



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

Memorandum

Subject: **INFORMATION:** Development of Fiscal
Year 2022 Commercial Vehicle Safety Plans

Date: May 20, 2021

From: Joseph P. DeLorenzo
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Reply to Attn. of: MC-ESS

To: Field Administrators
Division Administrators
State Program Managers

PURPOSE:

This memorandum provides important information for use by Motor Carrier Safety Assistance Program (MCSAP) Lead Agencies in the preparation of their Fiscal Year 2022 Commercial Vehicle Safety Plans (CVSPs) through the online eCVSP tool. Applicants are encouraged to read this direction carefully, as it contains information critical to completing the application process.

BACKGROUND:

The goal of the Federal Motor Carrier Safety Administration's (FMCSA) MCSAP, as provided in statute, is to ensure that the Secretary of Transportation, States, and U.S. Territories work in partnership to establish and maintain programs that improve motor carrier, commercial motor vehicle (CMV), and driver safety and support an efficient surface transportation system by:

- (1) Making targeted investments to promote safe CMV transportation, including the transportation of passengers and hazardous materials;
- (2) Investing in activities likely to generate maximum reductions in the number and severity of CMV crashes and in fatalities resulting from such crashes;
- (3) Adopting and enforcing effective and compatible (as defined in § 350.105) motor carrier, CMV, and driver safety laws, regulations, standards, and orders; and
- (4) Assessing and improving State-wide performance of motor carrier, CMV, and driver safety by setting program goals and meeting performance standards, measures, and benchmarks¹.

MCSAP is governed by 49 U.S.C. §§ 31102 and 49 CFR Part 350. The term "State", as defined in 49 CFR § 350.105, includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands.

¹ 49 U.S.C. § 350.201(b).

FY 2022 CVSP PLANNING INFORMATION:

MCSAP FUNDING LEVELS

The MCSAP funding for FY 2022 will be allocated per the funding formula as prescribed within the FAST Act, Section 5106(d)(1), and outlined within 49 CFR 350.217. Since the current authorization is valid only through FY 2021, FMCSA expects to award the full amount allowed under a future authorization effective for FY 2022. For present planning purposes, FMCSA will be using the FY 2021 authorization amount, which is \$304,069,500.

Estimated MCSAP funding levels for each State were provided in the eCVSP tool, for use when completing estimated budgets. Estimated funding totals for each State are also attached to this memorandum for reference.

PROGRAM INFORMATION AND EMPHASIS AREAS

The MCSAP is comprised of ten national program elements established in 49 CFR § 350.203. The MCSAP national program elements are:

1. Driver inspections;
2. Vehicle inspections;
3. Traffic enforcement;
4. Investigations;
5. New entrant safety audits;
6. CMV safety programs focusing on international commerce in border States;
7. Full participation in the Performance Registration Information Systems Management (PRISM) program or an acceptable alternative as determined by the Administrator;
8. Accurate, complete, timely, and corrected data;
9. Public education and awareness; and
10. Other elements that may be prescribed by the Administrator.

Additional information on the MCSAP emphasis areas relevant to completion of the FY 2022 CVSPs may be found below. Please note that States are required to meet all eligibility and program requirements outlined in 49 U.S.C. §§ 31102 and 31104, and 49 CFR part 350 to receive MCSAP funds. For the FY 2022 MCSAP grant, FMCSA is strongly encouraging grant recipients to place increased emphasis on safety activities conducted in and around road construction zones, implement strategies that address the high incidence of CMV crashes, and identify high risk locations impacting rural communities.

The FMCSA recognizes that all communities are impacted by highway safety and supports equitable enforcement practices that improve the safe and responsible operation of CMVs as they traverse the nation's roadways. In support of the President's January 20, 2021 Executive Orders on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (E.O. 13985), FMCSA is requesting that MCSAP recipients discuss measures the State is taking to ensure equitable enforcement, as it relates to CMV safety, within their CVSP. In addition, MCSAP recipients are encouraged to carefully read the updated Title VI compliance requirements relating to inspection selection and unbiased policing policies later in this document

Consistent with the Department's Rural Opportunities to Use Transportation for Economic Success (RO.UTES) initiative (<https://www.transportation.gov/rural>), the Department encourages applicants to describe how activities proposed in their CVSP would address the unique challenges facing rural transportation networks, regardless of the geographic location of those activities. MCSAP participants that will be engaging in CMV safety efforts in rural areas should clearly indicate this activity within their CVSP and include specific objectives and outcomes.

