowed on roads other than interstates and major highways? YES (press 1) NO (press 3)

5) I drive...FREQUENTLY (press 1) OCCASIONALLY (press 2) NEVER (press 3)

6) If you are MALE (press 1) FEMALE (press 3)

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TRUCKS/*continued*

highly controlled operation, using the drivers, operating under permit only. It is a privilege to operate a triple."

It also can be very tricky. "The first thing we tell a triple driver," says Todd Spencer, executive vice president of the Owner-Operator Independent Drivers A ciation of Grain Valley, Mo., "is *not* to look in his rearview mirror, because you'll see how much the trailers wiggle, and you'll try to compensate and then get in real trouble. When one trailer bobs one way and the other another way, you have a crack-the-whip situation. You can't really steer out of it. To keep the trailers in line, you've got to know how to power-brake: You hit the trailer brakes at the same time you on the gas."

ARE MOTORISTS TO BLAME? Some trucking industry leaders have argued that risky driving by motorists is a primary of truck-auto collisions. One such allegation, citing statistics of accident reports, maintains that 72% of such fatal crashes were the fault of the motorist.

But the trucking industry has misread the data, says the highway safety advocate Gerald A. Donaldson: "It is outrageous that they would continue to indict passenger vehicle operators as the pr y cause of fatal car-truck crashes. The reports from the scene do not reflect detailed investigation, and in most cases they reflect what the only survivor—the truck driver—has to say."

"The FHWA itself," he adds, "stressed [in two recent reports] that it was not fixing fault."

As time runs out on the Intermodal Surface Transportation Efficiency Act (ISTEA, often called "ice tea"), highway safety issues are commanding more attention. Rep. James Oberstar (D., Minn.), the ranking minority member of the House Transportation and Infrastructure Committee, says he is determined to preserve the 1991 federal freeze on lengths, weights and routes for double and triple trailers and to cap single-trailer lengths at 53 feet.

Tensions in the debate are exacerbated by trucking's economic importance. The American Trucking Associations' Thomas Donohue, who becomes head of the U.S. Chamber of Commerce in September, says "77% of American com s depend exclusively on trucks to bring them the goods they consume, take away finished products and bring in materials." He adds, "Trucks carry billions of tons of freight billions of miles. They are absolutely fundamental to our lives. Without trucks, America stops." ■

ADVOCATES
FOR HIGHWAY
AND AUTO SAFETY

FAX TRANSMISSION SHEET

DATE: 2/26/96

TO: Elizabeth Drye

FAX #: 456-7028

FROM: Jackie Gillan

PAGES TO TRANSMIT (INCLUDING COVER SHEET): 4

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HIGHWAY SAFETY ADVOCATES URGE TRANSPORTATION SECRETARY SLATER TO PUT "SAFETY FIRST" PROMISE INTO *ISTEA* ACTION

WASHINGTON, D.C. (February 26, 1997) -- In a letter sent yesterday, national consumer, health, safety and insurance organizations urged U.S. Transportation Secretary Rodney Slater to deliver on his recent promise to make safety his top priority. The groups are concerned that the Department of Transportation's proposal for the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) does not go far enough in addressing the nation's number one killer of children and young adults. The current death toll stands at nearly 42,000 people killed on our highways each year at an annual cost to society of more than $150 billion.

While the administration's ISTEA proposal is not yet approved by the White House, Secretary Slater will testify today before the Senate Environment and Public Works Committee and tomorrow before the House Transportation and Infrastructure Committee.

The groups co-signed the letter to Secretary Slater re-stating the need for strong safety measures in the administration's plan. A copy of the letter is attached.

- ## -

February 25, 1997

The Honorable Rodney Slater, Secretary
United States Department of Transportation
400 Seventh Street, SW
Washington, DC 20590

Dear Secretary Slater:

Congratulations on your appointment as Secretary of Transportation. We were pleased to read in your prepared remarks on the day of your swearing-in ceremony that safety will be your "number one priority" during your tenure. We were also pleased to read that your other top two priorities will be to ensure that America's transportation system meets the needs and desires of the American people and to use a common sense approach to running government.

The first major transportation legislation you will submit to Congress as a member of President Clinton's Cabinet is the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) setting the surface transportation agenda for the 21st Century. This historic bill will be the first yard stick in measuring how well these critical priorities will be met. However, like you, we are not satisfied with the status quo and we are gravely concerned that the ISTEA legislation proposed by the Administration will not sufficiently advance highway safety.

First, the current state of highway safety confirms your statement that safety be your top priority. Since 1991, a staggering 200,000 Americans have died and more than 15 million have been seriously injured on our highways at a cost to society of more than $750 billion, despite a record five-year federal financial investment in highway infrastructure. There has been no appreciable decline in highway fatalities in the past 10 years. In fact, drunk driving deaths increased in 1995 (the last year data is available) for the first time in a decade. Furthermore, there has been little progress in reducing impaired driving in the high risk age group of 21 to 34 year olds, which still represent 50% of all drunk driving deaths.

