

117TH CONGRESS
1ST SESSION

S. 1853

To amend title 49, United States Code, to establish a Motorcyclist Advisory Council.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2021

Mr. PETERS (for himself and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to establish a 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 Act of 2021”.

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

7 (a) IN GENERAL.—Subchapter III of chapter 3 of
8 title 49, United States Code, is amended by adding at the
9 end the following:

1 **“§ 355. Motorcyclist Advisory Council**

2 “(a) ESTABLISHMENT.—Not later than 90 days after
3 the date of enactment of this section, the Secretary of
4 Transportation (referred to in this section as the ‘Sec-
5 retary’) shall establish or designate a council, to be known
6 as the ‘Motorcyclist Advisory Council’ (referred to in this
7 section as the ‘Council’).

8 “(b) MEMBERSHIP.—

9 “(1) IN GENERAL.—The Council shall be com-
10 prised of 13 members, to be appointed by the Sec-
11 retary, of whom—

12 “(A) 5 shall be representatives of units of
13 State or local government with expertise relat-
14 ing to highway engineering and safety issues,
15 including—

16 “(i) motorcycle and motoreyclist safe-
17 ty;

18 “(ii) barrier and road design, con-
19 struction, and maintenance; or

20 “(iii) intelligent transportation sys-
21 tems;

22 “(B) 1 shall be a motoreyclist who serves
23 as a State or local—

24 “(i) traffic and safety engineer;

25 “(ii) design engineer; or

1 “(iii) other transportation department
2 official;

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

6 “(D) 1 shall be a representative of a na-
7 tional motorcyclist association;

8 “(E) 1 shall be a representative of a na-
9 tional motorcyclist foundation;

10 “(F) 1 shall be a representative of a na-
11 tional motorcycle manufacturing association;

12 “(G) 1 shall be a representative of a mo-
13 torcycle manufacturing company headquartered
14 in the United States;

15 “(H) 1 shall be a roadway safety data ex-
16 pert with expertise relating to crash testing and
17 analysis; and

18 “(I) 1 shall be a member of a national
19 safety organization that represents the traffic
20 safety systems industry.

21 “(2) TERM.—

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

1 “(B) ADDITIONAL TERM.—If a successor
2 is not appointed for a member of the Council
3 before the expiration of the term of service of
4 the member, the member may serve on the
5 Council for a second term of not longer than 2
6 years.

7 “(C) APPOINTMENT OF REPLACEMENTS.—
8 If a member of the Council resigns before the
9 expiration of the 2-year term of service of the
10 member—

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

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

17 “(3) VACANCIES.—A vacancy on the Council
18 shall be filled in the manner in which the original
19 appointment was made.

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

22 “(c) DUTIES.—

23 “(1) ADVISING.—The Council shall advise the
24 Secretary, the Administrator of the National High-
25 way Traffic Safety Administration, and the Adminis-

1 trator of the Federal Highway Administration re-
2 garding transportation safety issues of concern to
3 motorcyclists, including—

4 “(A) motorcycle and motorcyclist safety;

5 “(B) barrier and road design, construction,
6 and maintenance practices; and

7 “(C) the architecture and implementation
8 of intelligent transportation system tech-
9 nologies.

10 “(2) BIENNIAL REPORT.—Not later than Octo-
11 ber 31 of the first calendar year beginning after the
12 date on which the Council is established, and not
13 less frequently than once every 2 years thereafter,
14 the Council shall submit to the Secretary a report
15 containing recommendations of the Council regard-
16 ing the issues described in paragraph (1).

17 “(d) DUTIES OF SECRETARY.—

18 “(1) COUNCIL RECOMMENDATIONS.—

19 “(A) IN GENERAL.—The Secretary shall
20 determine whether to accept or reject a rec-
21 ommendation contained in a report of the
22 Council under subsection (c)(2).

23 “(B) INCLUSION IN REVIEW.—

24 “(i) IN GENERAL.—The Secretary
25 shall indicate in each review under para-

1 graph (2) whether the Secretary accepts or
2 rejects each recommendation of the Coun-
3 cil covered by the review.

4 “(ii) EXCEPTION.—The Secretary
5 may indicate in a review under paragraph
6 (2) that a recommendation of the Council
7 is under consideration, subject to the con-
8 dition that a recommendation so under
9 consideration shall be accepted or rejected
10 by the Secretary in the subsequent review
11 of the Secretary under paragraph (2).

12 “(2) REVIEW.—

13 “(A) IN GENERAL.—Not later than 60
14 days after the date on which the Secretary re-
15 ceives a report from the Council under sub-
16 section (c)(2), the Secretary shall submit a re-
17 view describing the response of the Secretary to
18 the recommendations of the Council contained
19 in the Council report to—

20 “(i) the Committee on Commerce,
21 Science, and Transportation of the Senate;

22 “(ii) the Committee on Environment
23 and Public Works of the Senate;

24 “(iii) the Subcommittee on Transpor-
25 tation, Housing and Urban Development,

1 and Related Agencies of the Committee on
2 Appropriations of the Senate;

3 “(iv) the Committee on Transpor-
4 tation and Infrastructure of the House of
5 Representatives; and

6 “(v) the Subcommittee on Transpor-
7 tation, and Housing and Urban Develop-
8 ment, and Related Agencies of the Com-
9 mittee on Appropriations of the House of
10 Representatives.

11 “(B) CONTENTS.—A review of the Sec-
12 retary under this paragraph shall include a de-
13 scription of—

14 “(i) each recommendation contained
15 in the Council report covered by the re-
16 view; and

17 “(ii)(I) each recommendation of the
18 Council that was categorized under para-
19 graph (1)(B)(ii) as under consideration by
20 the Secretary in the preceding review sub-
21 mitted under this paragraph; and

22 “(II) for each such recommendation,
23 whether the recommendation—

24 “(aa) is accepted or rejected by
25 the Secretary; or

1 “(bb) remains under consider-
2 ation by the Secretary.

3 “(3) ADMINISTRATIVE AND TECHNICAL SUP-
4 PORT.—The Secretary shall provide to the Council
5 such administrative support, staff, and technical as-
6 sistance as the Secretary determines to be necessary
7 to carry out the duties of the Council under this sec-
8 tion.

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

12 (b) CONFORMING AMENDMENTS.—

13 (1) Section 1426 of the FAST Act (23 U.S.C.
14 101 note; Public Law 114–94) is repealed.

15 (2) The table of contents for the FAST Act
16 (Public Law 114–94; 129 Stat. 1313) is amended by
17 striking the item relating to section 1426.

18 (c) CLERICAL AMENDMENT.—The table of sections
19 for subchapter III of chapter 3 of title 49, United States
20 Code, is amended by inserting after the item relating to
21 section 354 the following:

“355. Motorecyclist Advisory Council.”.

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