



NORTH DAKOTA

Commercial Vehicle Safety Plan

Federal Motor Carrier Safety Administration's Motor Carrier Safety Assistance Program

Fiscal Years 2019 - 2021

Date of Approval: July 17, 2019

FINAL CVSP



**U.S. Department of Transportation
Federal Motor Carrier Safety Administration**

Part 1 - MCSAP Overview

Part 1 Section 1 - Introduction

The Motor Carrier Safety Assistance Program (MCSAP) is a Federal grant program that provides financial assistance to States to help reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of the MCSAP is to reduce CMV-involved accidents, fatalities, and injuries through consistent, uniform, and effective CMV safety programs.

A State lead MCSAP agency, as designated by its Governor, is eligible to apply for grant funding by submitting a commercial vehicle safety plan (CVSP), in accordance with the provisions of [49 CFR 350.201](#) and [205](#). The lead agency must submit the State's CVSP to the FMCSA Division Administrator on or before August 1 of each year. For a State to receive funding, the CVSP needs to be complete and include all required documents. Currently, the State must submit a performance-based plan each year to receive MCSAP funds.

The FAST Act required the Federal Motor Carrier Safety Administration (FMCSA) to “prescribe procedures for a State to submit a multiple-year plan and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards, and orders that are compatible with the regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.”

The online CVSP tool (eCVSP) outlines the State's CMV safety objectives, strategies, activities and performance measures and is organized into the following five parts:

- Part 1: MCSAP Overview
- Part 2: Crash Reduction and National Program Elements (FY 2019 - 2021)
- Part 3: National Emphasis Areas and State Specific Objectives (FY 2019 - 2021)
- Part 4: Financial Information (FY 2019)
- Part 5: Certifications and Documents

You will find that each of the five eCVSP parts listed above contains different subsections. Each subsection category will provide you with detailed explanation and instruction on what to do for completing the necessary tables and narratives.

The MCSAP program includes the eCVSP tool to assist States in developing and monitoring their grant applications. The eCVSP provides ease of use and promotes a uniform, consistent process for all States to complete and submit their plans. States and territories will use the eCVSP to complete the CVSP and to submit a 3-year plan or an Annual Update to a 3-year plan. As used within the eCVSP, the term ‘State’ means all the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands.

REMINDERS FOR FY 2019:

Multi-Year plans—For FY 2019, all States will be utilizing the multi-year CVSP format. This means that objectives, projected goals, and activities in the plan will cover a full three-year period. The financial information and certifications will be updated each fiscal year.

Annual Updates for Multi-Year plans—Those States in Year 2 or Year 3 of a multi-year plan will be providing an Annual Update only. States will be able to review the project plan submitted in the previous year and indicate whether anything needs to be updated for the upcoming fiscal year via a Yes/No question provided in each Section of Parts 1-3. **NOTE: Answer carefully as there is one opportunity to check Yes/No and then the input is locked.**

- If Yes is indicated, the information provided for previously will be editable and State users can make any necessary changes to their project plan. (Note: Trend information that supports your current activities is not editable.)
- If No is indicated, then no information in this section will be editable and the user can move forward to the next section.
- The financial information and certifications will be updated each fiscal year.

All multi-year and annual update plans have been pre-populated with data and information from their FY 2018 plans. States must carefully review and update this information to reflect FY 2019 activities prior to submission to FMCSA.

States are reminded to **not** include any personally identifiable information (PII) in the CVSP. The final CVSP approved by FMCSA is required to be posted to a public FMCSA website.

Personally Identifiable Information – PII is information which, on its own or matched with other data, would permit identification of that individual. Examples of PII include: name, home address, social security number, driver's license number or State-issued identification number, date and/or place of birth, mother's maiden name, financial, medical, or educational records, non-work telephone numbers, criminal or employment history, etc. PII, if disclosed to or altered by unauthorized individuals, could adversely affect the Agency's mission, personnel, or assets or expose an individual whose information is released to harm, such as identity theft.

Part 1 Section 2 - Mission/Goal Statement

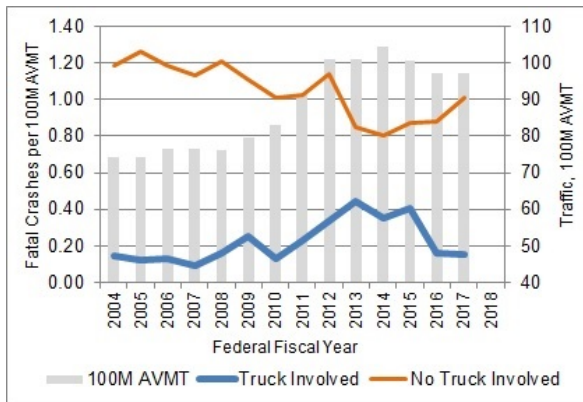
Instructions:

Briefly describe the mission or goal of the lead State commercial motor vehicle safety agency responsible for administering this Commercial Vehicle Safety Plan (CVSP) throughout the State.

NOTE: Please do not include information on any other FMCSA grant activities or expenses in the CVSP.

The North Dakota Highway Patrol (NDHP) is the administrator for the Commercial Vehicle Safety Plan (CVSP). The NDHP mission is *to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure*. It strives to promote and maintain a spirit of teamwork that is the tradition of the North Dakota Highway Patrol, through core values of loyalty, integrity, commitment and respect. The Motor Carrier Safety Assistance Program (MCSAP) goal, which is consistent with the NDHP mission, is to reduce CMV-involved crashes, fatalities and injuries through consistent, uniform, and effective CMV safety programs.

The NDHP performance target is to reduce the CMV fatal event rate to 0.17 per 100 million vehicle miles traveled (VMT) for fiscal year 2021. This goal would represent a 45% reduction in the average fatality event rate compared with the average rate for the previous five years. The incidence rate ranged from 0.15 to 0.45 per 100 million VMT over the past five years. Between 2013 and 2017 trucks were involved in 25.1% of fatal crash events, which compares with a truck-involvement level of 16.5% between 2008 and 2012. The share of crashes involving a truck in 2017 was the lowest since 2010. These shifts coincide with an expansion and contraction of oil exploration. As the energy market again becomes more active, it is reasonable to expect truck traffic and risk for truck-involved crashes to increase.



Recent exponential growth in North Dakota's CMV traffic, associated with oil development activities in the west, created safety challenges. The activity has slowed with lower energy prices and scaled back exploration activities. The market does, however, continue to react to economic signals with regard to energy prices and global supply/demand that are reflected in local development activities. In addition, travel resulting from the expansion that occurred during the spike in exploration keeps traffic above the historical levels in terms of large truck VMT. Therefore, an ongoing evaluation of the CMV fatality rate goal from previous years is necessary to set realistic and realizable safety goals.

The NDHP continues to improve CMV safety through:

Strategy 1: Reduced MCV Fatal and Injury-Related Crash Rates

- Objective 1.1: Compliance & enforcement
- Objective 1.2: Thoroughly investigate all fatal and injury commercial vehicle crashes to determine causation factors and plan operations based on findings.
- Objective 1.3: Improve data collection and analysis.

Strategy 2: Community Outreach & Policing

- Objective 2.1: Create public awareness of sharing the road with commercial vehicles.
- Objective 2.2: Work with North Dakota motor carriers to conduct training and informational seminars.
- Objective 2.3: Establish liaison with community organizations for support.
- Objective 2.4: Publicize agency objectives.

- Objective 2.5: Educate high-risk and high-exposure driver groups.

Strategy 3: Employee Development and Safety

- Objective 3.1: Conduct safety training programs.
- Objective 3.2: Ensure personnel have all equipment and information necessary to carry out MCSAP duties.

Part 1 Section 3 - MCSAP Structure Explanation

Instructions:

Briefly describe the State's commercial motor vehicle (CMV) enforcement program funded by the MCSAP grant.

NOTE: Please do not include activities or expenses associated with any other FMCSA grant program.

The NDHP reorganized the Motor Carrier Division (MCD) structure in 2018. MCSAP is staffed through the MCD. The MCD is allocated 28 FTEs with permit staff, including: a Deputy Chief of Field Operations who serves as the MCSAP Grant Coordinator in a partial assignment, a Motor Carrier Operations Commander, two sergeants, sixteen troopers, four civilian inspectors, four permit staff and one administrative assistant. Within the MCD, 17 have MCSAP assignments including safety investigations (4) new entrant (3) and border enforcement. In FFY 2019, the NDHP plans to add 6 full time temporary civilian inspectors. A total of 23 dedicated, MCSAP assigned personnel.

In addition to the dedicated MCSAP team, the MCD has Motor Carrier troopers who focus efforts on size and weight enforcement and support the safety efforts lead by the core MCSAP staff. Troopers assigned to the NDHP Regions who focus patrol time on CMV size and weight issues do a Level 2 or 3 inspection on those CMVs stopped for a size and weight violation. The MCSAP Sergeants, MCSAP inspectors, MC (size and weight) troopers have each successfully completed the North American Standard (NAS) Part A and B Courses and a majority have Advanced Level I training. The 12 regional MC troopers (one open FTE) dedicated to size and weight enforcement conduct a Level 2 or 3 inspection on CMVs stopped for size and weight violations. These MC troopers are certified to conduct NAS Level I inspections and are provided MCSAP overtime to conduct them. In addition, 91 traffic troopers (July 1, 2018) are certified to conduct NAS Level III inspections and participate in joint enforcement strike forces and saturation details.

Regional sergeants also have the option to maintain Level III certification as their work load allows. Based on MC Division records we currently have a total 124 CVSA certified employees in the NDHP that conduct inspections.

The MCSAP Grant Coordinator has oversight of the MCSAP program and is responsible for creation and submission of the MCSAP CVSP. The Operations Commander implements the activities in the CVSP and submits progress reports. He is the primary liaison with FMCSA and the NDHP. The MCSAP Grant Coordinator is responsible for the overall oversight, performance of the personnel and activities in the MCSAP program. The MCSAP Grant Coordinator works to assure that adequate resources are provided to accomplish the activities in the MCSAP program.

The Operations Commander is responsible for implementation of the MCSAP CVSP in the field. He plans activities, personnel schedules and coordinates the resources to accomplish stated MCSAP activities. He provides information to the MCSAP Grant Coordinator on the progress of planned activities for reporting purposes. The Operations Commander supervises the two sergeants and the New Entrant Safety coordinator and auditors.

The Sergeants act as the first line supervisor for the line-level personnel in the MCSAP program. They act as mentors and trainers. The sergeants review and evaluate the day to day performance of the line level personnel. They also perform inspections and assure adherence to policies, plans, schedules and planned activities. The sergeants perform quarterly and yearly performance appraisals on line level personnel. They report back to the Motor Carrier Operations Commander on inspection activities.

The troopers and civilian inspectors/ auditors perform inspections, safety investigation, New Entrant safety audits, educational activities and take enforcement action when appropriate. These are the line level personnel that are tasked with performing and accomplishing activities outlined in the MCSAP CVSP. The NDHP will form a position called a MCSAP Coordinator. The responsibilities of this position will be to process DATA Q's with assistance from the Operational Commander develop training curriculum, instruct on CMV topics related to MCSAP and FMCRs and to provide input to the commanders on regulations. The MCSAP coordinator will be additional duties for a trooper position. We will plan to fill this position in FY 2019.

The NDHP continues to work closely with NDDOT and our IT section to assure our Data Quality is at the highest level possible. We have overcome historical challenges and succeeded in sustaining our Overall Data Quality rating at the Green level. The recent yellow ratings are attributed to a lag in local law enforcement agency reporting for the CMV events. We continue to work with these local agencies and monitor Data Quality to identify areas that we can improve and strive to maintain a green rating.

Process: In order to monitor performance and assure that performance goals and activities are being accomplished and met, the Operations Commander will review statistical performance levels of each MCSAP trooper, civilian inspector and safety auditor. Realistic, attainable, individual performance goals in regard to inspections, enforcement activities and educational presentations are discussed with each employee. First line supervisors meet with the troopers, inspectors and Auditors at the beginning of each year and discuss the goals listed in the CVSP. Individual work and career goals are discussed and set with each trooper and inspector as to how they will contribute to the overall success of the CVSP goals. Each quarter the first line supervisors do a review of work performance and progress of the individual trooper, inspector and auditor activities. Strategies for successes and challenges in meeting goals are discussed. Formal performance appraisals are conducted annually with each employee to assure that standards in all areas of performance are being met.

Part 1 Section 4 - MCSAP Structure
Instructions:

Complete the following tables for the MCSAP lead agency, each subrecipient and non-funded agency conducting eligible CMV safety activities.

The tables below show the total number of personnel participating in MCSAP activities, including full time and part time personnel. This is the total number of non-duplicated individuals involved in all MCSAP activities within the CVSP. (The agency and subrecipient names entered in these tables will be used in the National Program Elements —Roadside Inspections area.)

The national program elements sub-categories represent the number of personnel involved in that specific area of enforcement. FMCSA recognizes that some staff may be involved in more than one area of activity.

Lead Agency Information	
Agency Name:	NORTH DAKOTA STATE PATROL
Enter total number of personnel participating in MCSAP activities	130
National Program Elements	Enter # personnel below
Driver and Vehicle Inspections	130
Traffic Enforcement Activities	124
Investigations*	7
Public Education and Awareness	124
Data Collection and Reporting	17
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Non-funded Agency Information	
Total number of agencies:	
Total # of MCSAP Participating Personnel:	

Part 2 - Crash Reduction and National Program Elements

Part 2 Section 1 - Overview

Part 2 allows the State to provide past performance trend analysis and specific goals for FY 2019 - 2021 in the areas of crash reduction, roadside inspections, traffic enforcement, audits and investigations, safety technology and data quality, and public education and outreach.

Note: *For CVSP planning purposes, the State can access detailed counts of its core MCSAP performance measures. Such measures include roadside inspections, traffic enforcement activity, investigation/review activity, and data quality by quarter for the current and past two fiscal years using the Activity Dashboard and/or the CVSP Toolkit on the A&I Online website. The Activity Dashboard is also a resource designed to assist the State with preparing their MCSAP-related quarterly reports and is located at: <http://ai.fmcsa.dot.gov>. A user id and password are required to access this system.*

In addition, States can utilize other data sources available on the A&I Online website as well as internal State data sources. It is important to reference the data source used in developing problem statements, baselines and performance goals/ objectives.

Part 2 Section 2 - CMV Crash Reduction

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries and fatalities involving large trucks and buses. MCSAP partners also share the goal of reducing commercial motor vehicle (CMV) related crashes.

Trend Analysis for 2013 - 2017

Instructions for all tables in this section:

Complete the tables below to document the State's past performance trend analysis over the past five measurement periods. All columns in the table must be completed.

- Insert the beginning and ending dates of the five most recent State measurement periods used in the Measurement Period column. The measurement period can be calendar year, Federal fiscal year, State fiscal year, or any consistent 12-month period for available data.
- In the Fatalities column, enter the total number of fatalities resulting from crashes involving CMVs in the State during each measurement period.
- The Goal and Outcome columns allow the State to show its CVSP goal and the actual outcome for each measurement period. The goal and outcome must be expressed in the same format and measurement type (e.g., number, percentage, etc.).
 - In the Goal column, enter the goal from the corresponding CVSP for the measurement period.
 - In the Outcome column, enter the actual outcome for the measurement period based upon the goal that was set.
- Include the data source and capture date in the narrative box provided below the tables.
- If challenges were experienced while working toward the goals, provide a brief narrative including details of how the State adjusted the program and if the modifications were successful.

ALL CMV CRASHES

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g. large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, or other). Other can include injury only or property damage crashes.

Goal measurement as defined by your State: Large Truck Fatal Crashes per 100M VMT

If you select 'Other' as the goal measurement, explain the measurement used in the text box provided:

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
10/01/2016	09/30/2017	19	0.23	0.20
10/01/2015	09/30/2016	18	0.33	0.19
10/01/2014	09/30/2015	53	0.33	0.53
10/01/2013	09/30/2014	45	0.35	0.43
10/01/2012	09/30/2013	57	0.20	0.56

MOTORCOACH/PASSENGER CARRIER CRASHES

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g. large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, other, or N/A).

Goal measurement as defined by your State: Large Truck Fatal Crashes per 100M VMT

If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
10/01/2016	09/30/2017	0	0	0
10/01/2015	09/30/2016	0	0	0
10/01/2014	09/30/2015	1	0	0.01
10/01/2013	09/30/2014	0	0	0
10/01/2012	09/30/2013	1	0	0.01

Hazardous Materials (HM) CRASH INVOLVING HM RELEASE/SPILL

Hazardous material is anything that is listed in the hazardous materials table or that meets the definition of any of the hazard classes as specified by Federal law. The Secretary of Transportation has determined that hazardous materials are those materials capable of posing an unreasonable risk to health, safety, and property when transported in commerce. The term hazardous material includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, and all other materials listed in the hazardous materials table.

For the purposes of the table below, HM crashes involve a release/spill of HM that is part of the manifested load. (This does not include fuel spilled from ruptured CMV fuel tanks as a result of the crash).

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g., large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, other, or N/A).

Goal measurement as defined by your State: Large Truck Fatal Crashes per 100M VMT

If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
10/01/2016	09/30/2017	0	0	0
10/01/2015	09/30/2016	0	0	0
10/01/2014	09/30/2015	2	0	0.02
10/01/2013	09/30/2014	0	0	0
10/01/2012	09/30/2013	0	0	0

Enter the data sources and capture dates of the data listed in each of the tables above.

All CMV Crashes: NDDOT Crash Data, Annual Locked Data Query, July 2018. Motorcoach and HazMat: FMCSA's Motor Carrier Management Information System (MCMIS) data snapshot as of 6/29/2018.

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.

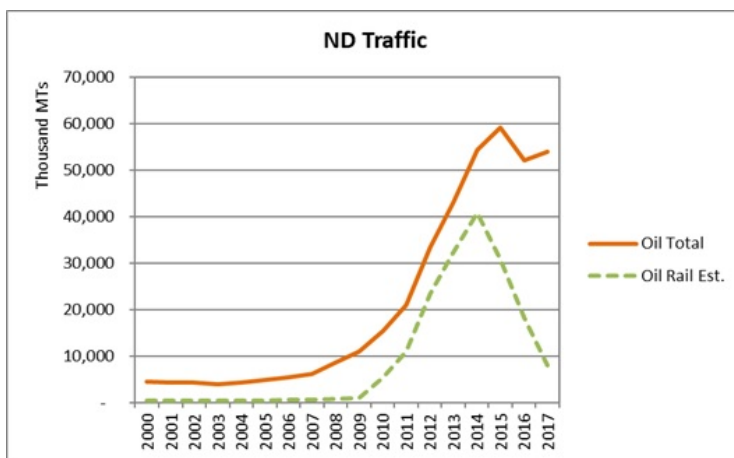
Narrative Overview for FY 2019 - 2021**Instructions:**

The State must include a reasonable crash reduction goal for their State that supports FMCSA's mission to reduce the national number of crashes, injuries and fatalities involving commercial motor vehicles. The State has flexibility in setting its goal and it can be based on raw numbers (e.g., total number of fatalities or CMV crashes), based on a rate (e.g., fatalities per 100 million VMT), etc.

Problem Statement Narrative: Describe the identified problem, include baseline data and identify the measurement method.

By FY2021, the NDHP will strive to attain a CMV fatality rate of 0.17 or less considering traffic trends and historical incidence rates. Our long-term goal to achieve a zero fatality rate is consistent with our state partners. The NDHP will continue to promote fewer driver violations for both CMV drivers and non-CMV drivers interacting with trucks; it will also increase safety belt compliance through inspection, enforcement, and education. We have found the need to adjust the CMV fatality rate goal because CMV VMT tends to be inconsistent in a year-to-year trend line due to effects of the global energy market influence in North Dakota economic activity. The goal needs to be realistic and attainable.

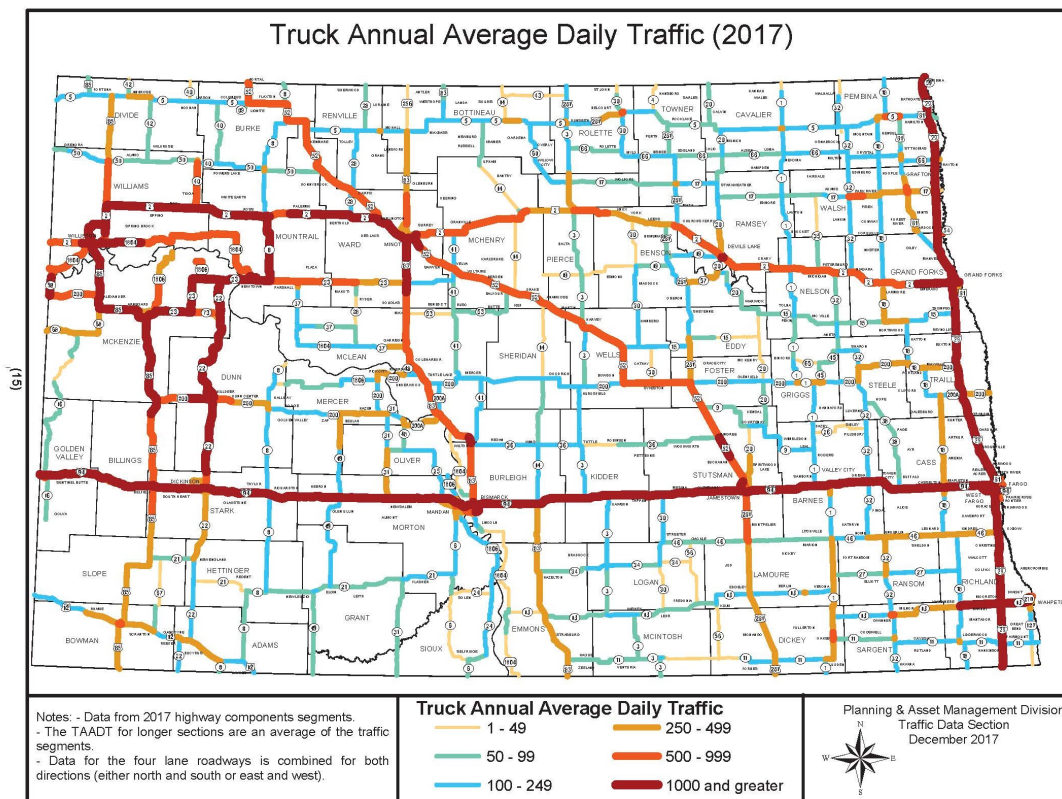
Our goals for FY2017 and FY2018 were fatality rates of 0.33 and 0.23 per 100m VMT, respectively. After recent multiple years of increasing CMV-involved crashes, which can be directly attributed to the impact of the oil industry, especially in northwest North Dakota, the trend appears to be stabilizing. Truck traffic has slowed in due to drilling technology advancements, increasing pipeline capacity/geographic coverage and less intense drilling activity levels. In addition to ongoing MCSAP activities, the dramatic decline in FY2016 and FY2017 likely resulted from a combination of factors that also included, (1) decreased traffic attributed less energy exploration, (2) continued modal shift of energy sector products from truck and rail to pipeline, and (3) completion of infrastructure investments, especially in the northwest region of the state. These safety gains were sustained in FY2017 with a fatality rate of 0.15 events per 100m VMT. FY2017 had the fewest truck-involved fatal crash events since FY2010 - which was just prior to the onset of the rapid oil industry expansion.

**Traffic Environment Comments:**

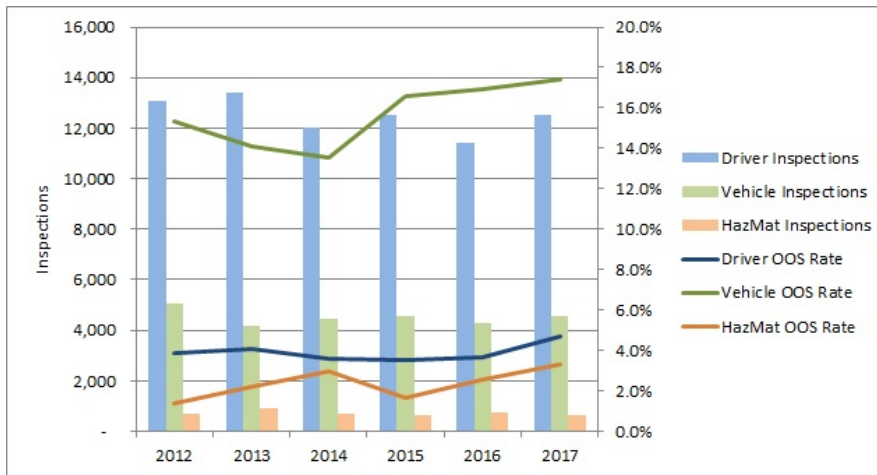
- North Dakota produces over a 1 million barrels of oil per day. After a slightly production volume decline in 2016, oil production again expanded in 2017. The 2017 volume is 11 times greater than that produced in 2005. In addition,

unlike 2005 production, a majority of the expanded production had been collected by trucks rather than pipeline (US EIA). The share moved by rail, which provided a temporary capacity solution, continues to decline as pipeline capacity continues to expand. In addition to oil transport, future truck traffic uncertainty is attributed drilling rig activity – which continues to fluctuate based on world energy prices. Most roads in the 16 of North Dakota's 53 counties, those in the western oil producing region, are rural two-lane paved and local unpaved. These roads in the core production counties are not accessible via interstate highway as illustrated in the truck traffic map below. US Highway 85 and US Highway 2 travel through the heart of the western North Dakota oil producing region and are heavily used for drilling operations and production truck traffic. These highways also border with Canada, Montana, and South Dakota as critical interregional traffic corridors in this area (see traffic map below).