The statistics on highway deaths and injuries are grim but real. Each and every day the equivalent of a major airline crash occurs on our highways in communities across the country. Vehicle crashes are the leading cause of costly traumatic brain injury. Nearly 10,000 people lose their lives each year in rollover crashes and yet there is neither a federal stability standard nor a consumer information label for new car buyers to make informed purchasing decisions. Annually, nearly 5,000 Americans lose their lives in large truck crashes and more than 80% of the victims are occupants of cars. In 1997, 24 states have speed limits of 70 mph and higher, safety belt use rates linger between 60-70% because most states have weak laws and 37 states and the District of Columbia have blood alcohol content limits that are too generous. Thirty-three (33) states have dangerous gaps in their child safety seat laws even though motor vehicle crashes are the leading cause of death and injury for children and young adults.

Second, in keeping with your priority, the American people have consistently expressed their desire for safer highways, and they overwhelmingly support and expect strong and sustained leadership at the federal level. A recent public opinion poll conducted by Lou Harris demonstrates this pervasive public opinion mandate:

- 9 out of 10 Americans want the federal government to play a strong leadership role in highway safety, similar to food safety and aviation safety.
- 91% believe federal involvement in assuring safe highways is important, with 78% saying such a role is very important.
- 80% expressed that a federal presence is important in passing laws that mandate safety belt use, with 61% saying federal involvement in this area is very important.
- 91% feel that federal regulation of large truck safety on the highways is important, with 74% viewing federal intervention as very important.
- 94% of those surveyed said it is important to have federal regulations of car safety standards, with 77% stating such a presence is very important.

Third, we already know from experience that there are numerous common sense solutions in the area of highway safety. The common sense approach is to begin implementing these actions immediately. A good first step is recommending a strong and effective safety agenda in the ISTEA reauthorization legislation. The retreat on safety that occurred in the National Highway System (NHS) designation legislation necessitates decisive and determined leadership today to implement safety as the department's number one priority.

Small increases in the funding and flexibility of existing traffic safety programs, or submitting a separate safety bill that is not integrated in ISTEA programs or policies, are inadequate responses to the public health crisis caused by the personal and financial toll of motor vehicle crashes. The ISTEA legislation presents you with an unprecedented opportunity to advance safety with strategic programs and effective initiatives that will significantly reduce highway deaths and injuries.

We welcome the opportunity to work with you to strengthen and enhance the safety component of ISTEA. With your commitment and leadership in placing safety as your number one priority of ISTEA, better days will certainly be ahead for every American. Better days will be realized when roads are rid of drunk drivers who threaten and kill innocent Americans, when parents can shop for safer cars and be knowledgeable about the safety performance of different makes and models, when truck safety is given a higher priority, when every family member is buckled up, and when it is as safe to drive to work, school, shops and soccer practice as it is to travel on a plane or train. To discuss this matter further, please contact Judie Stone at (202) 408-1711.

Sincerely,

Advocates for Highway and Auto Safety
Alliance of American Insurers
American Academy of Pediatrics
American College of Emergency Physicians
American Insurance Association
American Public Health Association
Brain Injury Association
Consumer Federation of America
Independent Insurance Agents of America
Kemper Insurance Companies
Liberty Mutual Insurance Company
MCR Technology
National Association of Professional Insurance Agents
National Commission Against Drunk Driving
Nationwide Insurance Enterprise
Paralyzed Veterans of America
Police Foundation
Public Citizen
SADD Incorporated
State Farm Insurance Companies
Trauma Foundation
Wheeled Mobility Center

TITLE IV - MOTOR CARRIER PROGRAMS

Program	ISTEA	DOT	Comments
Sec. State Grants/Other Commercial Motor Vehicle Programs (MCSAP)	Authorized $537M. The Motor Carrier Safety Assistance Program was authorized in 1982 and ISTEA reauthorized funding and set forth criteria for funding. The goal of the MCSAP is to reduce accidents and fatalities involving trucks by enforcing size and weight limitations, enforcing traffic laws, and detecting transportation of unlawful substances.	Authorizes $600M. Annually, $83M is authorized for Motor Carrier Grants and $17M for Information Systems and Strategic Safety Initiatives. Proposes to eliminate the current program with a large number of set-asides and implement a performance based grant program by FY 2003.	Language should be bolstered to emphasize the performance aspects of the future program. While the performance measures and numerical goals can be done through regulation, the current language asks the Congress to accept the proposal on faith. The words enforcement and hazardous materials should be included so no doubt is cast on these activities that are currently set-asides.

TITLE II – HIGHWAY SAFETY

Program	ISTEA	DOT	Comments
Sec. 2001. Short Title		Highway Safety Act of 1997	
Sec. 2002. Highway Safety Programs	ISTEA authorized 3 grant programs that predated the bill: 1. Section 402 State and Community Grants 2. Section 410 Alcohol Incentive Grant Program 3. The National Driver Register In addition, ISTEA authorized the Operations and Research activities of NHTSA.	Maintains Section 402 program in its current form and creates/changes 4 incentive grant programs: 1. Alcohol Impaired Counter-measures 2. Occupant Protection 3. Safety Data Improvements 4. Drugged Driving Countermeasures The new incentive grant programs provide funding if States fulfill certain criteria, such as pass a law or conduct an activity. Each grant program has Basic eligibility and Supplemental eligibility. States receive a percent of Section 402 as of 1997 for each grant that they qualify. a.) Provides an additional ½ percent of apportionment for "Indian Country".	The grant proposals introduces performance criteria into the grant programs. Outstanding question as to how many States currently qualify for the grants today and if the "bar is set too low."
Sec. 2003. National Driver Register	The National Driver Register is a central index of State reports on individuals whose driving privileges have been suspended or revoked.	Authorizes transfer of the National Driver Register activities to a non-federal entity and broadens access to Federal Agencies.	
Sec. 2004. Authorizations of Appropriations	Authorized $1.6B for Grants and Operations.	Authorizes $2.2B for Grants and Operations. For the Grant program, provides a cascade mechanism that allows unspent funds in one grant program to be used for other programs if States over qualify. The Data programs is the default program to receive funding.	Cascading use of funds is acceptable pending clarification of those than currently qualify. Recommend that language for O&R be consolidated to support TF appropriation in Budget.

