



U.S. Department
Of Transportation
Federal Motor Carrier
Safety Administration

Memorandum

SP-07-001-CE

Subject: **INFORMATION:**Traffic Enforcement Activities

Date: OCT 26 2006

From: Dan Hartman
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Enforcement and Program Delivery

Reply to
Ann.of: MC-ESS

To: Field Administrators
State Programs Managers
Division Administrators

SUMMARY

This memorandum establishes the standards under the Motor Carrier Safety Assistance Program (MCSAP) for State traffic enforcement programs following the changes provided in the Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU).

BACKGROUND

SAFETEA-LU provides new authority for traffic enforcement on commercial motor vehicles (CMV). The authority allows for MCSAP reimbursement of CMV traffic enforcement without an accompanying safety inspection. The authority also allows for non-CMV traffic enforcement when such actions are necessary to improve CMV safety (i.e. cars driving unsafely around trucks).

This new direction is consistent with the findings of the Federal Motor Carrier Safety Administration's (FMCSA) Large Truck Crash Causation study, and other similar studies that have identified driver behavior as the leading causal factor in all crashes. It also addresses findings in those same studies that identify the non-CMV driver as the causal factor in a majority of CMV and non-CMV crashes. By expanding the previous traffic enforcement authority, FMCSA and its State partners are able to reach out to a broader population of highway safety organizations in an effort to improve delivery of the program and achieve FMCSA's goal of reducing fatal crashes. This change is significant in that it allows the agency to provide funding to MCSAP, and non-MCSAP, agencies for non-MCSAP officers to conduct MCSAP traffic enforcement against CMVs and non-CMVs.

The language allowing MCSAP funding to be used for traffic enforcement against non-CMV's has four specific requirements:

- 1) The activity must be "designed to promote the safe operation of commercial motor vehicles";
- 2) The number of motor carrier safety activities (including roadside inspections, compliance reviews, safety audits, etc.) conducted by the State is maintained at a level at least equal to the average for FY 2003 through FY 2005;
- 3) The State does not spend more than 5 percent of the amount of funding received under their MCSAP Basic grant for traffic enforcement against non-CMV's; and
- 4) Enforcement activities targeting CMV's and non-CMV's must be "documented."

The 5 percent limitation only applies to traffic enforcement on non-CMV's, and only to the funding received via the Basic MCSAP grant. For example, a State receives a \$1,000,000 Basic grant, of which the State could not spend more than \$50,000 on traffic enforcement against non-CMV's. States choosing to use this five percent flexibility must continue to meet the current maintenance of effort requirements (see SP-06-003-GE) and ensure that any existing funding spent on this type of activity is continued.

National traffic enforcement activity data will be the subject of FMCSA and congressional interest. Division Administrators shall collect data from State sources regarding MCSAP funds expended and citations issued for traffic enforcement efforts. Documentation of traffic enforcement activities (for MCSAP reimbursement purposes) can be accomplished in two ways: first, for routine day-to-day enforcement activities occurring throughout the year, participating agencies may be reimbursed either for actual time spent (as shown by officers' time records), or by the number of citations or written warnings issued multiplied by a reasonable rate (average pay rate multiplied by the average time conducting the activity).

The second method of documentation would address high visibility enforcement activities involving several officers and would consist of a description of the targeted area, data substantiating high CMV traffic during the time of the enforcement activity, data substantiating that the location is a high crash location, and the total number of written warnings and citations issued during the activity. This second method promotes enhanced planning and coordination, and focuses resources in areas with demonstrated CMV crash and safety risks. Additionally, it provides greater opportunity to integrate our efforts with the National Highway Traffic Safety Administration's 402 State and local projects to leverage resources and align MCSAP activities with the State's Strategic Highway Safety Plan.

Traffic Enforcement Violations

A balanced CMV traffic enforcement effort would include written warnings or citations for the following types of traffic violations:

<u>SECTION</u>	<u>ASPEN CODE</u>	<u>DESCRIPTION</u>
392.2	392.2C	Failure to obey traffic control device
392.2	392.2FC	Following too closely

SECTION	ASPEN CODE	DESCRIPTION
392.2	392.2LC	Improper lane change
392.2	392.2P	Improper passing
392.2	392.2R	Reckless driving
392.2	392.2S	Speeding
392.2	392.2T	Improper turn
392.2	392.3	Operating a CMV while ill or fatigued
392.4(a)	392.4A	Possession/use/under influence of drugs
392.5(a)	392.5A	Possession/use/under influence of alcohol
392. IO(a)(I)	392.IOAI	Failing to stop at railroad grade (RR) crossing-bus
392. 10(a)(2)	392.10A2	Failing to stop at RR crossing-chlorine
392. IO(a)(3)	392.IOA3	Failing to stop at RR crossing-placard
392.IO(a)(4)	392.IOA4	Failing to stop at RR crossing- HM cargo
392.14	392.14	Failing to use caution for hazardous conditions
392.16	392.16	Failing to use seat belt while operating CMV
392.71(a)	392.71A	Using/equipping CMV with a radar detector

The ASPEN codes shown above are included for purposes of clarity; an ASPEN inspection report is NOT required for reimbursement.

For traffic enforcement on CMV drivers it is imperative that we accurately cite and properly report all potentially disqualifying offenses that could affect commercial drivers' license status.

Traffic enforcement on non-CMV's would include written warnings or citations for the same or similar types of violations, as applicable. While some of the above violations may not translate directly from CMV to non-CMV enforcement, the intent of these regulations should be represented in similar State traffic laws.

To facilitate completion of the annual MCSAP report to Congress, attached is a form to be used to collect pertinent traffic enforcement information. The requested information should be sent by email to the State Programs division as soon as possible following the end of the 2007 fiscal year. If this information is available for FY-2006, please forward to Arthur Williams at arthu.williams@dot.gov.

If you have any questions or require additional information, please contact Michael Lamm at (202) 366-6830, or via e-mail at mike.lamm@dot.gov.

Traffic Enforcement (TE)

STATE _ _ _ _ _

FY- _ _

TOTAL MCSAP TE REIMBURSEMENT \$ _ _ _ _ _

MCSAP NON-CMV TE REIMBURSEMENT \$ _ _ _ _ _

MCSAP BASIC ALLOCATION \$ _ _ _ _ _

TOTAL MCSAP-REIMBURSED:

CMV PENALTY CITATIONS ISSUED _____

NON-CMV PENALTY CITATIONS ISSUED _____

CMV WRITTEN WARNINGS ISSUED _____

NON-CMV WRITTEN WARNINGS ISSUED _____

TOTAL REIMBURSED TE STAFF HOURS:

CMV _____

NON-CMV _____

DIVISION ADMINISTRATOR