- When compared with 2016 traffic levels, the 2017 VMT was 1% lower for all vehicles. Truck VMT was 1% higher in 2017 after a substantial decline in 2016.
- In addition, the continued high truck share in the traffic ratio is noted - with about 20% of the non-interstate highway DVMT attributed to trucks in 2015, compared with 12% in 2000.
- Another issue is multi-vehicle crashes involving CMVs. These crashes are more often caused by passenger vehicle driver error than CMV driver error, citing crash-related citations as a proxy for driver fault in crash events.



The driver out-of-service rates and vehicle out-of-service rates increased in 2017 compared with 2016. The HazMat OOS rate also increased compared with the previous year. The number of driver/vehicle inspections has stabilized over past years as changes were implemented in NDHP personnel staffing levels, NDHP philosophy (e.g., fixed inspection stations vs. mobile inspection capabilities), and a national emphasis (e.g., inspections vs. SAs vs. CRs).



FY	Total Inspections	Driver Inspections	Vehicle Inspections	HazMat Inspections
2012	13,265	13,050	5,050	713
2013	13,505	13,415	4,180	937
2014	12,324	12,007	4,451	702
2015	12,637	12,501	4,538	661
2016	11,608	11,387	4,311	773
2017	12,600	12,519	4,564	639

Source: FY 2014-2017 numbers updated per FMCSA's Motor Carrier Management Information System (MCMIS) data snapshot as of 6/29/2018

The number of Safety Investigations has been impacted by personnel changes, evolving philosophy and strategic emphasis. Still, the NDHP has strived to grow its Investigation Program. With fewer personnel, we allocated resources to this program, due to its proven, positive impact on CMV safety. In FY2014 we trained two additional troopers to do investigations which affected the overall number completed because they were training most of the year. It was determined that one additional investigator will be needed to share duties of current investigators as they have accepted responsibilities to devote a share of their time to training in the field. We will continue to assess personnel levels to ensure appropriate resources are devoted to the program. A close working relationship with the Federal Motor Carrier Safety Administration (FMCSA) North Dakota Division has also contributed to this program's success. We completed the following investigations:

FY	Compliance Reviews (CR)/Safety Inspections (SI)	CR/SI Troopers	CR/SI Investigators
2012	42	2	1.0
2013	30	2	0.5
2014	38	4	0.0
2015	50	4	0.0
2016	45	4	0.0
2017	36	4	0.0

Source: NDHP MCSAP FY17 Yr-End Report

In compliance with 49 CFR 350.201(q), the NDHP will continue to train all troopers to recognize and remove drivers impaired by alcohol and controlled substances from the highways. In addition, troopers will have access to many detection tools, including the use of up to nine NDHP drug dogs. In compliance with 49 CFR 350.201(t), 49 CFR 392.9a is enforced by prohibiting the operation of (i.e., placing out of service) any vehicle discovered to be operating without the required operating authority or beyond the scope of the motor carrier's operating authority; and 49 CFR 387 is enforced during driver/vehicle inspections and CRs. First-line supervisors monitor this during special

enforcement blitzes and when doing periodic performance checks. Quarterly performance checks and yearly performance appraisals are conducted by first-line supervisors to assure OOS carriers are being checked by inspectors and troopers.

The NDHP catch rate report for the most recent reporting period is May 2017 to April 2018 (Source: FMCSA ND Division Office). The report indicates that the NDHP conducted eight (8) inspections on out-of-service carriers during the stated period, and all carriers were identified as OOS. The NDHP exceeded its stated goal of 85% catch rate for North Dakota in FY2018. All MCSAP troopers and inspectors have access to Query Central and utilize it during roadside and fixed site inspections to check carrier status. North Dakota is a PRISM compliant state, and it uses Query Central, NLETS, PRISM Target File, and ISS systems to check on carrier authority.

Regarding motor coach/passenger transportation, data analysis has not identified a safety problem in North Dakota. Historically, we have not had an extensive passenger carrier inspection program given limited motor coach traffic. With the requirement to conduct inspections at destinations and terminals, we have few opportunities to do inspections on motor coaches passing through North Dakota. During FY2017, according to MCMIS data from FMCSA A&I online statistics, there were only 18 bus crashes, with no fatal crashes, and six (6) injuries. The NDHP will continue conduct motor coach inspections during two high-traffic events, the international Norsk Hostfest event and the intrastate high school track meet.

The NDHP has also not identified a specific hazardous material problem in North Dakota as it contributes to CMV crashes. The number remains low. Less exposure, with the recent decline in energy sector activity, as well as ongoing MCSAP efforts to ensure compliance reinforce safety in the hazardous material (HM) sector. To recognize the importance of addressing this component in large truck safety, an additional HM CSA focused investigation was included in the FY2017 and FY2018 carrier investigation estimates.

In past years (2013-2017), the NDHP has generated an average of 742 total HM inspections annually. Each year we set a goal of doing 900 total HM inspections. Total HM Inspections for 2017 was 639; the vehicle out-of-service rate was 17.4% (this is an overall rate; they are broken out by level of inspections); the out-of-service driver rate was 4.7%; the HM out-of-service rate was 3.3%.

Each year we complete one large oil field and four smaller oil field strike forces in northwest North Dakota, where the bulk of the HM loads and cargo tank loads operate. In FY2017 we conducted one large oil field strike force and four small oil field strike forces. The smaller strike force events were held quarterly. We are on schedule to complete the five strike force events again in FY2019, FY2020 and FY2021 .

The NDHP has an active HM program and Oil Field Enforcement (OFE) Program. Twenty-eight CV troopers are certified to complete hazardous materials inspections; 9 are certified to conduct passenger vehicle inspections, and 22 are certified to conduct cargo tank inspections. In the HM partnership arena, we have a comprehensive HM response plan that is tied to multiple partners and the national threat level. The NDHP has 24 personnel who routinely conduct HM inspections. In the HM review arena, the NDHP has five officers who conduct safety investigations of HM carriers. We have a goal that all MCSAP and MC troopers in the NDHP will be HM and cargo tank certified inspectors.

Enter the data source and capture date:

All CMV Crashes: NDDOT Crash Data, Annual Locked Data Query, July 2018. Motorcoach and HazMat: FMCSA's Motor Carrier Management Information System (MCMIS) data snapshot as of 6/29/2018 & previous CVSP documents.

Projected Goal for FY 2019 - 2021:

In the table below, state the crash reduction goal for each of the three fiscal years. The method of measurement should be consistent from year to year. For example, if the overall crash reduction goal for the three year period is 12 percent, then each annual goal could be 4 percent.

Fiscal Year	Annual Crash Reduction Goals
2019	2
2020	2
2021	2

Crash Reduction Goal: 0.17 Fatal Events per 100m VMT. The goal in FY2018 is 0.23 fatal events per 100m VMT. In North Dakota; 14.3% of CMV drivers in fatal crashes were cited for a violation in FY2017. NDDOT and FMCSA data reveal that, on average, 7% of ND CMV drivers had a violation in a fatal CMV-related crash in the previous four years. This is slightly higher than the national average of 6% for the same period. The ND rates are based on very small

counts of one or two citations to truck drivers per year, in truck-involved fatalities. The NDHP will work to complete inspections to have an impact on the CMV driver violation rate, striving to keep it below 5%.

Program Activities for FY 2019 - 2021: States must indicate the activities, and the amount of effort (staff hours, inspections, traffic enforcement stops, etc.) that will be resourced directly for the program activities purpose.

FY	North Dakota		%	National	
	CMV Drivers in Fatal Crashes	CMV Drivers in Fatal Crashes Cited for Violation		CMV Drivers in Fatal Crashes Cited for Violation	
2012	34	8	23.5%	7.4%	
2013	49	8	16.3%	7.5%	
2014	37	2	5.4%	6.6%	
2015	43	1	2.3%	5.9%	
2016	17	1	5.9%	6.1%	
2017	14	2	14.3%	5.7%	

Source: NDDOT Crash Data and FMCSA's Motor Carrier Management Information System (MCMIS) data snapshot as of 6/29/2018.

The NDHP will strive to accomplish this goal by completing a total of 14,500 CMV inspections, dedicating 12 MCSAP troopers, one MCSAP civilian inspector and two MCSAP sergeants to do the bulk of these inspections; with 91 traffic troopers supporting the MC safety effort by conducting level 3 inspections on traffic stops of CMVs in FY2019, FY2020 and FY2021. As stated in the in the budget section, the NDHP will dedicate on average, 82% total hours of the sworn troopers' sergeants and civilian inspectors' time toward MCSAP eligible activities. Sworn traffic and motor carrier troopers dedicate 1% of their time toward MCSAP activities, conducting a minimum of 32 level 1 or 3 inspections per year. The 115 hours, as stated by the NDHP, covers a wide range of activities that sworn officers are required to perform while on "road patrol." The 115 hours for MCSAP personnel encompasses eligible traffic control time, truck enforcement time related to roadside and fixed inspections, assisting with post-crash inspections of CMVs, roadside reporting requirements, and any criminal interdiction efforts while conducting inspections. There are a number of variables in a sworn officer's day that make it difficult to specifically dedicate a set number of hours to conducting inspections. Based on stats kept by the NDHP in CY 2017, the 17 sworn MCSAP sworn troopers, who dedicate their time to MCSAP inspections, averaged approximately 29 total inspections per month. On average, each inspection took 1.16 hours.

One large oil field strike force in the northwest region is conducted in either August or September. All available MCSAP personnel will participate as determined by the MC Division Operations Commander. The large strike force is a four-day saturation event at various inspection locations in the northwest region.

Four small strike forces, which will include three HMs, will be completed in annually FY2019 through FY2021. Three of the four small strike forces will be completed in western North Dakota in May, July, and October; one strike force will be completed during April, June, or August in the eastern region. The staffing levels will be determined by the Motor Carrier Division regional commander. The small strike forces will be one or two days in duration.

Complete 20 out of the 40 safety investigations on carriers with high unsafe driving, fatigued driving, and/or driver fitness BASICS and four MTE enforcement blitzes during each FY, 2019 through 2021. There will be one held in each of the four regional locations. The MCSAP troopers from each respective region will participate. An invitation to the traffic regional staff will be extended to participate as determined by the operations commander.

Performance Measurements and Monitoring: The State will monitor the effectiveness of its CMV Crash Reduction Goal quarterly and annually by evaluating the performance measures and reporting results in the required Standard Form - Performance Progress Reports (SF-PPRs).

Describe how the State will conduct ongoing monitoring of progress in addition to quarterly reporting.

The goal for enforcement efforts is to reduce fatal crash driver violation rate to <5.0%.

Twenty (20) of the forty (40) safety investigations on carriers with high driver BASICS will be completed during each fiscal year, 2019 through 2021. The MCD commander will review monthly safety investigation reports, provided by FMCSA, to track unsafe driving, fatigued driving, and/or driver fitness investigations and complaint safety investigations. The commander will analyze the results of each strike force and submit this analysis to FMCSA.

One large oil field strike force in western North Dakota and four small strike forces will be completed in each fiscal year. We will complete three of the four small strike forces in western North Dakota in May, July, and October, and will be staffed with MCSAP inspectors and troopers stationed in the northwest and southwest regions. One other strike force will be completed during April, June, or August in the east, northeast, and southeast regions, and will be staffed with MCSAP inspectors and troopers stationed in the northeast and southeast regions. The MC Division operational commander will invite the regional traffic and MC troopers to participate as availability is determined by the regional commanders. The large oil field strike force will be held in either August or September and staffed by all MCSAP personnel as determined by the MC Division operations commander. Typically, this blitz involves all available MCSAP personnel. The Motor Carrier Operations Commander will review monthly CR Reports, provided by FMCSA, to track fatigued driving, unsafe driving, and driver fitness investigations and complaint investigations. He will analyze the results of each strike force, and submit this analysis to FMCSA. State crash data will be reviewed and analyzed to determine trends on crashes that may involve CMVs.

At each strike force event, the goal is for each personnel assigned to average one inspection per hour of truck enforcement time. Each strike force will have a goal to average one inspection per hour of truck enforcement activity time logged on the daily activity report for each trooper and/or inspector assigned to the strike force. A minimum of three personnel will be assigned to each small strike force. For each mixed traffic enforcement (MTE) operation, there will be a goal of one enforcement contact per hour of road patrol time for each trooper assigned. A minimum of two troopers assigned to each MTE operation is expected. The large oil field strike force will have all available MCSAP personnel assigned for a four-day period, with a goal of one inspection per hour of truck enforcement.

The large strike force will have a minimum of six personnel assigned but as many as 12 personnel as the schedule allows.

The four MTE details will be monitored for activity. One MTE detail will be held each quarter in one of the regional locations. Citations and warnings issued will be forwarded to the regional commander for analysis at the end of each detail.

The MC Operations Commander will share any relevant information with FMCSA. All four MTE details will be completed by September 30 of each fiscal year.

Analyze state traffic fatality statistics as maintained by the NDHP and NDDOT on a quarterly basis to determine trends and factors in fatal crashes involving CMVs. The Motor Carrier Operations Commander will review monthly safety investigation reports, provided by FMCSA, to track unsafe driving, fatigued driving, and/or driver fitness investigations and complaint safety investigations. The Motor Carrier Operations Commander will analyze the results of each strike force and submit results to the NDHP MCSAP Grant Coordinator and FMCSA.

Part 2 Section 3 - Roadside Inspections

In this section, provide a trend analysis, an overview of the State's roadside inspection program, and projected goals for FY 2019 - 2021.

Note: *In completing this section, do NOT include border enforcement inspections. Border Enforcement activities will be captured in a separate section if applicable.*

Trend Analysis for 2013 - 2017

Inspection Types	2013	2014	2015	2016	2017
Level 1: Full	1863	1348	1617	1551	1781
Level 2: Walk-Around	2324	1928	2038	1701	2162
Level 3: Driver-Only	9285	7442	7644	6126	7264
Level 4: Special Inspections	83	99	7	35	4
Level 5: Vehicle-Only	75	218	129	186	77
Level 6: Radioactive Materials	1	0	0	1	1
Total	13631	11035	11435	9600	11289

Narrative Overview for FY 2019 - 2021

Overview:

Describe components of the State's general Roadside and Fixed-Facility Inspection Program. Include the day-to-day routine for inspections and explain resource allocation decisions (i.e., number of FTE, where inspectors are working and why).

Enter a narrative of the State's overall inspection program, including a description of how the State will monitor its program to ensure effectiveness and consistency.

The NDHP has six fixed locations where inspections can be conducted on a random basis. All are outdoor facilities. In addition, there are numerous turnout location sites around North Dakota in the form of old rest areas with paved surfaces and turnouts that are parallel to highways with paved surfaces. Several of the DOT yards have areas where trucks can be inspected. We continue to work with NDDOT to identify fixed areas and turnout locations to conduct inspections. During the next year, two facilities will be equipped with electronic pre-screening technology. Implementing this technology will allow troopers to be more efficient with compliance activities while qualified carriers will benefit from less time at weigh stations.

Troopers are deployed to high CMV traffic areas such as the interstate system and US highway systems, including I-94, I-29, US 85, US 2, and US 83. We also routinely send troopers to northwest North Dakota to have an impact on the oil exploration counties. North Dakota is the second largest US state for oil production. Inspection details are held routinely in northwestern North Dakota. When conducting a CMV inspection, the USDOT number will be entered into query central to verify carrier status. If the USDOT shows out of service, Query Central will alert the inspector that the carrier is currently under a federal OOS order. Query Central will indicate the date and reason the carrier was placed out of service. If the carrier is operating intrastate and is Unsat/Unfit, or is an imminent hazard, the OOS order will be enforced and contact will be made with the FMCSA ND Division for further actions. If the carrier is operating in interstate commerce and an OOS order is noted, contact will be made with the FMCSA ND Division for further actions. A carrier found to be operating under a valid OSS order will immediately be placed out of service until resolved. If an officer is unable to verify status through Query Central, they will contact FMCSA Western Service Center to verify operation status per the MCSAP comprehensive policy. Seventeen line level MCSAP assigned personnel conduct roadside and fixed-site inspections. Two MCSAP sergeants conduct roadside and fixed-site inspections. Twelve Regional Motor Carrier troopers conduct roadside and fixed site inspections on a limited basis. Each traffic trooper has a goal to complete 32, with a minimum of 32 Level II or III, inspections each year to remain CVSA certified.

Regarding the projected goals for FY2019 through FY 2021 are in the following tables (per the roadside inspection

section), in relating the more recent figures to national inspection type encouraged percentages and the average activity level for 2004/2005, it is important to recognize the following factors:

1. It is only possible to do Level 1 inspections during about six months of the year due to inclement weather conditions. Several months of winter and sporadic occurrences of extreme heat during the summer prohibit troopers from safely conducting Level 1 inspections.
2. The NDHP does not have an inspection barn or pit facility to accommodate year-round inspections. All inspections are outdoors.
3. In addition, the NDHP has moved to a more roadside and mobile approach that allows flexibility to address traffic all traffic corridors in the state, while maintaining limited use of the traditional fixed station locations that have very limited siting across the road system.
4. The NDHP has transitioned from a mix of civilian and trooper in the MCD to strictly enlist all sworn troopers in these positions. While this does mean some increased training time, the change has allowed the NDHP MCD to improve quality in the inspection activities and permit much more latitude in their ability to issue citations, conduct arrests, and make criminal interdiction. This latitude has been especially critical during the influx of motor carrier traffic associated with the energy exploration.
5. The violation detection rate has gone up with more time and greater scrutiny in the trooper conducted inspections, evidence that a focus on quality, rather than quantity, is critical in increased CMV safety.

Projected Goals for FY 2019 - 2021

Instructions for Projected Goals:

Complete the following tables in this section indicating the number of inspections that the State anticipates conducting during Fiscal Years 2019 - 2021. For FY 2019, there are separate tabs for the Lead Agency, Subrecipient Agencies, and Non-Funded Agencies—enter inspection goals by agency type. Enter the requested information on the first three tabs (as applicable). The Summary table totals are calculated by the eCVSP system.

To modify the names of the Lead or Subrecipient agencies, or the number of Subrecipient or Non-Funded Agencies, visit [Part 1, MCSAP Structure](#).

Note: Per the [MCSAP Comprehensive Policy](#), States are strongly encouraged to conduct at least 25 percent Level 1 inspections and 33 percent Level 3 inspections of the total inspections conducted. If the State opts to do less than these minimums, provide an explanation in space provided on the Summary tab.

MCSAP Lead Agency

Lead Agency is: NORTH DAKOTA STATE PATROL

Enter the total number of certified personnel in the Lead agency: 124

Projected Goals for FY 2019 - Roadside Inspections					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	2100	200		2300	15.80%
Level 2: Walk-Around	4500	300		4800	32.97%
Level 3: Driver-Only	6800	400	25	7225	49.63%
Level 4: Special Inspections	140	10		150	1.03%
Level 5: Vehicle-Only			80	80	0.55%
Level 6: Radioactive Materials	2			2	0.01%
Sub-Total Lead Agency	13542	910	105	14557	

MCSAP subrecipient agency

Complete the following information for each MCSAP subrecipient agency. A separate table must be created for each subrecipient.

You have not entered any subrecipient information. Visit Part 1, MCSAP Structure to add subrecipient information.

Non-Funded Agencies

Total number of agencies:	
Enter the total number of non-funded certified officers:	
Enter the total number of inspections projected for FY 2019:	

Summary

Projected Goals for FY 2019 - Roadside Inspections Summary

Projected Goals for FY 2019 Summary for All Agencies					
MCSAP Lead Agency: NORTH DAKOTA STATE PATROL					
# certified personnel: 124					
Subrecipient Agencies:					
# certified personnel: 0					
Number of Non-Funded Agencies:					
# certified personnel:					
# projected inspections:					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	2100	200		2300	15.80%
Level 2: Walk-Around	4500	300		4800	32.97%
Level 3: Driver-Only	6800	400	25	7225	49.63%
Level 4: Special Inspections	140	10		150	1.03%
Level 5: Vehicle-Only			80	80	0.55%
Level 6: Radioactive Materials	2			2	0.01%
Total ALL Agencies	13542	910	105	14557	

Note: If the minimum numbers for Level 1 and Level 3 inspections are less than described in the [MCSAP Comprehensive Policy](#), briefly explain why the minimum(s) will not be met.

Projected Goals for FY 2020 Roadside Inspections	Lead Agency	Subrecipients	Non-Funded	Total
Enter total number of projected inspections	14557	0	0	14557
Enter total number of certified personnel	124	0	0	124
Projected Goals for FY 2021 Roadside Inspections				
Enter total number of projected inspections	14557	0	0	14557
Enter total number of certified personnel	124	0	0	124

Part 2 Section 4 - Investigations

Describe the State's implementation of FMCSA's interventions model for interstate carriers. Also describe any remaining or transitioning compliance review program activities for intrastate motor carriers. Include the number of personnel assigned to this effort. Data provided in this section should reflect interstate and intrastate investigation activities for each year.



The State does not conduct investigations. If this box is checked, the tables and narrative are not required to be completed and won't be displayed.

Trend Analysis for 2013 - 2017

Investigative Types - Interstate	2013	2014	2015	2016	2017
Compliance Investigations					
Cargo Tank Facility Reviews					
Non-Rated Reviews (Excludes CSA & SCR)					
CSA Off-Site					
CSA On-Site Focused/Focused CR	21	30	41	24	30
CSA On-Site Comprehensive	14	14	12	16	10
Total Investigations	35	44	53	40	40
Total Security Contact Reviews	2	5	2	3	
Total Terminal Investigations					

Investigative Types - Intrastate	2013	2014	2015	2016	2017
Compliance Investigations					
Cargo Tank Facility Reviews					
Non-Rated Reviews (Excludes CSA & SCR)					
CSA Off-Site					
CSA On-Site Focused/Focused CR					
CSA On-Site Comprehensive					
Total Investigations	0	0	0	0	0
Total Security Contact Reviews					
Total Terminal Investigations					

Narrative Overview for FY 2019 - 2021**Instructions:**

Describe the State's implementation of FMCSA's interventions model to the maximum extent possible for interstate carriers and any remaining or transitioning compliance review program activities for intrastate motor carriers. Include the number of personnel assigned to this effort.

Projected Goals for FY 2019 - 2021

Complete the table below indicating the number of investigations that the State anticipates conducting during FY 2019 - 2021.

Projected Goals for FY 2019 - 2021 - Investigations						
Investigation Type	FY 2019		FY 2020		FY 2021	
	Interstate	Intrastate	Interstate	Intrastate	Interstate	Intrastate
Compliance Investigations	0	0	0	0	0	0
Cargo Tank Facility Reviews	0	0	0	0	0	0
Non-Rated Reviews (Excludes CSA & SCR)	0	0	0	0	0	0
CSA Off-Site	0	0	0	0	0	0
CSA On-Site Focused/Focused CR	20	0	20	0	20	0
CSA On-Site Comprehensive	20	0	20	0	20	0
Total Investigations	40	0	40	0	40	0
Total Security Contact Reviews	0	0	0	0	0	0
Total Terminal Investigations	0	0	0	0	0	0

Add additional information as necessary to describe the carrier investigation estimates.

The trend analysis figures for 2017 are as reported in the FY2017 Annual Monitoring Report. The other figures were from FMCSA's System (MCMIS) as of 6/30/2018.

Program Activities: Describe components of the State's carrier investigation activities. Include the number of personnel participating in this activity.

Each trooper that conducts safety investigations will have a goal to complete 10 investigations each by March 31 of each fiscal year. The NDHP is committed to staying in compliance with the FAST Act. We will complete 40 investigations in each fiscal year, 2019 to 2021.

The NDHP will have 4 sworn personnel that conduct Safety investigations for 5 months out of the year. Typically, the time period is from November 1 to March 30.

Performance Measurements and Monitoring: Describe all measures the State will use to monitor progress toward the annual goals. Further, describe how the State measures qualitative components of its carrier investigation program, as well as outputs.

Metric: Number of Investigations Completed, Goal=40.

We will evaluate the investigation statistics each quarter and extend as needed to complete the necessary investigations. Between FY2013 and FY2017, the NDHP completed an annual average of 42 investigations. Turnover in staff, a competitive energy-development-driven labor market, and a transition to sworn troopers in these positions created challenges in completing investigations during 2012 and 2013. Historically, the NDHP has met or exceeded the minimum number of investigations each fiscal year. We expect to meet or exceed goals again with a fully staffed investigation team. In FY2017, the NDHP completed 40 investigations. We should not have any problem meeting the goal of 40 investigations. The investigations will be composed of approximately 20 interstate CSA on-site focused/focused CR and 20 interstate CSA on-site focused comprehensive.

The NDHP Operations commander will monitor the investigations for quantity and quality of work each month during the months when investigations are completed (November-April). The NDHP will review the monthly investigation report provided to them by the ND FMCSA Division office. The operational commander will discuss any issues with ND FMCSA Division office.