Primary Seat Belt Laws

The NEXTEA proposal rolled out on March 12 included a new incentive program to encourage states to adopt and enforce aggressive laws and programs aimed at increasing seat belt use. One of the several alternative ways for a state to qualify for funding under the proposed programs to adopt primary seat belt legislation--i.e., a law permitting enforcement authorities to issue summonses for seat belt violations alone, not just in the context of a stop for another traffic violation. These primary belt laws--which have been enacted by 11 states and the District of Columbia--have been demonstrated to increase seat belt use significantly.

The Department is now considering proposing a "soft sanction" that would go one step further by requiring states to adopt primary seat belt laws by the end of the fifth year of the reauthorization (i.e., by September 30, 2002) or have one percent of their highway construction funds mandatorily shifted to seat belt education and enforcement programs. These shifted funds would be in addition to funds made available for safety enforcement and education through NHTSA grant programs and the flexible infrastructure safety category proposed in NEXTEA.

.08 Blood Alcohol Content

Also under consideration is a proposal to apply a similar "soft sanction" to states that do not by the end of FY 2002 adopt a law setting .08 BAC as the standard for impairment. Currently, only 13 states have .08 BAC laws. In addition, .08 BAC was one of the eligibility options under the restructured alcohol incentive program included in NEXTEA; however, because there were many other ways to qualify, a sanction on .08 BAC could be viewed as inconsistent with our NEXTEA proposal.

Motorcycle Helmet Laws

Also under consideration is a proposal to apply a similar soft sanction to states that do not adopt laws making it unlawful for any person operating a motorcycle to not wear a motorcycle helmet. The sanction would be similar to that described above except that 1 percent of the funds would be shifted to motorcycle safety education. Federal sanctions for failure to adopt a motorcycle helmet law were repealed in the 1995 National Highway System bill. Since then, none of the 25 states that previously had a helmet law has repealed it.

RESTRICTED DRAFT: DO NOT RELEASE

Section by Section Analysis

Infrastructure Safety Program

This section combines current sections 130 [Railway-highway crossings] and 152 [Hazard elimination program] of title 23, United States Code, into one section: 23 U.S.C. 164. Except where noted below, these provisions are unchanged from current law.

Paragraph 164(a)(1) sets forth the eligible railway-highway crossing uses of funds apportioned under 23 U.S.C. 104. These funds may be used to fund 90 percent of the cost of construction of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings.

Paragraph 164(a)(2) sets forth the eligible uses of railway-highway crossing funds apportioned under subsection 164(a). These uses include those listed in 164(a)(1) for section 104 funds and also include the following new uses: trespassing countermeasures, railway-highway crossing education, enforcement of traffic laws, and projects at privately owned railway-highway crossings if the project is publicly sponsored and the Secretary determines that such project would serve a public interest.

Paragraph 164(a)(3) authorizes the Secretary to classify various types of projects involved in the elimination of hazards of railway-highway crossings and to determine a railroad's share of the cost of such projects, based on the project's net benefit to the railroad.

Paragraph 164(a)(4) sets forth the payment and collection methods of amounts representing the net benefits to any railroad of a project for the elimination of hazards of railway-highway crossings funded under title 23, United States Code, or any prior Acts.

Paragraph 164(a)(5) requires each State to conduct and maintain a survey of all highways to identify those railroad crossings that may require separation, relocation, or protective devices, and to establish and implement a schedule to complete these projects. This paragraph also includes a new requirement that States report to the Department on completed railway-highway crossing projects funded under this subsection and section 165, for inclusion in the DOT/AAR National Grade Crossing Inventory.

Paragraph 164(a)(6) sets forth a new apportionment formula for railway-highway crossing funds. Under current law, funds are not apportioned in accordance with the apportionment formula in 23 U.S.C. 130(f), but are distributed in accordance with 23 U.S.C. 133(d)(1), which provides that each State shall receive an amount at least equal to the amount of funds made available to the State for carrying out railway-highway crossing projects under this provision in fiscal year 1991. Under paragraph 164(a)(6), railway-highway crossing funds would be apportioned as follows: 25

percent of the funds would be apportioned in the ratio that each State's most recent 3-year total of crashes at public railway-highway grade crossings bears to such total in all States, 25 percent are apportioned in the ratio that each State's most recent 3-year total of fatalities involving rail equipment at public railway-highway grade crossings bears to such total in all States, 25 percent of the funds would be apportioned in the ratio that each State's number of public railway-highway grade crossings bears to such number in all States, and 25 percent of the funds would be apportioned in the ratio that each State's number of public railway-highway grade crossings with passive warning devices bears to such number in all States.

