

**MAP-21**  
**DIVISION C—TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY**

<b>TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012</b>				
<b>Section</b>	<b>Program/Topic</b>	<b>Funding</b>	<b>Major Changes from SAFETEA-LU</b>	<b>Implications for Minnesota</b>
<i>Analysis not complete</i>				

<b>Section</b>	<b>Program/Topic</b>	<b>Funding</b>	<b>Major Changes from SAFETEA-LU</b>	<b>Implications for Minnesota</b>
32001	Commercial Motor Vehicle Safety Enhancement Act of 2012			In general, these safety provisions support MnDOT's strategic goal of improving truck safety. We measure the number of fatalities and fatal crashes involving large trucks and work to reduce that number through compliance reviews, training opportunities for carriers, etc.
32002	References to title 49, United States Code		N/A	N/A
<b><i>Subtitle A—Commercial Motor Vehicle Registration</i></b>				
32101	Registration of motor carriers		Additional carrier registration requirements: agreement to comply with federal requirements; disclosure of relationships that include common ownership, management, common control or familial relationships (for past 3 years); establishes a written proficiency exam.  Exempts drivers transporting farm supplies from HOS requirements during harvest/planting if within 150 air-mile radius. States determine the harvest/planting season.	MN will need to compare its intrastate registration requirements and agricultural exemptions and decide whether to adopt something similar, while being aware that our definition of harvest/planting season has implications for the hours of service exemption for interstate carriers in the state. Generally, hours of service regulations are meant to keep driver fatigue in check, so MN might consider tracking agricultural driver-related incidents during this period.
32102	Safety fitness of new operators		New property carrier owner/operators required to undergo safety review within first 12 months, passenger carrier owner/operators within first 120 days.	MN is well-positioned as we've been emphasizing bus safety and performing more reviews than the feds require. MN also provides training for new carriers.

32103	Reincarnated carriers		Provides conditions under which carrier's registration may be suspended, amended, or revoked. Puts emphasis on determining conditions of common ownership, management, control, or common familial relationships with any other existing carrier/registrant. Effective one year after enactment	MN will consider whether it needs a similar focus on intrastate carriers that are put out of/go out of business, then start up again. Legislative changes could strengthen MN's authority in this area intrastate
32104	Financial responsibility requirements		Secretary to issue report 6 months after enactment and every 4 years after, on the appropriateness of financial responsibility and bond and insurance requirements. Secretary also to propose regulations to revise requirements as necessary.	Minnesota adopts financial responsibility requirements of 49 CFR 387.33, so will watch for the report and possible regulations.
32105	USDOT number registration requirement		New section requires a USDOT number to operate a CMV in interstate commerce. Secretary can withhold or revoke registration for failure to comply with registration regulations. Does not preclude States from issuing a registration number for carriers operating in intrastate commerce.	Minnesota requires USDOT numbers on most vehicle over 10,000 pounds in intrastate commerce.
32106	Registration fee system		Removes existing cap on Unified Carrier Registration fee	MnDOT, in coordination with the UCR Board of Directors, will have the ability to collect higher registration fees (was capped at \$300).
32107	Registration update		Requires change of address and other essential information to be updated by motor carriers, freight forwarders, and brokers, within 30 days. Passenger carriers must update info quarterly for the first 2 years of registration.	MN has discussed requiring more updating of registration info to aid enforcement and may look at adopting something similar for intrastate carriers.
32108	Increased penalties for operating without registration		Increases minimum penalties for not reporting accurate registration info (from \$500 to \$1000); operating without proper registration (from \$2000 to \$10,000 or \$25,000 for passenger transportation), noncompliance while transporting hazmat (from not more than \$20,000 to no less than \$20,000 and not more than \$40,000).	Minnesota has more limited penalty authority for registration violations in Minn. Stat. s. 221.68.
32109	Revocation of registration for imminent hazard		Removes reference to "motor carrier of passengers" from this section.	MN can consider whether to seek similar authority for intrastate carriers that present an imminent hazard.
32110	Revocation of registration and other penalties for failure to respond to subpoena		Corrects spelling errors and increases minimum and maximum penalties for not responding to a subpoena (from \$100 to \$1,000 and from \$5,000 to \$10,000, respectively).	MN can consider whether to seek similar authority for intrastate carriers that present an imminent hazard.
32111	Fleetwide out of service order for operating without required registration		Amends penalties for not complying with registration requirements, replacing motor vehicles with motor carrier, allowing the Secretary to place an entire fleet OOS.	Patrol may consider seeking similar OOS authority intrastate.

