



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

Overview

On May 22, the House Transportation and Infrastructure Committee approved the Building Unrivaled Infrastructure and Long-term Development for America's 250th Act (BUILD America 250 Act). The BUILD America 250 Act is a five-year authorization bill for surface transportation programs, including the Motor Carrier Safety Assistance Program (MCSAP). The bill contains a number of provisions impacting commercial motor vehicle (CMV) safety, including several that address CVSA Reauthorization Policy Positions.

Motor Carrier Safety Assistance Grants

- Funding – The bill provides funding for the MCSAP formula and the High Priority and Commercial Driver's License Program Implementation (CDLPI) grants, as well as funding for the Federal Motor Carrier Safety Administration (FMCSA).
 - MCSAP Formula
 - 2027 – \$435 million
 - 2028 – \$446.5 million
 - 2029 – \$456 million
 - 2030 – \$467 million
 - 2031 – \$478 million
 - High Priority Grant
 - 2027 – \$66 million
 - 2028 – \$69 million
 - 2029 – \$72 million
 - 2030 – \$75 million
 - 2031 – \$78 million
 - CDLPI Grant
 - 2027 – \$48 million
 - 2028 – \$51 million
 - 2029 – \$53 million
 - 2030 – \$54 million
 - 2031 – \$56 million
- Enforcement Training and Support Grant Improvements – The BUILD America 250 Act clarifies that instructor training is one of the components of the Enforcement Training and Support grant and provides FMCSA with the clear authority to make multiyear grant awards under the program. The bill also requires multiyear grant awards to be no more than three years in length. In addition, the bill requires FMCSA to update the incorporation by reference of training and certification standards for inspectors, safety auditors, investigators and instructors within 90 days of passage. In addition to the initial 90-day update, the bill directs FMCSA to conduct an annual review and update the incorporation by reference if a change has been made to the training and certification standards.

This addresses a CVSA Reauthorization Policy Position
- MCSAP Eligibility – The bill adds additional eligible expenses under MCSAP, giving the states more flexibility in how they leverage these critical safety funds to best meet CMV safety program goals. Expanded eligibility includes MCSAP-related activities performed by non-MCSAP personnel; intrastate carrier compliance reviews;

tools, promotional items and educational items for distribution to industry; and overtime pay for non-CMV traffic enforcement.

This addresses a CVSA Reauthorization Policy Position

- Maintenance of Effort – The BUILD America 250 Act creates the authority for FMCSA to consider and grant a state's request for a permanent adjustment to its maintenance of effort and enforcement activity minimums by removing references to the fiscal 2017 benchmarks.

This addresses a CVSA Reauthorization Policy Position

- CDLPI Eligibility for Puerto Rico and the U.S. Virgin Islands – The bill expands CDLPI grant eligibility to Puerto Rico and the U.S. Virgin Islands, enabling the jurisdictions to access critical funding to help improve their commercial driver's license (CDL) programs, improving roadway safety.

This addresses a CVSA Reauthorization Policy Position

- State Use of Grant Funds for Household Goods Enforcement – The bill adds the enforcement of federal household goods statutes and regulations as an eligible use of MCSAP grant funds.

Commercial Motor Vehicle Safety Standards

- Review of New Entrant Safety Assurance Program – The BUILD America 250 Act directs the U.S. Department of Transportation (DOT) inspector general to conduct a review of the New Entrant Safety Assurance Program, including evaluating its effectiveness, the efficiency and timeliness of its safety audits, strategies to ensure greater uniformity and consistency, and potential improvements.

This addresses a CVSA Reauthorization Policy Position

- New Entrant Registration Standards Rulemaking Committee – The bill establishes a transportation rulemaking committee to develop recommendations on the necessity of establishing minimum requirements for entry as a motor carrier. If additional minimum motor carrier registration requirements are agreed upon, the committee's recommendations will include proposed revisions to the regulations.

This addresses a CVSA Reauthorization Policy Position

- Electronic Logging Device Certification – The BUILD America 250 Act requires FMCSA to certify electronic logging devices (ELD) by verifying each ELD meets the certification requirements. It also requires FMCSA to publish a list of registered ELDs.