Paragraph 164(a)(7) requires that at least one-half of the railway-highway crossing funds authorized under this subsection be made available for the installation of, and educational and enforcement efforts on, protective devices at railway-highway crossings. This paragraph expands this protective devices set-aside to include enforcement and education efforts; current law (23 U.S.C. 130(e)) makes these funds available only for the installation of protective devices.

Subparagraph 164(a)(8)(A) provides that the Federal share payable on any project financed with railway-highway crossing funds under this subsection shall be 90 percent of the cost thereof. Subparagraph 164(a)(8)(B) permits railway-highway crossing funds to be used as the local match on projects eligible under this section where State law conditions the use of State funds on such projects on the provision of local matching funds.

Paragraph 164(a)(9) authorizes each State to transfer funds from its railway-highway crossing apportionment to its hazard elimination apportionment in an amount equal to the percentage by which the number of crashes in the State has been reduced (in the most recent calendar year) below the average annual number of crashes that occurred in such State in calendar years 1994, 1995, and 1996.

Paragraph 164(a)(10) authorizes States to make incentive payments to local governments upon the permanent closure of railway-highway crossings under such local governments' jurisdiction. This paragraph also prohibits a State from making an incentive payment unless the railroad that owns the tracks on which crossing that is to be closed is located makes an incentive payment to the local government responsible for permanently closing such crossing. In addition, this paragraph limits the amount of the State payment to the lesser of the railroad's contribution or $7,500, and it requires local governments to use any State payment made under this section for transportation safety improvements.

Paragraph 164(b)(1) authorizes the use of hazard elimination funds on any highway safety improvement project.

Paragraph 164(b)(2) requires each State to conduct and maintain a survey of all public roads to identify hazardous locations, sections, and elements that may constitute a danger to motorists and pedestrians, assign priorities for the correction of such areas, and establish and implement a schedule to complete these projects.

Paragraph 164(b)(3) requires each State to establish an evaluation process to assess the results achieved by highway safety improvement projects carried out under this subsection.

Paragraph 164(b)(4) provides that hazard elimination funds shall be apportioned to the States in a manner similar to that provided in 23 U.S.C. 402(c): 75 percent based on each State's population and 25 percent based on each State's public road mileage. This provision is the same as the apportionment formula currently in subsection 152(e), however, under current law, funds are not apportioned in accordance with the apportionment formula in 23 U.S.C. 152(f), but are distributed in accordance with 23 U.S.C. 133(d)(1), which provides that each State shall receive an amount at least equal to the amount of funds made available to the State for carrying out hazard elimination projects under this provision in fiscal year 1991.

Subparagraph 164(b)(5)(A) provides that the Federal share payable on account of any hazard elimination project shall be 90 percent of the cost thereof. Subparagraph 164(b)(5)(B) authorizes the use of hazard elimination funds made available under this subsection on any public road other than a highway on the Interstate System.

Paragraph 164(b)(6) authorizes each State to transfer as much as 100 percent of its hazard elimination apportionment to either its highway safety apportionment under 23 U.S.C. 402 or its motor carrier safety allocation under 49 U.S.C. 31104 upon a determination by the Secretary that the State would be eligible to receive an integrated safety fund grant under 23 U.S.C. 165. This language is new. It replaces the transferability language currently found in the first two sentences of 23 U.S.C. 104(g), which permits States to transfer 40 percent of their railway-highway crossing, hazard elimination, and highway bridge replacement and rehabilitation program (HBRRP) apportionments among these three categories upon a finding by the Secretary that such transfer is in the public interest. Subsection 104(g) also permits the transfer of 100 percent of the apportionment under one such program to the apportionment under any other of such programs if the Secretary finds that such transfer is in the public interest and the State satisfactorily assures the Secretary that the purposes of the program from which such funds will be transferred have been met. Paragraph 164(b)(6) does not provide for the transfer of funds between the highway safety programs authorized under this section and the HBRRP under 144, as subsection 104(g) does, because this transfer authority has not been used by any State.

Paragraph 164(b)(7) provides that, for purposes of subsection 164(b), the term "State" shall have the meaning given this term in 23 U.S.C. 401.

Section 165 authorizes the Secretary to make grants of new integrated safety funds to any State that the Secretary finds has an integrated State highway safety planning process and has established integrated goals and benchmarks for safety improvements.

The amount of any grant made under this section in any fiscal year shall be an amount equal to the percentage that each eligible State's apportionment under 23 U.S.C. 402 for such fiscal year bears to the total apportionment under section 402 to all States for such fiscal year, but in no case could the grant amount exceed 50 percent of the amount apportioned to such State for fiscal year 1997 under section 402.

Any grant made under this section may be used by a State to implement any highway or motor carrier safety program or project eligible for funding under sections 23 U.S.C. 164 and 402 or chapter 311 of title 49, United States Code. Upon receipt of a grant allocation under this section, a State would transfer such allocation to the appropriate apportionment or allocation under 23 U.S.C. 164 or 402 or 49 U.S.C. 31104, and would administer such funds in accordance with the requirements of these programs.

Highway Safety
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Section-By-Section Analysis

Title II -- Highway Safety

Sec. 2001, Short Title, provides that title II may be cited as the "Highway Safety Act of 1997".