32112	Motor carrier and officer patterns of safety violations		Clarifies the definition of "noncompliance", expands FMCSA's authority to penalize officers who violate registration requirements and authorizes the Secretary to consider civil penalties along with revocation or suspension of registration.	Minnesota complies with Federal Regulations
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<b><i>Subtitle B—Commercial Motor Vehicle Safety</i></b>				
32201	Crashworthiness standards		Secretary to conduct analysis on need for crashworthiness standards, including roof strength, pillar strength, air bags, and front and back wall standards, focusing on property-carrying CMVs with a GVWR/GVW of 26,001 pounds or greater.	MN will watch and decide whether to adopt some or all standards.
32202	Canadian safety rating reciprocity		Authorizes Secretary to recognize determinations made by a Canadian government regarding whether an employer is fit for operations. Secretary may also enter into agreements with Canadian government officials regarding how such determinations are made.	Regional coordination important to MN as a border state.
32203	State reporting of foreign commercial driver convictions		Defines "foreign commercial driver" and requires that a State report a conviction of a foreign commercial driver to the Federal Convictions and Withdrawal Database, or similar authorized database to include convictions relation to operation of both commercial and noncommercial motor vehicles.	Minnesota complies with Federal Regulations
32204	Authority to disqualify foreign commercial drivers		Foreign commercial drivers made subject to disqualification.	Minnesota complies with Federal Regulations
32205	Revocation of foreign motor carrier operating authority for failure to pay civil penalties		Adds foreign motor carriers to group of entities subject to revocation of operating authority for not paying civil penalties.	Minnesota complies with Federal Regulations
32206	Rental truck accident study		Secretary to conduct study on safety of rental trucks during the 7-year period ending 12/31/2011.	Minnesota complies with Federal Regulations

<b>Subtitle C—Driver Safety</b>				
32301	Hours of service study and electronic logging devices		Secretary to offer regulations requiring the use of electronic logging devices to verify HOS compliance by CMV drivers. Defines and sets requirements and performance and design standards for electronic on-board recorders. Rules to be written in one year, drivers have another two years to comply.	MN will watch and comment on rulemaking. Will have to consider whether to adopt EOBR requirement intrastate, but safety benefit of better HOS compliance would go to our goal of increasing compliance and safety through decreasing driver fatigue.
32302	Driver medical qualifications		Secretary to establish a national registry of medical examiners. Requires States to receive medical certifications electronically within 5 years of enactment.	MnDOT will need to coordinate with DVS on the development of this to ensure our medical waiver customers are well-served.
32303	Commercial driver's license notification system		New requirements for periodic review (at least yearly) of drivers' records by employers, maintenance of records in driver qualification files. Secretary to establish standards for a driver record notification system to help employers meet requirements. Secretary to evaluate the benefits and costs of establishing a national notification system.	MN would need to consider whether to adopt driver record notification requirements if FMCSA moves forward with that.
32304	Commercial motor vehicle operator training		Secretary to establish minimum entry-level training requirements for CMV operators; requires that drivers complete entry-level training in order to receive a CDL	MN adopts CDL requirements for most commercial vehicles intrastate.
32305	Commercial driver's license program		Secretary to set a specific date for States to begin operating CDL information systems. Secretary to issue guidance on what info must be included in the system.	States to submit a plan to the Secretary for complying with the CDL system regulations--this will be DVS' role, but MnDOT will be available to assist as necessary.
32306	Commercial motor vehicle driver information systems		Secretary may require States that apply for grant funds under this section to make all drivers' license status and history records available to the Secretary electronically.	Minnesota complies with Federal Regulations
32307	Employer responsibilities		Increases employer responsibility for a driver's status before employing that individual by striking "knowingly" from the law.	Minnesota complies with Federal Regulations
32308	Program to assist Veterans to acquire commercial driver's		Secretary to study Federal and State regulatory, economic, and administrative challenges facing members of the military who have received commensurate training, seeking to obtain a CDL. Report due 180 days after the study begins, study to begin with 90 days of enactment.	Minnesota complies with Federal Regulations