This addresses a CVSA Reauthorization Policy Position

- Beyond Compliance – The bill directs FMCSA to issue a final rule on Beyond Compliance and implements reporting requirements until the final rule's completion.
- Broker Qualifications – The bill directs FMCSA to issue a final rule on the qualifications for officers of freight brokers and freight forwarders.
- Safety Performance History Screening – The bill allows motor carriers to access the Pre-Employment Screening Program at any time, which enables motor carriers to improve their screening processes and hire safer drivers.
- DataQs – The bill requires contested violations be labeled as such in the Motor Carrier Management Information System or other relevant databases until the review of the contested violation is complete. The bill also requires FMCSA to issue DataQs participation guidelines for states receiving MCSAP funds, including the requirement that the review be conducted by a person other than the inspector that issued the violation.
- Under-21 CDL Driver Apprenticeship Pilot Program – The BUILD America 250 Act extends the under-21 CDL driver apprenticeship program through Sept. 30, 2031.

- Farm-Related Service Industries Restricted CDLs – The bill directs FMCSA to issue regulations to allow each state to develop and make available an online registration and renewal system for eligible farm-related service employees who participate in the seasonally restricted CDL program.
- Driving Skills Test – The bill directs FMCSA to issue a rulemaking to allow a CDL applicant to take the driving skills test in any state, regardless of domicile.

ADS Commercial Motor Vehicles

- Framework for ADS Trucks – The BUILD America 250 Act establishes a safety standard and framework for CMVs equipped with automated driving systems (ADS) operating in interstate commerce.
- Use of Cab-Mounted Warning Beacons – The bill permits cab-mounted warning beacons to be used as warning devices for a stopped CMV in lieu of warning devices required under § 393.95.

Exemptions

- Terms and Conditions for Exemptions – The BUILD America 250 Act strengthens the terms and conditions for exemptions from the safety regulations, which ensures that the level of safety is not degraded when operating under the exemption. The requirements include reporting on relevant crash and incident data, providing immediate notification of crashes involving a fatality or serious bodily injury, and requiring drivers to carry official documentation from FMCSA detailing the exemption.
This addresses a CVSA Reauthorization Policy Position
- Codification of the Covered Livestock Hauling Vehicle Exemption – The bill codifies the exemption for covered livestock-hauling vehicles from the ELD requirement and the exemption from the hours-of-service requirements when traveling within a 150 air-mile radius. It also includes a provision that drivers operating under these exemptions maintain documentation when utilizing them.
- Pre-Trip Vehicle Inspection Skills Testing Requirement Exemption – The bill allows states to waive the engine compartment pre-trip vehicle inspection skills (“under-the-hood”) testing requirement for operators of school buses or public transit buses in intrastate commerce or interstate commerce within 150 air-mile radius of the point of origination.

Hazardous Materials

- Hazardous Materials Safety Training Grant Consolidation – The BUILD America 250 Act consolidates the Hazardous Materials Instructor Training, Community Safety and Assistance for Local Emergency Response Training grants into a single hazardous materials (HM) safety training grant program. It also makes available funds for training and response gear for fire departments to address thermal runaway.
This addresses a CVSA Reauthorization Policy Position
- Study on Material-Specific HM Endorsements on CDLs – The bill directs the Pipeline and Hazardous Materials Safety Administration (PHMSA) to conduct a study to investigate the feasibility of issuing material-specific HM endorsements to CDL holders.
- Safe Transportation of Lithium Batteries – The bill directs PHMSA to update the Hazardous Materials Regulations for the safe transport of lithium batteries, as well as for the packaging, movement and disposal of damaged, defective or recalled lithium batteries.
- Registration Requirements for Transporting Lithium Batteries – The bill directs PHMSA to update the regulations to require haulers of shipments of lithium batteries contained in cargo transport units to register in accordance with § 107.601 and require the operator of the transport unit to obtain a HM endorsement on their CDL.

Commercial Motor Vehicle Size and Weight

- Vehicle Weight Limits – The bill amends vehicle weight limits to allow an emergency vehicle or covered heavy-duty tow or recovery vehicle to operate in excess of the weight limitation under a state-issued permit. It also allows for a 10% shift in weight variance along the axles of CMVs carrying dry bulk goods. Also included are state-specific exemptions for weight limits in Arkansas, Iowa, Louisiana, North Carolina and Wisconsin.
- Length Exemption for Covered Heavy-Duty Tow and Recovery Vehicles – The bill creates an exemption from length requirements for covered heavy-duty tow and recovery vehicles for a move to the nearest repair facility or other location at the discretion of law enforcement, as long as the wrecked or disabled vehicle was in compliance with length requirements.
- Pilot Program for Certain Six-Axle Vehicles – The bill creates a pilot program to collect data on the use of CMVs with a gross vehicle weight of up to 91,000 pounds over six axles. State participation is optional. The pilot program will conclude after five years unless the U.S. DOT extends it for an additional five years.
- Length Exemption for Stinger-Steered Combinations – The bill exempts stinger-steered combinations from the rear overhang flag requirements in § 393.87.
- Weight Exemption for Stinger-Steered Combinations – The bill allows stinger-steered combinations to operate with a gross vehicle weight of up to 88,000 pounds and provides an axle weight tolerance up to 10%.