Sec. 2002, Highway Safety Programs, continues the existing State and community highway safety program, established under Section 402 of title 23, United States Code, and amends the program as follows:

Subsection (a), "Uniform Guidelines," and **Subsection (b), "Administrative Requirements,"** make several technical and conforming amendments to Sections 402(a) and (b).

Subsection (c), "Apportionment of Funds," makes one technical correction to Section 402(c) and one substantive amendment. To increase the effective delivery of the Section 402 program to the more than 500 Federally recognized Indian tribes, an amendment is provided to raise the minimum annual apportionment to the Indians (through the Secretary of Interior) from one-half of one percent to three-fourths of one percent of the total apportionment under the section.

Subsection (d), "Application in Indian Country," amends Section 402 to allow Section 402 grants to be made to Indian tribes in "Indian Country."

Subsection (e), "Rulemaking Process," amends Section 402(j), which requires the periodic identification, by rulemaking, of highway safety programs that are most effective in reducing traffic crashes, injuries, and deaths. Instead of requiring the States to direct the resources of the national program to the fixed areas identified by this rulemaking process, the amendment directs that the States to consider these highly effective programs when developing their highway safety programs.

Subsection (f), "Safety Incentive Grants," proposes to add four new safety incentive programs concerning alcohol-impaired driving countermeasures, occupant protection, highway safety data, and drugged driving countermeasures (described below) to Section 402, together with a new provision making various procedures applicable to each of those programs.

Section 402(k), "Safety Incentive Grants," replaces an obsolete subsection (k) and makes the following applicable to each of the four incentive programs: (1) the grants for the incentive programs may only be used by the States to implement and enforce, as appropriate, the programs for which the grants are made; (2) no grant may be made to a State in any fiscal year unless the State enters into an agreement with the Secretary to ensure that the State will maintain its aggregate expenditures from all other sources for the actions for which a grant is provided at or above the level of such expenditures in its two fiscal years prior to the date of enactment of the subsection; and (3) basic or supplemental grants applicable under the programs, in any one of these two grant categories, would be available to the States for a maximum of six years, beginning after September 30, 1997. States that meet certain criteria would receive grants that would be funded through a declining Federal share--75 percent for the first and second years, 50 percent for the third and fourth years, and 25 percent for the fifth and sixth years.

Section 402(l), "Alcohol-Impaired Driving Countermeasures," amends Section 402 to establish a comprehensive drunk and impaired driving incentive program to encourage States to increase their level of effort and implement effective programs aimed at deterring the drunk driver. The new program, which continues the Department's strong emphasis on deterring drinking and driving, is similar in structure to that of the existing Section 410 drunk driving prevention incentive program, established under Section 410 of Title 23, United States Code, and would replace the Section 410 program when its terms expire at the end of fiscal year 1997.

A State may establish its eligibility for one or more of three basic alcohol-impaired-driving countermeasure grants--A, B, and C--in the fiscal year in which the grant is received, by adopting or demonstrating certain criteria, as appropriate, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A under paragraph (1), a State must adopt or demonstrate at least 4 of 5 of the following: (1) an administrative driver's license suspension or revocation system for drunk drivers; (2) an effective system for preventing drivers under age 21 from obtaining alcoholic beverages; (3)(A) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis to determine whether the operators are driving while under the influence of alcohol, or (B) a statewide impaired driving Special Traffic Enforcement Program (STEP) that includes heavy emphasis on publicity for the program; (4) effective sanctions for repeat offenders convicted of driving while intoxicated or driving under the influence of alcohol; and (5) a three-tiered graduated licensing system for young drivers that includes nighttime driving restrictions, requiring that all vehicle occupants to be properly restrained, and providing that all drivers under age 21 are subject to zero tolerance at .02 percent BAC or greater while operating a motor vehicle.

To establish eligibility for the second basic grant B under paragraph (2), a State must adopt both an administrative driver's license suspension or revocation system for drunk drivers, and a law that provides for a per se law setting .08 BAC level as intoxicated.

To establish eligibility for the third basic grant C under paragraph (3), a State must demonstrate that its alcohol involvement rate in fatal motor vehicle crashes has both: (1) decreased in each of the 3 most recent calendar years for which statistics for determining such rate are available, as reported by the Fatal Accident Reporting System (FARS); and (2) been lower than the average such rate for all States in each of such calendar years, as reported by the Fatal Accident Reporting System (FARS).

States that meet the criteria for a basic grant under paragraphs (1), (2) or (3) would receive, for each grant, up to 15 percent (up to 30 percent if they qualify for two, and up to 45 percent if they qualify for all three) of their fiscal year 1997 apportionment under Section 402 of Title 23, United States Code.

