House Transportation and Infrastructure Committee to Markup Highway Reauthorization Bill

The House Transportation and Infrastructure (T&I) Committee will markup the “Investing in a New Vision for the Environment and Surface Transportation in America Act,” or “INVEST in America Act” next Wednesday, with a House vote on the legislation July 1 or 2. The Committee released the five-year, $494 billion surface transportation reauthorization bill last week.

Below are some quick highlights of the $494 billion surface transportation reauthorization bill important to fuel marketers.

- **Electric Vehicle Charging and Hydrogen Fueling Infrastructure Grants**: Creates a $1.4 billion grant program for states and localities to deploy electric vehicle, hydrogen and natural gas vehicle charging stations along alternative fuel corridors designated by the Federal Highway Administration. PMAA has several concerns with this provision. The provision could allow a government entity to own and operate EV charging infrastructure permits. Secondly, the provision could permit electric utilities to double dip, meaning that they could charge their rate paying customers to expand EV infrastructure while also taking grant money to subsidize the same project. Additionally, PMAA is concerned that the bill does not provide for the equitable distribution of funds or account for other investment required for infrastructure changes that may be needed to accommodate EV and alternative fueling equipment such as upgrades to site utilities, adding land, and expanding paved areas and operating costs. In addition, the focus on alternative fuel corridors will result in a preference for grants to companies that have multiple sites distributed along major transportation routes. As with other grants for alternative fuels, small to medium c-stores will be placed at a competitive disadvantage.

- **Drivers Hours of Service** – The bill seeks to delay the effective date of the recent driver hours of service rule (HOS) that includes short haul exception amendments won by PMAA. The bill would require delay of the rule until FMCSA conducts a comprehensive review of hours of service regulations and report its findings to Congress. The bill would require the review to focus on the impact on safety and driver health from waivers and exceptions that extend maximum daily driving time and on-duty time, as well as exemptions from recording daily HOS on electronic recording devices. This section would not only delay the HOS rule but could also lead to the elimination of short haul exception, as well as the exception for short haul drivers from recording daily hours of service on electronic recording devices.
- **Vehicle Miles Traveled (VMT) Pilot**: Nearly doubles funding for (VMT) pilots across the country, encouraging States to begin implementing successful VMT programs. It also establishes a national VMT pilot program, including both passenger and commercial vehicles in all 50 states to invest in developing a sustainable funding mechanism for the highway trust fund (HFT). A VMT is a user fee based on miles traveled that can possibly be tracked by phone apps, in-car diagnostic systems or by other means.

- **Commercial Motor Vehicles**: Mandates Automatic Emergency Braking systems in newly manufactured commercial motor vehicles and mandates rear underride guard standards in newly manufactured trailers and semi-trailers capable of preventing passenger compartment underride at speeds up to 35 mph. The bill would require periodic inspection of rear underride equipment as well as daily pre-trip inspections by drivers. It also calls for a study on installing side underride guards on newly manufactured trailers and semitrailers and creates an Advisory Committee on Underride Protection.

- **Hazardous Material Transportation**: Requires PHMSA to study and report to Congress the safety impact of the current requirement for all commercial vehicles hauling hazardous materials stop at railroad crossings; the frequency of rear impact to HAZMAT vehicles as a result of the requirement; and whether the requirement should be removed altogether.

- **Delays the implementation of new highway and transit policies** until after the first year of the bill to reflect the challenges states and localities face due to COVID-19 and the economic downturn.

While the Democratic-controlled House is expected to approve the bill next month, it is dead on arrival in the Senate. The bill currently lacks a “pay for” meaning it is unlikely that a potential multiyear surface transportation bill is signed into law this year.

Congress is more than likely to pass a short-term reauthorization of surface transportation programs into next year since current law is set to expire on September 30, 2020.