



House Passes Infrastructure Bill: Increases PHMSA Funding

On July 1, 2020, the U.S. House of Representatives approved a bill to reauthorize surface transportation and water programs by a partisan vote of 221-201. The INVEST in America Act, (H.R. 3684), would authorize spending \$715 billion over five years for highways, bridges, transit, rail and water projects and safety programs.

Although the primary purpose of the legislation is to expand substantially the amount of money spent on a wide range of infrastructure improvements, the bill includes a broad definition of “infrastructure” to include money for climate change initiatives, social justice programs, and other programs not normally viewed as infrastructure.

The bill contains \$343 billion in funding for roads, bridges and safety programs, including:

- Increasing investment by 54% over current levels, with an emphasis on fixing existing infrastructure;
- Dedicating \$32 billion for bridge construction and repair; and
- Investing \$4 billion in electric vehicle charging infrastructure.

The legislation does not contain any revenue measures, however. Those provisions must arise in the House Ways and Means Committee and are expected to be included in separate legislation.

In addition, the bill contains a number of provisions affecting the motor carrier industry. For example, the legislation would require DOT to revise the methodology used to identify and prioritize motor carriers for safety interventions under the Compliance, Safety, Accountability (CSA) program, make safety data publicly available upon revision of the methodology, and publish regulations to revise the process for safety fitness determinations for motor carriers no later than one year after implementing the new CSA methodology.

The bill directs FMCSA to conduct a comprehensive review of the impacts of current hours of service rules, including exemptions and expansions of on-duty time for commercial truck drivers finalized by the agency in a 2020 rulemaking. It would increase the minimum amount of insurance required for for-hire commercial motor vehicles from \$750,000 to \$2 million and require this amount to be adjusted for inflation every five years.

HazMat Provisions

Importantly, the legislation has a section dedicated to Hazardous Materials Transportation, the relevant provisions of which are described below. The bill would (a) reauthorize the Hazardous

Materials Transportation Act for an additional five years, and (b) increase funding to expand enforcement activities and various grant programs. Funding for all hazmat programs runs out at the end of this fiscal year unless the law is reauthorized.

The bill includes a \$7 million increase for OHMS' operating budget. The money would be used for:

- \$3.5 M for states to expand their HazMat inspection programs
- \$2.2 M for 20 new staff for outreach to disadvantaged communities to address economic inequities and transportation-related risk
- \$1 M increase in fee-funded grant programs
- \$2.5 M increase in research and development funding.

RIPA is concerned that the bill may lead to an increase in hazmat registration fees to pay for much of the funding expansion. Most RIPA and IPANA members are now exempt from these fees, which require small businesses to pay \$275/year and large businesses to pay \$2,600/year.