States that meet the criteria for any one or more of the three basic grants also would be eligible to receive supplemental grants for one or more of the following: (1) making it unlawful to possess open containers of alcohol in the passenger area of motor vehicles (excepting charter buses) while on the road; (2) adopting a mandatory BAC testing program for drivers in crashes involving fatalities or serious injuries; (3) videotaping of drunk drivers by police; (4) adopting and enforcing a "zero tolerance" law providing that any person under age 21 with a BAC of .02 or greater when driving a motor vehicle shall be deemed driving while intoxicated or driving under the influence of alcohol, and further providing for a minimum suspension of the person's driver's license of not less than 30 days; (5) requiring a self-sustaining impaired driving program; (6) enacting and enforcing a law to reduce incidents of driving with suspended licenses; (7) demonstrating an effective tracking system for alcohol-impaired drivers; (8) requiring an assessment of persons convicted of abuse of controlled substances, and the assignment of treatment for all DWI and DUI offenders; (9) implementing a program to acquire passive alcohol sensors to be used by police in detecting drunk drivers; and (10) enacting and enforcing a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to a person under 21. For each supplemental grant criterion that is met, a State would receive, in no more than two fiscal years, an amount up to 5 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for "alcoholic beverage," "controlled substances," "motor vehicle," and "open alcoholic beverage container."

Section 402(m), "Occupant Protection Program," amends Section 402 to establish a new occupant protection incentive program to encourage States to increase their level of effort and implement effective laws and programs aimed at increasing safety belt and child safety seat use.

A State may establish its eligibility for one or both of two basic occupant protection grants--A and B--in the fiscal year in which the grant is received, by adopting or demonstrating certain criteria, as appropriate, to the satisfaction of the Secretary.

To establish eligibility for the first basic grant A under paragraph (1), a State must adopt or demonstrate at least 3 of 4 of the following: (1) a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body and that includes one or both of the following: (A) a provision allowing its primary enforcement; or (B) a provision that imposes penalty points against a driver's license for violations of safety belt use requirements; (2) a statewide occupant protection Special Traffic Enforcement Program (STEP) that includes heavy emphasis on publicity for the program; (3) a law requiring children up to 4 years of age to be properly secured in a child safety seat in all appropriate seating positions in all passenger motor vehicles; and (4) a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law.

To establish eligibility for the second basic grant B under paragraph (2), a State must: (1) demonstrate a statewide safety belt use rate in both front outboard seating positions in all vehicle types covered by the State's safety belt use law, of 75 percent or higher in each of the first three years a grant is received, and of 80 percent or higher in each of the fourth, fifth, and sixth years a grant is received; and; (2) follow safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

States that meet the criteria for a basic grant under paragraphs (1) or (2) would receive, for each grant, up to 20 percent (up to 40 percent if they qualify for both) of their fiscal year 1997 apportionment under Section 402 of Title 23, United States Code.

States that meet the criteria for one or both of the two basic grants also would be eligible to receive supplemental grants for one or more of the following: (1) requiring the imposition of penalty points against a driver's license for violations of child passenger protection requirements; (2) having no non-medical exemptions in effect in their safety belt and child passenger protection laws; (3) demonstrating implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and how to reduce the improper use of child restraint systems; (4) having in effect a law that prohibits persons from riding in the open bed of a pickup truck; and (5) having in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat. For each supplemental grant criterion that is met, a State would receive an amount up to 5 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for "child safety seat," "motor vehicle," "multipurpose passenger vehicle," "passenger car," "passenger motor vehicle," and "safety belt."

Section 402(n), "State Highway Safety Data Improvements," amends Section 402 to establish a new incentive program to encourage States to take effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data they need to identify the priorities for State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, and to link these data, including traffic records, together and with other data systems within the State, such as medical and economic data. Currently, much of the State data in these areas are inadequate or unavailable. The Department believes that the new incentive program under this subsection is vital to the ability of the States to determine and achieve their highway safety performance goals.

A State would be eligible for a first-year grant in a fiscal year under paragraph (1)(A) of subsection (n) if it demonstrates, to the satisfaction of the Secretary, that it has (1) established a Highway Safety Data and Traffic Records Coordinating Committee with a multi-disciplinary membership including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities) of highway safety and traffic records databases; (2) completed a recent (within the last five years) highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and (3) initiated the development of a multi-year highway safety data and traffic records strategic plan to be approved by the Highway Safety Data and Traffic Records Coordinating Committee that identifies and prioritizes the State's highway safety data and traffic records needs and goals, and that and that identifies performance-based measures by which progress toward those goals will be determined.

A State also would be eligible for a first-year grant in a fiscal year under paragraph (1)(B) of subsection (n) if it provides, to the satisfaction of the Secretary, (1) certification that it has established a Highway Safety Data and Traffic Records Coordinating Committee with a multi-disciplinary membership including the administrators or managers of highway safety and traffic records databases and representatives of the collectors and users of these data; (2) certification that it has completed a recent (within the last five years) highway safety data and traffic records assessment or audit of their highway safety data and traffic records system; (3) a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and (4) certification that the Highway Safety Data and Traffic Records Coordinating Committee continues to operate and support the multi-year plan described under paragraph (1)(B).

A State that meets the criteria for a first-year grant under paragraph (1)(A) would receive an amount equal to $125,000, based on available appropriations. A State that meets the criteria for a first-year grant under paragraph (1)(B) would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under Section 402 of title 23, U.S. Code, except that no State would receive less than $225,000, based on available appropriations.

A State would be eligible for a grant in any fiscal year succeeding the first fiscal year in which they receives a State highway safety data and traffic records grant if the State, to the Secretary's satisfaction: (1) submits or updates a multi-year plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; (2) certifies that its Highway Safety Data and Traffic Records Coordinating Committee continues to support the multi-year plan; and (3) reports annually on its progress in implementing the multi-year plan.