<b>Subtitle D - Safe Roads Act of 2012</b>				
32401	Safe Roads Act of 2012		N/A	
32402	National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators		Establishes and sets forth guidelines for creating and maintaining a national clearinghouse of CMV drug and alcohol test results; requires the Secretary to develop a secure process for managing information; requires interoperability with existing and new information data systems.	Minnesota complies with Federal Regulations

<b>Subtitle E- Enforcement</b>				
32501	Inspection demand and display of credentials		Expands authority to request credentials to "an employee of the recipient of a safety grant" fund and expands the request authority to in-person or in-writing, including request for hazmat credentials.	Allows Secretary to regulate procedures for putting a foreign-domiciled CMV OOS if that carrier fails to allow the Secretary to inspect or copy records, or inspect equipment, land, buildings or other property.
32502	Out of service penalty for denial of access to records		Conforming amendments allowing the Secretary to place a carrier OOS for denying access to requested records.	MN could decide to seek similar enforcement authority for intrastate carriers. Current, more limited authority to inspect records is in Minn. Stat. s. 221. 221.
32503	Penalties for violation of operation out of service orders		Provides for a penalty not to exceed \$25,000 for a motor carrier or employer found to be in violation of the prohibitions on transportation of goods, people, or hazmat or operating under an imminent hazard OOS order.	MN could seek similar enforcement authority for intrastate carriers.
32504	Impoundment and for imminent hazard		Grants the Secretary authority to tow or impound a vehicle under OOS orders for imminent hazard; requires the Secretary to issue regulations on the use of this authority to enforce OOS orders; defines "impoundment" and "impounding."	Patrol will likely lead on whether MN wants to seek similar authority to tow/impound
32505	Increased penalties for evasion of regulations		Strengthens enforcement of evasion provisions by removing "knowingly and willfully" and increases fines range for violations.	MN could consider revising its enforcement provisions to more closely mirror interstate fines, etc.
32506	Violations relating to commercial motor vehicle safety regulation and operations		Removes "ability to pay" from factors the Secretary should consider when assessing civil penalties.	MN has seen legislative proposals to add "ability to pay" as a factor in assessing civil penalties and has generally opposed this.
32507	Emergency disqualification for imminent hazard		Housekeeping amendments to conform sections of code.	Housekeeping

32508	Disclosure to state and local law enforcement agencies		Authorizes Secretary to share relevant information collected with State agencies and representatives.	
32509	Grade crossing safety regulations		Technical correction.	N/A

<b><i>Subtitle F—Compliance, Safety, Accountability</i></b>				
32601	Motor carrier safety assistance program		Adds program goals, makes technical changes. FMCSA to "dedicate sufficient funds" to ensure that accurate, complete, and timely motor carrier safety data is collected and reported to the Secretary. Adds new section requiring States to share inspectors information regarding exemptions. Revises MOE requirements, setting a fixed period (2004-2005), allowing for waivers for financially burdened States, and allowing States to exclude extra activities, such as pilot projects, etc. from the MOE calculation. Funding levels stable to higher.	Minnesota expects MCSAP program to stay fairly stable under MAP-21, with funding levels at same or slightly higher levels as under SAFETEA-LU.
32602	Performance and registration information systems management		Amends conditions for participation in the Performance and Registration Information Program by allowing the Secretary to reinstate a vehicle registration under certain circumstances.	Minnesota complies with Federal Regulations.