Part 2 Section 5 - Traffic Enforcement

Traffic enforcement means documented enforcement activities of State or local officials. This includes the stopping of vehicles operating on highways, streets, or roads for moving violations of State or local motor vehicle or traffic laws (e.g., speeding, following too closely, reckless driving, and improper lane changes).

Trend Analysis for 2013 - 2017
Instructions:

Please refer to the [MCSAP Comprehensive Policy](#) for an explanation of FMCSA's traffic enforcement guidance. Complete the tables below to document the State's safety performance goals and outcomes over the past five measurement periods.

1. Insert the beginning and end dates of the measurement period being used, (e.g., calendar year, Federal fiscal year, State fiscal year or any consistent 12-month period for which data is available).
2. Insert the total number CMV traffic enforcement stops with an inspection, CMV traffic enforcement stops without an inspection, and non-CMV stops in the tables below.
3. Insert the total number of written warnings and citations issued during the measurement period. The number of warnings and citations are combined in the last column.

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented CMV Traffic Enforcement Stops with an Inspection	Number of Citations and Warnings Issued
Begin Date	End Date		
01/01/2017	12/31/2017	2428	2456
01/01/2016	12/31/2016	2364	1593
01/01/2015	12/31/2015	1263	130
01/01/2014	12/31/2014	1771	1467
01/01/2013	12/31/2013	1652	1453

☐ **The State does not conduct CMV traffic enforcement stops without an inspection. If this box is checked, the "CMV Traffic Enforcement Stops without an Inspection" table is not required to be completed and won't be displayed.**

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented CMV Traffic Enforcement Stops without Inspection	Number of Citations and Warnings Issued
Begin Date	End Date		
01/01/2017	12/31/2017	3851	3851
01/01/2016	12/31/2016	1329	1329
01/01/2015	12/31/2015	394	394
01/01/2014	12/31/2014	1582	1582
01/01/2013	12/31/2013	1270	1270

☐ **The State does not conduct documented non-CMV traffic enforcement stops and was not reimbursed by the MCSAP grant (or used for State Share or MOE). If this box is checked, the "Non-CMV Traffic Enforcement Stops" table is not required to be completed and won't be displayed.**

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented Non-CMV Traffic Enforcement Stops	Number of Citations and Warnings Issued
Begin Date	End Date		
01/01/2017	12/31/2017	681	681
01/01/2016	12/31/2016	557	557
01/01/2015	12/31/2015	1206	1206
01/01/2014	12/31/2014	322	322
01/01/2013	12/31/2013	76	76

Enter the source and capture date of the data listed in the tables above.

NDHP, July 2018.

Narrative Overview for FY 2019 - 2021

Instructions:

Describe the State's proposed level of effort (number of personnel) to implement a statewide CMV (in conjunction with and without an inspection) and/or non-CMV traffic enforcement program. If the State conducts CMV and/or non-CMV traffic enforcement activities only in support of the overall crash reduction goal, describe how the State allocates traffic enforcement resources. Please include number of officers, times of day and days of the week, specific corridors or general activity zones, etc. Traffic enforcement activities should include officers who are not assigned to a dedicated commercial vehicle enforcement unit, but who conduct eligible commercial vehicle/driver enforcement activities. If the State conducts non-CMV traffic enforcement activities, the State must conduct these activities in accordance with the [MCSAP Comprehensive Policy](#).

The NDHP will strive to decrease three violations discovered at high rates during traffic enforcement to support the crash reduction goal. Specifically, reduce violations of failure to obey traffic control device (392.2C), speeding (392.2S), and failing to use seat belt (392.16) while operating a CMV; by one percentage point, five percentage points, and one percentage point, respectively, during FY2019.

Target CMV Violations	2017 Violation	Avg. Previous 4 years	2018 Goal (% change):
392.2C Traffic Control	337	209	-1%
392.2S Speeding	1147	602	-5%
392.16 Seat Belt	603	361	-1%

Source: FMCSA's Motor Carrier Management Information System (MCMIS) data snapshot as of 5/26/2017.

The NDHP has 124 sworn members that can do traffic enforcement, including 91 troopers dedicated to traffic enforcement. The agency has 161 FTEs authorized with 124 eligible for traffic enforcement July 1, 2018.

Commanders and sergeants review NDDOT traffic data and NDHP traffic NDDOT crash data on a monthly and/or weekly basis to determine trends in traffic flow, traffic volumes, causation factors, time of day and week and locations on specific roadways. They review all crash reports submitted by the troopers under their command to assess causation factors, locations of occurrence, and time of day and week, and to monitor any developing trends. Troopers are deployed to work areas to have an impact in high traffic crash areas.

Increase traffic enforcement accompanied by an inspection through regional traffic enforcement saturations.

- Conduct one traffic enforcement saturations in each of the four regions by September 30. The Motor Carrier Operations Commander will schedule the saturations in cooperation with the four regions. Enforcement results will be reviewed and then forwarded to FMCSA. These regional strike forces have been conducted every fiscal year.
- Increase traffic enforcement not accompanied by an inspection through strike force operations on I-94, US Highway 85, US Highway 2, US Highway 83, and I-29 high-risk corridors. Target both CMV and non-CMV drivers. MTE details will be part of the strike forces scheduled.
- Conduct two traffic enforcement strike Forces on the interstate highway between Casselton and Fargo, and two in

- western North Dakota along US Highway 85 or US Highway 2, due to increased oilfield activity, by September 30.
- Four seat belt enforcement blitzes will take place. There will be one in each region to be completed by September 30.
 - The NDHP department goals established 115 hours of road patrol hours per month for each sworn officer. The 115 hours are for roadside inspections, inspections at a fixed site, and for inspections and enforcement when on active roving patrol.

Projected Goals for FY 2019 - 2021

Using the radio buttons in the table below, indicate the traffic enforcement activities the State intends to conduct in FY 2019 - 2021. The projected goals are based on the number of traffic stops, not tickets or warnings issued. These goals are NOT intended to set a quota.

			Enter Projected Goals (Number of Stops only)		
Yes	No	Traffic Enforcement Activities	FY 2019	FY 2020	FY 2021
<input checked="" type="radio"/>	<input type="radio"/>	CMV with Inspection	1700	1700	1700
<input checked="" type="radio"/>	<input type="radio"/>	CMV without Inspection	1200	1200	1200
<input checked="" type="radio"/>	<input type="radio"/>	Non-CMV	1000	1000	1000
<input checked="" type="radio"/>	<input type="radio"/>	Comprehensive and high visibility in high risk locations and corridors (special enforcement details)	4	4	4

In order to be eligible to utilize Federal funding for Non-CMV traffic enforcement, the [FAST Act](#) requires that the State must maintain an average number of safety activities which include the number of roadside inspections, carrier investigations, and new entrant safety audits conducted in the State for Fiscal Years 2004 and 2005.

The table below displays the information you input into this plan from the roadside inspections, investigations, and new entrant safety audit sections. Your planned activities must at least equal the average of your 2004/2005 activities.

FY 2019 Planned Safety Activities				
Inspections	Investigations	New Entrant Safety Audits	Sum of FY 2019 Activities	Average 2004/05 Activities
14557	40	220	14817	17534

The sum of your planned FY 2019 safety activities must equal or exceed the average number of 2004/2005 activities to be reimbursed for non-CMV traffic enforcement activities. Update the number of FY 2019 roadside inspections, investigations, and/or new entrant safety audits to be eligible for reimbursement.

Describe how the State will monitor its traffic enforcement efforts to ensure effectiveness, consistency, and correlation to FMCSA's national traffic enforcement priority.

The Motor Carrier Operations Commander will schedule and track the progress of each strike force. The commander will also analyze violations of 392.2C, 392.2S, and 392.16, and submit this analysis to the division commander and FMCSA. The Motor Carrier Operations Commander will track Level 2 and Level 3 inspection progress each quarter and report this progress to FMCSA. The MC Operations Commander will also coordinate with the sergeants to make sure that Level III inspections are completed by the traffic troopers. The time is logged on the trooper's daily activity report. The area assignments are made on a weekly basis and placed on a schedule for the troopers to follow. Supervisors review NDHP and NDDOT traffic data, crash data, and anecdotal information to determine assignments of troopers to specific work areas. Line patrol and area patrol assignments are placed on a weekly schedule by the shift sergeants. Troopers work 8- or 10-hour shifts as determined by each regional commander. Troopers assigned under the MCSAP program will conduct an inspection on every CMV stop for a traffic violation. All traffic troopers will have a goal to conduct 48 Level III inspections while on traffic patrol during valid traffic stops of CMVs for traffic violations. Work area assignments are determined with the assistance traffic data reports and crash report summaries to identify areas of concern. Each sworn officer is assigned a moving radar unit for speed enforcement. Each regional office and

the MC Division have laser speed measuring devices that are assigned for special enforcement details and for routine patrol. MCSAP assigned employees and Motor Carrier troopers will log MCSAP time for all work doing inspections and during special enforcement blitzes and saturation details. Overtime may be allowed at the approval of the Motor Carrier Operations Commander in agreement with FMCSA ND Division for traffic troopers. Per the comments regarding factors in the roadside inspections (repeat), in relating the more recent figures to national inspection type encouraged percentages and the average activity level for 2004/2005, it is important to recognize several factors: 1. It is only possible to do Level 1 inspections during about six months of the year due to inclement weather conditions. Several months of winter and sporadic occurrences of extreme heat during the summer prohibit troopers from safely conducting Level 1 inspections. 2. The NDHP does not have an inspection barn or pit facility to accommodate year-round inspections. All inspections are outdoors. 3. In addition, the NDHP has moved to a more roadside and mobile approach that allows flexibility to address all traffic corridors in the state, while maintaining limited use of the traditional fixed station locations that have very limited siting across the road system. 4. The NDHP has transitioned from a mix of civilians and troopers in the MCD to strictly enlist all sworn troopers in these positions. While this does mean some increased training time, the change has allowed the NDHP MCD to improve quality in the inspection activities and permit much more latitude in their ability to issue citations, conduct arrests, and make criminal interdiction. This latitude has been especially critical during the influx of motor carrier traffic associated with the energy exploration. 5. The violation detection rate has gone up with more time and greater scrutiny in the trooper conducted inspections, evidence that a focus on quality, rather than quantity, is critical for increased CMV safety. Due to not being able to meet the 2004/2005 activity level due to resource and operational philosophy adjustments, the NDHP does hereby certify that it will not exceed 10% total MCSAP expenditures threshold for Non-CMV traffic enforcement in any FY 2019, 2020 or 2021. The NDHP is able to monitor traffic enforcement hours through its daily activity reporting systems. We will report to FMCSA on our non CMV traffic enforcement on a quarterly basis to assure that we do not exceed the 10% threshold.

Part 2 Section 6 - Safety Technology

The FAST Act made Performance and Registration Information Systems Management (PRISM) a condition for MCSAP eligibility in [49 CFR 350.201 \(aa\)](#). States must achieve full participation by October 1, 2020. FMCSA defines “fully participating” in PRISM, for the purpose of determining eligibility for MCSAP funding, as when a State’s or Territory’s International Registration Plan (IRP) or CMV registration agency suspends or revokes and denies registration if the motor carrier responsible for safety of the vehicle is under any Federal OOS order and denies registration if the motor carrier possess an inactive or de-active USDOT number for motor carriers operating CMVs in commerce that have a Gross Vehicle Weight (GVW) of 26,001 pounds or more. Further information regarding full participation in PRISM can be found in the MCP Section 4.3.1.

Under certain conditions, the FAST Act allows MCSAP lead agencies to use MCSAP funds for Operations and Maintenance (O&M) costs associated with Innovative Technology Deployment (ITD) and the PRISM ([49 CFR 350.201\(aa\) \(cc\)](#)). For PRISM, O&M costs are eligible expenses subject to FMCSA approval. For ITD, if the State agrees to comply with ITD program requirements and has complied with all MCSAP requirements, including achievement of full participation in PRISM, O&M costs are eligible expenses. O&M expenses must be included and described in the Spending Plan section per the method these costs are handled in the State’s accounting system (e.g., contractual costs, other costs, etc.).

Safety Technology Compliance Status

Please verify the current level of compliance for your State in the table below using the drop-down menu. If the State plans to include O&M costs in this year’s CVSP, please indicate that in the table below. Additionally, details must be in this section and in your Spending Plan.

Technology Program	Current Compliance Level	Include O & M Costs?
ITD	Core CVISN Compliant	Yes
PRISM	Full Participation	No

Available data sources:

- [FMCSA website ITD information](#)
- [FMCSA website PRISM information](#)

Enter the agency name responsible for ITD in the State, if other than the Lead MCSAP Agency: North Dakota ITD

Enter the agency name responsible for PRISM in the State, if other than the Lead MCSAP Agency: North Dakota Department of Transportation

Narrative Overview for FY 2019 - 2021

Problem Statement Narrative and Projected Goal:

If the State’s PRISM compliance is less than full participation, describe activities your State plans to implement to achieve full participation in PRISM.

Program Activities for FY 2019 - 2021: Describe any actions that will be taken to implement full participation in PRISM.

Performance Measurements and Monitoring: Describe all performance measures that will be used and include how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

Part 2 Section 7 - Public Education and Outreach

A public education and outreach program is designed to provide information on a variety of traffic safety issues related to CMVs and non-CMV's that operate around large trucks and buses.

Trend Analysis for 2013 - 2017

In the table below, provide the number of public education and outreach activities conducted in the past 5 years.

Public Education and Outreach Activities	2013	2014	2015	2016	2017
Carrier Safety Talks	17	23	17	16	17
CMV Safety Belt Education and Outreach	3	5	5	4	3
State Trucking Association Meetings	6	3	7	6	5
State-Sponsored Outreach Events	11	19	9	2	5
Local Educational Safety Events	5	19	9	5	12
Teen Safety Events	3	3	3	2	4

Narrative Overview for FY 2019 - 2021

Performance Objective: *To increase the safety awareness of the motoring public, motor carriers and drivers through public education and outreach activities such as safety talks, safety demonstrations, etc.*

Describe the type of activities the State plans to conduct, including but not limited to passenger transportation, hazardous materials transportation, and share the road safely initiatives. Include the number of personnel that will be participating in this effort.

The NDHP will schedule and staff booths at large public events, such as the ND Motor Carriers Association Conference. The NDMCA also holds an oil field conference training session. The NDHP has been invited to participate. We receive several requests from industry representatives to conduct regulations education at training events. We will develop and conduct educational presentations to industry or civic organizations on FMCSRs, CMV traffic safety topics, hazardous materials safety, and other related topics. The NDHP CVD will participate in statewide traffic messaging with a special focus on higher-risk traffic areas/times, such the oil region, winter driving periods, and grain harvest season. The NDHP also participates in quarterly Neutral Grounds Base Camp sessions, a collaboration among public safety stakeholders, including ND Workforce Safety, ND Department of Health, ND Department of Mineral Resources, and private industries. The FMCSA ND Division has participated in these meetings.

Projected Goals for FY 2019 - 2021

In the table below, indicate if the State intends to conduct the listed program activities, and the estimated number, based on the descriptions in the narrative above.

			Performance Goals		
Yes	No	Activity Type	FY 2019	FY 2020	FY 2021
<input checked="" type="radio"/>	<input type="radio"/>	Carrier Safety Talks	16	16	16
<input checked="" type="radio"/>	<input type="radio"/>	CMV Safety Belt Education and Outreach	4	4	4
<input checked="" type="radio"/>	<input type="radio"/>	State Trucking Association Meetings	6	6	6
<input checked="" type="radio"/>	<input type="radio"/>	State-Sponsored Outreach Events	2	2	2
<input checked="" type="radio"/>	<input type="radio"/>	Local Educational Safety Events	5	5	5
<input checked="" type="radio"/>	<input type="radio"/>	Teen Safety Events	2	2	2

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct monitoring of progress. States must report the quantity, duration and number of attendees in their quarterly SF-PPR reports.

The operations commander will track education and outreach activities each month and submit periodically (on the quarter PPRs) to FMCSA, to show that they have conducted:

- Two large public events have staffed booths.
- Two industry seminars coordinated with FMCSA ND Division and the ND Motor Carriers Associations.
- Two Share the Road Safely/No Zone presentations (one in the east and one in the west).
- 35 safety presentations throughout the state during the fiscal year.
- Anhydrous ammonia/HazMat presentations and subject matter expert consultation with agricultural industry.
- Conduct monthly paid media and outreach related to no-zone and safe driving around trucks, as described in the financials.

Part 2 Section 8 - State Safety Data Quality (SSDQ)

The FAST Act allows MCSAP lead agencies to use MCSAP funds for Operations and Maintenance (O&M) costs associated with Safety Data Systems (SSDQ) if the State meets accuracy, completeness and timeliness measures regarding motor carrier safety data and participates in the national data correction system (DataQs).

SSDQ Compliance Status

Please verify the current level of compliance for your State in the table below using the drop-down menu. If the State plans to include O&M costs in this year's CVSP, select Yes. These expenses must be included in the Spending Plan section per the method these costs are handled in the State's accounting system (e.g., contractual costs, other costs, etc.).

Technology Program	Current Compliance Level	Include O & M Costs?
SSDQ	Good	No

Available data sources:

- [FMCSA website SSDQ information](#)

In the table below, use the drop-down menus to indicate the State's current rating within each of the State Safety Data Quality categories, and the State's goal for FY 2019 - 2021.

SSDQ Category	Current SSDQ Rating	Goal for FY 2019	Goal for FY 2020	Goal for FY 2021
Crash Record Completeness	Good	Good	Good	Good
Fatal Crash Completeness	Good	Good	Good	Good
Crash Timeliness	Good	Good	Good	Good
Crash Accuracy	Fair	Good	Good	Good
Crash Consistency	No Flag	No Flag	No Flag	No Flag
Inspection Record Completeness	Good	Good	Good	Good
Inspection VIN Accuracy	Good	Good	Good	Good
Inspection Timeliness	Good	Good	Good	Good
Inspection Accuracy	Good	Good	Good	Good

Enter the date of the A & I Online data snapshot used for the "Current SSDQ Rating" column.

FMCSA Motor Carrier Management Information System (MCMIS) data snapshot as of 06/29/2018.

Narrative Overview for FY 2019 - 2021

Problem Statement Narrative: Describe any issues encountered for any SSDQ category not rated as "Good" in the Current SSDQ Rating category column above (i.e., problems encountered, obstacles overcome, lessons learned, etc.). If the State is "Good" in all categories, no further narrative or explanation is necessary.

Data quality measure months. The NDHP achieved Good in the Crash Data quality for months measured after the Non-Fatal Crash Completeness was eliminated from the rating system.

Program Activities for FY 2019 - 2021: Describe any actions that will be taken to achieve a "Good" rating in any category not currently rated as "Good," including measurable milestones.

The "Fair" rating in the Crash Accuracy category of the SSDQ was because 92% of the state's evaluated crash records matched with a carrier that is registered with FMCSA, considering crashes that occurred between 04/01/2017 and 03/31/2018 (Per the FMCSA A & I Data Quality). The rating is at the high end of the 'fair' range, between 85%-94%.

Data shows the highest rate in the non-match records was attributed to county sheriff departments. NDHP's education program has included an effort to increase accuracy in the reporting by these agencies. The NDHP continues to share information about traffic enforcement and incident reporting for large trucks with local agencies at annual conferences and regional events.

Performance Measurements and Monitoring: Describe all performance measures that will be used and include how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

Goal to achieve 'Good' Overall rating in FMCSA state data quality measures.

The NDHP achieved "Good" ratings in 100% of the inspection data quality measure months. The NDHP achieved Good in the crash data quality for months measured after non-fatal crash completeness was eliminated from the rating system.

A meeting will be held by the end of each calendar year. NDHP MC Operations Commander reviews the data quality rating each quarter and will host the meeting each year to discuss any data improvements and state safety data quality each quarter. The MC Operations Commander will coordinate with FMCSA ND Division and the NDDOT throughout this process.

The ND Police Basic is two times per year on average at the ND Law Enforcement Training Academy (LETA), and crash accuracy instruction will be completed during the crash investigation portion of the training. This has been coordinated with the training director. The LETA is the primary training facility for all law enforcement in North Dakota. Local agency personnel must complete this course to become a licensed peace officer in North Dakota. This topic will be addressed at the Motor Carrier Division in-service with MCSAP personnel and MC troopers.

Part 2 Section 9 - New Entrant Safety Audits

The FAST Act states that conducting interstate New Entrant safety audits is now a requirement to participate in the MCSAP ([49 CFR 350.201](#).) The Act allows a State to conduct intrastate New Entrant safety audits at the State's discretion. States that choose to conduct intrastate safety audits must not negatively impact their interstate new entrant program.

Note: The FAST Act also says that a State or a third party may conduct New Entrant safety audits. If a State authorizes a third party to conduct safety audits on its behalf, the State must verify the quality of the work conducted and remains solely responsible for the management and oversight of the New Entrant activities.

Yes	No	Question
<input type="radio"/>	<input type="radio"/>	Does your State conduct Offsite safety audits in the New Entrant Web System (NEWS)? NEWS is the online system that carriers selected for an Offsite Safety Audit use to submit requested documents to FMCSA. Safety Auditors use this same system to review documents and communicate with the carrier about the Offsite Safety Audit.
<input type="radio"/>	<input type="radio"/>	Does your State conduct Group safety audits at non principal place of business locations?
<input type="radio"/>	<input type="radio"/>	Does your State intend to conduct intrastate safety audits and claim the expenses for reimbursement, state match, and/or Maintenance of Effort on the MCSAP Grant?

Trend Analysis for 2013 - 2017

In the table below, provide the number of New Entrant safety audits conducted in the past 5 years.

New Entrant Safety Audits	2013	2014	2015	2016	2017
Interstate	188	263	207	252	192
Intrastate					
Total Audits	188	263	207	252	192

Note: Intrastate safety audits will not be reflected in any FMCSA data systems—totals must be derived from State data sources.

Narrative Overview for FY 2019 - 2021

Enter the agency name conducting New Entrant activities, if other than the Lead MCSAP Agency:

Program Goal: Reduce the number and severity of crashes, injuries, and fatalities involving commercial motor vehicles by reviewing interstate new entrant carriers. At the State's discretion, intrastate motor carriers are reviewed to ensure they have effective safety management programs.

Program Objective: Statutory time limits for processing and completing interstate safety audits are:

- If entry date into the New Entrant program (as shown in FMCSA data systems) September 30, 2013 or earlier—safety audit must be completed within 18 months.
- If entry date into the New Entrant program (as shown in FMCSA data systems) October 1, 2013 or later—safety audit must be completed within 12 months for all motor carriers and 120 days for motor carriers of passengers.

Projected Goals for FY 2019 - 2021

For the purpose of completing the table below:

- **Onsite safety audits** are conducted at the carrier's principal place of business.

- **Offsite safety audit** is a desktop review of a single New Entrant motor carrier's basic safety management controls and can be conducted from any location other than a motor carrier's place of business. Offsite audits are conducted by States that have completed the FMCSA New Entrant training for offsite audits.
- **Group audits** are neither an onsite nor offsite audit. Group audits are conducted on multiple carriers at an alternative location (i.e., hotel, border inspection station, State office, etc.).

Projected Goals for FY 2019 - 2021 - New Entrant Safety Audits						
	FY 2019		FY 2020		FY 2021	
Number of Safety Audits/Non-Audit Resolutions	Interstate	Intrastate	Interstate	Intrastate	Interstate	Intrastate
# of Safety Audits (Onsite)	50	0	50	0	50	0
# of Safety Audits (Offsite)	169	0	169	0	169	0
# Group Audits	1	0	1	0	1	0
TOTAL Safety Audits	220	0	220	0	220	0
# of Non-Audit Resolutions	0	0	0	0	0	0

Strategies: Describe the strategies that will be utilized to meet the program objective above. Provide any challenges or impediments foreseen that may prevent successful completion of the objective.

Strategies: Include a description of the strategies that will be utilized in order to meet the program objective above. The applicant must provide any challenges or impediments you foresee that may prevent your successful completion of the objective.

Strategies:

1. Conduct at least 220 SAs of new entrant carriers annually in North Dakota. This is based on the previous 5 year average of audits completed by the NDHP.
2. Monitor SA timeliness on an ongoing basis
3. Maintain high standard for coordinator and auditors, assuring qualifications through training
4. Assess data to identify specific safety problems during SAs
5. A minimum of one New Entrant Safety Audit blitz will be conducted in conjunction with FMCSA in an area in North Dakota that has onsite audits that need to be completed

In support of these strategies, the ND Highway Patrol Motor Carrier Division will:

- Maintain a close working relationship with FMCSA to support the goal of reducing the number of crashes and fatalities involving large trucks and commercial buses
- Monitor status of all SAs quarterly to complete 100% within the first 12 months, as reasonably possible, of operation for carrier's entry date of October 1, 2013 or later
- Monitor status of all SAs quarterly to complete 100% within the first 18 months, as reasonably possible, of operation for carrier's entry prior to October 1, 2013 and 180 days for motor carriers of passengers
- Ensure the quality of all SAs
- Ensure that 75% of the audits are completed utilizing the off-site audit process
- Provide in-service training to the coordinator and auditors
- Target specific, data-based safety problems during SAs

FY2019-FY2021 SA Annual Goals/Numbers

Coordinator	20
Auditor 1	100
Auditor 2	100
Total	220

Activity Plan for FY 2019 - 2021: Include a description of the activities proposed to help achieve the objectives. If group audits are planned, include an estimate of the number of group audits.