A State that meets the criteria for a succeeding-year grant in any fiscal year would receive an amount equal to a proportional amount of the amount apportioned to the State for fiscal year 1997 under Section 402 of title 23, U.S. Code, except that no State shall receive less than $225,000, based on available appropriations.

Section 402(o), "Drugged Driving Countermeasures," amends Section 402 to establish a new incentive program to encourage States to take effective actions to improve State drugged driving laws and related programs. State drugged driving laws are inconsistent and frequently difficult to enforce. They often seriously hamper attempts by law enforcement and courts to deter drugged driving. The Department believes that the new incentive grant program under this subsection, modeled after the Department of Transportation's successful Section 410 alcohol-impaired driving incentive grant program under title 23 U.S. Code, is essential to improve State drugged driving laws and related activities. This incentive program is separate from subsection (l)'s incentive program for alcohol-impaired driving, which revises and replaces Section 410, so that drugged driving laws and activities receive the more focused attention they deserve.

A State would be eligible for a grant in a fiscal year under subsection (o) if it demonstrates, to the satisfaction of the Secretary, 5 or more of the following 9 criteria: (1) enact zero tolerance laws that make it illegal to drive with any amount of an illicit drug in the driver's body; (2) establish that it is illegal to drive while impaired by any drug (licit or illicit); (3) allow drivers to be tested for drugs if there is probable cause to suspect impairment; (4) suspend the driver's license administratively (without criminal proceedings) for persons driving under the influence of drugs; (5) suspend the driver's license for persons convicted of other drug offenses, even if not related to driving; (6) incorporate drug use and drugged driving provisions into a graduated licensing system for beginning drivers; (7) actively enforce and publicize drugged driving laws; (8) provide an intervention program for drugged drivers that incorporates assessment and drug education, counseling, or other treatment as needed; and (9) provide drug education information to persons applying for or renewing drivers' licenses and include drug-related questions on drivers' license examinations.

A State that meets the criteria for a grant under subsection (o) would receive an amount up to 20 percent of its Section 402 apportionment for fiscal year 1997. Definitions are provided for "alcoholic beverage," "controlled substances," and "motor vehicle."

Subsection (g), "Conforming Amendment," repeals Section 410 of title 23, U.S. Code ("Alcohol-impaired driving countermeasures"), and the analysis pertaining to Section 410 under chapter 4 of this title.

Sec. 2003, National Driver Register, would add several provisions to the National Driver Register (NDR) statute (chapter 303 of title 49, U.S. Code) to make the program more effective and efficient. The National Highway Traffic Safety Administration (NHTSA) manages the NDR, which was established by Congress in July 1960 as a central index of State reports on individuals whose driving privileges have been suspended or revoked. Applications for driver licenses are checked routinely by States against the NDR to identify ineligible license applicants, problem drivers, drivers in need of improvement, and drivers under suspension or revocation.

Subsection (a), "Transfer of Selected National Driver Register Functions to

Non-Federal Management," amends Section 30302 of title 49, U.S. Code ("National Driver Register"), by adding a new subsection (e). Under subsection (e), the Secretary would be authorized to decide whether to enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's (NDR) computer timeshare and user assistance functions.

NDR operations are divided into five main functions: (1) data processing, accomplished by computer timeshare; (2) external support services, accomplished by staff assistance to NDR users; (3) development and maintenance of software for data processing, accomplished by staff responsible for system and applications support; (4) Federal Privacy Act requirements support, accomplished by Federal staff; and (5) overall management and supervision (including assistance to non-State NDR users, manual preparation of needed data, public information, and media relations), accomplished by Federal staff. Legislation is required to permanently transfer one or more of these functions, since existing statutory provisions and government contracting regulations do not permit one or more of these NDR functions to be assigned to a designated non-Federal organization.

If the Secretary decides to enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the NDR's computer timeshare and user assistance functions, subsection (e) directs that: (1) the Secretary ensure any management of these functions is compatible with chapter 303 of title 49, U.S. Code, and the regulations issued to implement that chapter; (2) any transfer of these functions begin only after the Secretary makes a determination that all States are participating in the NDR's "Problem Driver Pointer System," the system used by the NDR to effect the exchange of motor vehicle driving records, and that this system is functioning properly; (3) the agreement to transfer these functions include a provision for a transition period to allow the States time to make any budgetary and legislative changes needed in order to pay fees for using these functions; (4) the total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of these functions not exceed the organization's total cost for performing these functions in that fiscal year; and (5) nothing in subsection (e) be interpreted to diminish, limit, or in any way affect the Secretary's authority to carry out chapter 303 of title 49, U.S. Code. The last provision affirms the Secretary's overall responsibility for the NDR (which includes Privacy Act and data security requirements), regardless of any transfer of these functions.

Subsection (b), Access to Register Information, amends Section 30305 ("Access to Register information") of title 49, U.S. Code. Subsection (b)(1) amends Section 30305(b)(2) to make two technical conforming amendments.

Subsection (b)(2) amends Section 30305(b) to add two substantive provisions. The first would eliminate a deficiency in the NDR by extending participation to Federal departments or agencies, like the State Department, that both issue motor vehicle operator's licenses and transmit reports on individuals to the NDR about whom the department or agency has such licensing authority and has (1) denied a motor vehicle operator's license for cause; (2) revoked, suspended or canceled a motor vehicle operator's license for cause; or (3) about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in subsection 30304(a)(3). The reports on these individuals transmitted by the Federal department or agency must contain the identifying information specified in subsection 30304(b).

