



Vehicle Safety Provisions in the Infrastructure Investment and Jobs Act (Senate Amendment to H.R. 3684)

November 2021

- **Crash Avoidance Technology**

Steps Forward for Safety: Directs the U.S. Department of Transportation (DOT) to issue final rules on minimum performance standards and requirements for proven crash avoidance technologies including forward collision warning (FCW), automatic emergency braking (AEB), lane departure warning (LDW), and lane keeping assist (LKA) for all new passenger motor vehicles. Directs the U.S. DOT to issue a final rule within two years for AEB in new large trucks and requires the issuance of a Federal Motor Carrier Safety Regulation (FMCSR) to require drivers use AEB. Requires research two years after enactment on equipping medium sized commercial motor vehicles (CMVs) with the technology.

Safety Stalled: No date certain for rulemaking and compliance for crash avoidance technology for passenger vehicles. No compliance date for AEB requirement on large trucks. Fails to ensure crash avoidance technology will respond to pedestrians, bicyclists, and other vulnerable road users. Omits Class 3 – 6 trucks from AEB requirement despite the fact that some trucks are already equipped with them.

- **Impaired Driving Prevention Technology**

Steps Forward for Safety: Directs the U.S. DOT to issue a final rule within three years requiring passenger motor vehicles be equipped with impaired driving prevention technology, further provides for three years from issuance of the final rule for compliance and a potential three additional years at the discretion of the Secretary.

Safety Stalled: Opens the door to potential delay in rulemaking by allowing a report to Congress if a final rule isn't issued within ten years of enactment. The systems must be set at .08 percent blood alcohol concentration (BAC), as opposed to state legal limits which may be lower.

- **Vehicular Heatstroke (Hot Cars) Prevention Technology**

Steps Forward for Safety: Directs the U.S. DOT to issue a final rule within two years requiring all new passenger motor vehicles weighing less than 10,000 pounds to be equipped with a system to alert the operator to check rear-designated seating positions after the vehicle engine or motor is deactivated by the operator. Provides an additional two years for compliance.

Safety Stalled: Fails to require hot cars prevention technology that *detects* the presence of unattended children who may have entered independently or been left intentionally or unintentionally. The alert system is limited only to the rear seat although children have died or been injured in the front seat area.

- **Distracted Driving**

Steps Forward for Safety: Directs the U.S. DOT to conduct research on driver monitoring systems within three years and report to Congress. The Secretary then must determine if one or more rulemakings is required. Adds new grant opportunity for states that ban distracted viewing. Improves transparency in grant determination process.

Safety Stalled: No date certain for rulemaking and compliance for distracted driving prevention systems.

- **Seat Back Standard**

Steps Forward for Safety: Directs the U.S. DOT to issue an Advanced Notice of Proposed Rulemaking (ANPRM) on whether to improve the seat back safety standard within two years of enactment. If the Secretary decides to issue a final rule, requires compliance within two years of issuance of the rule.

Safety Stalled: The Secretary has complete discretion for action. If s/he determines an update is needed, only requires an ANPRM, not a final rule. Therefore, there is no actual requirement that the seat back standard be updated.

- **Headlamps**

Steps Forward for Safety: Directs the U.S. DOT to issue a final rule updating the headlamp standard (Federal Motor Vehicle Safety Standard (FMVSS) 108) and permitting adaptive headlamps within two years.

Safety Stalled: No compliance date for improvements to headlamps.

- **Hood and Bumper Standards**

Steps Forward for Safety: Directs the U.S. DOT to issue a notice for review and comment as well as a report on potential updates to hood and bumper standards within two years of enactment.

Safety Stalled: No date certain for rulemaking and compliance for hood and bumper updates.

- **Keyless Ignitions**

Steps Forward for Safety: Directs the U.S. DOT to issue a final rule within two years to mandate an automatic shutoff for vehicles with keyless ignition and combustion engines within a period as determined by the Secretary which, absent good cause to delay implementation, takes effect one year after final rule. The U.S. DOT is further directed to conduct a study on vehicle rollaways.