32603	Authorization of appropriations	<p>Total authorization</p> <p><b>FY 2013</b></p> <p>MCSAP Grants - \$215M</p> <p>-BASIC - \$168M</p> <p>-High Priority - \$15M</p> <p>-New Entrant - \$32M</p> <p>CDL - \$30M</p> <p>Border - \$32M</p> <p>PRISM - \$5M</p> <p>CVISN - \$25M</p> <p>Safety Data - \$3M</p> <p><b>FY 2014</b></p> <p>MCSAP Grants - \$218M</p> <p>-BASIC - \$171M</p> <p>-High Priority - \$15M</p> <p>-New Entrant - \$32M</p> <p>CDL - \$30M</p> <p>Border - \$32M</p> <p>PRISM - \$5M</p> <p>CVISN - \$25M</p> <p>Safety Data - \$3M</p>	<p>Allocates \$4,000,000 of FMCSA's administrative account funds for 'Outreach and Education' efforts.</p> <p>Allocates \$1,000,000 of FMCSA's administrative account funds for CMV operator training program.</p> <p>Strikes the MOE requirement for the Border Enforcement Grant Program; Sec. 31104; 31107; 31144</p> <p>CVSA supports allocating funds for outreach and Education. CVSA supports improvements to the grant process. Instructs the Secretary to investigate ways to reduce the administrative burden of administering these grants.</p>	
32604	Grants for commercial driver's license program implementation		Clarifies what CDL program funds can be used for, including computers, training material, program coordinators. Prohibits use of funds for purchasing property.	Clarification more than a change in funding
32605	Commercial vehicle information systems and networks		Secretary to submit a report to Congress, including establishing a timeframe and milestones for resuming the CVISN program and a strategic workforce plan for the grant management office.	MN has discussed seeking CVISIN funding for preclearance and other enforcement technologies at scales and mobile sites.

<b>Subtitle G—Motorcoach Enhanced Safety Act of 2012</b>				
32701	Short title		Motorcoach Enhanced Safety Act of 2012	MnDOT has a strategic goal of improving passenger carrier safety to the point that 95% of all passenger carriers have a satisfactory safety rating. MN's MCSAP safety plan has a performance objective of reducing the number of passenger carrier vehicle crashes by 21.5% from the 2006-2010 average. MAP-21's emphasis on this class of carriers can guide MN in strengthening its own intrastate requirements to meet its goals.
32702	Definitions		N/A	
32703	Regulations for improved occupant protection, passenger evacuation and crash avoidance		Secretary to prescribe regulations and set timeframes (safety belts, floor strength and crush resistance, anti-ejection safety countermeasures rollover crash avoidance, commercial motor vehicle tire pressure monitoring systems).	These regs may impact requirements that MN has adopted for some of its intrastate carriers (such as MN's adoption of certain rollover standards for special transportation service vehicles), or MN may choose to adopt them.
32704	Fire prevention and mitigation		Secretary to study motorcoach fires and the best way to prevent them. Secretary may issue standards within three years.	If standards are issued, MN would consider whether to adopt them for intrastate passenger operations.
32705	Occupant protection, collision avoidance, fire causation, etc.		Secretary to complete research on interior impact protection; compartmentalization safety countermeasures; and collision avoidance systems. Secretary may issue appropriate final motor vehicle safety standards.	If final motor vehicle safety standards are issued, MN would consider whether to adopt them for intrastate passenger operations.
32706	Concurrence of research and rulemaking		Secretary to conduct research concurrently and combine rulemakings as appropriate.	MN will follow rulemaking and comment as appropriate.
32708	Improved oversight of motorcoach service providers		Secretary to complete a report describing feasibility, benefits, and costs of establishing a system of certification of public and private schools and of motor carriers and motorcoach operators that provide driver training.	If such a list of certified driver trainers is produced, MN could make it available to intrastate interests seeking training opportunities.
32709	Commercial driver's license passenger endorsement requirements		Secretary to complete a report examining the current knowledge and skills requirements for a CDL passenger endorsement, along with recommendations for improvements.	Minnesota has an interest in the requirements for a CDL passenger endorsement (see Minn. Stat. s. 171.02). Changes would impact drivers in the state.
32710	Safety inspection program for commercial motor vehicles of passengers		Secretary to complete a rulemaking considering requiring States to conduct annual inspections on vehicles that transport passengers.	MN already conducts more inspections on passenger carriers than required and is ahead of the curve. If additional funding became available, MN would benefit.
32711	Regulations		Technical amendments.	N/A