Activity Plan:

1. Assign and complete all SAs due during FY2019 through FY2021 – at least 220 SAs annually (based on a previous 5 year average completed). The amount would be adjusted based on the previous 5 year average to use as a goal for completing the SAs.
2. Two safety audit blitzes will be conducted in conjunction with FMCSA in ND to have an impact on the high number of new carriers.
3. Require auditors to promptly (within 3 days) submit each SA to the coordinator for review.
4. Coordinate with FMCSA to develop and deliver in-service training for the coordinator and auditors as needed.
5. Evaluate program continuity plan to assess the need for training, personnel, or other resources.

The consolidated MSCAP program provides a new, valuable flexibility to reassign auditors, if time is available in the new entrant program, to do inspections at fixed or roadside facilities.

FY2019-2021 New Entrant Annual Roadside Inspections, Estimated	Level I	Level II	Level III	Level IV	Level V	Level VI	FY2019, FY2020, FY2021 Goal
Auditor 1	32	0	0	0	0	0	32
Auditor 2	32	0	0	0	0	0	32
Coordinator	32	0	0	0	0	0	32
Totals	96	0	0	0	0	0	96

Performance Measurement Plan: Describe how you will measure progress toward meeting the objective, such as quantifiable and measurable outputs (staffing, work hours, carrier contacts, inspections, etc.). The measure must include specific benchmarks to be reported on in the quarterly progress report, or as annual outputs.

Activity Performance Metrics:

1. Number of SAs completed during each fiscal year, 2019-2021.
2. Number of SA blitzes completed during each fiscal year, 2019-2021.
3. Share of SAs submitted within three days during each fiscal year, 2019-2021.
4. Completion of in-service training for coordinator and auditors by September 30 each fiscal year.
5. Identify funding for an individual to travel for the 14-day training required for an auditor in the new entrant safety program to ensure program continuity, as the NDHP is anticipating a vacancy.
6. 32 fiscal year NAS roadside inspections; each inspector will include HazMat to maintain the HazMat certification.

The MC Operations Commander will have direct supervision of the program while helping to ensure that the program goals are accomplished. The MC Operations Commander will report any issues to the MCSAP Grant Coordinator and will also discuss program successes, failures, and progress with the FMCSA division administrator; providing quarterly progress reports to the division administrator. A program evaluation will be submitted to the division administrator after the end of each fiscal year program period.

Part 2 Section 10 - Border Enforcement

The FAST Act affirms that States sharing a land border with another country will conduct a border commercial motor vehicle safety program focusing on international commerce, including enforcement and related projects ([49 CFR 350.201](#)). If a State sharing a land border with another country declines to engage in border related activities, it will forfeit all border enforcement funds the State is eligible to receive.

Trend Analysis for 2013 - 2017

In the table below, provide the number of inspections conducted in the past 5 years.

Inspection Types	2013	2014	2015	2016	2017
Level 1: Full	158	277	213	309	196
Level 2: Walk-Around	270	680	523	563	347
Level 3: Driver-Only	978	332	448	1136	768
Level 4: Special Inspections					1
Level 5: Vehicle-Only					
Level 6: Radioactive Materials					1
Total	1406	1289	1184	2008	1313

Narrative Overview for FY 2019 - 2021

☐ The State chooses not to engage in border enforcement activities in FY 2019 - 2021. If this box is checked, no additional narrative is necessary in this section.

Enter the Agency name conducting Border Enforcement activities if other than the Lead Agency:

Program Objectives: In addition to the primary goal of the program as stated below, a State must identify at least one of the following priority objectives as a focus within their border enforcement program to be considered for participating within this focus area.

Program Goal: Border States should conduct a border CMV safety program. The focus is on international commerce that includes enforcement and related projects, to ensure motor carriers and drivers operating CMVs (primarily those entering the United States from a foreign country) are in compliance with U.S. CMV safety standards and regulations, financial responsibility regulations, and registration requirements. It also ensures drivers of those vehicles are qualified and properly licensed to operate a CMV in the U.S.

Check all objectives that apply (minimum of 1):

☐ **Objective 1: International Motorcoach Inspections** - Facilitate the conducting of inspections of motorcoaches engaged in international commerce at bus stations, terminals, border crossings, maintenance facilities, destination locations, or other locations where a motor carrier may make a planned stop (excluding a weigh station). For FY 2018, FMCSA encourages States to examine their data on international motorcoach activity and use that data to establish reasonable goals that will result in an appropriate level of motorcoach-focused activities. States must justify the goals set and provide the data or data source references.

☒ **Objective 2: High Crash Corridor Enforcement Focused on International Commerce** - Conduct international commerce CMV enforcement activities (inspections and traffic enforcement) within corridors where the data indicate that there are a high number of crashes involving vehicles engaged in international commerce.

☒ **Objective 3: International Commerce CMV Inspections at Remote Border Sites Away from Border Crossings** - Conduct international commerce CMV safety inspections at identified sites where known international commerce activity occurs near the Canadian and Mexican borders but where there is no official border crossing facility. Site(s) must be identified in the narrative below and describe how far

these locations are from the nearest official border crossing facility, if any.

Projected Goals for FY 2019 - 2021

Summarize projected border enforcement activities in the table below.

Note: All non-international commerce inspections conducted should be included in the Driver Vehicle Inspections section of the CVSP, and not be indicated as BEG inspections on the inspection report which is uploaded into ASPEN

Projected Goals for FY 2019 - 2021 - Border Enforcement			
	FY 2019	FY 2020	FY 2021
Number of International Commerce Regular CMV	1880	1880	1880
Number of International Commerce HM	100	100	100
Number of International Commerce Passenger	20	20	20
Total International Commerce Inspections	2000	2000	2000
Number of Fixed Facility International Inspections	0	0	0
Number of Non-Fixed Facility International Inspections	0	0	0
Traffic Enforcement	0	0	0
Strike Force Activities (CMVs)	0	0	0
Strike Force Activities (Passenger CMVs)	0	0	0

Strategies: Include a description of the strategies that will be utilized to meet the program objective(s) above. The applicant must include any challenges or impediments foreseen.

STRATEGY 1: INSPECTIONS

- Activity 1.1: Coordinate with FMCSA, CBP, and local authorities to conduct inspections at ports of entry and at remote sites near the border.
 - Measure 1.1: The Motor Carrier Operations Commander will complete coordination by October 30 each fiscal year.
- Activity 1.2: Assign each of the 2,000 inspections to include 460 Level I, 900 Level II, 520 Level III, and incorporate 100 HM, and 20 motor coach inspections.
 - Measure 1.2: By September 30 each fiscal year, complete 2,000 inspections, to include 460 Level I, 900 Level II, 520 Level III, 100 HM, and 20 motor coach inspections.
- Activity 1.3: Conduct inspections at the 18 ports of entry and at numerous remote sites.
 - Measure 1.3: Throughout FY2019-FY2021, inspections are conducted at 18 ports of entry and at numerous remote sites near the border, with the majority completed at Pembina, Portal and Dunseith ports. Assignments will be placed on the weekly schedule. Quarterly evaluations will be completed by first-line supervisors to provide feedback on work performance.
- Activity 1.4: Troopers in the northern tier, north of US Highway 2, will conduct a quarterly blitz in that region dedicated to inspections on international carriers.
 - Measure 1.4: Four inspection blitzes focused on international carriers in the northern tier.

STRATEGY 2: ENFORCEMENT

- Activity 2.1: Coordinate with FMCSA to conduct inspections during Roadcheck 2019, 2020 and 2021 and one motor coach inspection saturation.
 - Measure 2.1: By January 31 each year, coordination is completed.
- Activity 2.2: Conduct inspections during Road Check 2019, 2020 and 2021.
 - Measure 2.2: Inspections are conducted during Roadcheck and completed by June each fiscal year.
- Activity 2.3: Conduct inspections during one Motor Coach Inspection Saturation by September 30 each fiscal year, 2019-2021.
 - Measure 2.3: Conduct motor coach saturation at Norsk Hostfest in Minot during September/October each fiscal year. Norsk Hostfest is North America's largest Scandinavian festival, typically drawing 60,000 people, and rated by the American Bus Association (ABA) as one of the top 100 events in the United States. By September 30, each fiscal year, inspections are conducted during the motor coach inspection saturation.
- Activity 2.4: Conduct a Level 3 inspection during valid traffic stops on international carriers and on passenger vehicles around international carriers along the northern border corridor. Violations will be recorded on the DVIR.
 - Measure 2.4: Motor Carrier Operations Commander and sergeants will review enforcement related activities on a

quarterly basis to track inspection and citations issued. Inspection data from SafetyNet will be reviewed. Information will be relayed to the Motor Carrier MCSAP Grant Coordinator.

STRATEGY 3: MANAGEMENT

- Activity 3.1: Border enforcement activities are monitored on a monthly basis.
 - Measure 3.1: By the first week of each month, the regional commander will run the monthly report. reports are submitted through the supervisors to the MC Operations Commander by the troopers. Each quarter will hold a special MC border enforcement blitz.
- Activity 3.2: Motor Carrier Operations Commander reviews monthly progress reports and evaluates the program and reports to the MCSAP Grant Coordinator.
 - Measure 3.2: By the second week of each month, reports are reviewed and program is evaluated.
- Activity 3.3: MC Operations Commander shares relevant program information with FMCSA, CBP, NDHP regions, and local authorities.
 - Measure 3.3: By the third week of each month, relevant program information is shared.
- Activity 3.4: NDHP Motor Carrier Operations Commander seeks and assesses program feedback from FMCSA, CBP, the NDHP regions, and local authorities.
 - Measure 3.4: By the fourth week of each month, program feedback is sought and assessed.

Activity Plan for FY 2019 - 2021: Describe the specific activities planned to reach border enforcement goals.

The Border Enforcement Program continues to be a vital part of our overall highway safety and northern border security operations. It has allowed the NDHP to increase inspections of drivers, trucks, buses (motor coaches), and HM shipments. It has enabled us to complete more CDL, operating authority, and financial responsibility checks.

Finally, it has given us the ability to establish temporary "inspection stations" at various remote locations along the northern border highways of North Dakota. For FY2019-2021, we will have activities committed to North Dakota's northern tier to conduct inspections at the port locations and remote sites. Inspections will be conducted on international carriers stopped for valid traffic violations. FMCSA informed NDHP that we would receive reduced funding in FY2017. During FY2019-2021 all MCSAP designated troopers will receive assignments to the BEG program to meet inspection goals and support other program strategies. A border enforcement inspection blitz will occur on a monthly basis targeting international carriers along the northern tier of ND (north of US highway 2).

Border enforcement inspections are completed on international passenger carriers during the bus inspection blitz held at the Norsk Hostfest in Minot. This is the one motor coach inspection blitz the NDHP does where international buses are inspected. This activity is stated in the MCSAP B&I plan. International motor coach inspections can be accomplished at this event. This is a destination location.

Inspections done on motor vehicle carrier within the US Highway 2 corridor and north are designated as Border Inspection when they occur. MCSAP troopers within the US Highway 2 corridor, north to the Canadian border to conduct BE inspections when they encounter international carriers and during border enforcement blitzes. A Border Enforcement emphasis day will be scheduled each quarter for those personnel in the corridor area to concentrate their inspection efforts on international carriers.

Sworn troopers are issued marked patrol SUV units that are properly equipped with all necessary items to conduct inspections. The NDHP MC Operations Commander will continue to evaluate the program in order to understand and determine realistic and attainable goals for the program. Due to our longer period of colder weather, conducting Level 1 inspections becomes challenging all year-round. We will emphasize more Level 2 inspections.

1. Conduct 2,000 inspections at ports of entry and at remote sites near the border.
2. Participate in Road Check 2019, 2020 and 2021.
3. Complete one motor coach inspection saturation.
4. Conduct traffic enforcement during travel to and from inspection sites.
5. Conduct 1 Border enforcement inspection high emphasis day each quarter.
6. Review border enforcement monthly activities reports for the previous month's activities.
7. Have the Motor Carrier Operations Commander conduct ongoing program assessment through program activity report reviews and feedback from FMCSA, CBP, NDHP regions, and local authorities.

Performance Measurement Plan: Describe how you will measure progress toward the performance objective goal, to include quantifiable and measurable outputs (work hours, carrier contacts, inspections, etc.) and in

terms of performance outcomes. The measure must include specific benchmarks that can be reported on in the quarterly progress report, or as annual outcomes.

Activity Performance Metrics:

1. Number of inspections completed during fiscal years 2019, 2020 and 2021.
2. Number of motor coach inspection saturations completed during fiscal years 2019, 2020 and 2021.
3. Traffic enforcement stops during travel to and from inspection sites during fiscal years 2019, 2020 and 2021.

MCSAP funding enables the NDHP to launch a comprehensive border inspection program (BIP). The BIP purpose is to ensure compliance with the FMCSRs, the HMRs, and related state laws and regulations by inspecting drivers, trucks, and buses that enter North Dakota from Canada and to conduct traffic enforcement on CMVs and vehicles around CMVs along the northern corridor. No other program has this specific purpose.

The nature of the traffic flow on the North Dakota/Canada border means inspection programs are focused on regular CMV carriers involved in international commerce transport. Throughout FY2019-2021, inspections will be conducted at ports of entry and at numerous remote sites near the border, with the majority completed at Pembina, Portal, and Dunseith ports. These three ports account for approximately 85% of the truck traffic on the North Dakota/Canada border, per 2017 traffic counts reported by the US Department of Transportation Bureau of Transportation Statistics. Assignments will be placed on the weekly schedule. Monthly activity reports will be monitored by the Operations Commander. Quarterly evaluations will be completed by first-line supervisors to provide feedback on work performance.

MCSAP personnel will conduct Level 2 or Level 3 inspections during valid traffic enforcement stops on international carriers and on passenger vehicles around international carriers along the northern border corridor. The violations will be recorded on the DVIR.

Statistical data shows that North Dakota does not have a motor coach safety issue. Most of the motor coaches entering North Dakota from Canada are destined for other states. The ports of entry in North Dakota are rural in nature or are in small communities with limited facilities to provide for "reasonable accommodations for passengers" as dictated by FMCSA's policy. North Dakota has no rest areas north of US Highway 2 that could provide a reasonable location for conducting motor coach inspections. The CBP port locations do not provide for a safe area to conduct inspections or reasonable accommodations. Due to traffic and congestion issues, it would be unsafe to conduct inspections at CBP ports. We have identified the major destinations in our state, the biggest being Norsk Hostfest in Minot. However, even here, we had less motor coaches in recent years due to the economy and flooding issues. It is not possible to inspect 5% of all motor coaches that enter the state. To support FMCSA's emphasis on motor coaches, we will strive to inspect 30 motor coaches (or 2% of all motor coaches entering the state). The remainder of the motor coach inspections will be completed at the end of September at the Norsk Hostfest, North America's largest Scandinavian festival, typically drawing 60,000 people, and rated by the American Bus Association (ABA) as one of the top 100 events in the United States.

The NDHP Motor Carrier Operations Commander will have operational control of the program to ensure that the BIP program accomplishes its goals. The regional commander and Motor Carrier sergeants will directly supervise the troopers. Supervisors will monitor inspection assignments, inspection locations, and inspection activities on a routine basis. Assignments to locations and work areas will be made on a monthly and weekly schedule. With the growing oil industry in western North Dakota, many carriers make frequent back and forth crossings of the Canadian border. It is important to have a presence in that area. We will continue to focus on eastern North Dakota crossings of international carriers as I-29 and US Highway 52 seem to be major crossing routes for international carriers. First-line supervisors will conduct a semi-annual evaluation of troopers' work performance and a yearly formal performance appraisal per NDHP policy.

Each month, the Motor Carrier Operations Commander will discuss program successes, failures, and progress with the FMCSA State Program's Specialist. Quarterly progress/activity reports, using the quarterly progress report, will be provided to the North Dakota FMCSA division administrator.

Part 3 - National Emphasis Areas and State Specific Objectives

FMCSA establishes annual national priorities (emphasis areas) based on emerging or continuing issues, and will evaluate CVSPs in consideration of these national priorities. Part 3 allows States to address the national emphasis areas/priorities outlined in the MCSAP CVSP Planning Memorandum and any State-specific objectives as necessary. Specific goals and activities must be projected for the three fiscal year period (FYs 2019 - 2021).

Part 3 Section 1 - Enforcement of Federal OOS Orders during Roadside Activities**Instructions:**

FMCSA has established an Out-of-Service (OOS) catch rate of 85 percent for carriers operating while under an OOS order. In this part, States will indicate their catch rate is at least 85 percent by using the check box or completing the problem statement portion below.

Check this box if:

As evidenced by the data provided by FMCSA, the State identifies at least 85 percent of carriers operating under a Federal OOS order during roadside enforcement activities and will not establish a specific reduction goal. However, the State will maintain effective enforcement of Federal OOS orders during roadside inspections and traffic enforcement activities.

Part 3 Section 2 - Passenger Carrier Enforcement**Instructions:**

FMCSA requests that States conduct enhanced investigations for motor carriers of passengers and other high risk carriers. Additionally, States are asked to allocate resources to participate in the enhanced investigations training being offered by FMCSA. Finally, States are asked to continue partnering with FMCSA in conducting enhanced investigations and inspections at carrier locations.

Check this box if:

☒ As evidenced by the trend analysis data, the State has not identified a significant passenger transportation safety problem. Therefore, the State will not establish a specific passenger transportation goal in the current fiscal year. However, the State will continue to enforce the Federal Motor Carrier Safety Regulations (FMCSRs) pertaining to passenger transportation by CMVs in a manner consistent with the [MCSAP Comprehensive Policy](#) as described either below or in the roadside inspection section.

Part 3 Section 3 - State Specific Objectives – Past

Instructions:

Describe any State-specific CMV problems that were addressed with FY2018 MCSAP funding. Some examples may include hazardous materials objectives, Electronic Logging Device (ELD) implementation, and crash reduction for a specific segment of industry, etc. Report below on year-to-date progress on each State-specific objective identified in the FY 2018 CVSP.

Progress Report on State Specific Objectives(s) from the FY 2018 CVSP

Please enter information to describe the year-to-date progress on any State-specific objective(s) identified in the State's FY 2018 CVSP. Click on "Add New Activity" to enter progress information on each State-specific objective.

Activity #1

Activity: Describe State-specific activity conducted from previous year's CVSP.

CMV Increased Safety Belt Usage CMV Increased Safety Belt Usage ND crash data reveal that 83% of truck drivers were wearing safety belts during truck driver fatalities in North Dakota between 2013 and 2017 even though federal and state laws require safety belt use. The rate ranged between 78.6% in FY2017 and 91.4% in FY2016 over the past five years. For the 2017 ND statewide passenger vehicle survey, observers tracked safety belt use for 19,784 drivers and 4,822 front-seat passengers. The estimates of safety belt use were 77.0% for drivers and 82.5% for passengers. Adjusting the raw state rate for the survey design and weights resulted in a weighted state rate of 79.3%. The national average safety for belt use is over 90%. So while the use rate is good, it has been proven that people who don't wear safety belts are more likely to die in crashes, so additional gains in safety belt use will reduce crash fatal injuries. NDDOT Crash Data FY2012: 27 of 34 truck drivers wore safety belts during fatal crashes = 79% FY2013: 39 of 49 truck drivers wore safety belts during fatal crashes = 80% FY2014: 30 of 37 truck drivers wore safety belts during fatal crashes = 81% FY2015: 37 of 43 truck drivers wore safety belts during fatal crashes = 86% FY2016: 16 of 17 truck drivers wore safety belts during fatal crashes = 94% FY2017: 14 of 11 truck drivers wore safety belts during fatal crashes = 79%

Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).

Increase seat belt usage by truck drivers involved in fatal crashes by 2 percentage points during FY2018.

Actual: Insert year to date progress (#, %, etc., as appropriate).

Seat belt use in fatalities decreased 17% or 16 percentage points, based on the limited number of truck driver injury reported as fatal FY2017. ND state crash reports show 25 truck driver fatal injuries in FY2017 compared to 49 truck drivers when the number was at its highest level in history during FY2013.

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.

Complete four seat belt saturations. Be vigilant during valid traffic stops of CMVs for proper seatbelt use and take enforcement action when necessary. Performance Measurements and Monitoring: Describe all performance measures and how the state will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting. Complete four Seat belt saturations. Be vigilant during valid traffic stops of CMVs for proper seatbelt use and take enforcement action when necessary. One saturation for each quarter with a total of four to be completed by September 30, 2018. Target safety belt use on rural roads in and around the state's oil fields. One large oil field strike force and four small strike forces are completed by September 30, 2018. Conduct inspections in conjunction with CVSA Roadcheck in June of each fiscal year and promote safety belt use during the check and while conducting safety investigations. Troopers working the seat belt saturations and inspection blitzes will have a goal to complete one inspection or enforcement contact per hour of inspection time or road patrol time worked. The Motor Carrier commander will analyze safety belt use each quarter during FY2018 to look for increases. MCSAP troopers from each respective region will participate in the saturation held in their respective region locations.

Activity #2

Activity: Describe State-specific activity conducted from previous year's CVSP.

Oil Field Operations North Dakota has become the second largest producer of oil in the nation as of May 2014. We

continue to see traffic related to exploration and production of oil and natural gas in our state. The traffic in the Northwest corner of ND has risen dramatically over the past decade, per the figure presented earlier. NDDOT Crash Data: 2010 = 24 ND crashes, 4 NW crashes involving CMVs = 16.7% 2011 = 43 ND crashes, 12 NW crashes involving CMVs = 27.9% 2012 = 67 ND crashes, 24 NW crashes involving CMVs = 35.8% 2013 = 62 ND crashes, 32 NW crashes involving CMVs = 51.6% 2014 = 62 ND crashes, 26 NW crashes involving CMVs = 41.9% 2015 = 47 ND crashes, 21 NW crashes involving CMVs = 44.7% 2016 = 37 ND crashes, 10 NW crashes involving CMVs = 27.0% 2017 = 34 ND crashes, 11 NW crashes involving CMVs = 32.4%

Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).

Oil Field Operations In FY2017 32.4% of crashes occurred in the NW region of the state. The goal is to reduce the truck involved crashes in the NW by 6% in FY2019-21. North Dakota has become the second largest producer of oil in the nation as of May 2014. We continue to see traffic related to exploration and production of oil and natural gas in our state. The traffic in the Northwest corner of ND has risen dramatically over the past decade, per the figure presented earlier. NDDOT Crash Data: 2010 = 24 ND crashes, 4 NW crashes involving CMVs = 16.7% 2011 = 43 ND crashes, 12 NW crashes involving CMVs = 27.9% 2012 = 67 ND crashes, 24 NW crashes involving CMVs = 35.8% 2013 = 62 ND crashes, 32 NW crashes involving CMVs = 51.6% 2014 = 62 ND crashes, 26 NW crashes involving CMVs = 41.9% 2015 = 47 ND crashes, 21 NW crashes involving CMVs = 44.7% 2016 = 37 ND crashes, 10 NW crashes involving CMVs = 27.0% 2017 = 34 ND crashes, 11 NW crashes involving CMVs = 32.4%

Actual: Insert year to date progress (#, %, etc., as appropriate).

In FY2017 32.4% of crashes occurred in the NW region of the state. The FY2017 shows 11 crash events, compared to 10 crashes in FY2016.

Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.

Part 3 Section 4 - State Specific Objectives – Future

Instructions:

The State may include additional objectives from the national priorities or emphasis areas identified in the MCSAP CVSP Planning Memorandum as applicable. In addition, the State may include any State-specific CMV problems identified in the State that will be addressed with MCSAP funding. Some examples may include hazardous materials objectives, Electronic Logging Device (ELD) implementation, and crash reduction for a specific segment of industry, etc.

Describe any State-specific objective(s) identified for FY 2019 - 2021. Click on "Add New Activity" to enter information on each State-specific objective. This is an optional section and only required if a State has identified a specific State problem planned to be addressed with grant funding.

State Objective #1

Enter the title of your State-Identified Objective.

CMV Increased Safety Belt Usage

Narrative Overview for FY 2019 - 2021

Problem Statement Narrative: Describe problem identified by performance data including baseline data.

ND crash data reveal that 83% of truck drivers were wearing safety belts during fatal crashes in North Dakota between 2013 and 2017 even though federal and state laws require safety belt use. The rate ranged between 79% in FY 2017 to 94% in FY 2016. So while the use rate is good, it has been proven that people who do not wear safety belts are more likely to die in crashes, so additional gains in safety belt use will reduce crash fatal injuries. NDDOT Crash Data FY2013: 39 of 54 truck drivers wore safety belts during fatal crashes = 72% FY2014: 30 of 40 truck drivers wore safety belts during fatal crashes = 75% FY2015: 37 of 45 truck drivers wore safety belts during fatal crashes = 82% FY2016: 16 of 17 truck drivers wore safety belts during fatal crashes = 94% FY2017: 11 of 14 truck drivers wore safety belts during fatal crashes = 79%

Projected Goals for FY 2019 - 2021:

Enter performance goal.

Increase seat belt usage by truck drivers involved in fatal crashes by seven percentage points each year during FY 2019, FY2020 and FY2021 to achieve the 100% seat belt use rate.

Program Activities for FY 2019 - 2021: Describe the activities that will be implemented including level of effort.