National Emphasis Area - Fatal CMV Crash Reduction

In support of the Agency's mission and the intent of the MCSAP, FMCSA is placing renewed emphasis on lowering the number of CMV fatal crashes. The Top 10 States for fatal large truck crashes are listed below. For FY 2022, these States must clearly indicate in their CVSP what they are doing to reduce fatal crashes, including identifying high crash corridors, establishing actionable goals, and outlining plans to monitor and update those goals as necessary.

State	2015	2016*	2017	2018	2019	Percent Change, 2018-2019
Texas	480	525	564	591	579	-2.0%
California	280	324	340	335	355	6.0%
Florida	197	286	281	296	311	5.1%
Georgia	161	192	207	179	180	0.6%
Ohio	156	128	150	159	152	-4.4%
North Carolina	114	152	139	160	148	-7.5%
Tennessee	101	105	120	118	137	16.1%
Pennsylvania	139	146	158	124	129	4.0%
Alabama	94	131	85	108	127	17.6%
Illinois	93	140	126	145	125	-13.8%
Top 10 States	1,815	2,129	2,170	2,215	2,243	1.2%
Total for all States + DC	3,622	4,177	4,367	4,461	4,479	0.4%

Source: National Highway Traffic Safety Administration (NHTSA), Fatality Analysis Reporting System (FARS)

*In 2016, NHTSA made changes to revise the light pickup truck classification and reclassified 329 vehicles as large trucks (based on GVWR). Due to this methodology change, comparisons of 2016 FARS large truck data with prior years should be performed with caution.

While FMCSA is requiring the top 10 crash States to clearly identify strategies and tactics that will be employed to reduce crashes, all MCSAP participants should review their jurisdiction's crash statistics and engage in high visibility efforts to combat the large number of CMV crashes and fatalities. In addition, FMCSA encourages MCSAP lead agencies to partner with other State and local safety departments, where appropriate, to address CMV crashes. If the MCSAP lead is engaging in partnership efforts with other State and local agencies, please ensure this is accurately reflected in the CVSP.

1) Driver and Vehicle Inspections

Driver and vehicle inspections are one of the most successful strategies used in the MCSAP to improve CMV safety. Approximately 3.5 million CMV inspections are conducted each year to ensure that motor carriers, drivers, trucks, and buses driving on the highways are operating safely. There are several levels of inspections ranging from the most comprehensive Level I inspection, which evaluates both the driver and the vehicle, to inspections with a more specific area of focus (such as hazardous or radioactive materials).

Driver and vehicle inspections are eligible activities under MCSAP to ensure motor carriers (including new entrants), CMVs, and drivers operating CMVs, comply with safety regulations and requirements. This also includes inspections of CMVs engaged in international commerce, primarily those entering the United States from a foreign country. Specific areas of enforcement within driver and vehicle inspections include:

a. Passenger Carrier Safety

Passenger carrier CMV safety and enforcement remains a major FMCSA safety focus. The transportation of passengers inherently carries with it an increased risk of multiple injuries or fatalities when a crash occurs.

i. Special Emphasis Area – Migrant Worker Transportation in Rural Areas

In response to a recommendation provided by the National Transportation Safety Board (NTSB), FMCSA is requesting that special emphasis be placed on the development and implementation of a targeted enforcement plan which incorporates recurring roadside enforcement in high density agricultural regions (during peak harvest seasons) for the specific purposes of improving the safe transportation of seasonal and migrant agricultural workers.

