

MOTORCOACH SAFETY BILLS: SIDE-BY-SIDE COMPARISON

The Brown-Hutchison (S. 554) & Lewis (H.R. 1396) Motorcoach Enhancement Safety Act bills are supported by Advocates for Highway and Auto Safety, the American Association of Classified School Employees, and Family Members of Motorcoach Victims and Survivors

| Provision | S.554 Brown-Hutchison/ H.R. 1396 Lewis | H.R. 1135 Shuster-Johnson |
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| Issuance of Safety Standards | <p><u>Detailed, Mandatory Standards:</u> Requires issuance of standards based on National Transportation Safety Board (NTSB) recommendations for comprehensive safety improvements in occupant protection systems, roof crush protection, design standards, crash avoidance, passenger evacuation, fire mitigation, on board recorders (EOBRs), event data recorders (EDRs), tire pressure monitoring, and retreaded tires.</p> <p>Requires comprehensive standards to improve occupant safety.</p> <p>Compliance with standards begins 3, 4, or 5 years from enactment, depending on the specific regulation.</p> | <p><u>General, Discretionary Standards:</u> Requires issuance of standards for occupant protection systems, roof crush protection, design standards, passenger evacuation and fire protection BUT except for roof crush, no specific equipment or performance standards mandated.</p> <p>No comprehensive safety standards are required.</p> <p>Compliance with any standards actually issued <i>does not begin</i> until 6 years after enactment and does not end until 18 years after enactment.</p> |
| Content of Safety Standards | <p><u>Mandatory:</u> Many specific aspects of safety standards, and NTSB recommendations must be adopted in regulation.</p> | <p><u>Discretionary:</u> No particular aspects of safety standards (other than roof crush) are specifically required to be adopted in regulation.</p> |
| Research and Testing | <p><u>Relies on Existing Data and Knowledge:</u> Requires application of current research and testing and available technology to address safety problems and allows agency's expertise to conduct additional research and development where necessary.</p> | <p><u>Requires New Research and Testing:</u> Requires additional, unnecessary research and testing for occupant protection, roof strength, anti-ejection window glazing, fire prevention and emergency evacuation BEFORE new standards can be issued.</p> |
| Retrofit of Motorcoaches Built Before Standards Issued | <p><u>Mandatory:</u> Requires that 2 years after a new standard takes effect the same safety regulations be applied to motorcoaches built before the new standard was issued; retrofit can take 5 years if undue hardship is found.</p> | <p><u>Discretionary:</u> Retrofit requirements may differ from safety regulations for new motorcoaches based on technical feasibility and may require only component parts and equipment. Phase-in same as regulations for new motorcoaches.</p> |

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| <p><u>Timelines</u></p> <p>When Issued:</p> <p>Effective Date:</p> <p>Phase-In:</p> | <p><u>Sooner:</u> Final rules for all aspects of upgraded standards must be issued w/in 1, 2 or 3 years of enactment.</p> <p><u>2 Years:</u> Regulations take effect when issued, compliance begins 2 years after issuing standard, <i>except</i> EOBR regulations begin 3 years after enactment, and EDR regulations begin 5 years after enactment.</p> <p><u>Left to Agency Discretion:</u> Compliance with regulations required on effective date of rule unless agency determines otherwise. Bill leaves to agency decision of whether phase-in is necessary and, if so, what schedule is reasonable.</p> | <p><u>Later:</u> All final rules to be issued 3 years after enactment.</p> <p><u>3 Years:</u> Regulations do not take effect until 3 years after the issuance of any standard, compliance not required in first 6 years of enactment.</p> <p><u>12 Year Phase-In: 2015- 2027:</u> Requires only 50% of fleet comply with standards 6 years after effective date of regulations (12 years after enactment), 100% fleet compliance is not required 6 years later, that is, not until 12 years after effective date (18 years after enactment).</p> |
| <p>Safety Belts</p> | <p><u>Mandatory, Sec. 4(a)1/Sec. 102(a)1</u> Provides that a regulation be issued w/in 1 year of enactment to require new motorcoaches be equipped with seat belts at designated seating positions. <i>Based on NTSB Recommendations H-99-47 & H-99-48.</i></p> | <p><u>Optional, Sec. 109(a)1:</u> Provides that a regulation be issued 30 months after enactment to “account” for occupant protection in crashes in new motorcoaches, BUT does not require installation of seat belts.</p> |
| <p>Anti-Ejection Window Glazing</p> | <p><u>Mandatory, Sec. 4(a)2/Sec.102(a)2:</u> Provides that a regulation be issued w/in 1 year of enactment to require the installation of advanced window glazing that resists breaking and prevents occupant ejection in new motorcoaches. <i>Based on NTSB Recommendation H-99-49.</i></p> | <p><u>Optional, Sec. 109(a)3:</u> Provides that new research and testing be conducted to identify best methods to prevent occupant ejection in new motorcoaches, that regulation is issued w/in 3 years of enactment, BUT does not specifically require installation of anti-ejection glazing.</p> |
| <p>Firefighting Equipment</p> | <p><u>Mandatory, Sec. 4(a)3/Sec.102(a)3:</u> Provides that a regulation be issued w/in 1 year of enactment to require the installation of improved firefighting equipment to suppress fires in new motorcoaches. <i>Based on NTSB Recommendation H-07-07.</i></p> | <p><u>Optional, Sec. 109(a)4:</u> Provides that new research and testing be conducted to determine causes of fires and that a regulation be issued w/in 3 years of enactment to adopt fire prevention and mitigation requirements in new motorcoaches, BUT does not specifically require installation of firefighting equipment.</p> |