To meet this goal, the State intends to conduct activities under the following strategies and will describe these activities in greater detail in the respective sections in the CMV Safety Program Objective and Commercial Vehicle Enforcement Activities parts. - Conduct driver and vehicle inspections - Conduct traffic enforcement activities - Conduct carrier investigations [CSA] - Conduct public education and awareness - Conduct effective data collection and reporting

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

Complete four seat belt saturations. Be vigilant during valid traffic stops of CMVs for proper seat belt use and take enforcement action when necessary. Be vigilant during valid traffic stops of CMVs for proper seat belt use and take enforcement action when necessary. - One saturation each quarter with a total of four to be completed by September 30 each fiscal year. - Target safety belt use on the rural roads in and around the state's oil fields. - One large oil field strike force and four small strike forces are completed by September 30 each fiscal year. - Conduct inspections in conjunction with annual CVSA Roadcheck each June and promote safety belt use during the check and

while conducting safety investigations. Troopers working the seat belt saturations and inspection blitzes will have a goal to complete one inspection or enforcement contact per hour of inspection time or road patrol time worked. The Motor Carrier Operations Commander will analyze safety belt use each quarter during to look for increases. MCSAP troopers from each respective region will participate in the saturation held in their respective region locations.

State Objective #2

Enter the title of your State-Identified Objective.

Oil Field Operations

Narrative Overview for FY 2019 - 2021

Problem Statement Narrative: Describe problem identified by performance data including baseline data.

North Dakota has become the second largest producer of oil in the nation as of May 2014. We continue to see traffic related to exploration and production of oil and natural gas in our state. The traffic in the northwest corner of ND has risen dramatically over the past decade per the previous figure.

Projected Goals for FY 2019 - 2021:

Enter performance goal.

In FY2017 32.4% of crashes occurred in the NW region of the state. Crash reduction of 1 crash per year between FY2019 and FY2021 would result in a goal for 8 crashes at the end of the three-year planning cycle.

Program Activities for FY 2019 - 2021: Describe the activities that will be implemented including level of effort.

To meet this goal, the State intends to conduct activities under the following strategies and will describe these activities in greater detail in the respective sections in the CMV Safety Program Objective and Commercial Vehicle Enforcement Activities parts. - Conduct driver and vehicle inspections - Conduct traffic enforcement activities - Conduct carrier investigations [CSA] - Conduct public education and awareness - Conduct effective data collection and reporting

Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

The crash incidents reports by the will be monitored for CMV involved crashes. These crash event counts will be compared to previous years' crash levels.

Part 4 - Financial Information

Part 4 Section 1 - Overview

The Spending Plan is an explanation of each budget component, and should support the cost estimates for the proposed work. The Spending Plan should focus on how each item will achieve the proposed project goals and objectives, and explain how costs are calculated. The Spending Plan must be clear, specific, detailed, and mathematically correct. Sources for assistance in developing the Spending Plan include [2 CFR part 200](#), [2 CFR part 1201](#), [49 CFR part 350](#) and the [MCSAP Comprehensive Policy](#).

Before any cost is billed to or recovered from a Federal award, it must be allowable ([2 CFR §200.403](#), [2 CFR §200 Subpart E – Cost Principles](#)), reasonable and necessary ([2 CFR §200.403](#) and [2 CFR §200.404](#)), and allocable ([2 CFR §200.405](#)).

- **Allowable** costs are permissible under the OMB Uniform Guidance, DOT and FMCSA regulations and directives, MCSAP policy, and all other relevant legal and regulatory authority.
- **Reasonable and Necessary** costs are those which a prudent person would deem to be judicious under the circumstances.
- **Allocable** costs are those that are charged to a funding source (e.g., a Federal award) based upon the benefit received by the funding source. Benefit received must be tangible and measurable.
 - For example, a Federal project that uses 5,000 square feet of a rented 20,000 square foot facility may charge 25 percent of the total rental cost.

Instructions

The Spending Plan should include costs for FY 2019 only. This applies to States completing a multi-year CVSP or an Annual Update to their multi-year CVSP.

The Spending Plan data tables are displayed by budget category (Personnel, Fringe Benefits, Travel, Equipment, Supplies, Contractual and Subaward, and Other Costs). You may add additional lines to each table, as necessary. Please include clear, concise explanations in the narrative boxes regarding the reason for each cost, how costs are calculated, why they are necessary, and specific information on how prorated costs were determined.

The following definitions describe Spending Plan terminology.

- **Federal Share** means the portion of the total project costs paid by Federal funds. Federal share is 85 percent of the total project costs for this FMCSA grant program.
- **State Share** means the portion of the total project costs paid by State funds. State share is 15 percent of the total project costs for this FMCSA grant program. A State is only required to contribute up to 15 percent of the total project costs of all budget categories combined as State share. A State is NOT required to include a 15 percent State share for each line item in a budget category. The State has the flexibility to select the budget categories and line items where State match will be shown.
- **Total Project Costs** means total allowable costs incurred under a Federal award and all required cost sharing (sum of the Federal share plus State share), including third party contributions.
- **Maintenance of Effort (MOE)** means the level of effort Lead State Agencies are required to maintain each fiscal year in accordance with [49 CFR § 350.301](#). The State has the flexibility to select the budget categories and line items where MOE will be shown. Additional information regarding MOE can be found in the MCSAP Comprehensive Policy (MCP) in section 3.6.

On Screen Messages

The system performs a number of edit checks on Spending Plan data inputs to ensure calculations are correct, and values are as expected. When anomalies are detected, alerts will be displayed on screen.

- Calculation of Federal and State Shares

Total Project Costs are determined for each line based upon user-entered data and a specific budget category formula. Federal and State shares are then calculated by the system based upon the Total Project Costs and are added to each line item.

The system calculates an 85 percent Federal share and 15 percent State share automatically and populates these values in each line. Federal share is the product of Total Project Costs x .85. State share equals Total Project Costs minus Federal share. If Total Project Costs are updated based upon user edits to the input values, the 85 and 15 percent values will not be recalculated by the system and should be reviewed and updated by users as necessary.

States may edit the system-calculated Federal and State share values at any time to reflect actual allocation for any line item. For example, States may allocate a different percentage to Federal and State shares. States must ensure that the sum of the Federal and State shares equals the Total Project Costs for each line before proceeding to the next budget category.

An error is shown on line items where Total Project Costs does not equal the sum of the Federal and State shares. Errors must be resolved before the system will allow users to 'save' or 'add' new line items.

Territories must insure that Total Project Costs equal Federal share for each line in order to proceed.

- **MOE Expenditures**

States may enter MOE on individual line items in the Spending Plan tables. The Personnel, Fringe Benefits, Equipment, Supplies, and Other Costs budget activity areas include edit checks on each line item preventing MOE costs from exceeding allowable amounts.

- If "Percentage of Time on MCSAP grant" equals 100%, then MOE must equal \$0.00.
- If "Percentage of Time on MCSAP grant" equals 0%, then MOE may equal up to Total Project Costs as expected at 100%.
- If "Percentage of Time on MCSAP grant" > 0% AND < 100%, then the MOE maximum value cannot exceed "100% Total Project Costs" minus "system-calculated Total Project Costs".

An error is shown on line items where MOE expenditures are too high. Errors must be resolved before the system will allow users to 'save' or 'add' new line items.

The Travel and Contractual budget activity areas do not include edit checks for MOE costs on each line item. States should review all entries to ensure costs reflect estimated expenditures.

- **Financial Summary**

The Financial Summary is a summary of all budget categories. The system provides warnings to the States on this page if the projected State Spending Plan totals are outside FMCSA's estimated funding amounts. States should review any warning messages that appear on this page and address them prior to submitting the eCVSP for FMCSA review.

The system will confirm that:

- Overtime value does not exceed the FMCSA limit.
- Planned MOE Costs equal or exceed FMCSA limit.
- States' proposed Federal and State share totals are each within \$5 of FMCSA's Federal and State share estimated amounts.
- Territories' proposed Total Project Costs are within \$5 of \$350,000.

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	85% Federal Share	15% State Share	Total Estimated Funding
Total	\$2,892,588.00	\$510,056.00	\$3,402,644.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (15% of MCSAP Award Amount):	\$510,056.00
MOE Baseline:	\$0.00

Part 4 Section 2 - Personnel

Personnel costs are salaries for employees working directly on a project.

Note: Do not include any personally identifiable information (PII) in the CVSP. The final CVSP approved by FMCSA is required to be posted to a public FMCSA website.

List grant-funded staff who will complete the tasks discussed in the narrative descriptive sections of the CVSP. Positions may be listed by title or function. It is not necessary to list all individual personnel separately by line. The State may use average or actual salary and wages by personnel category (e.g., Trooper, Civilian Inspector, Admin Support, etc.). Additional lines may be added as necessary to capture all your personnel costs.

The percent of each person's time must be allocated to this project based on the amount of time/effort applied to the project. For budgeting purposes, historical data is an acceptable basis.

Note: Reimbursement requests must be based upon documented time and effort reports. Those same time and effort reports may be used to estimate salary expenses for a future period. For example, a MCSAP officer's time and effort reports for the previous year show that he/she spent 35 percent of his/her time on approved grant activities. Consequently, it is reasonable to budget 35 percent of the officer's salary to this project. For more information on this item see [2 CFR §200.430](#).

In the salary column, enter the salary for each position.

Total Project Costs equal the Number of Staff x Percentage of Time on MCSAP grant x Salary for both Personnel and Overtime (OT).

If OT will be charged to the grant, only OT amounts for the Lead MCSAP Agency should be included in the table below. If the OT amount requested is greater than the 15 percent limitation in the MCSAP Comprehensive Policy (MCP), then justification must be provided in the CVSP for review and approval by FMCSA headquarters.

Activities conducted on OT by subrecipients under subawards from the Lead MCSAP Agency must comply with the 15 percent limitation as provided in the MCP. Any deviation from the 15 percent limitation must be approved by the Lead MCSAP Agency for the subrecipients.

Summary of MCSAP Funding Limitations

Allowable amount for Lead MCSAP Agency Overtime without written justification (15% of MCSAP Award Amount):	\$510,056.00
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Personnel: Salary and Overtime Project Costs							
Salary Project Costs							
Position(s)	# of Staff	% of Time on MCSAP Grant	Salary	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Finance	1	6.0000	\$46,008.00	\$2,760.48	\$2,346.41	\$414.07	\$0.00
IT	1	5.0000	\$65,388.00	\$3,269.40	\$2,778.99	\$490.41	\$0.00
Administrative Assistant	1	100.0000	\$43,320.00	\$43,320.00	\$36,822.00	\$6,498.00	\$0.00
New Entrant Coordinator	1	100.0000	\$61,920.00	\$61,920.00	\$52,632.00	\$9,288.00	\$0.00
New Entrant Auditor	2	100.0000	\$56,664.00	\$113,328.00	\$96,328.80	\$16,999.20	\$0.00
MCO Regional Commander	1	94.0000	\$100,476.00	\$94,447.44	\$80,280.32	\$14,167.12	\$0.00
MCSAP Sworn Troopers	13	85.0000	\$71,088.00	\$785,522.40	\$667,694.04	\$117,828.36	\$0.00
Assistant Operations Commander	1	35.0000	\$95,532.00	\$33,436.20	\$28,420.77	\$5,015.43	\$0.00
Traffic and Size and Weight Troopers	91	1.0000	\$67,128.00	\$61,086.48	\$51,923.51	\$9,162.97	\$0.00
MCSAP Sergeants	3	84.0000	\$84,216.00	\$212,224.32	\$180,390.67	\$31,833.65	\$0.00
After hours on call pay	1	100.0000	\$25,392.00	\$25,392.00	\$21,583.20	\$3,808.80	\$0.00
Civilain MCSAP Inspector	1	80.0000	\$56,664.00	\$45,331.20	\$38,531.52	\$6,799.68	\$0.00
Subtotal: Salary				\$1,482,037.92	\$1,259,732.23	\$222,305.69	\$0.00
Overtime Project Costs							
NDHP overtime hours (All)	1	100.0000	\$510,056.00	\$510,056.00	\$433,547.60	\$76,508.40	\$0.00
Subtotal: Overtime				\$510,056.00	\$433,547.60	\$76,508.40	\$0.00
TOTAL: Personnel				\$1,992,093.92	\$1,693,279.83	\$298,814.09	\$0.00
Accounting Method:	Accrual						

Enter a detailed explanation of how the personnel costs were derived and allocated to the MCSAP project.

The North Dakota Highway Patrol will responsibly utilize funding provided by FMCSA through the MCSAP grant. We have demonstrated that we are good stewards of money and resources.

The total budget award amount was based on guidance given in the NOFO and FMCSA Policy. All eligible direct costs are – and always have been – charged to the MCSAP grant since the inception of the program. For example, NDHP troopers code their time records to show time spent on MCSAP-eligible activities. Further, employees in other State agencies who perform MCSAP-eligible activities are already working under other Federal grants. For instance, NDDOT employees who do crash data collection are already funded by NHTSA and other Federal grants.

Regarding indirect costs (IDC) and maintenance of effort (MOE), the key facts are listed below:

The NDHP does not have an approved IDC rate. Based on previous guidance from FMCSA Headquarters, the NDHP had used 10 percent of direct salaries to estimate IDC. Also, based on previous guidance, the NDHP did not claim the estimated IDC; thus, it became the NDHP's MOE. Based on new guidance from FMCSA Headquarters, using 10 percent of direct salaries is no longer a valid method to estimate IDC, and should not have been allowed previously. With no approved IDC rate, and the 10 percent method eliminated, indirect costs are not – and have not – been an eligible expense. Therefore, the NDHP will not claim IDC and does not have an MOE.

The indirect cost rates for FY 2004 and FY 2005 were based on a formula approved by the Federal Highway Administration (FHWA) for those fiscal years. There has not been an approved indirect cost rate since that time. Although FY 2004 and FY 2005 are beyond the record retention period for grants, we were able determine the indirect cost amounts claimed in FY 2004 and FY 2005.

Regarding MOE in general, the main points are listed below: The NDHP has participated in MCSAP since its inception in the 1980s. The NDHP routinely turned back or rolled over MCSAP funds during the 1990s and early 2000s (i.e., during the "rollover era"). The NDHP has always spent MCSAP funds for one fiscal

year into the succeeding fiscal year from the late 2000s through 2018 (i.e., during the "post-rollover era"). The FY 2010 MCSAP Review only found two eligible costs that created MOE: (1) NDDOT costs associated with crash data management, and (2) vehicle replacement costs included in the NDDOT's motor pool billings. The crash data management costs were eliminated when it was determined that NDDOT employees were funded by other Federal grants. The vehicle replacement costs were eliminated by an FMCSA determination that they were not eligible. All available evidence indicates that North Dakota has a zero MOE. The "Total Grant Funds Expended" includes the Federal grant funds expended and corresponding State matching funds expended on MCSAP-eligible activities during the identified fiscal year. The vast majority of the MCSAP budget is for salaries, benefits, training, fleet mileage costs, supplies and equipment needs under \$5000 to support the MCSAP eligible activities. This supports our civilian and sworn personnel as they conduct inspections and support for the inspection processes.

Salaries are figured based on an hourly rate prorated for the percentage of time personnel dedicate to the MCSAP program from time distribution reports from May 2017 to April 2018. This prorated method was discussed the ND FMCSA State Program Manager and approved. Sworn Troopers are at 80% based on time distribution and salaries invoiced to MCSAP for the stated period. The Deputy Chief of Field Operation's salary is adjusted for 71% time dedication to MCSAP, The MC Commander's adjusted to 94% and MCSAP Sergeant's time is adjusted for 84% time dedicated to MCSAP. The IT specialist's time is adjusted for 5% time dedicated to MCSAP and the finance technician's time is adjusted for 6% time dedicated to MCSAP. New Entrant coordinator and auditors are 100% dedicated. The MCSAP Civilian inspector is prorated to 84%. 100 regional motor carrier and traffic troopers conduct a minimum of 32 level 1,2 and/or 3 inspections. This is an average of approximately 1% of there total time. The NDHP will budget for approx. 21 hours of each of the 100 traffic trooper's regular time to complete these level 1, 2 or 3 inspections.

All MCSAP hours doing inspections or other eligible activities are coded separately on our daily activity system and paid accordingly. Final monthly MCSAP salaries to be reimbursed are determined by taking the total actual MCSAP salaries for the month and then subtracting the Leave Salaries Reduction amount from this total to arrive at the final salaries amount to be requested for reimbursement for that month. The Leave Salaries Reduction amount is obtained by first multiplying the monthly MCSAP salaries total by the ratio of total MCSAP employee leave hours to the total MCSAP employee work hours for that month. The resulting total is then multiplied by the ratio of total state regular work hours to the total regular work hours by MCSAP employees for that month. This final resulting total is the Leave Salaries Reduction amount. For purposes of the above calculation, total MCSAP employee leave hours are the sum total of Annual Leave, Sick Leave, Family Sick Leave, and Funeral/Emergency Leave for that month.

The account technician prepares all invoices for payment of eligible MCSAP expenses. prepares quaterly financial reports and tracks expenses.

The Information Technology Specialist performs all software updates to laptops and PC's as well as uploads Crash data and inspection data into SafetyNet.

Base Salary/Hr x 2080 hrs=Annual Base Salary

Assistant Operations Commander \$48.78/hr

MCO Regional Commander \$45.340/hr

MCSAP Sergeants \$38.867/hr

MCSAP and Regional Sworn Troopers \$35.308/hr

Civilian Inspector \$25.027/hr

Administrative Assist. \$19.690/hr

New Entrant Coordinator \$26.383/hr

New Entrant Auditor \$26.115/hr

IT \$34.437/hr

Finance \$22.119/hr

Temp. Civilian Inspectors

5 x 25.027/hr x 160 hours/mo x 6 months = \$144,155.52

The temporary employess would tentativley work from April to September conducting inspections and working as a team with sworn troopers conducting inspections. These will be paid a straight hourly wage.

Overtime is paid at 1.5 times the regular hourly rate. The NDHP will budget for 9,288 total hours of overtime for FY 2018 to allow each MCSAP sergeant, trooper, civilian inspector and New Entrant auditor, to work on average at least 24 hours of overtime per month in FY 2019 to complete MCSAP eligible activities. Level 1 certified regional motor carrier troopers will be able to work on average of 16 hours of overtime per month to complete inspections. At the discretion of the MC Operational Commander and as hours are available, overtime may be assigned to be worked by regional traffic troopers who are certified to conduct inspections based on available funding. The NDHP's personnel working overtime is on a voluntary basis. The MC Operational Commander will work with the Regional Field Commanders in assigning available overtime. The certified employees may work overtime on a day off or as a shift extension. The NDHP will budget using an average overtime hourly rate for all positions of \$45.51/hr.

19 MCSAP personnel x \$45.51/hr. x 30 hours x 12 mos. = \$311,288.40

12 Regional Motor Carrier Troopers x \$45.51/hr. x 16.878 hours x 12 mos. = \$110,588.97

Total overtime = **\$421,877.37**

The overtime can be done as a shift extension or work overtime on regular days off. We utilize the overtime to allow troopers, auditors and safety investigators more time during a shift to travel to the remote locations to conduct inspections complete audits and investigations.

On Call Pay is for paying MCSAP Troopers and Sergeant to be available after hours. The 2017 ND legislative session approved funding to support NDHP line level sworn personnel to be paid \$2.00 per hour to be on call. The NDHP will plan for the sworn, line level MCSAP personnel to be on call after hours for MCSAP related response as needed. The sworn NDHP operate on a 28 day schedule period. The NDHP will plan for 2 troopers and 1 sergeant within Motor Carrier Operations to be on call each day of the week. This is an average of 917 hours of on call time in a 28 day schedule period. This is a total of 11,921 on call hours in the 13 month, 28 day schedule period in FFY 2018. There are 13 twenty eight day periods in 1 calendar year. MCSAP personnel on call will be prorated based on the time labor distribution reports from May 2017 to April 2018. This is the same time period used for salaries. The average proration for the troopers and sergeants is 82%.

917 hours x 13mos. x \$2.00 x 82% = **\$19,550.44**

****Effective July 1st, 2019, a 2% salary increase will occur with all personnel employed by the NDHP. Money is being moved from the "travel" and "supplies" area, to the "personnel" area of the budget to accomodate for the salary increase.

Part 4 Section 3 - Fringe Benefits

*Fringe costs are benefits paid to employees, including the cost of employer's share of FICA, health insurance, worker's compensation, and paid leave. Only non-Federal grantees that use the **accrual basis** of accounting may have a separate line item for leave, and is entered as the projected leave expected to be accrued by the personnel listed within Part 4.2 – Personnel. Reference [2 CFR §200.431\(b\)](#).*

Show the fringe benefit costs associated with the staff listed in the Personnel section. Fringe costs may be estimates, or based on a fringe benefit rate approved by the applicant's Federal cognizant agency for indirect costs. If using an approved rate, a copy of the indirect cost rate agreement must be provided through grants.gov. For more information on this item see [2 CFR §200.431](#).

Show how the fringe benefit amount is calculated (i.e., actual fringe benefits, rate approved by HHS Statewide Cost Allocation or cognizant agency). Include a description of the specific benefits that are charged to a project and the benefit percentage or total benefit cost.

The cost of fringe benefits are allowable if:

- Costs are provided under established written policies.
- Costs are equitably allocated to all related activities, including Federal awards.
- Accounting basis (cash or accrual) selected for each type of leave is consistently followed by the non-Federal entity or specified grouping of employees.

Depending on the State, there are fixed employer taxes that are paid as a percentage of the salary, such as Social Security, Medicare, State Unemployment Tax, etc.

- For each of these standard employer taxes, under Position you may list "All Positions," the benefits would be the respective standard employer taxes, followed by the respective rate with a base being the total salaries for Personnel in Part 4.2.
- The base multiplied by the respective rate would give the total for each standard employer tax. Workers' Compensation is rated by risk area. It is permissible to enter this as an average, usually between sworn and unsworn—any grouping that is reasonable and clearly explained in the narrative is allowable.
- Health Insurance and Pensions can vary greatly and can be averaged; and like Workers' Compensation, can sometimes be broken into sworn and unsworn.

In the Position column include a brief position description that is associated with the fringe benefits.

*The **Fringe Benefit Rate** is:*

- The rate that has been approved by the State's cognizant agency for indirect costs; or a rate that has been calculated based on the aggregate rates and/or costs of the individual items that your agency classifies as fringe benefits.
- For example, your agency pays 7.65 percent for FICA, 42.05 percent for health/life/dental insurance, and 15.1 percent for retirement. The aggregate rate of 64.8 percent (sum of the three rates) may be applied to the salaries/wages of personnel listed in the table.

*The **Base Amount** is:*

- The salary/wage costs within the proposed budget to which the fringe benefit rate will be applied.
- For example, if the total wages for all grant-funded staff is \$150,000 and the percentage of time on the grant is 50 percent, then that is the amount the fringe rate of 64.8 (from the example above) will be applied. The calculation is: $\$150,000 \times 64.8 \times 50\% / 100 = \$48,600$ Total Project Costs.

Total Project Costs equal the Fringe Benefit Rate x Percentage of Time on MCSAP grant x Base Amount divided by 100.

Fringe Benefits Project Costs							
Position(s)	Fringe Benefit Rate	% of Time on MCSAP Grant	Base Amount	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Finance	51.2500	6.0000	\$46,008.00	\$1,414.74	\$1,202.53	\$212.21	\$0.00
IT	41.9500	5.0000	\$65,388.00	\$1,371.51	\$1,165.79	\$205.72	\$0.00
Administrative Assistant	56.3100	100.0000	\$43,320.00	\$24,393.49	\$20,734.47	\$3,659.02	\$0.00
New Entrant Coordinator	47.8000	100.0000	\$61,920.00	\$29,597.76	\$25,158.10	\$4,439.66	\$0.00
New Entrant Auditors (x2)	48.3600	100.0000	\$113,328.00	\$54,805.42	\$46,584.61	\$8,220.81	\$0.00
MCO Regional Commander	44.8100	94.0000	\$100,476.00	\$42,321.89	\$35,973.61	\$6,348.28	\$0.00
Civilian MCSAP Inspector	49.1700	80.0000	\$56,664.00	\$22,289.35	\$18,945.95	\$3,343.40	\$0.00
MCSAP Sworn Troopers (x13)	49.0000	85.0000	\$924,144.00	\$384,905.97	\$327,170.08	\$57,735.89	\$0.00
Assistant Operations Commader	43.1500	35.0000	\$95,532.00	\$14,427.72	\$12,263.56	\$2,164.16	\$0.00
Traffic and Size and Weight Sworn (x91)	49.0000	1.0000	\$6,108,648.00	\$29,932.37	\$25,442.52	\$4,489.85	\$0.00
MCSAP Sergeants (x3)	47.8000	84.0000	\$252,648.00	\$101,443.22	\$86,226.74	\$15,216.48	\$0.00
TOTAL: Fringe Benefits				\$706,903.44	\$600,867.96	\$106,035.48	\$0.00

Enter a detailed explanation of how the fringe benefit costs were derived and allocated to the MCSAP project.

Fringe benefits includes health and life insurance, retirement, Soc. Sec. Workers Comp. Medicare for the MCSAP assigned personnel.