<b>Subtitle H—Safe Highways and Infrastructure Preservation</b>				
32801	Comprehensive truck size and weight limits study		Secretary to initiate a comprehensive truck size and weight limits study, taking into consideration impacts to safety, infrastructure, enforcement, costs, bridges, etc.	MnDOT has conducted a size and weight study which may be a helpful contribution to this process. We will be interested in the study as we are asked every year by industry and others to adjust our size and weight laws.
32802	Compilation of existing State truck size and weight limit laws		Secretary to complete a compilation of existing size and weight laws, exemptions, etc. Report to commence within 90 days of enactment and to be completed within 2 years.	MnDOT will work with USDOT to identify all its size and weight laws and will be interested in comparisons with other states, particularly those neighboring MN, as we continue to work toward regional coordination.

<b>PART I—MISCELLANEOUS</b>				
32911	Prohibition of coercion		Adds to minimum safety standards a clause providing that a driver not be coerced into violating motor vehicle safety regulations; "coerce" and "coercion" defined as a threat to inflict physical harm or withhold future business.	Minnesota has weaker enforcement authority for coercion to violation safety regs in Minn. Stat. s. 221. 291, and may consider strengthening them or clarifying its definition of coercion.
32912	Motor carrier safety advisory committee		List of eligible members expanded to include a nonprofit employee labor organization representing CMV drivers. Extends committee mandate to 9/30/13.	Federal committee membership details.
32913	Waivers, exemptions, and pilot programs		Technical corrections to exemptions section to reflect new information-sharing requirements for physical qualification exemptions; transfers responsibility of notifying inspection personnel from the Secretary to the State safety and compliance agency; removes the requirement that the Secretary post notification of pilot programs in the Federal Register; requires the Secretary to submit an annual report to Congress listing the waivers, exemptions and pilot programs granted under section 31315.	MN complies with reporting and information-sharing requirements.
32914	Registration requirements		Establishes registration requirements for motor carriers, requires a carrier to be granted a registration and requires Secretary to make information publically available.	Minnesota complies with Federal Regulations
32915	Additional motor carrier registration requirements		Establishes additional requirements and prohibitions for motor carrier registration.	Minnesota complies with Federal Regulations

32916	Registration of freight forwarders and brokers		Changes registration requirements for freight forwarders and brokers; establishes training requirements for freight forwards and brokers.	MN should consider whether similar broker/freight-forwarder regulations are needed intrastate.
32917	Effective periods of registration.		Changes effective period of registration issued under previous sections. Requires brokers and freight forwarders to renew their registration within four years of enactment, then sets new effective period at five years.	MN should consider whether similar broker/freight-forwarder regulations are needed intrastate.
32918	Financial security of brokers and freight forwarders		Expands and establishes more rigorous financial security requirement for brokers and freight forwarders. Secretary to issue regulations for implementation and enforcement of these requirements.	MN should consider whether similar broker/freight-forwarder regulations are needed intrastate.
32919	Unlawful brokerage activities		Establishes that an entity must be registered as a broker in order to conduct brokerage activities. Provides for certain exemptions from this requirement. Establishes civil penalties for violations.	MN should consider whether similar broker/freight-forwarder regulations are needed intrastate.

<b>PART II - HOUSEHOLD GOODS TRANSPORTATION</b>
<i>Analysis not complete</i>

<b>PART III—TECHNICAL AMENDMENTS</b>				
32931-32933	Technical corrections			N/A
32934	Exemptions from requirements for covered farm vehicles		Exempts "covered farm vehicles" and their operators from CDL, medical certificate, HOS, and vehicle maintenance, inspection and repair regulations. Hazmat loads are excepted.  Permits states to enact regulations regarding "covered farm vehicles." Provides a definition of "covered farm vehicles" and directs Secretary to study safety impacts of the exemption.	MN will compare this to its implements of husbandry and agricultural vehicle regulations and consider whether changes are needed to stay in step with interstate movements.

