

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 motorcyclist 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 motorcyclist 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-

trator of the Federal Highway Administration regarding transportation safety issues of concern to motorcyclists, including—

“(A) motorcycle and motorcyclist safety;

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

“(C) the architecture and implementation of intelligent transportation system technologies.

“(2) BIENNIAL REPORT.—Not later than October 31 of the first calendar year beginning after the date on which the Council is established, and not less frequently than once every 2 years thereafter, the Council shall submit to the Secretary a report containing recommendations of the Council regarding the issues described in paragraph (1).

“(d) DUTIES OF SECRETARY.—

“(1) COUNCIL RECOMMENDATIONS.—

“(A) IN GENERAL.—The Secretary shall determine whether to accept or reject a recommendation contained in a report of the Council under subsection (c)(2).

“(B) INCLUSION IN REVIEW.—

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

graph (2) whether the Secretary accepts or rejects each recommendation of the Council covered by the review.

“(ii) EXCEPTION.—The Secretary may indicate in a review under paragraph (2) that a recommendation of the Council is under consideration, subject to the condition that a recommendation so under consideration shall be accepted or rejected by the Secretary in the subsequent review of the Secretary under paragraph (2).

“(2) REVIEW.—

“(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives a report from the Council under subsection (c)(2), the Secretary shall submit a review describing the response of the Secretary to the recommendations of the Council contained in the Council report to—

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

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

“(iii) the Subcommittee on Transportation, Housing and Urban Development,

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

“(iv) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(v) the Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the House of Representatives.

“(B) CONTENTS.—A review of the Secretary under this paragraph shall include a description of—

“(i) each recommendation contained in the Council report covered by the review; and

“(ii)(I) each recommendation of the Council that was categorized under paragraph (1)(B)(ii) as under consideration by the Secretary in the preceding review submitted under this paragraph; and

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

“(aa) is accepted or rejected by 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.”.

○