Subsection (b) also would reduce a burden on the States and strengthen the NDR's efficiency by allowing Federal agencies authorized to receive NDR information to make their requests and receive the information directly from the NDR, instead of through a State. The NDR statute currently requires authorized NDR users, other than chief driver licensing officials and the individuals to whom the information pertains, to submit all NDR inquiries through a State.

Sec. 2004, Authorizations of appropriations, contains five paragraphs that would authorize appropriations out of the Highway Account of the Highway Trust Fund.

Paragraph (1)(A), "Consolidated State Highway Safety Programs," would authorize appropriations to carry out the State and Community Highway Safety Program under Section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the Section 402 incentive programs under subsections (l), (m), (n), and (o), of $166,700,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. This paragraph consolidates the previously separate NHTSA and FHWA authorizations for appropriations for the Section 402 program under NHTSA, continuing a process begun by Congress in fiscal year 1997 to facilitate administrative efficiencies in the program.

Paragraph (1)(B), "Consolidated State Highway Safety Programs," would authorize appropriations to carry out the alcohol-impaired driving countermeasures incentive grant provisions of subsection (l) of Section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, of $40,000,000 for fiscal year 1998, $35,000,000 for each of fiscal years 1999, 2000, and 2001, and $45,000,000 for each of fiscal years 2002 and 2003. Amounts made available to carry out subsection (l) are authorized to remain available until expended, <u>provided</u> that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (l) to subsections (m), (n), and (o) of Section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

Paragraph (1)(C), "Consolidated State Highway Safety Programs," would authorize appropriations to carry out the occupant protection program incentive grant provisions of subsection (m) of Section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, of $10,000,000 for each of fiscal years 1998, 1999, 2000, and 2001, and $12,000,000 for each of fiscal years 2002 and 2003. Amounts made available to carry out subsection (m) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (m) to subsections (l), (n), and (o) of Section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

Paragraph (1)(D), "Consolidated State Highway Safety Programs," would authorize appropriations to carry out the State highway safety data improvements incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration, of $12,000,000 for each of fiscal years 1998, 1999, 2000, and 2001. Amounts made available to carry out subsection (n) are authorized to remain available until expended.

Paragraph (1)(E), "Consolidated State Highway Safety Programs," would authorize appropriations to carry out To carry out the drugged driving countermeasures incentive grant provisions of subsection (o) of title 23, United States Code, by the National Highway Traffic Safety Administration, paragraph (1) also would authorize $5,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003. Amounts made available to carry out subsection (o) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (o) to subsections (l), (m), and (n) of Section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

Paragraph (2), "NHTSA Highway Safety Research and Development," would authorize appropriations for the National Highway Traffic Safety Administration to carry out Section 403 Highway Safety Research and Development activities under title 23, U.S. Code, of $73,200,000 for fiscal year 1998, $81,000,000 for fiscal year 1999, $90,000,000 for fiscal year 2000, $96,000,000 for fiscal year 2001, $102,000,000 for fiscal year 2002, and

$108,000,000 for fiscal year 2003. These authorizations would provide the necessary funds to carry out the agency's highway safety research and development activities, including programs to improve highway safety through human factors research, evolving initiatives such as intelligent transportation systems, a comprehensive assessment of the agency's data needs and the data priorities of the highway safety community, public information programs, and university research and training.

Paragraph (3), "Motor Vehicle Safety Program," would authorize appropriations for the National Highway Traffic Safety Administration to carry out chapter 301 ("Motor Vehicle Safety") of title 49, U.S. Code, of $60,127,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Chapter 301 provides for the establishment and enforcement of safety standards for new motor vehicles and motor vehicle equipment, together with supporting research. In keeping with the Department's policy that programs with identifiable users be funded as much as possible through user fees, support of the motor vehicle safety program, which clearly benefits highway users, is shifted to the Highway Account of the Highway Trust Fund.

Paragraph (4), "National Driver Register," would authorize appropriations for the National Highway Traffic Safety Administration to carry out chapter 303 ("National Driver Register") of title 49, U.S. Code, of $2,300,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. National Driver Register (NDR) provides information needed by the States to identify ineligible applicants for motor vehicle driver licenses, problem drivers, drivers in need of improvement, and drivers under license suspension or revocation. In keeping with the Department's policy that programs with identifiable users be funded as much as possible through user fees, support of the NDR, which clearly benefits highway users, is shifted to the Highway Trust Fund's Highway Account.

Paragraph (5), "Motor Vehicle Information and Cost Savings Programs," would authorize appropriations for the National Highway Traffic Safety Administration to carry out Part C of Subtitle VI ("Information, Standards, and Requirements") of title 49, U.S. Code, of $6,139,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Part C of Subtitle VI provides for the establishment of low-speed collision bumper standards, consumer information activities, odometer regulations, automobile fuel economy standards, and motor vehicle theft prevention standards. In keeping with the Department's policy that programs with identifiable users be funded as much as possible through user fees, support of the motor vehicle information and cost savings programs, which clearly benefit highway users, is shifted to the Highway Trust Fund's Highway Account.