The specific amounts will be included in the vouchers. Fringe benefits requested for reimbursement are based on actual monthly fringe benefit costs for the following salaries accounts: State Retirement, Trooper's Retirement, Hospital Insurance, Basic Life Insurance, Social Security, Medicare, Unemployment Insurance and Workers Compensation. NDHP sworn officers also receive Per Diem benefits on a monthly basis to cover meals while they're working on ND roadways and to provide for other incidental expenses. The only fringe benefit costs which are requested for reimbursement are the actual benefit expenses which are recorded each month in the ND OMB computer printouts and a copy of this printout is included with each reimbursement request voucher submitted to FMCSA. The Fringe rates for each position are listed in the table above. Fringe rates were obtained from NDHP Finance section based on information from ND OMB.

The stated fringe rates were applied to the prorated base amount from the salaries section.

Part 4 Section 4 - Travel

Itemize the positions/functions of the people who will travel. Show the estimated cost of items including but not limited to, lodging, meals, transportation, registration, etc. Explain in detail how the MCSAP program will directly benefit from the travel.

Travel costs are funds for field work or for travel to professional meetings.

List the purpose, number of persons traveling, number of days, percentage of time on MCSAP Grant, and total project costs for each trip. If details of each trip are not known at the time of application submission, provide the basis for estimating the amount requested. For more information on this item see [2 CFR §200.474](#).

Total Project Costs should be determined by State users, and manually input in the table below. There is no system calculation for this budget category.

Travel Project Costs							
Purpose	# of Staff	# of Days	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
In State Travel	83	6	100.0000	\$72,210.00	\$61,378.50	\$10,831.50	\$0.00
Out of State Travel	21	32	100.0000	\$50,370.00	\$42,814.50	\$7,555.50	\$0.00
TOTAL: Travel				\$122,580.00	\$104,193.00	\$18,387.00	\$0.00

Enter a detailed explanation of how the travel costs were derived and allocated to the MCSAP project.

In state Travel

Will be to allow **routine travel** for MCSAP personnel to travel to remote areas of ND to conduct inspections, complete safety investigations, complete New Entrant safety audits, attend in state training, in-service, meetings, educational and outreach presentations and special enforcement/inspection blitzes.

Commanders, Troopers, auditors and inspectors spend time out of their home assigned post to conduct MCSAP activities such as blitzes in other areas of the state, attend meetings, training and in-service. The NDHP will budget for each commander, sergeant, trooper, New entrant auditor and civilian inspector to spend on average 1 day per month on overnight stay. State Rate for lodging is \$83.70 per night plus tax. However, in the western part of ND hotels typically do not honor the state rate due to the high demand for rooms as a result of the oil boom. We typically see nightly room rates at \$120 to \$150 dollars per night. We follow the state limits on allowed room rates for these locations. State per diem for meals is \$35 per day. the NDHP will budget \$110 per night for lodging. Total of \$145/night. As of 7/15/2019, we estimate that 83 employees will travel for MCSAP activities approximately 6 days per FY.

**Planned Training and Travel
for MCSAP FFY 2019**

TRAINING	LOCATION	# of PERSONNEL	# of NIGHTS	REGISTRATION FEE	HOTEL	MEALS	AIR FARE *	RENTAL VEHICLE	TOTAL
Gen Haz Mat	Bismarck ND	5	5	\$0.00	\$2,047.50	\$875.00	\$0.00	\$0.00	\$2,922.50
Cargo Tank Insp	Bismarck ND	5	5	\$0.00	\$2,047.50	\$875.00	\$0.00	\$0.00	\$2,922.50
Other Bulk Packaging	Bismarck ND	3	5	\$0.00	\$1,228.50	\$525.00	\$0.00	\$0.00	\$1,753.50

Pass Veh Insp	Austin TX	1	5	\$0.00	\$750.00	\$295.00	\$600.00	\$0.00	\$1,945.00
NAS Part A	Bismarck ND	30	5	\$0.00	\$12,285.00	\$5,250.00	\$0.00	\$0.00	\$17,535.00
NAS Part B	Bismarck ND	20	5	\$0.00	\$8,190.00	\$3,500.00	\$0.00	\$0.00	\$11,690.00
FMCSA MCSAP Grant Workshop	Denver CO	3	3	\$0.00	\$1,260.00	\$621.00	\$2,115.00	\$0.00	\$3,996.00
CVSA Spring Workshop	St. Louis, MO	4	5	\$2,200.00	\$2,400.00	\$1,296.00	\$2,224.00	\$0.00	\$8,120.00
CVSA Fall Conference and Exhibition	Biloxi, MS	4	5	\$2,200.00	\$2,600.00	\$1,224.00	\$2,896.00	\$0.00	\$8,920.00
NAIC	Pittsburgh, PA	2	6	\$0.00	\$1,680.00	\$756.00	\$1,182.00	\$0.00	\$3,618.00
CVSA, FMCSA Data Management Work	San Antonio, TX	3	3	\$1,650.00	\$1,080.00	\$768.00	\$1,773.00	\$0.00	\$5,271.00
COHMED	San Antonio, TX	4	5	\$2,200.00	\$2,400.00	\$1,536.00	\$2,364.00	\$0.00	\$8,500.00

Totals: \$8,250.00 \$37,968.50 \$17,521.00 \$13,154.00 \$0.00 \$77,193.50

Out of State Travel:

Travel out of state follows the federal guidelines for reimbursement for meals. Employees submit a monthly travel expense voucher with the detailed expenses and and explanation. the expenses are reviewed by the Commander prior to approval for payment.

The NDHP will budget an additional \$10,000 for unplanned out of state training and travel that may arise throughout the year through CVSA, FMCSA or other entities. There are unplanned training opportunities relevant to MCSAP that become available throughout the year for our personnel to attend. We must budget for these opportunities. $\$10,000 + \$40,370$ (per table above) = **\$50,370**

In regard to the COHMED conference:

The troopers that have attended this conference find that the Hazardous Material training offered at this venue is some of the most valuable they receive. This is the only venue where there is continuing education provided on a frequent basis in regard to Hazmat. short of attending the NTC Hazmat course again. With the volume of oil activity in ND and the associated hazmat that accompanies this activity it is valuable for our troopers to attend this conference. The networking and knowledge obtained by our Hazmat troopers at this conference is invaluable to them as they perform hazmat inspections. Hazmat involved crashes have risen consistently in ND over the past 5 years, from 10 in 2010 to 153 in 2014. COHMED is comprised of federal, state and local agencies, and industry from the United States and Canada. COHMED works cooperatively with other federal and state agencies, enforcement personnel, emergency planning managers, responders, academic institutions, interest groups and private industry. COHMED is committed to: Improving hazardous materials transportation safety, Fostering national uniformity in regulation and enforcement, Sharing information on hazardous materials transportation issues and delivery of services, Providing technical assistance, training and education to states and local governments to enhance existing programs and develop new ones to improve hazardous materials safety.

In regard to NAIC:

The North American Inspectors Challenge NAIC Each year, CVSA recognizes the best of the best by inviting member

jurisdictions throughout North America to participate in the North American Inspectors Championship (NAIC), the only event dedicated to recognizing and awarding commercial vehicle inspector excellence.

In addition to the competitive events, each inspector receives training on the latest safety information, technology, standards and inspection procedures while sharing ideas, techniques and experiences with other inspectors. Although participating inspectors compete for honors in several categories, each inspector leaves NAIC as a winner.

NAIC contestants are evaluated in the following six categories:

North American Standard Level I Inspection

North American Standard Level I Inspection Procedures

North American Standard Hazmat/Dangerous Goods Inspection

North American Standard Cargo Tank/Other Bulk Packagings Inspection

North American Standard Level V Passenger Carrier Vehicle (Motor coach) Inspection

North American Standard Out-of-Service Criteria Exam

All of the inspection categories are timed events and the compilation of scores for these categories result in a Grand Champion. In addition to a Grand Champion, awards are given for first, second and third place for selected inspection events. Also, an award is given to each inspector who scores the most points representing each of the three participating countries: Canada, the United States and Mexico. And a special award, the John Youngblood Award of Excellence, is an honor NAIC contestants bestow upon a fellow NAIC inspector who exemplifies the high standards and unwavering dedication to the profession.

The CVSA Data Workshop offers training for users of federal data bases such as SafetyNet, NEWS, MCMIS. It is usually held at the same location as NAIC.

The **Training and Conference** travel expenses are listed in the chart.

Out of State Training and Travel=\$40,370 + \$10,000 = \$50,370

In-State Training and Travel= \$72,210

TOTAL= \$122,580

Part 4 Section 5 - Equipment

Equipment is tangible or intangible personal property. It includes information technology systems having a useful life of more than one year, and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the non-Federal entity (i.e., the State) for financial statement purposes, or \$5,000.

- If your State's equipment capitalization threshold is below \$5,000, check the box below and provide the threshold amount. See [§200.12](#) Capital assets, [§200.20](#) Computing devices, [§200.48](#) General purpose equipment, [§200.58](#) Information technology systems, [§200.89](#) Special purpose equipment, and [§200.94](#) Supplies.

Show the total cost of equipment and the percentage of time dedicated for MCSAP related activities that the equipment will be billed to MCSAP. For example, you intend to purchase a server for \$5,000 to be shared equally among five programs, including MCSAP. The MCSAP portion of the total cost is \$1,000. If the equipment you are purchasing will be capitalized (depreciated), you may only show the depreciable amount, and not the total cost ([2 CFR §200.436](#) and [2 CFR §200.439](#)). If vehicles or large IT purchases are listed here, the applicant must disclose their agency's capitalization policy.

Provide a description of the equipment requested. Include the quantity, the full cost of each item, and the percentage of time this item will be dedicated to MCSAP grant.

Total Project Costs equal the Number of Items x Full Cost per Item x Percentage of Time on MCSAP grant.

Equipment Project Costs							
Item Name	# of Items	Full Cost per Item	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Portable inspection ramps	6	\$6,500.00	100	\$39,000.00	\$33,150.00	\$5,850.00	\$0.00
TOTAL: Equipment				\$39,000.00	\$33,150.00	\$5,850.00	\$0.00
Equipment threshold is greater than \$5,000.							

Enter a detailed explanation of how the equipment costs were derived and allocated to the MCSAP project.

The NDHP will plan to purchase through approved state procurement processes, 6 portable inspection ramp units, similar to what we purchased in FY 2018. These systems will allow trucks to be driven up onto the ramps to create additional room for inspectors to reach axles, brake and under carriage components. Many of the newer truck designs have aerodynamic features that prohibit officers from inspecting some components during a Level 1 inspection. These ramp units would allow officers access to these types of trucks. The NDHP does not have a pit or inspection barn that allows officers to adequately access the underside of certain CMVs. These units would enhance the inspection capabilities of our officers. 6 units will be placed at the 6 fixed inspection stations. The NDHP conducted a formal RFP last year. The cost for one set of inspection ramps was \$6,361. The NDHP will budget \$6,500 for each set of ramps. 6x \$6,500 = **\$39,000.** (updated 7/15/19)

****The NDHP will plan to purchase through formal state procurement processes, 2 small trailers to transport 1 set of inspections ramps in each trailer to inspection locations. In FY 2018 the NDHP purchased two 6' x10' trailers costing \$4,361 each. The NDHP will budget \$4,500 for each trailer. We would need to allow for additional costs for any accessories to properly secure the ramps inside of the trailer. The NDHP will budget \$2000 for securement equipment of the ramp units and any other unforeseen cost associated with safely transporting and securing the ramps. 2 x \$6,500 = \$13,000**

*****Money was moved from this area of the budget to the supplies area to purchase additional storage units rather than trailers. The plan to purchase the small trailers was cancelled. (portion in red italics has been completed cancelled as of 7/15/2019)**

Part 4 Section 6 - Supplies

Supplies means all tangible property other than that described in [§200.33](#) Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life. See also [§200.20](#) Computing devices and [§200.33](#) Equipment.

Estimates for supply costs may be based on the same allocation as personnel. For example, if 35 percent of officers' salaries are allocated to this project, you may allocate 35 percent of your total supply costs to this project. A different allocation basis is acceptable, so long as it is reasonable, repeatable and logical, and a description is provided in the narrative.

Provide a description of each unit/item requested, including the quantity of each unit/item, the unit of measurement for the unit/item, the cost of each unit/item, and the percentage of time on MCSAP grant.

Total Project Costs equal the Number of Units x Cost per Unit x Percentage of Time on MCSAP grant.

Supplies Project Costs							
Item Name	# of Units/ Unit of Measurement	Cost per Unit	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
General supply and equipment	21 per year	\$3,747.92	100.0000	\$78,706.32	\$66,900.37	\$11,805.95	\$0.00
Portable shed	6 each	\$2,025.84	100.0000	\$12,155.04	\$10,331.78	\$1,823.26	\$0.00
TOTAL: Supplies				\$90,861.36	\$77,232.15	\$13,629.21	\$0.00

Enter a detailed explanation of how the supply costs were derived and allocated to the MCSAP project.

Supplies include all general office, inspection and general supply items to support the MCSAP program. These are the general supplies for the 21 assigned office and field MCSAP, BE and New Entrant personnel. Paper products for CSA investigators, New Entrant auditors, commanders, sergeants, troopers, inspectors and office personnel etc. and ink products for printers and copiers. The NDHP supplies all uniforms, and BDU's for officers, auditors and inspectors to conduct inspections, investigations and New Entrant Safety Audits, in addition to all foot wear and headgear, and winter gear for conducting inspections during the cold weather in ND.

The NDHP has 2 motor coach inspection units that have our bus ramps and a performance based brake testing unit that require periodic maintenance. In addition to the listed equipment the NDHP provides all inspection equipment and supplies necessary to conduct inspections. This includes eye protection, gloves, bump hats, road side inspection signage, rulers, soap stones, caps, hand cleaner and wipes, flashlights, batteries, break chamber devices, headlamps. Inspection, audit and investigation related equipment and supplies will be invoiced at 100%.

The NDHP will purchase 6 portable storage sheds to be placed at each of the 6 fixed inspection locations. The sheds will be used to store and secure the portable inspection ramps and carts when they are not being utilized for inspections. The cost for each shed is approximately \$2,000 dollars (Menards). The NDHP will budget approximately \$12,000 to purchase 6 sheds. We will follow the state's procurement processes to purchase the sheds. (updated 7/15/19)

Any shared uniform, small equipment items and supply items that may be used outside of the MCSAP program will be prorated based on the approved method for the time dedicated to the MCSAP program per the labor distribution reports for the time period of May 2017 through April 2018. Small equipment items may include but not limited to AED's, Bar code scanners, Tasers, computers, printers, monitors etc. and other equipment necessary to carry out the duties of their positions.

Also included in supplies is the cost of publications for the officers to do inspections such as Manuals, regulation books, periodical publications that are cmv and inspection related, educational handout material.

****Money was moved from the "equipment" portion of the budget to this area

Part 4 Section 7 - Contractual and Subaward

This section includes contractual costs and subawards to subrecipients. Use the table below to capture the information needed for both contractual agreements and subawards. The definitions of these terms are provided so the instrument type can be entered into the table below.

Contractual – A contract is a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award ([2 CFR §200.22](#)). All contracts issued under a Federal award must comply with the standards described in [2 CFR §200 Procurement Standards](#).

Note: Contracts are separate and distinct from subawards; see [2 CFR §200.330](#) for details.

Subaward – A subaward is an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract ([2 CFR §200.92](#) and [2 CFR §200.330](#)).

Subrecipient - Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program, but does not include an individual who is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency ([2 CFR §200.93](#)).

Enter the legal name of the vendor or subrecipient if known. If unknown at this time, please indicate 'unknown' in the legal name field. Include a description of services for each contract or subaward listed in the table. Entering a statement such as "contractual services" with no description will not be considered meeting the requirement for completing this section.

Enter the DUNS or EIN number of each entity. There is a drop-down option to choose either DUNS or EIN, and then the State must enter the corresponding identification number.

Select the Instrument Type by choosing either Contract or Subaward for each entity.

Total Project Costs should be determined by State users and input in the table below. The tool does not automatically calculate the total project costs for this budget category.

Operations and Maintenance-If the State plans to include O&M costs that meet the definition of a contractual or subaward cost, details must be provided in the table and narrative below.

Please describe the activities these costs will be using to support (i.e., ITD, PRISM, SSDQ or other services.)

Contractual and Subaward Project Costs							
Legal Name	DUNS/EIN Number	Instrument Type	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
ND Department of Transportation	EIN 450309764	Contract	100.0000	\$1,821.79	\$1,548.52	\$273.27	\$0.00
Description of Services: Dickinson MCSAP office space lease							
Kosciolek Rental	EIN 200983321	Contract	100.0000	\$3,353.45	\$2,850.43	\$503.02	\$0.00
Description of Services: Fargo MCSAP office space lease							
Stutsman County	EIN 456002244	Contract	100.0000	\$2,050.56	\$1,742.98	\$307.58	\$0.00
Description of Services: Jamestown MCSAP office space lease							
Farm Bureau	EIN 450227026	Contract	100.0000	\$777.92	\$661.23	\$116.69	\$0.00
Description of Services: Minot MCSAP office space lease							
New Vision Properties	EIN 462541487	Contract	100.0000	\$9,134.64	\$7,764.44	\$1,370.20	\$0.00
Description of Services: Bismarck MCSAP office space lease							
Upper Great Plains Transportation Institute (NDSU)	EIN 456002439	Contract	100.0000	\$10,680.00	\$9,078.00	\$1,602.00	\$0.00
Description of Services: MCSAP CVSP development							
TOTAL: Contractual and Subaward				\$27,818.36	\$23,645.60	\$4,172.76	\$0.00

Enter a detailed explanation of how the contractual and subaward costs were derived and allocated to the MCSAP project.

The NDHP will budget for office space utilized to support the MCSAP program. MCSAP employees utilize office space at our regional office locations in Bismarck, Dickinson, Fargo, Jamestown and Minot. This is for assigned office space to conduct MCSAP eligible activities, New Entrant Audits, and safety investigations.

The below table details the employees, square footage for each office and cost per square foot and the prorated amounts based on each employees labor distribution towards the MCSAP program from October 2017 through May 2018. The entered amounts above in the table include the prorated totals for each office location for each employee. There are 11 office spaces as listed below that are used for MCSAP eligible activities.

OFFICE RENT				
Location	Per Annum	Per Month	Square Footage	Cost/Sq. Foot
Bismarck	\$203,592	\$16,966	13,600	\$14.97
Dickinson	\$14,818.05	Paid by year	1,937	\$7.65
Fargo	\$67,574.00	\$5,631.17	5,198	\$13.00
Jamestown	\$16,516.80	\$1,376.40	1,376.4	\$12.00
Minot	\$21,600	\$1,800.00	3,600	\$6.00

ESTIMATED COST - MCSAP FY2019

Employee	Location	Square Ft.	Cost/Sq. Ft.	Sub-Total	Federal Time	Pro-rated Annual	85/15 split
Jody Skogen	Bismarck	169	14.97	\$ 2,529.93	93.88%	\$ 2,375.10	\$ 2,018.83
Dan Krueger	Bismarck	115	14.97	\$ 1,721.55	91.04%	\$ 1,567.30	\$ 1,332.20
Wade Kadrmas	Bismarck	117	14.97	\$ 1,751.49	76.37%	\$ 1,337.61	\$ 1,136.97
Eldon Mehrer	Bismarck	75	14.97	\$ 1,122.75	71.32%	\$ 800.75	\$ 680.63
Dana Schweitzer	Bismarck	204	14.97	\$ 3,053.88	100.00%	\$ 3,053.88	\$ 2,595.80
Eldon Mehrer	Dickinson	132	7.65	\$ 1,009.80	71.32%	\$ 720.19	\$ 612.16
Deb Grasl	Dickinson	144	7.65	\$ 1,101.60	100.00%	\$ 1,101.60	\$ 936.36
Jerry Olson	Fargo	130	13	\$ 1,690.00	100.00%	\$ 1,690.00	\$ 1,436.50
Dave Wolf	Fargo	141	13	\$ 1,833.00	90.75%	\$ 1,663.45	\$ 1,413.93
John Sova	Jamestown	182	12	\$ 2,184.00	93.89%	\$ 2,050.56	\$ 1,742.97
Josh Anderson	Minot	135	6	\$ 810.00	96.04%	\$ 777.92	\$ 661.24

TOTAL	\$ 14,567.60
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The NDHP plans to once again utilize the services of Upper Great Plains Transportation Institute to assist in gathering data, analyzing trend data as it applies to CMV safety to provide solid background information to support performance objectives and identify issues and to assist in preparing and yearly review of the CVSP document. The NDHP does not have the necessary staff to provide adequate data gathering and analysis required to be submitted with the MCSAP CVSP. This partnership with UGPTI will allow the NDHP to provide better information and a product to FMCSA. This work agreement is one that has proven successful and approved by FMCSA in other jurisdictions. It has been successful for the NDHP in past years. UGPTI will assist in drafting and reviewing the CVSP document in FY 2019--21.

Upper Great Plains Transportation Institute is a state agency with in North Dakota State University and as such, under ND state procurement rules this is an exemption to competitive procurement. The NDHP is following the state rules on procurement in regard to this contract. State procurement language under North Dakota Century Code 54-44.4-05 states:

"The office of management and budget shall adopt rules specifying the circumstances under which competition may be waived or limited, when negotiation may be used, and specifying the required justifications and procedures for using those methods of purchasing. The office of management and budget shall adopt rules related to sending notice of intent to make limited competitive, noncompetitive, and negotiated purchases in accordance with this chapter. The notice must describe the needed commodity or service and the intended procurement method and must state that vendors are permitted to submit bids or proposals for contracts to

be awarded under this section. The circumstances that may permit limited competitive, noncompetitive, or negotiated purchases include: a. The commodity or service is available from only one source. b. The commodity or service is to be purchased for experimentation or trial. c. No acceptable bid or proposal was received pursuant to a competitive bidding or competitive proposal process. d. Commodities are being purchased for over-the-counter resale. e. Acceptable commodities or services are produced or provided by correctional institutions or other government agencies or a work activity center as defined in section 25-16.2-01. f. The anticipated cost of purchasing specified commodities or services is less than an amount determined by the office of management and budget which would justify the expense of a competitive bidding or competitive proposal process. g. A used commodity is advantageous to the state and the commodity is available only on short notice. h. The commodity is a component or replacement part for which there is no commercially available substitute and which can be obtained only from the manufacturer. i. Compatibility with equipment currently owned by the state is essential to the proper functioning of that equipment. j. The agency provides documentation indicating that the services or the circumstances are of such a nature that deviation from the procurement procedure is appropriate."

The attached proposal and contract has all of the background information.

The NDHP follows state procurement procedures that *comply with the standards described in 2 CFR §200 Procurement Standards.*

2 CFR 200.318e states: To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

Upper Great Plains Transportation Institute is an inter-entity state governmental agency and is within the University of North Dakota, a state government agency.

Part 4 Section 8 - Other Costs

Other Costs are those not classified elsewhere and are allocable to the Federal award. These costs must be specifically itemized and described. The total costs and allocation bases must be explained in the narrative. Examples of Other Costs may include utilities and/or leased equipment, employee training tuition, meeting registration costs, etc. The quantity, unit of measurement (e.g., monthly, annually, each, etc.), unit cost, and percentage of time on MCSAP grant must be included.

Operations and Maintenance—If the State plans to include O&M costs that do not meet the definition of a contractual or subaward cost, details must be provided in the table and narrative below. Please identify these costs as ITD O&M, PRISM O&M, or SSDQ O&M. Sufficient detail must be provided in the narrative that explains what components of the specific program are being addressed by the O&M costs.

Enter a description of each requested Other Cost.

Enter the number of items/units, the unit of measurement, the cost per unit/item, and the percentage of time dedicated to the MCSAP grant for each Other Cost listed. Show the cost of the Other Costs and the portion of the total cost that will be billed to MCSAP. For example, you intend to purchase air cards for \$2,000 to be shared equally among five programs, including MCSAP. The MCSAP portion of the total cost is \$400.

Total Project Costs equal the Number of Units x Cost per Item x Percentage of Time on MCSAP grant.

Indirect Costs

Information on Indirect Costs ([2 CFR §200.56](#)) is captured in this section. This cost is allowable only when an approved indirect cost rate agreement has been provided. Applicants may charge up to the total amount of the approved indirect cost rate multiplied by the eligible cost base. Applicants with a cost basis of salaries/wages and fringe benefits may only apply the indirect rate to those expenses. Applicants with an expense base of modified total direct costs (MTDC) may only apply the rate to those costs that are included in the MTDC base ([2 CFR §200.68](#)).

- **Cost Basis** — is the accumulated direct costs (normally either total direct salaries and wages or total direct costs exclusive of any extraordinary or distorting expenditures) used to distribute indirect costs to individual Federal awards. The direct cost base selected should result in each Federal award bearing a fair share of the indirect costs in reasonable relation to the benefits received from the costs.
- **Approved Rate** — is the rate in the approved Indirect Cost Rate Agreement.
- **Eligible Indirect Expenses** — means after direct costs have been determined and assigned directly to Federal awards and other activities as appropriate. Indirect costs are those remaining to be allocated to benefitted cost objectives. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost.
- **Total Indirect Costs** equal Approved Rate x Eligible Indirect Expenses divided by 100.

Your State will not claim reimbursement for Indirect Costs.