<b>TITLE III—HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012</b>				
<b>Section</b>	<b>Program/Topic</b>	<b>Funding</b>	<b>Major Changes from SAFETEA-LU</b>	<b>Implications for Minnesota</b>
33001	Short title			In general, MN has a MCSAP Commercial Vehicle Safety Plan performance objective to reduce the number of HM incidents by about 10% from the 2009-2011 average through increased inspections.
33002	Definition			N/A
33003	References to title 49, United States Code			N/A
33004	Training for emergency responders		Requires States to certify that those who receive emergency responder training using funds from this program will be qualified to provide protection to people and property nearby, makes other small changes.	Minnesota complies with Federal Regulations
33005	Paperless Hazard Communications Pilot Program		Secretary allowed to conduct a pilot project to evaluate employing a paperless hazard communications system. Specifies requirements for pilot program; requires the Secretary to prepare a report on the pilot program; defines "paperless hazard communication system."	MN will watch and comment on this process may impact.
33006	Improving data collection, analysis, and reporting		Secretary to consult with Commandant of the Coast Guard to study how to improve collection, analysis, reporting, and use of data related to accidents and incidents involving the transportation of hazardous material; establishes parameters for the study; requires Secretary to develop an action plan to execute recommended improvements.	Minnesota complies with Federal Regulations
33007	Hazardous material technical assessment, research and development and analysis program		Grants Secretary authority to create a hazmat technical assessment, research and development, and analysis program.	
33008	Hazardous Material Enforcement Training		Secretary to develop uniform training standards for hazmat inspectors and investigators; makes the established standards mandatory for those using federal funds for hazmat enforcement.	MnDOT hazardous materials will be required to meet standards.
33009	Inspections		Requires inspectors to notify parties responsible for packaging of hazmat package when exercising authority to open packages; adds additional matters to be considered with Secretary-issued regulations on executing package opening and emergency orders authority.	Additional MnDOT staff training will be required on regulations when they are promulgated.

33010	Civil penalties		Increases civil penalties for violations of hazmat regulations; adds new penalties for obstructing/preventing investigation; prohibits carriers who fail to pay their fines under this section from continuing hazmat operations; requires Secretary to conduct rulemaking on developing procedures for preventing carriers who owe finds from continuing hazmat operations.	Minnesota complies with Federal Regulations
33011	Reporting of fees		Changes report requirement from Secretary's discretion to biennially.	Minnesota complies with Federal Regulations
33012	Special permits, approvals, and exclusions		Secretary to issue regulations on standing operating procedures to support administration of the special permit and approval programs and objective criteria to support. Requires Secretary to conduct review of special permits that have been in existence for 10 years and determine which should be converted into regulations. Requires the Secretary to issue a rulemakings converting appropriate special permits into regulation. Going forward, requires Secretary to conduct a review of any special permit that has been in effect for 10 years and make a determination on incorporating it into regulations.	Minnesota complies with Federal Regulations
33013	Highway routing disclosures		States to submit to Secretary information identifying the State agency responsible for hazmat route designations and a list of the State's current route designations. States must update the info every 2 years or within 60 dates of designating a new route.	Minnesota complies with Federal Regulations
33014	Motor carrier safety permits		Secretary to conduct a study on the implementation of the hazmat safety permit program. Secretary to issue rulemaking to make appropriate improvements.	Minnesota complies with Federal Regulations
33015	Wetlines		Requires GAO to report to Congress on wetlines safety. Prohibits Secretary from issuing wetlines regulations until study is complete.	Minnesota complies with Federal Regulations
33016	Hazmat employee training requirements and grants		Requires that grants under this section be competitive. Removes limitation of eligibility to hazmat employee organizations only, expanding eligibility to any nonprofit organization that meets the criteria.	Minnesota complies with Federal Regulations
33017	Authorization of appropriations		Sets funding levels for carrying out hazmat programs. Fiscal Year 2013 General: \$42,448,000 Fiscal Year 2014 General: \$42,762,000 From the Haz Mat Emergency Preparedness Fund various appropriations for designated programs. HazMat Training Grants: \$4,000,000 for each FY2013 and 2014	