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| Seating Safety | <u>Mandatory, Sec. 4(b)1/102(b)1:</u> Provides that a regulation be issued w/in 2 years of enactment to improve the design of passenger seating areas in new motorcoaches, including providing seat compartmentalization, to reduce the risk of passengers being thrown from seats. | <u>No Comparable Provision:</u> No provision specifically addresses seating area compartmentalization to improve occupant protection in new motorcoaches; generic provision to issue occupant protection systems standard may authorize compartmentalization requirement BUT action not required. |
| Interior Impact Protection | <u>Mandatory, Sec. 4(b)2/Sec.102(b)2:</u> Provides that a regulation be issued w/in 2 years of enactment that establishes requirements for enhanced occupant impact protection for the interiors of new motorcoaches. | <u>No Comparable Provision:</u> No provision specifically addresses enhanced occupant impact protection for the interiors of new motorcoaches; generic provision to issue occupant protection systems standard may authorize interior impact protection requirement BUT action not required. |
| Reduced Rollover Crashes | <u>Mandatory, Sec. 4(b)3/Sec.102(b)3:</u> Provides that a regulation be issued w/in 2 years of enactment that requires new motorcoaches be equipped with stability enhancing technologies to provide crash avoidance protection and reduce the incidence of rollover crashes. | <u>No Comparable Provision:</u> No provision specifically addresses crash avoidance technologies to prevent rollovers in new motorcoaches; provision on rollovers is limited to crashworthiness (refers only to “occupant protection systems”), BUT does not include crash avoidance technologies. |
| Oversight of Motorcoach Operators (Motor Carriers) | <u>Mandatory, Sec. 5/Sec. 104:</u> Provides that 3 years after enactment DOT shall require motorcoach motor carriers to undergo periodic safety reviews, and shall assign safety ratings every 3 years. <u>Based on NTSB Recommendations H-81-15 & H-87-38, among others.</u> | <u>Mandatory, Sec. 101:</u> Provides that 3 years after enactment DOT require on-site or off-site “monitoring of the safety performance of an owner or operator of a commercial motor vehicle” on regular basis, “progressive interventions designed to correct unsafe practices of an owner or operator of a commercial motor” and “enforcement strike forces” BUT no periodic safety reviews. |

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| CDL Testing | <u>Mandatory, Sec. 7/Sec. 106:</u> Requires standards that improve the quality and stringency of the commercial drivers' license examination for a passenger-carrying endorsement. | <u>Mandatory, Sec. 103:</u> Requires that DOT review and assess the current knowledge and skill testing requirements for commercial driver's license passenger endorsement to determine if improvements needed BUT does not require DOT to improve quality and stringency of commercial drivers' license examination for a passenger-carrying endorsement. |
| CDL Medical Certificate and Physical Fitness Oversight | <u>Mandatory, Sec. 8/Sec. 107:</u> Requires national testing and registry for commercial driver medical examiners, merger of CDL and driver medical certificate, federal and state oversight to prevent fraud, oversight by newly established FMCSA Medical Review Board. <u>Based on NTSB Recommendations H-99-06, H-01-21, H-01-22 and H-01-24, among others.</u> | <u>Mandatory, Sec. 104:</u> Requires national testing and registry for commercial driver medical examiners, BUT no merger of CDL and driver medical certificate, no state comparison of forms to prevent fraud. |
| Electronic On-Board Recorders (EOBRs) | <u>Mandatory:</u> Requires EOBRs to enforce hours of service and reduce driver fatigue <u>Based on NTSB Recommendations H-90-28 & H-98-23.</u> S.554, Sec. 9(a): Requires EOBRs on all motorcoaches H.R.1396, Sec. 108(a): Requires EOBRs on all commercial motor vehicles | <u>No Comparable Provision</u> |
| Event Data Recorders (EDRs) | <u>Mandatory, Sec. 9(b)/Sec. 108(b):</u> Provides that 1 year after enactment DOT shall prescribe performance requirements for EDRs, including vehicle operations, events and incidents, and system information to be recorded. <u>Based on NTSB Recommendations H-99-53,54.</u> | <u>No Comparable Provision</u> |

