

116TH CONGRESS  
2D SESSION

# S. 3249

To amend the FAST Act to modify a provision relating to the Motorcyclist Advisory Council.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2020

Mr. JOHNSON (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the FAST Act to modify a provision relating to the Motorcyclist Advisory Council.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Motorcyclist Advisory  
5 Council Reauthorization Act”.

6 **SEC. 2. MOTORCYCLIST ADVISORY COUNCIL.**

7 Section 1426 of the FAST Act (23 U.S.C. 101 note;  
8 Public Law 114–94) is amended to read as follows:

1 **“SEC. 1426. MOTORCYCLIST ADVISORY COUNCIL.**

2       “(a) ESTABLISHMENT.—Not later than 90 days after  
3 the date of enactment of the Motorcyclist Advisory Council  
4 Reauthorization Act, the Secretary shall establish a coun-  
5 cil, to be known as the ‘Motorcyclist Advisory Council’ (re-  
6 ferred to in this section as the ‘Council’).

7       “(b) MEMBERSHIP.—

8               “(1) IN GENERAL.—The Council shall be com-  
9 prised of 12 members, to be appointed by the Sec-  
10 retary, of whom—

11                       “(A) five shall be representatives of units  
12 of State or local government with expertise re-  
13 lating to highway engineering and safety issues,  
14 including—

15                               “(i) barrier design;

16                               “(ii) road design, construction, and  
17 maintenance; or

18                               “(iii) intelligent transportation sys-  
19 tems;

20                       “(B) one shall be a motorcyclist who serves  
21 as a State or local—

22                               “(i) traffic and safety engineer;

23                               “(ii) design engineer; or

24                               “(iii) other transportation department  
25 official;

1           “(C) one shall be a representative of a na-  
2           tional association of State transportation offi-  
3           cials;

4           “(D) one shall be a representative of a na-  
5           tional motorcyclist association;

6           “(E) one shall be a representative of a na-  
7           tional motorcyclist foundation;

8           “(F) one shall be a representative of a na-  
9           tional motorcycle manufacturing association;

10          “(G) one shall be a roadway safety data  
11          expert with expertise relating to crash testing  
12          and analysis; and

13          “(H) one shall be a member of a national  
14          safety organization that represents the traffic  
15          safety systems industry.

16          “(2) TERM.—

17                 “(A) IN GENERAL.—Subject to subpara-  
18                 graphs (B) and (C), each member shall serve on  
19                 the Council for a single term of 2 years.

20                 “(B) ADDITIONAL TERM.—If a successor  
21                 is not appointed for a member of the Council  
22                 before the expiration of the term of service of  
23                 the member, the member may serve on the  
24                 Council for a second term of not longer than 2  
25                 years.

1           “(C) APPOINTMENT OF REPLACEMENTS.—

2           If a member of the Council resigns before the  
3           expiration of the 2-year term of service of the  
4           member—

5                   “(i) the Secretary may appoint a re-  
6                   placement for the member, who shall serve  
7                   the remaining portion of the term; and

8                   “(ii) the resigning member may con-  
9                   tinue to serve after resignation until the  
10                  date on which a successor is appointed.

11           “(3) VACANCIES.—A vacancy on the Council  
12           shall be filled in the manner in which the original  
13           appointment was made.

14           “(4) COMPENSATION.—A member of the Coun-  
15           cil shall serve without compensation.

16           “(c) DUTIES.—

17                   “(1) ADVISING.—The Council shall advise the  
18                   Secretary, the Administrator of the National High-  
19                   way Traffic Safety Administration, and the Adminis-  
20                   trator of the Federal Highway Administration re-  
21                   garding transportation safety issues of concern to  
22                   motorcyclists, including—

23                           “(A) barrier design;

24                           “(B) road design, construction, and main-  
25                   tenance practices; and

1           “(C) the architecture and implementation  
2           of intelligent transportation system tech-  
3           nologies.

4           “(2) BIENNIAL REPORT.—Not later than Octo-  
5           ber 31, 2021, and not less frequently than once  
6           every 2 years thereafter, the Council shall submit to  
7           the Secretary a report containing recommendations  
8           of the Council regarding the issues described in  
9           paragraph (1).

10          “(d) DUTIES OF SECRETARY.—

11           “(1) COUNCIL RECOMMENDATIONS.—

12           “(A) IN GENERAL.—The Secretary shall  
13           determine whether to accept or reject a rec-  
14           ommendation contained in a report of the  
15           Council under subsection (c)(2).

16           “(B) INCLUSION IN REVIEW.—

17           “(i) IN GENERAL.—The Secretary  
18           shall indicate in each review under para-  
19           graph (2) whether the Secretary accepts or  
20           rejects each recommendation of the Coun-  
21           cil covered by the review.

22           “(ii) EXCEPTION.—The Secretary  
23           may indicate in a review under paragraph  
24           (2) that a recommendation of the Council  
25           is under consideration, subject to the con-

1           dition that a recommendation so under  
2           consideration shall be accepted or rejected  
3           by the Secretary in the subsequent review  
4           of the Secretary under paragraph (2).

5           “(2) REVIEW.—

6           “(A) IN GENERAL.—Not later than 60  
7           days after the date on which the Secretary re-  
8           ceives a report from the Council under sub-  
9           section (c)(2), the Secretary shall submit a re-  
10          view describing the response of the Secretary to  
11          the recommendations of the Council contained  
12          in the Council report to—

13               “(i) the Committee on Commerce,  
14               Science, and Transportation of the Senate;

15               “(ii) the Committee on Environment  
16               and Public Works of the Senate;

17               “(iii) the Subcommittee on Transpor-  
18               tation, and Housing and Urban Develop-  
19               ment, and Related Agencies of the Com-  
20               mittee on Appropriations of the Senate;

21               “(iv) the Committee on Transpor-  
22               tation and Infrastructure of the House of  
23               Representatives; and

24               “(v) the Subcommittee on Transpor-  
25               tation, and Housing and Urban Develop-

1           ment, and Related Agencies of the Com-  
2           mittee on Appropriations of the House of  
3           Representatives.

4           “(B) CONTENTS.—A review of the Sec-  
5           retary under this paragraph shall include a de-  
6           scription of—

7                   “(i) each recommendation contained  
8                   in the Council report covered by the re-  
9                   view; and

10                   “(ii)(I) each recommendation of the  
11                   Council that was categorized under para-  
12                   graph (1)(B)(ii) as under consideration by  
13                   the Secretary in the preceding review sub-  
14                   mitted under this paragraph; and

15                   “(II) for each such recommendation,  
16                   whether the recommendation—

17                           “(aa) is accepted or rejected by  
18                           the Secretary; or

19                           “(bb) remains under consider-  
20                           ation by the Secretary.

21           “(3) ADMINISTRATIVE AND TECHNICAL SUP-  
22           PORT.—The Secretary shall provide to the Council  
23           such administrative support, staff, and technical as-  
24           sistance as the Secretary determines to be necessary

1 to carry out the duties of the Council under this sec-  
2 tion.

3 “(e) TERMINATION.—The Council shall terminate on  
4 the date that is 6 years after the date on which the Council  
5 is established under subsection (a).”.

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