Other Costs Project Costs							
Item Name	# of Units/ Unit of Measurement	Cost per Unit	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
CVSA Decals	8700 1	\$0.28	100.0000	\$2,436.00	\$2,070.60	\$365.40	\$0.00
Paid Media for public education and outreach	12 per year	\$1,943.34	100.0000	\$23,320.08	\$20,162.63	\$3,157.45	\$0.00
Communications	1 per year	\$31,945.92	88.0000	\$28,112.40	\$23,895.55	\$4,216.85	\$0.00
ITD Operation and Maintenance	12 per year	\$2,000.00	88.0000	\$21,120.00	\$17,952.00	\$3,168.00	\$0.00
Fleet mileage	1 per year	\$348,398.42	100.0000	\$348,398.42	\$296,138.66	\$52,259.76	\$0.00
TOTAL: Other Costs				\$423,386.90	\$360,219.44	\$63,167.46	\$0.00

Enter a detailed explanation of how the 'other' costs were derived and allocated to the MCSAP project.

CVSA decals are purchased from the Commercial Vehicle Safety Alliance at a fixed rate placed by them. The amount is from a published email from CVSA that indicated the cost of .28 cents per decal. Decals are issued by troopers and inspectors to power units and trailers after completing violation free Level 1 inspections.

Communications are for cell phones for our MCSAP personnel. 21 personnel are issued a cell phone and a laptop for use on a daily basis. Cell phones are used to communicate with carriers, owners and industry as well as NDHP supervisors and coworkers to conduct day to day business associated with inspections, New Entrant Audits and safety investigations. All NDHP personnel are issued cell phones for work purposes. Each cell phone costs \$52.97/mo. The fees vary slightly each month due to data usage.

$$21 \times \$52.97 \times 12 = \$13,348.44$$

21 laptops utilize air cards to complete roadside inspections, New Entrant safety audits, safety investigations NCIC queries, case reports, issue citations and warnings, OOS inquiries and CSA investigations on issued laptop computers. Each air card costs \$49.99/mo.

$$21 \times \$49.99 \times 12 = \$12,597.48$$

$$\$13,348.44 + \$12,597.48 = \$25,945.92$$

For budgeting purposes, communication costs will be prorated based on the aggregate total of the labor distribution used for salaries. The overall proration amount is 88% rounded to the nearest percentage.

- 12 MCSAP troopers= 80%
- 1 MCSAP Civilian =84%
- 1 Deputy Chief of Field Operations= 71%
- 1 MC Regional Commander=94%
- 2 MCSAP Sergeants=84%
- 1 New Entrant Coord.=100%
- 2 New Entrant Auditors = 100%

Average Proration= 88%

The NDHP has a fixed **fleet cost** for our vehicles. The NDHP pays a mileage rate to ND Fleet Services, which includes services and any repairs required for our vehicles. The estimated, average mileage rate for FFY 2018 based on budget guidelines from NDDOT Fleet Services is .71 cents per mile for the NDHP sworn and civilian fleet vehicles. It is based on the mileage rate as set by ND Fleet Services who provide guidance to state agencies on mileage rates for budgeting purposes. This rate does not include vehicle replacement costs.

Data from FY 2017 mileage use shows that NDHP personnel drove 373,325 total miles related to MCSAP eligible activities. the NDHP will budget for 490,702 miles to conduct MCSAP eligible activities on regular time and overtime for sworn and civilian personnel

in FY 2019. This is approximately the same number of miles budgeted for in FY 2018. The increased overtime for MCSAP activities dictates the additional mileage for the year. Each trooper, inspector or auditor has either a marked patrol vehicle or assigned state fleet vehicle that is operated to conduct inspections and safety audits or to travel to fixed or roadside locations to do inspections. The vehicles have all the inspection equipment located in the vehicle. Civilian inspectors and New Entrant Auditors are issued a state fleet car for use when doing inspections and safety audits away from the fixed sites or their home locations. Personnel are able to separate out mileage on the daily activity report for miles traveled related to MCSAP eligible activities vs. non-eligible activities.

Public Outreach and Education, the NDHP will plan paid media for public outreach and education through advertising of CMV safety messages. The NDHP will budget \$ 1943.34 per month for this advertising at local truck stops and restaurants around the state. Messaging would include NO-Zone awareness, human trafficking and seatbelt use in CMVs as examples. (updated 7/15/2019)

ITD operation and maintenance costs for MCSAP related software and hardware items in the previous 12 month period have averaged approximately \$2000 per month (NDHP finance). This is for routine maintenance and operation of federal and state software systems for completing enforcement, inspections, investigations and audits and other duty related tasks. This line item also includes all software maintenance and computer maintenance needs. Each commander, sergeant, trooper, auditor and inspector (20) is issued a Panasonic Toughbook laptop and associated software in order to complete inspection and investigations. The office administrative assistant, and two commanders have an office computer. There are maintenance costs for the hardware and software. Aspen, ISS, Guard, Capri, UFA, ProVu, Case Rite and EFOTM are the software used by inspectors and troopers that do inspections and/or safety investigations. Computer hardware and software operation and maintenance costs that are shared will be prorated based on the time dedicated to MCSAP. This is determined by the labor distribution report. The NDHP will utilize the time period of May 2017 to April 2018 as the reference period for labor distribution for officer to determine the proration amount.

\$2,000.00 x 12 months x 88% = \$21,120.00

Part 4 Section 9 - Comprehensive Spending Plan

The Comprehensive Spending Plan is auto-populated from all line items in the tables and is in read-only format. Changes to the Comprehensive Spending Plan will only be reflected by updating the individual budget category table(s).

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	85% Federal Share	15% State Share	Total Estimated Funding
Total	\$2,892,588.00	\$510,056.00	\$3,402,644.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (15% of Basic Award Amount):	\$510,056.00
MOE Baseline:	\$0.00

Estimated Expenditures				
Personnel				
	Federal Share	State Share	Total Project Costs (Federal + Share)	MOE
Finance	\$2,346.41	\$414.07	\$2,760.48	\$0.00
IT	\$2,778.99	\$490.41	\$3,269.40	\$0.00
Administrative Assistant	\$36,822.00	\$6,498.00	\$43,320.00	\$0.00
New Entrant Coordinator	\$52,632.00	\$9,288.00	\$61,920.00	\$0.00
New Entrant Auditor	\$96,328.80	\$16,999.20	\$113,328.00	\$0.00
MCO Regional Commander	\$80,280.32	\$14,167.12	\$94,447.44	\$0.00
MCSAP Sworn Troopers	\$667,694.04	\$117,828.36	\$785,522.40	\$0.00
Assistant Operations Commander	\$28,420.77	\$5,015.43	\$33,436.20	\$0.00
Traffic and Size and Weight Troopers	\$51,923.51	\$9,162.97	\$61,086.48	\$0.00
MCSAP Sergeants	\$180,390.67	\$31,833.65	\$212,224.32	\$0.00
After hours on call pay	\$21,583.20	\$3,808.80	\$25,392.00	\$0.00
Civilain MCSAP Inspector	\$38,531.52	\$6,799.68	\$45,331.20	\$0.00
Salary Subtotal	\$1,259,732.23	\$222,305.69	\$1,482,037.92	\$0.00
NDHP overtime hours (All)	\$433,547.60	\$76,508.40	\$510,056.00	\$0.00
Overtime subtotal	\$433,547.60	\$76,508.40	\$510,056.00	\$0.00
Personnel total	\$1,693,279.83	\$298,814.09	\$1,992,093.92	\$0.00

Fringe Benefits				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Finance	\$1,202.53	\$212.21	\$1,414.74	\$0.00
IT	\$1,165.79	\$205.72	\$1,371.51	\$0.00
Administrative Assistant	\$20,734.47	\$3,659.02	\$24,393.49	\$0.00
New Entrant Coordinator	\$25,158.10	\$4,439.66	\$29,597.76	\$0.00
New Entrant Auditors (x2)	\$46,584.61	\$8,220.81	\$54,805.42	\$0.00
MCO Regional Commander	\$35,973.61	\$6,348.28	\$42,321.89	\$0.00
Civilian MCSAP Inspector	\$18,945.95	\$3,343.40	\$22,289.35	\$0.00
MCSAP Sworn Troopers (x13)	\$327,170.08	\$57,735.89	\$384,905.97	\$0.00
Assistant Operations Commader	\$12,263.56	\$2,164.16	\$14,427.72	\$0.00
Traffic and Size and Weight Sworn (x91)	\$25,442.52	\$4,489.85	\$29,932.37	\$0.00
MCSAP Sergeants (x3)	\$86,226.74	\$15,216.48	\$101,443.22	\$0.00
Fringe Benefits total	\$600,867.96	\$106,035.48	\$706,903.44	\$0.00

Travel				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
In State Travel	\$61,378.50	\$10,831.50	\$72,210.00	\$0.00
Out of State Travel	\$42,814.50	\$7,555.50	\$50,370.00	\$0.00
Travel total	\$104,193.00	\$18,387.00	\$122,580.00	\$0.00

Equipment				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Portable inspection ramps	\$33,150.00	\$5,850.00	\$39,000.00	\$0.00
Equipment total	\$33,150.00	\$5,850.00	\$39,000.00	\$0.00

Supplies				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
General supply and equipment	\$66,900.37	\$11,805.95	\$78,706.32	\$0.00
Portable shed	\$10,331.78	\$1,823.26	\$12,155.04	\$0.00
Supplies total	\$77,232.15	\$13,629.21	\$90,861.36	\$0.00

Contractual and Subaward				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
ND Department of Transportation	\$1,548.52	\$273.27	\$1,821.79	\$0.00
Kosciolek Rental	\$2,850.43	\$503.02	\$3,353.45	\$0.00
Stutsman County	\$1,742.98	\$307.58	\$2,050.56	\$0.00
Farm Bureau	\$661.23	\$116.69	\$777.92	\$0.00
New Vision Properties	\$7,764.44	\$1,370.20	\$9,134.64	\$0.00
Upper Great Plains Transportation Institute (NDSU)	\$9,078.00	\$1,602.00	\$10,680.00	\$0.00
Contractual and Subaward total	\$23,645.60	\$4,172.76	\$27,818.36	\$0.00

Other Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
CVSA Decals	\$2,070.60	\$365.40	\$2,436.00	\$0.00
Paid Media for public education and outreach	\$20,162.63	\$3,157.45	\$23,320.08	\$0.00
Communications	\$23,895.55	\$4,216.85	\$28,112.40	\$0.00
ITD Operation and Maintenance	\$17,952.00	\$3,168.00	\$21,120.00	\$0.00
Fleet mileage	\$296,138.66	\$52,259.76	\$348,398.42	\$0.00
Other Costs total	\$360,219.44	\$63,167.46	\$423,386.90	\$0.00

Total Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Subtotal for Direct Costs	\$2,892,587.98	\$510,056.00	\$3,402,643.98	\$0.00
Total Costs Budgeted	\$2,892,587.98	\$510,056.00	\$3,402,643.98	\$0.00

Part 4 Section 10 - Financial Summary

The Financial Summary is auto-populated by the system by budget category. It is a read-only document and can be used to complete the SF-424A in Grants.gov. Changes to the Financial Summary will only be reflected by updating the individual budget category table(s).

- The system will confirm that percentages for Federal and State shares are correct for Total Project Costs. The edit check is performed on the **"Total Costs Budgeted"** line only.
- The system will confirm that Planned MOE Costs equal or exceed FMCSA funding limitation. The edit check is performed on the **"Total Costs Budgeted"** line only.
- The system will confirm that the Overtime value does not exceed the FMCSA funding limitation. The edit check is performed on the **"Overtime subtotal"** line.

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	85% Federal Share	15% State Share	Total Estimated Funding
Total	\$2,892,588.00	\$510,056.00	\$3,402,644.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (15% of Basic Award Amount):	\$510,056.00
MOE Baseline:	\$0.00

Estimated Expenditures				
	Federal Share	State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Salary Subtotal	\$1,259,732.23	\$222,305.69	\$1,482,037.92	\$0.00
Overtime Subtotal	\$433,547.60	\$76,508.40	\$510,056.00	\$0.00
Personnel Total	\$1,693,279.83	\$298,814.09	\$1,992,093.92	\$0.00
Fringe Benefits Total	\$600,867.96	\$106,035.48	\$706,903.44	\$0.00
Travel Total	\$104,193.00	\$18,387.00	\$122,580.00	\$0.00
Equipment Total	\$33,150.00	\$5,850.00	\$39,000.00	\$0.00
Supplies Total	\$77,232.15	\$13,629.21	\$90,861.36	\$0.00
Contractual and Subaward Total	\$23,645.60	\$4,172.76	\$27,818.36	\$0.00
Other Costs Total	\$360,219.44	\$63,167.46	\$423,386.90	\$0.00
	85% Federal Share	15% State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Subtotal for Direct Costs	\$2,892,587.98	\$510,056.00	\$3,402,643.98	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00	NA
Total Costs Budgeted	\$2,892,587.98	\$510,056.00	\$3,402,643.98	\$0.00

Part 5 - Certifications and Documents

Part 5 includes electronic versions of specific requirements, certifications and documents that a State must agree to as a condition of participation in MCSAP. The submission of the CVSP serves as official notice and certification of compliance with these requirements. State or States means all of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands.

If the person submitting the CVSP does not have authority to certify these documents electronically, then the State must continue to upload the signed/certified form(s) through the "My Documents" area on the State's Dashboard page.

Part 5 Section 1 - State Certification

The State Certification will not be considered complete until the four questions and certification declaration are answered. Selecting 'no' in the declaration may impact your State's eligibility for MCSAP funding.

1. What is the name of the person certifying the declaration for your State? Colonel Brandon Solberg
2. What is this person's title? Superintendent
3. Who is your Governor's highway safety representative? Karen Mongeon
4. What is this person's title? NDDOT Safety Division Director

The State affirmatively accepts the State certification declaration written below by selecting 'yes'.

- ☒ Yes
- ☐ Yes, uploaded certification document
- ☐ No

State Certification declaration:

I, Colonel Brandon Solberg, Superintendent, on behalf of the State of NORTH DAKOTA, as requested by the Administrator as a condition of approval of a grant under the authority of [49 U.S.C. § 31102](#), as amended, certify that the State satisfies all the conditions required for MCSAP funding, as specifically detailed in [49 C.F.R. § 350.211](#).

If there are any exceptions that should be noted to the above certification, include an explanation in the text box below.

Part 5 Section 2 - Annual Review of Laws, Regulations, Policies and Compatibility Certification

You must answer all three questions and indicate your acceptance of the certification declaration. Selecting 'no' in the declaration may impact your State's eligibility for MCSAP funding.

1. What is the name of your certifying State official? Colonel Brandon Solberg
2. What is the title of your certifying State official? Superintendent
3. What are the phone # and email address of your State official? 701-328-2455 bjsolberg@nd.gov

The State affirmatively accepts the compatibility certification declaration written below by selecting 'yes'.

- ☒ Yes
- ☐ Yes, uploaded certification document
- ☐ No

I, Colonel Brandon Solberg, certify that the State has conducted the annual review of its laws and regulations for compatibility regarding commercial motor vehicle safety and that the State's safety laws remain compatible with the Federal Motor Carrier Safety Regulations (49 CFR parts 390-397) and the Hazardous Materials Regulations (49 CFR parts 107 (subparts F and G only), 171-173, 177, 178, and 180) and standards and orders of the Federal government, except as may be determined by the Administrator to be inapplicable to a State enforcement program. For the purpose of this certification, Compatible means State laws or regulations pertaining to interstate commerce that are identical to the FMCSRs and HMRs or have the same effect as the FMCSRs and identical to the HMRs and for intrastate commerce rules identical to or within the tolerance guidelines for the FMCSRs and identical to the HMRs.

If there are any exceptions that should be noted to the above certification, include an explanation in the text box below.

18 years old - commercial driver's license for intrastate drivers. Intrastate commercial motor vehicles with a gross vehicle weight of twenty-six thousand pounds [11793.52 kilograms] or less are exempt from the FMCSRs. However, vehicles with a gross vehicle weight of twenty-six thousand pounds [11793.52 kilograms] or less are not exempt from the federal motor carrier regulations or hazardous materials regulations if the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver. Intrastate farm operations are exempt from federal hazardous materials regulations as allowed by 49 CFR 173.5. The following variances have been adopted as authorized by 49 CFR 350.34 I: • An intrastate driver may drive up to 12 hours following 8 consecutive hours off. • An intrastate driver may be on duty 70 hours in 7 consecutive days. • Intrastate farm vehicle drivers operating an articulated (combination) vehicle are exempt from 49 CFR Part 391.41. This variance is based upon 49 CFR 350.34(c) "regulations that were in effect before April 1988 are still in effect and apply to specific industries operating in intrastate commerce." • The provisions of 49 CFR 391.41(b)(1)-(I) do not apply to an intrastate driver who is qualified through a state medical waiver program to operate a commercial motor vehicle as stated in 49 CFR Part 350.341(h)(2) or a driver who meets the requirements of 49 CFR Part 350.341(h)(1).

Part 5 Section 3 - New Laws/Legislation/Policy Impacting CMV Safety

Has the State adopted/enacted any new or updated laws (i.e., statutes) impacting CMV safety since the last CVSP or annual update was submitted?

☐ Yes ☒ No

Has the State adopted/enacted any new administrative actions or policies impacting CMV safety since the last CVSP?

☐ Yes ☒ No

FY 2019 Certification of MCSAP Conformance (State Certification)

I Brandon J. Solberg, Superintendent, on behalf of the State of North Dakota, as requested by the Administrator as a condition of approval of a grant under the authority of 49 U.S.C. § 31102, as amended, do hereby certify as follows:

1. The State has adopted commercial motor carrier and highway hazardous materials safety regulations, standards and orders that are compatible with the FMCSRs and the HMRs, and the standards and orders of the Federal Government.
2. The State has designated the North Dakota Highway Patrol as the Lead State Agency to administer the Commercial Vehicle Safety Plan throughout the State for the grant sought and Captain Eldon P. Mehrer to perform defined functions under the CVSP. The Lead State Agency has the legal authority, resources, and qualified personnel necessary to enforce the State's commercial motor carrier, driver, and highway hazardous materials safety laws, regulations, standards, and orders.
3. The State will obligate the funds or resources necessary to provide a matching share to the Federal assistance provided in the grant to administer the plan submitted and to enforce the State's commercial motor carrier safety, driver, and hazardous materials laws, regulations, standards, and orders in a manner consistent with the approved plan.
4. The laws of the State provide the State's enforcement officials right of entry (or other method a State may use that is adequate to obtain the necessary information) and inspection sufficient to carry out the purposes of the CVSP, as approved, and provide that the State will grant maximum reciprocity for inspections conducted pursuant to the North American Standard Inspection procedure, through the use of a nationally accepted system allowing ready identification of previously inspected CMVs.
5. The State requires that all reports relating to the program be submitted to the appropriate State agency or agencies, and the State will make these reports available, in a timely manner, to the FMCSA on request.
6. The State has uniform reporting requirements and uses FMCSA designated forms for record keeping, inspection, and other enforcement activities.
7. The State has in effect a requirement that registrants of CMVs demonstrate their knowledge of the applicable Federal or State CMV safety laws or regulations.
8. The State must ensure that the total expenditure of amounts of the Lead State Agency will be maintained at a level of effort each fiscal year in accordance with 49 CFR 350.301.
9. The State will ensure that MCSAP funded enforcement of activities under 49 CFR 350.309 will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, CMV, and driver safety.

10. The State will ensure that CMV size and weight enforcement activities funded with MCSAP funds will not diminish the effectiveness of other CMV safety enforcement programs.
11. The State will ensure that violation sanctions imposed and collected by the State are consistent, effective, and equitable.
12. The State will (1) establish and dedicate sufficient resources to a program to provide FMCSA with accurate, complete, and timely reporting of motor carrier safety information that includes documenting the effects of the State's CMV safety programs; (2) participate in a national motor carrier safety data correction program (DataQs); (3) participate in appropriate FMCSA systems including information technology and data systems; and (4) ensure information is exchanged in a timely manner with other States.
13. The State will ensure that the CVSP, data collection, and information data systems are coordinated with the State highway safety improvement program under sec. 148(c) of title 23, U.S. Code. The name of the Governor's highway safety representative is Karen Mogeon. *MONGEON* *BS*
14. The State has undertaken efforts to emphasize and improve enforcement of State and local traffic laws as they pertain to CMV safety.
15. The State will ensure that it has departmental policies stipulating that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel.
16. The State will ensure that MCSAP-funded personnel, including sub-grantees, meet the minimum Federal standards set forth in 49 CFR part 385, subpart C for training and experience of employees performing safety audits, compliance reviews, or driver/vehicle roadside inspections.
17. The State will enforce registration (i.e., operating authority) requirements under 49 U.S.C 13902, 31134, and 49 CFR § 392.9a by prohibiting the operation of any vehicle discovered to be operating without the required registration or beyond the scope of the motor carrier's registration.
18. The State will cooperate in the enforcement of financial responsibility requirements under 49 U.S.C. 13906, 31138, 31139 and 49 CFR part 387.
19. The State will include, in the training manual for the licensing examination to drive a non-CMV and the training manual for the licensing examination to drive a CMV, information on best practices for safe driving in the vicinity of noncommercial and commercial motor vehicles.
20. The State will conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors.

21. The State will ensure that, except in the case of an imminent or obvious safety hazard, an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where motor carriers may make planned stops (excluding a weigh station).
22. The State will transmit to its roadside inspectors the notice of each Federal exemption granted pursuant to 49 U.S.C. § 31315(b) and 49 CFR 390.32 and 390.25 as provided to the State by FMCSA, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.
23. Except for a territory of the United States, the State will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under 49 U.S.C. § 31144(g). The State must verify the quality of the work conducted by a third party authorized to conduct safety audits under 49 U.S.C. § 31144(g) on its behalf, and the State remains solely responsible for the management and oversight of the activities.
24. The State will fully participate in the performance and registration information systems management program under 49 U.S.C. § 31106(b) not later than October 1, 2020, or demonstrates to FMCSA an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety.
25. In the case of a State that shares a land border with another country, the State may conduct a border CMV safety program focusing on international commerce that includes enforcement and related projects or will forfeit all MCSAP funds based on border-related activities.
26. In the case that a State meets all MCSAP requirements and funds operation and maintenance costs associated with innovative technology deployment with MCSAP funds, the State agrees to comply with the requirements established in 49 CFR 350.203 and 350.310.

Date 07/25/18

Signature 

Annual Review of Laws, Regulations, Policies and Compatibility Certification

I, **Brandon J. Solberg, NDHP Superintendent**, certify that the State has conducted the annual review of its laws and regulations for compatibility regarding commercial motor vehicle safety and that the State's safety laws remain compatible with the Federal Motor Carrier Safety Regulations (49 CFR parts 390-397) and the Hazardous Materials Regulations (49 CFR parts 107 (subparts F and G only), 171-173, 177, 178, and 180) and standards and orders of the Federal government, except as may be determined by the Administrator to be inapplicable to a State enforcement program.

For the purpose of this certification, Compatible means State laws or regulations pertaining to interstate commerce that are identical to the FMCSRs and HMRs or have the same effect as the FMCSRs and identical to the HMRs and for intrastate commerce rules identical to or within the tolerance guidelines for the FMCSRs and identical to the HMRs.

If there are any exceptions that should be noted to the above certification, include an explanation below.

INTRASTATE MOTOR CARRIERS

18 years old - commercial driver's license for intrastate drivers.

Intrastate commercial motor vehicles with a gross vehicle weight of twenty-six thousand pounds [11793.52 kilograms] or less are exempt from the FMCSRs. However, vehicles with a gross vehicle weight of twenty-six thousand pounds [11793.52 kilograms] or less are not exempt from the federal motor carrier regulations or hazardous materials regulations if the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver.

Intrastate farm operations are exempt from federal hazardous materials regulations as allowed by 49 CFR 173.5.

The following variances have been adopted as authorized by 49 CFR ~~350.341~~ ^{350.341 BS}:

- An intrastate driver may drive up to ^{12 BS} ~~12~~ hours following 8 consecutive hours off.
- An intrastate driver may be on duty 70 hours in 7 consecutive days.
- Intrastate farm vehicle drivers operating an articulated (combination) vehicle are exempt from 49 CFR Part 391.41. This variance is based upon 49 CFR 350.341(c) "regulations that were in effect before April 1988 are still in effect and apply to specific industries operating in intrastate commerce."
- The provisions of 49 CFR 391.41(b)(1)-(I) do not apply to an intrastate driver who is qualified through a state medical waiver program to operate a commercial motor vehicle as stated in 49 CFR Part 350.341(h)(2) or a driver who meets the requirements of 49 CFR Part 350.341(h)(1).

Signature of Certifying Official: DES/5

Title of Certifying Official: SUPERINTENDENT

Date of Certification: 07/25/18

NDHP Commercial Vehicle Safety Plan Review and Truck Crash Analysis

Proposal

Submitted to
Motor Carrier Division, North
Dakota Highway Patrol



North Dakota State University
Upper Great Plains Transportation Institute
NDSU Dept 2880 | P.O. Box 6050
Fargo, North Dakota 58108-6050

UGPTI's proposal, which follows, contains information and data that are privileged, confidential, and/or proprietary to UGPTI. This information and data is not made available for public review, and is submitted on a confidential basis only in response to a specific customer request. The information contained herein is protected as codified and any improper use, distribution, or reproduction is specifically prohibited. No license or right of any kind whatsoever is granted to any third party to use the information contained herein unless a written agreement exists between UGPTI and the third party that desires access to the information. The information contained herein is submitted for purposes of review and evaluation in connection with UGPTI's response to the specific request denoted herein. No other use of the information and data contained herein is permitted without the express written permission of UGPTI. Under no condition should the information contained herein be provided in any manner whatsoever to any third party without first receiving the express written permission of UGPTI.

