



Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington DC 20515

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July 14, 2017

**SUMMARY OF SUBJECT MATTER**

**TO:** Members, Subcommittee on Highways and Transit  
**FROM:** Staff, Subcommittee on Highways and Transit  
**RE:** Subcommittee Hearing on “FAST Act Implementation: Improving the Safety of the Nation’s Roads”

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**PURPOSE**

The Subcommittee on Highways and Transit will meet on Tuesday, July 18, 2017, at 10:00 a.m. in 2167 Rayburn House Office Building to receive testimony related to how the policy provisions in the *Fixing America’s Surface Transportation (FAST) Act* (P.L. 114-94) are improving the safety and reliability on our Nation’s roads. The Subcommittee will hear from representatives of various modal administrations at the U.S. Department of Transportation (DOT), which are tasked with implementing these provisions, and a representative of the National Transportation Safety Board (NTSB).

**BACKGROUND**

**Traffic Safety Data**

From 2006-2015, traffic fatalities declined from 42,708 to 35,092. Federal surface transportation safety programs and vehicle improvements have played an important role in helping to reduce the number of fatalities. However, in 2015, there was a 7.2 percent increase in the number of fatalities compared to 2014. While there are several possible explanations for this increase, one worth examining is that there are simply more miles being traveled on the Nation’s highways. Indeed, 2015 experienced the largest increase in nearly 25 years.<sup>1</sup>

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<sup>1</sup> National Highway Traffic Safety Administration, [Traffic fatalities up sharply in 2015](https://www.nhtsa.gov/press-releases/traffic-fatalities-sharply-2015), Press Releases (August 29, 2016), <https://www.nhtsa.gov/press-releases/traffic-fatalities-sharply-2015>.

## **The FAST Act**

The FAST Act was enacted on December 4, 2015, and is the first long-term surface transportation reauthorization bill in a decade. The FAST Act reauthorizes federal surface transportation programs through fiscal year 2020. The FAST Act improves our Nation's infrastructure, reforms federal surface transportation programs, refocuses those programs on addressing national priorities, and encourages innovation to make the surface transportation system safer and more efficient.

The FAST Act provides non-federal partners – states, local entities, law enforcement agencies, among others – with the resources to improve safety of the Nation's roads.

### **Federal Highway Administration**

The FAST Act reforms and provides increased funding for the Highway Safety Improvement Program (HSIP), which is administered by the Federal Highway Administration (FHWA). States may use HSIP funds on projects designed to achieve a significant reduction in traffic fatalities and serious injuries on public roads. The FAST Act reforms HSIP to ensure funds may only be spent on infrastructure related projects that improve safety and to reduce administrative burdens on states concerning the collection of safety data on unpaved roads. The FAST Act also increases the funding set aside under HSIP for projects to improve railway-highway grade crossings and expanded project eligibility.

The FAST Act recognizes the importance of roadway safety in tribal nations and federal lands. In order to prevent tribal fatalities and increase safety awareness, the FAST Act directs the Secretary of Transportation (Secretary) to report to Congress on ways to improve the safety of tribal roads, as well as techniques to improve the collection of safety data on these roads. To address safety on federal lands, the FAST Act increases funding levels for the Federal Lands Transportation Program (FLTP). FLTP provides funds to federal land agencies to make improvements to transportation infrastructure. The performance goals of this program include improving safety and addressing bridge deficiencies.

The FAST Act also establishes a competitive grant program to facilitate the deployment of innovative technologies and techniques that will enhance the safety and efficiency of the Nation's roads.

### **Federal Motor Carrier Safety Administration**

#### *Improves Safety*

The FAST Act increases funds for and consolidates Federal Motor Carrier Safety Administration (FMCSA) grants programs, which support states' efforts to improve commercial motor vehicle safety, regulate the qualifications of commercial drivers, and assess the fitness of motor carriers to operate in interstate commerce. It also streamlines the requirements for the programs to reduce administrative cost and regulatory burdens on the states.

The FAST Act incentivizes the adoption of innovative truck and bus safety technologies and accelerates the implementation of safety regulations required by law. The FAST Act also authorizes a new testing method to detect the use of drugs and alcohol by commercial motor vehicle drivers.

#### *Reform of Compliance, Safety, Accountability Program*

The FMCSA primarily relies on the Compliance, Safety, Accountability (CSA) program to track unsafe truck and bus operating entities and target them for enforcement action. After audits conducted by the Government Accountability Office and the DOT Inspector General uncovered flaws in the methodology FMCSA used to score the safety of motor carriers under the CSA program, Congress initiated a reform of the program in the FAST Act. Specifically, the FAST Act requires the FMCSA Administrator to commission the National Academies of Sciences, Engineering, and Medicine to conduct a study on ways to improve the CSA program and provide Congress and the Inspector General with a report on the study's findings. The report was recently released and included six recommendations to improve the CSA program. The FAST Act requires the FMCSA Administrator to develop a corrective action plan based on the report and to submit that plan to Congress. The Inspector General is required to review the corrective action plan and certify that it is responsive to the report's findings. Until the Inspector General can make such certification, the FMCSA is required to remove the CSA scores from public view. Enforcement and inspection data reported by states and enforcement agencies will remain available for public view.

#### *Reduces Regulatory Burdens*

The FAST Act reforms the regulatory process by requiring FMCSA to use the best available science and data on various segments of the trucking industry when developing rulemakings. Further, it establishes a process under which the public or the motor carrier industry can petition FMCSA to revise or repeal regulations if they are no longer current, consistent, and uniformly enforced.

### **National Highway Traffic Safety Administration**

#### *Improves Safety*

The FAST Act reforms the Impaired Driving Countermeasures, Distracted Driving, and State Graduated Driver License incentive grants to reduce unreasonable barriers to state eligibility, while strengthening incentives for states to adopt laws and regulations to improve highway safety. It encourages states to increase driver awareness of commercial motor vehicles. Finally, the FAST Act creates a state grant program to enhance safety for bicyclists, pedestrians, and other non-motorized users.

#### *Prioritizes Emerging Safety Needs*

The FAST Act enables states to spend more funds on the pressing safety needs unique to their states by reallocating unspent National Priority Safety Program funds and increasing the

percentage of these funds that can be flexed to each state's traditional highway safety programs. It also requires the Secretary to study the feasibility of establishing an impairment standard for drivers under the influence of marijuana and provide recommendations on how to implement such a standard. Finally, the FAST Act requires National Highway Traffic Safety Administration to take additional actions to improve awareness of the dangers of drug impaired driving.

### **National Transportation Safety Board**

The NTSB was established by Congress in 1967 as an independent agency to promote a higher level of safety in the transportation system. In 1974, Congress moved the NTSB outside of the DOT to ensure that it remained separate and independent from any other mode. Since its creation, the NTSB has made over 13,000 safety recommendations to more than 2,500 recipients. The NTSB has no formal authority to regulate the transportation industry and therefore relies on their reputation of doing accurate and thorough investigations.<sup>2</sup>

### **WITNESS LIST**

Mr. Walter Waidelich, Jr.  
Acting Deputy Administrator  
Federal Highway Administration

Mrs. Daphne Jefferson  
Deputy Administrator  
Federal Motor Carrier Safety Administration

Mr. Jack Danielson  
Acting Deputy Administrator  
National Highway Traffic Safety Administration

The Honorable T. Bella Dinh-Zarr  
Member  
National Transportation Safety Board

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<sup>2</sup> National Transportation Safety Board, History of The National Transportation Safety Board, NTSB History (July 09, 2017), <https://www.nts.gov/about/history/Pages/default.aspx>.