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| Tire Pressure Monitoring System (TPMS) | <u>Mandatory, Sec.9(d)1/Sec.108(d)1:</u> Provides that 2 years after enactment DOT issue regulations for direct tire pressure monitoring that perform at all times, at all speeds, on all road surfaces, and during all weather conditions, after repairs, and on spare tires. <i><u>Based on NTSB Recommendations H-03-12-17.</u></i> | <u>No Comparable Provision</u> |
| Safety Standards for Retreaded Tires | <u>Mandatory, Sec. 9(d)/Sec. 108(d)2:</u> Provides that 3 years after date of enactment DOT establish performance standard for retreaded, regrooved, or otherwise remanufactured commercial motor vehicle tires. | <u>No Comparable Provision</u> |
| MCSAP Safety Inspection Programs | <u>Mandatory, Sec. 10/Sec. 109:</u> Provides that states must carry out annual commercial motor vehicle safety inspection programs. <i><u>Based on NTSB Recommendations H-81-15, H-87-38, H-05-07, H-05-08 and Hwy-99-FH102.</u></i> | <u>Discretionary, Sec. 105:</u> Provides that DOT must conduct study to assess risks of improperly maintained commercial motor vehicles, effectiveness of government standards for inspection, and effectiveness and cost/benefits of section 31142 of title 49, U.S.C. <i>BUT</i> no mandate to carry out annual commercial motor vehicle safety inspection programs |
| Registration | <u>No Comparable Provision</u> | <u>Mandatory, Sec. 106, 107 & 108:</u> Provides that DOT may withhold registration of passenger carrier applicants who fail to disclose a common relationship with another motor carrier w/in 3 years of registration. |
| Certification of Compliance | <u>No Comparable Provision</u> | <u>Mandatory, Sec. 109(b)4:</u> DOT responsible for establishing procedure and certifying compliance by motorcoach motor carriers. |
| State Law Pre-emption | <u>No Comparable Provision</u> | <u>Mandatory, Sec. 109(a)(6)(A):</u> States and localities may not adopt or enforce any law or regulation related to motorcoach crash avoidance and occupant protection before effective date of regulations issued pursuant to this law. |

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| Credits for Costs of Complying With Federal Requirements | <u>Tax Code Amendment,</u> No Provision/Sec. 201: Provides a tax credit of 10 percent of total expenses attributable to compliance with federal safety standards up to \$45,000 per each motorcoach to motorcoach operators using new or retrofit motorcoaches that comply with the Act. | <u>Tax Code Amendment, Sec. 201:</u> Provides a tax credit of 10 percent of total expenses attributable to compliance with federal safety standards up to \$45,000 per each motorcoach to motorcoach operators using new or retrofit motorcoaches that comply with the Act. |
| Federal Grant Program | <u>Establishes New Federal Grant,</u> No Provision/Sec. 301: Provides federal grants of up to \$20,000 to motorcoach operators with 25 or fewer motorcoaches, and total revenue of less than \$5 million annually, to retrofit motorcoaches to comply with the Act. | <u>Establishes New Federal Grant,</u> Sec. 301: Provides federal grants of up to \$20,000 to motorcoach operators with 25 or fewer motorcoaches, and total revenue of less than \$5 million annually, to retrofit motorcoaches to comply with the Act. |
| SBA Loans and Loan Guarantees | <u>Small Business Act Amendment,</u> No Provision/Sec. 302: Allows SBA to make loans to provider of motorcoach services. | <u>Small Business Act Amendment,</u> Sec. 302: Requires SBA to develop loan program and underwriting criteria for motorcoach operators. |