Due Date: July 30, 2018
Opportunity Number: NA
Version: July 27, 2018

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1. UGPTI BACKGROUND

The Upper Great Plains Transportation Institute (UGPTI) is an independent center at North Dakota State University. Established in 1967 by the North Dakota Legislature, the UGPTI has become a focal point for transportation issues and solutions in the state, region and nationally. It has established a strong program of research and education dedicated to rural and nonmetropolitan transportation. Its mission is to *develop future transportation practitioners and leaders; enhance the quality of life and economic opportunity for individuals; improve the economic viability and global competitiveness of businesses; and reduce transportation's environmental impact by improving the mobility of freight and people through research, education and outreach.* The Institute's nine programs include operate independently and in an entrepreneurial manner, but the synergy among them contributes to the vitality and responsiveness of the UGPTI. The programs focus on broad areas within transportation ranging from transit and traffic analysis to freight planning and logistics. Staff members have expertise in a variety of disciplines including economics and engineering to planning, operations research and statistical analysis.

2. PROJECT SCOPE

Review of the FFY 2019-2021 Commercial Vehicle Safety Plan (CVSP) will be complete any revisions to assure the plan continues to meet the requirements specified in 49 The Fixing America's Surface Transportation Act (FAST Act), Pub. L. No. 114-94, §§ 5101(a) and 5101(c) (2015) authorize the MCSAP. The MCSAP is governed by 49 U.S.C. §§ 31102 and 31104, as amended by the FAST Act, and by 49 CFR part 350, per the FMCSA eCVSP template and guidance. In addition, North Dakota and FMCSA crash and traffic data will be analyzed to assess progress and appropriateness of the three-year goals and objective. The work will be completed in cooperation with the NDHP Motor Carrier Division.

3. PURPOSE

The CVSP will be used as the planning document for priorities and activities to be carried out under the FMCSA Motor Carrier Safety Assistance Program (MCSAP). 'The MCSAP is a Federal grant program that provides financial assistance to States to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of the MCSAP is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. Investing grant monies in appropriate safety programs increases the likelihood that safety defects, driver deficiencies, and unsafe motor carrier practices are detected and corrected before they become contributing factors to crashes' (FMCSA, 2014).

The NDHP has the lead role in motor carrier safety on the state's roads. Unprecedented truck traffic associated with economic growth, such as the Bakken oil formation development and expanding agricultural production/local processing, has created a new environment for traffic safety and large truck activity in the state. While oil exploration has slowed, the share of fatal crashes involving trucks remains relatively high considering historical figures as illustrated in Figure 1. Future MCSAP program priorities and activities, as planned and documented in the CVSP, are fundamental in reducing statewide crash rates with its emphasis on preventing CMV-involved crashes.

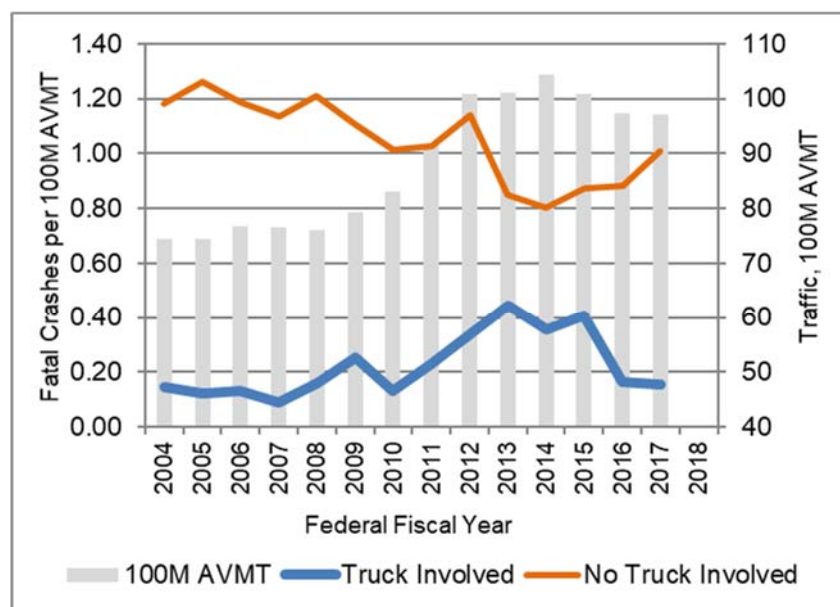


Figure 1. ND Fatal Crashes by Truck Involvement

4. GOALS

Given the NDHP Mission ‘...to make a difference every day by providing high quality law enforcement services to keep North Dakota safe and secure’ and FMCSA National Priorities related to roadside out of service (OOS), data quality and statistical analysis, program priorities are defined to promote North Dakota commercial vehicle safety and federal program reporting requirements. Goals then create an actionable focus for mobilizing resources and defining metrics to monitor activities and performance.

5. INSTITUTIONAL QUALIFICATIONS

The Upper Great Plains Transportation Institute (UGPTI) is a department at North Dakota State University (NDSU). The UGPTI has a strong program of research and education dedicated to rural and non-metropolitan transportation. The UGPTI, which was formed by the North Dakota Legislature in 1967, has a team of about 30 full-time researchers

and about 50 students in undergraduate and graduate research positions. NDSU is a land grant institution with an annual enrollment of approximately 12,000 students and more than 650 Faculty at the central campus in Fargo. The University offers about 40 doctorate and professional degree programs, 50 master's degree programs, and 100 baccalaureate degree programs. NDSU is also part of a tri-college system, which includes Minnesota State University-Moorhead and Concordia College in Minnesota. The network promotes educational and research interchange among Faculty and allows students to take courses at more than one institution for undergraduate credit. NDSU is also an LTAP center.

The research here would be conducted under the Rural Transportation Safety and Security/Agricultural and Freight Transportation Centers, research programs within the UGPTI. There are several related transportation research centers at the UGPTI which enhance the institutional resources accessible to the Ag and Freight Center that create great opportunities for synergy and leveraging of resources. The Mountain-Plains Consortium (MPC) is an eight university partnership formed around transportation research and higher education. The UGPTI is the lead university in this University Transportation Center competitive center, which includes South Dakota State University. The Traffic Safety Systems Center (TSSC) concentrates on commercial motor vehicle safety in the development and maintenance of software used by state and federal safety specialists nationwide. The TSSC has a long-standing and current working relationship with FMCSA. Also within the UGPTI, the Advanced Traffic Analysis Center (ATAC) focuses on Intelligent Transportation Systems (ITS), traffic simulation, traffic signal control, and travel demand modeling. The ITS expertise may be tapped if related projects develop to focus on testing or implementing technologies related to motor carrier operations.

6. RESEARCH TEAM

The primary research team for this project will include Dr. Kimberly Vachal, Dr. Brenda Lantz, and Tom Jirik. Dr. Vachal received her doctorate in public policy and has over 20 years of experience in transportation research, concentrating in public policy, traffic safety, and logistics. She has written over 50 research papers and authored several journal articles. Dr. Lantz holds a Ph.D. in Supply Chain and Information Systems, and has more than 20 years of experience in transportation research, primarily in the commercial vehicle safety systems field. She has worked extensively with both government and private industry agencies. Additional information about their qualifications is available in the final section. Tom Jirik is the communications coordinator with the Upper Great Plains Transportation Institute. He oversees the Institute's technical publications and public relations efforts. He has a wealth of experience in journalism, public relations and technical communications. Most of that

experience has focused on communicating university academic, research and outreach efforts to specialized audiences.

The research team has extensive backgrounds in conducting research projects involving data collection and analysis. The involvement in these projects ranges from only minimal involvement (i.e., simple data analysis or consultation) to conducting the entire project from developing the research methodology and data collection protocols, to collecting and analyzing the data, to developing and implementing interventions based on the research. The projects have required the team to deal with confidential data that require internal review board approval as well as complying with HIPAA and other federal and state requirements. The UGPTI is confident that the product will exceed expectations for data reliability and product quality.

7. PROPOSED WORK PLAN

- A. Maintain working knowledge of NDHP Motor Carrier Division programs, processes, and activities (Ongoing).
 - a. Meet with NDHP Motor Carrier Division to discuss program and personnel.
 - b. Review FMCSA online documentation related to the MCSAP program (including the Border Enforcement and New Entrant activities) and submission protocol.
- B. Identify motor carrier company and driver data sources; and work with the NDHP to gain access, as needed, to complete the CVSP annual review and quarterly updates in terms of goal setting, performance monitoring, federal reporting, and other statistical analysis (Ongoing).
 - a. NDHP roadside inspection, roving patrol, and compliance review activities.
 - b. NDHP motor carrier educational programs and activities.
 - c. NDDOT crash records: currently available on an annual basis so discuss value/potential for quarterly update.
 - d. NDDOT traffic data: traffic counts currently available on a monthly basis.
 - e. FMCSA safety and census data: available through the Motor Carrier Management Information System (MCMIS).
 - f. Work with the NDHP to secure login to query the FMSCA dashboard and to state motor carrier safety data related to enforcement and crashes.
- C. Collaborate with NDHP FFY 2019-2021 CVSP Review.
 - a. Work with the NDHP Motor Carrier Division review and make updates to program goals and actionable problem statements, along with available resources, as needed (July 2019).
 - b. Confirm appropriate goals based on empirical evidence, within the context of the NDHP Mission and FMSCA guidance for the MCSAP program (July 2019).

- i. Continue to build understanding about the program structure and personnel, in terms of resources and level of expertise.
 - ii. Relay program effectiveness in terms of the historical goals, outcomes, and challenges
 - iii. Develop/revise problem statements, related to goals, to include the performance objective, activity plan, and performance measurement.
- D. Collect data complete analysis for the NDHP Motor Carrier division in support of CVSP activities (July 2019).
 - a. Establish protocol for review, including data to be collected in support of the CVSP activities.
 - b. Conduct statistical analysis related to goal-setting, program monitoring, and performance reporting.
 - c. Present findings and elicit feedback for CVSP activities in the form of an update to the ND large truck crash facts and supplemental tables and/or graphs to assess progress within the three-year cycle.
- E. Meet with the NDHP to discuss potential revisions to the CVSP (July 2019).
- F. Submit draft revisions, as needed, to NDHP for comments (July 2019).
- G. Finalize any potential revisions to the CVSP document (July 2019).
- H. Modify the eCVSP, via the FMCSA portal, to include revisions to the three-year CVSP plan (July 21, 2019).

8. DETAILED BUDGET

Estimated Budget	
Personnel Expense	\$8,709
Senior Project Researchers	\$2,697
Project Researchers	\$0
Research Assistant	\$2,500
Support Staff	\$0
Student Research Assistants	\$1,740
Fringe Benefits (31% of full-time personnel)	\$836
Fringe Benefits (36% of full-time personnel)	\$900
Fringe Benefits (2% of students)	\$35
Operating Expense	\$1,000
Materials & Supplies	\$0
Domestic Travel	\$1,000
Foreign Travel	\$0
Tech Transfer/Clnghouse	\$0
Tech Transfer/Other Costs	\$0
Equipment	\$0
Total Direct Costs	\$9,709
Indirect Costs* (10% of Total Costs)	\$971
Total Costs	\$10,680

*NDHP indirect cost limited to 10 percent of total costs as a state agency.

9. PRINCIPAL INVESTIGATORS, ABBREVIATED CURRICULUM VITAE

Kimberly Vachal, PhD, North Dakota State University

Educational Preparation:

- George Mason University, Ph.D. in Public Policy, Emphasis in Regional Economics and Transportation, 2005
- North Dakota State University, M.S. in Agricultural Economics, Emphasis in International Trade and Marketing, 1992
- North Dakota State University, B.S. in Agricultural Economics, 1990

Professional Appointments:

- North Dakota State University, 2000-Current
- Advanced Research Fellow, Upper Great Plains Transportation Institute
- Research Fellow, Upper Great Plains Transportation Institute
- Canadian Pacific Railway, Account Manager, 1998-1999.
- North Dakota State University, Research Assistant, 1992-1998

Referred Journal Publications

- Vachal, Kimberly, 2018, Three Affiliated Tribes Seat Belt Primary Seat Belt Intervention Assessment, Journal of the Transportation Research Forum, Forthcoming.
- Vachal, Kimberly, 2016, Northern Great Plains Farm Truck Grain Fleet, Transportation Research Record, Vol. 2548, dx.doi.org/10.3141/2548-02.
- Vachal, Kimberly, 2016, Northern Plains Grain Farm Truck Marketing Patterns, Journal of the Transportation Research Forum, Vol. 545(3): 85-98.
- Vachal, Kimberly, 2016, Factors in Rural Truck Crashes, Journal of Law, Logistics, and Policy, Vol. 83(2): 165-181.
- Kubas, Andrew and Kimberly Vachal, 2014, Oil County Traffic Safety: Perspectives of Western North Dakota Residents, Transportation Research Record 2465:16-23. doi:10.3141/2465-03.
- Vachal, Kimberly and Donald Malchose, 2009, What Can We Learn about North Dakota's Youngest Drivers from Their Crashes, Accident Analysis & Prevention, 41: 617-623.
- Vachal, Kimberly, Esther Tumuhairwe, and Mark Berwick, 2009, Underride Safety Protection: Benefit-Cost Assessment of Rear-Impact Guards for the North Dakota Farm Truck Fleet, Traffic Injury Prevention, 10(2): 178-183.

Other Relevant Publications

- Vachal, Kimberly, 2013, Finding Direction for Safety Investments in Local Roads: System Diagnostics and Countermeasure Focus, Upper Great Plains Transportation Institute, North Dakota State University, Fargo, Publication Forthcoming.
- Kubas, Andrew, Poyraz Kayabas, Kimberly Vachal, Mark Berwick, 2013, Rumble Strips in North Dakota: A Comparison of Road Segments, Safety, and Crash Patterns, Upper Great Plains Transportation Institute, North Dakota State University, Fargo, Publication Forthcoming.
- Kubas, Andrew and Kimberly Vachal, 2012, Oil County Traffic Safety Survey, Upper Great Plains Transportation Institute, North Dakota State University, Fargo, DP-253.
- Malchose, Donald, Kimberly Vachal, and Josh Nelson, 2012, DUI-Related Offense Correlation to Increased Crash Involvement, Upper Great Plains Transportation Institute, North Dakota State University, Whitepaper.
- Vachal, Kimberly, Laurel Benson, Seat Belt Use on North Dakota Rural Roads: 2010-2012, Upper Great Plains Transportation Institute, North Dakota State University, DP-255.
- Vachal, Kimberly, Donald Malchose, Andrea Huseth, and Laurel Benson, 2012, Seat Belt Use in South Dakota, South Dakota Department of Public Safety, Office of Highway Safety.
- Vachal, Kimberly, Donald Malchose, Andrea Huseth, and Laurel Benson, 2009-2012, Seat Belt Use in North Dakota, North Dakota Department of Transportation, Office of Highway Safety.
- Vachal, Kimberly, Laurel Benson, and Andrew Kubas, 2010, 2011, & 2012, North Dakota Statewide Traffic Safety Survey: Traffic Safety Performance Measures for States and Federal Agencies, NDDOT Document Compendium.
- Vachal, Kimberly, Donald Malchose, and Laurel Benson, 2011, Using Laws, Enforcement, and Sanctions to Increase Seat Belt Use on Rural Roads, Upper Great Plains Transportation Institute, North Dakota State University, Fargo, DP-245.

Courses Taught:

- Intermodal Freight Transportation (TL 784)
- Development Economics (ECON 461/661)
- Principles of Economics I: Microeconomics (ECON 202)

Professional Memberships

- Transportation Research Board, Past Chair, Agricultural Transportation Committee
- Transportation Research Board, Member, Rural Road Safety Policy, Programming and Implementation Joint Subcommittee (2011-current)
- Professional Association for Transport & Health, Board Member (2018-current)

Brenda, Lantz, PhD, North Dakota State University

Educational Preparation:

- The Pennsylvania State University, Ph.D. Business Administration, Supply Chain and Information Systems, 2006.
- North Dakota State University, M.S. Applied Statistics, with Transportation Research emphasis, 1994.
- North Dakota State University, B.S. in Sociology, Minors: Business and Psychology, 1990.

Professional Appointments:

- Associate Director, Upper Great Plains Transportation Institute, North Dakota State University, 2012-Current
- Program Director, Upper Great Plains Transportation Institute, North Dakota State University, 2000-Current
- Associate Research Fellow, Upper Great Plains Transportation Institute, North Dakota State University, 1994-2012.
- Graduate Research Assistant, Upper Great Plains Transportation Institute, North Dakota State University, 1990-1994.

Projects/Publications/Presentations

Motor Carrier Safety Research. As Program Director, Dr. Lantz contributes to the continuous development and implementation of a motor carrier safety program of research and education.

Commercial Vehicle Inspection and Investigative Systems Software Development. Dr. Lantz led a team responsible for the successful development and delivery of inspection and investigative commercial vehicle safety systems in use by the Federal Motor Carrier Safety Administration, United States Department of Transportation (FMCSA / USDOT) and State enforcement agencies. These systems have approximately 12,000 users nationwide.

Wireless Roadside Inspection. In conjunction with the Analysis, Research, and Technology division of FMCSA and the Oak Ridge National Laboratory, this project demonstrated the feasibility and value of assessing truck and bus drivers and vehicles up to 25 times more often than is possible using today's approaches. The program evaluated the potential benefits to both the motor carrier industry and to government.

Assessment of CDL Holders, Traffic Violations, Convictions and Suspensions. In conjunction with the Analysis, Research, and Technology division of FMCSA and TransAnalytics, this project conducted an analysis of suspended commercial driver

license (CDL) holders; specifically, the percentage that are or are not detected during a roadside inspection.

Smart Roadside Initiative. In conjunction with Science Applications International Corporation, this project supported FMCSA and the Federal Highway Administration (FHWA) to investigate and identify successful deployments of truck-specific roadside technology; developed a concept of operations for smart roadside applications; built, installed and tested prototype(s) of smart roadside applications; and facilitated stakeholder outreach.

Integration, Modernization, and Transformation of the Federal Motor Carrier Safety Administration (FMCSA) Information Technology (IT) Systems. In conjunction with Science Applications International Corporation, this project supported FMCSA's efforts to integrate and transform both their business processes and IT systems.

Commercial Motor Vehicle Driver Risk Factors Study. In conjunction with Booz Allen Hamilton, the Virginia Tech Transportation Institute, and the Research & Analysis Division of FMCSA, this project examined a wide array of driver and situational safety factors and determines the prevalence of these factors and increased or decreased crash and incident risk associated with them.

Professional Memberships

- Chair, National Academy of Sciences Transportation Research Board Committee for Truck and Bus Safety
- Past-Chair, National Academy of Sciences Transportation Research Board Subcommittee for Truck and Bus Safety Data Needs
- Past- Secretary, National Academy of Sciences Transportation Research Board Committee on Trucking Industry Research
- Member, Project Management Institute
- Associate Member, Commercial Vehicle Safety Alliance
- Fellow of the Eno Center for Transportation Leadership Development

STATE OF NORTH DAKOTA
CONSULTING CONTRACT

Agreement made and entered into, by and between the **North Dakota Highway Patrol, Motor Carrier Division**, a state agency, of 601 Channel Drive, Bismarck, North Dakota 58501, (the "State") and North Dakota State University on behalf of the Upper Great Plains Transportation Institute, of Dept. 2880, PO Box 6050, Fargo, North Dakota 58108-6050 (the "Institute").

The State hereby enters into this Agreement for services with the Institute in consideration of and pursuant to the terms and conditions set forth herein.

1. The Institute will perform those services described in the Project Proposal, attached hereto as Exhibit A and hereby incorporated by reference. A review of the commercial vehicle safety plan, any plan revisions and an update of the associated truck crash analysis fact sheet shall be submitted to the State no later than August 1, 2019.

2. This Agreement shall be effective October 1, 2018 and end on September 30, 2019, unless sooner terminated pursuant to the terms hereof.

3. The Institute will not use North Dakota Highway Patrol's equipment, supplies or facilities.

4. The State will make payment for services upon satisfactory completion of the services. The TOTAL CONTRACT AMOUNT shall be \$10,680. The Institute is expected to cover any cost overruns. The State shall make one lump sum payment upon receipt of the deliverables as described in Appendix.

5. The State and Institute each agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorneys' fees which may in any manner result from or arise out of this agreement.

6. Institute agrees to report to the State any event encountered in the course of performance of this Agreement which results in injury to the person or property of third parties, or which may otherwise subject Institute or the State to liability. Institute shall report any such event to the State immediately upon discovery.

Institute's obligation under this section shall only be to report the occurrence of any event to the State and to make any other report provided for by their duties or applicable law. Institute's obligation to report shall not require disclosure of any information subject to privilege or confidentiality under law (e.g. attorney-client communications).

Reporting to the State under this section shall not excuse or satisfy any obligation of Institute to report any event to law enforcement or other entities under the requirements of any applicable law.

7. This Agreement may be terminated by either party hereto upon thirty (30) days written notice. In the event the Institute breaches any of the terms or conditions hereof, this Agreement may be terminated by the State at any time with or without notice. If termination for such a default is effected by the State, any payments due to Institute at the time of termination may be adjusted to cover any additional costs to the State because of Institute's default. Upon termination the State may take over the work and may award another party an agreement to complete the work under this Agreement. If after the State terminates for a default by Institute it is determined that Institute was not at fault, then the Institute shall be paid for eligible services rendered and expenses incurred up to the date of termination.

8. This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, this Agreement will be terminated by the State. Termination for any of these reasons is not a default by the State nor does it give rise to a claim against the State.

9. This Agreement may not be assigned without the express prior written consent of the State. This Agreement may not be amended except in writing, which writing shall be expressly identified as a part hereof, and be signed by an authorized representative of each of the parties hereto.

10. This Agreement shall be governed by and construed in accordance with the laws of the State of North Dakota.

11. The Institute will comply with all federal, state and local laws, regulations, ordinances, guidelines, permits and requirements applicable to providing services pursuant to this Agreement, and will be solely responsible for obtaining current information on such requirements.

12. The Institute may not use subcontractors to perform the services described herein without the express prior written consent of the State. The Institute will include provisions in its subcontracts requiring its subcontractors to comply with the applicable provisions of this Agreement, to indemnify the State, and to provide insurance coverage for the benefit of the State in a manner consistent with this Agreement. The Institute will cause its subcontractors, agents, and employees to comply, with applicable federal, state and local laws, regulations, ordinances, guidelines, permits and requirements and will adopt such review and inspection procedures as are necessary to assure such compliance.

13. The Institute agrees to abide by all applicable provisions of the following assurances:

- a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352);

- b) Title IX of the Education Amendments of 1972, *as amended* (20 U.S.C. §§ 1681-1683, and 1685-1686);
- c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq.; PL 101-336);
- d) the Age Discrimination Act of 1975, as amended (42U.S.C. §§ 6101-6107);
- e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255}, as amended;
- f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970(P.L. 91-616), as amended;
- g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended;
- h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq);
- i) the Civil Rights Restoration Act of 1987;
- j) the Drug-free Workplace Act of 1988 (41 U.S.C. 702);
- k) the Buy America Act (49 U.S.C. 5323 (j));
- l) the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328);
- m) Lobbying Activity
- n) Debarment and Suspension
- o) Executive Order 11246 Equal Employment Opportunity

14. The Institute agrees to maintain or supervise the maintenance of records necessary for the proper and efficient operation of the program, including records and documents regarding applications, determination for eligibility (when applicable), the provision of services, administrative costs, statistical, fiscal, other records, and information necessary for reporting and accountability required by the State. The Institute shall retain such records for six years following termination of this agreement. If such records are under pending audit, the Institute agrees to hold such records for a longer period upon notification from the State. The State, through any authorized representative, will have access to and the right to examine and copy all records, books, papers, or documents related to services rendered under this Agreement.

15. Any notice or other communication required under this Agreement shall be in writing and sent to the address set forth above. Notices shall be given by and to **Colonel Brandon Solberg** on behalf of the State, and by **Amy Scott** on behalf of the Institute, or such authorized designees as either party may from time to time designate in writing. Notices or communications to or between the parties shall be deemed to have been delivered when mailed by first class mail provided that notice of default or termination shall be sent by registered or certified mail, or if personally delivered, when received by such party.

17. In the event that any court of competent jurisdiction shall hold any provision of this Agreement unenforceable or invalid, such holding shall not invalidate or render unenforceable any other provision hereof. Failure to strictly enforce any provision of this Agreement shall not operate as a waiver of any provision, right or responsibility contained herein.

18. All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, and except as specifically provided herein, this Agreement constitutes the entire agreement with respect to the subject matter hereof.

In Witness Whereof, the parties signify their agreement effective the date above first written by the signatures affixed below.

STATE

NDSU

BY: _____

Colonel Brandon Solberg

BY: _____

Amy Scott

Superintendent

North Dakota Highway Patrol

Assistant Director, Sponsored Programs
Administration

North Dakota State University

Date

Date

APPENDIX