Safety Stalled: Does not adequately address risks associated with keyless ignitions by failing to require a rulemaking on rollaway.

- **U.S. New Car Assessment Program (NCAP)**

Steps Forward for Safety: Directs the U.S. DOT to complete the update of NCAP that was initiated in 2015 as well as publish a notice for public comment on consumer information on advanced crash avoidance technologies and vulnerable road user safety within one year. Requires U.S. DOT to issue a “roadmap” every four years on plans to update U.S. NCAP to keep pace with vehicle technology, subject to public comment and annual stakeholder engagement.

Safety Stalled: Fails to ensure U.S. NCAP is comprehensively updated and addresses the safety of vulnerable road users.

- **Consumer Protections**

Steps Forward for Safety: Establishes a grant program for states to inform consumers of vehicle safety recalls within two years of enactment. Requires original equipment manufacturers (OEMs) to report to the National Highway Traffic Safety Administration (NHTSA) on recall completion rates as well as directs the Government Accountability Office (GAO) to conduct studies related to recalls within two years of enactment. Requires U.S. DOT to conduct a study within 18 months to evaluate Early Warning Reporting (EWR) data and identify any improvements to enhance safety and report to Congress describing results including any recommendations for regulatory or legislative action.

Safety Stalled: Fails to include deadline for U.S. DOT action to update EWR data.

- **Underride Protection**

Steps Forward for Safety: Directs the U.S. DOT to update the rear guard standard to meet the Insurance Institute for Highway Safety (IIHS) crash protocols and be subject to annual inspection, as well as research side underride guards. Establishes an advisory committee on underride protection.

Safety Stalled: Does not require side and front underride guards.

- **Limousine Safety**

Steps Forward for Safety: Requires limousines to be equipped with safety belts and be subject to standards for seat strength and integrity. Directs the U.S. DOT to conduct research on FMVSS for side impact protection, roof crush resistance, and air bag systems within four years of enactment, followed by

rulemaking within two years of completion of the research. Requires U.S. DOT to conduct research on evacuation, followed by rulemaking within two years of completion of the research. Requires consumer information on most recent inspection to be prominently disclosed including on the website of the operator.

- **School Bus Safety**

Steps Forward for Safety: Directs the U.S. DOT to review laws, safety measures, and technologies relating to school buses.

Safety Stalled: Does not require vital improvements to school bus safety including requirements for seat belts, automatic emergency braking, fire suppression, and to curb school bus driver fatigue.

- **Funding Provisions**

Steps Forward for Safety: Includes several provisions to enhance public roadway safety such as an incentive grant for a Safe System approach to roadway design and building to minimize conflicts between road users, especially between vehicles and vulnerable road users, to prevent fatalities. Allows federal funding to be used for automated enforcement systems in work and school zones. Improves transparency in determinations for the highway safety grant program awards to states to help combat dangerous behaviors such as impaired and distracted driving.

Safety Stalled: Other changes to highway safety grant program requirements for distracted driving may weaken incentivization for state action to upgrade their traffic safety law.

Steps Backward for Safety –

- **Teen Truck Drivers:** Permits teen and young drivers under age 21 to drive in interstate commerce through a three-year pilot apprentice program that permits 3,000 participants at a time – amounting to potentially more than 25,000 per year. Requires U.S. DOT to report to Congress on data collected during the pilot program and conduct a driver compensation study.
- **Hours of Service (HOS) for Truck Drivers:** Provides HOS exemption for livestock haulers within 150 air miles of the destination (current law already allows for such exemption within 150 air miles of the source). Requires U.S. DOT to analyze cost and effectiveness of electronic logging devices (ELDs) which have already been shown to reduce driver violations of HOS rules, as well as report on processes used by the Federal Motor Carrier Safety Administration (FMCSA) to review logs and allow carriers to challenge violations relating to an ELD.
- **Truck Size and Weight:** Permits overweight trucks, which disproportionately damage infrastructure and threaten public safety, to operate on certain roadways in Kentucky, North Carolina and Oklahoma. Allows these states to retain operational laws that exceed federal weight limits after these roads become part of Interstate System.