Household Goods Shipping Consumer Protection Reform

- Civil Penalties – The BUILD America 250 Act provides the U.S. DOT the authority to adjudicate and assess civil penalties for violations of commercial statutes and regulations and would correct certain other references in Chapter 5 of Title 49, to clarify that those penalty authorities include all of FMCSA's safety authorities.
- State Retention of Penalties and Fines – The bill clarifies that states may retain the penalties and fines imposed relating to violations of household goods statutes and regulations.
- Valid Place of Business Registration Requirement – The bill allows FMCSA to withhold registration from any applicant who fails to provide a valid principal place of business at the time of registration.
- Household Goods Consumer Protection Working Group – The BUILD America 250 Act establishes a working group to develop findings and recommendations on the modernization of federal consumer protection regulations relating to the interstate transportation of household goods by a motor carrier.

Drug and Alcohol Testing Program

- Federal Hair Testing Guidelines – The bill directs the U.S. DOT to update Part 40 to recognize hair testing as an approved specimen type for workplace drug and alcohol testing programs.
- Drug and Alcohol Clearinghouse Fees – The bill updates the uses of Drug and Alcohol Clearinghouse fees to include development, modernization and enhancement of the clearinghouse.
- Guidance on Specimen Collectors – The bill directs U.S. DOT to publish guidance on who may act as a specimen collector for department drug testing required under Part 40.
- Record Retention Requirements for Post-Crash Testing – The bill directs U.S. DOT to revise the regulations to require employers to retain records of post-crash alcohol or controlled substance tests for a minimum of five years.

Miscellaneous Provisions

- Motor Carrier Safety Advisory Committee – The BUILD America 250 Act reauthorizes the Motor Carrier Safety Advisory Committee through 2031.
- Truck Parking – The BUILD America 250 Act creates a competitive grant program to fund projects that provide public parking for CMVs.
- Commercial Motor Vehicle Operator Safety Training Program – The BUILD America 250 Act reauthorized funding for the Commercial Motor Vehicle Operators grant program and renames it as “Commercial Motor Vehicle Operator Safety Training Program.” The bill modifies the program to allow the Secretary to develop additional quality and performance metrics for prioritizing high quality training providers and includes a 50% set-aside for training providers that require minimum behind-the-wheel training hours.
- Chameleon Carriers – The bill directs the Government Accountability Office to conduct a study that examines chameleon carriers on the nation’s roadways. The bill also directs FMCSA to develop, test and implement an advanced automation tool for detecting chameleon carrier applications under the registration process for USDOT numbers.
- Addressing Fraud in Motor Carrier Registration – The bill directs FMCSA to develop and implement an automated system for flagging fraudulent activity in the registration system. It also directs FMCSA to establish a process for identifying and penalizing fraud.
- National Consumer Complaint Database – The bill directs U.S. DOT to improve the National Consumer Complaint Database by publicizing all categories of complaint data, updating complaint review guidance and developing an outreach plan for the complaint website, among other improvements.
- Cabotage Study – The bill directs U.S. DOT to initiate a study of the safety and economic impacts of cabotage violations using CMVs.
- Oversight of CMV Lease-Purchase Agreements – The bill directs U.S. DOT to require motor carriers utilizing leased vehicles to provide a disclosure form for each party in the arrangement and also directs U.S. DOT to issue a rulemaking to prohibit the use of predatory lease-purchase agreements.
- Noncompliant Training Providers – The bill requires FMCSA to establish a process to receive complaints for noncompliant training providers and directs FMCSA to remove noncompliant providers from the approved list within 90 days.
- Restroom Access for CMV Drivers – The bill requires facilities to provide CMV drivers with access to restroom facilities when delivering goods to the facility or when waiting at a facility for cargo to be loaded onto the vehicle.
- Review of Implements of Husbandry – The bill requires U.S. DOT to review how states define implements of husbandry, including whether they consider implements of husbandry to be commercial motor vehicle under state law and what relevant state laws apply.