Please refer to 49 CFR part 398 for definitions relating to migrant worker classifications and requirements regarding the transportation of these individuals. States that have identified safety concerns regarding the transportation of seasonal and migrant farm workers are encouraged to work closely with their FMCSA Division Office and local offices of the U.S. Department of Labor to institute an effective safety intervention effort.

b. Enforcement of Out of Service Orders

Carriers that knowingly operate in violation of an out-of-service (OOS) order are ignoring safety regulations and consciously disregarding the law. Specifically, the importance of ensuring carriers that are OOS due to a declaration of Imminent Hazard or determined to be Unsatisfactory/Unfit do not continue to operate cannot be overstated. These carriers pose an immediate danger to the safety of the traveling public. For FY 2022, FMCSA requires all States to strengthen their ability to identify and immobilize OOS carriers during enforcement activities. Checking a carrier's USDOT number or other identifiable information to verify operational status is a critical component of all enforcement activities and required by 49 CFR § 350.207(a)(27), relating to the identification and immobilization of carriers operating under an OOS order.

FMCSA requires that States properly identify carriers operating in violation of a Federal OOS order and to place the vehicle out-of-service. The target goal is that at least **85 percent of OOS carriers with an Imminent Hazard and Unsatisfactory/Unfit order are identified and placed out of operation.**

States that do not meet the 85% identification rate for OOS carriers inspected in FY 2021 must explain in the CVSP how they have or will implement policies, utilize appropriate

technology to better identify OOS carriers, and conduct quality assurance oversight to ensure that inspectors are using proper procedures to identify these high-risk carriers and preventing them from continued operations. FMCSA provides each State with a report indicating its identification rate which can be found on the Analysis and Information (A&I) Online website in the MCSAP Activity Dashboard area. This report will be the basis for a State's planning in this national priority area.

c. Enforcement of Drug and Alcohol Clearing House Requirements

On Dec. 5, 2016, FMCSA published its Commercial Driver's License Drug and Alcohol Clearinghouse (DACH) final rule. As of Jan. 6, 2020, employers, or their designated representatives, and medical review officers, are required to report information about drug and alcohol program violations to the clearinghouse. Drivers with a drug or alcohol program violation are not permitted to perform safety-sensitive functions (including driving a commercial motor vehicle) until they have successfully completed the necessary requirements.

Recent FMCSA statistics indicate that a significant number of drivers with DACH violations (prohibited status) are not being identified during CMV enforcement activities. A driver found to be operating in a prohibited status should be cited for a violation of 49 CFR Part 390.3.

MCSAP partners should outline in their CVSP how they plan to improve the detection and enforcement of drivers in a prohibited status within the DACH. As a reminder, DACH status information may be accessed via Query Central (QC) or the Commercial Driver's License Information System (CDLIS) gateway.

d. Human Trafficking

The incidence of human trafficking continues to be a major public safety issue across the U.S. FMCSA is encouraging applicants to specifically include objectives within their CVSPs relating to detection and enforcement activities taken to address this issue. Objectives should be as specific as possible, and must adhere to the requirements outlined in 49 CFR § 350.207 (a)(20)(iii) relating to the inclusion of an appropriate CMV inspection.

Please note that training of MCSAP personnel relating to human trafficking detection and enforcement will be pro-rated proportionally based upon grant requirements. In addition, applicants should provide sufficient justification for the need of specific training in this area.

e. Electronic Logging Devices

The Electronic Logging Device (ELD) Final Rule published on December 16, 2015, is intended to help create a safer work environment for drivers and make it more efficient for motor carriers to accurately track, manage, and review a driver's hours of service (HOS) data. To meet electronic data reporting requirements an ELD must support one of two options for data transfer:

1. Telematics which must electronically transfer data to an authorized safety official on demand via wireless Web services and email; or
2. Local transfer method-type ELD that electronically transfers data to an authorized safety official on demand via USB 2.0 and Bluetooth.

States have the option of choosing a minimum of one “telematics” electronic data transfer method and one “local” electronic data transfer method. For those devices that support telematics, FMCSA’s preferred method is to use the webservice option.

FMCSA encourages officers and civilian safety personnel to utilize the electronic record of duty status (eRODS) software during inspections on subject drivers when an ELD is present. The utilization of web services and successful data transfers is critical to safety and the efficient enforcement of hours of service (HOS) regulations.

For more details on ELD compliance, the FMCSA ELD web page may be found at: <https://eld.fmcsa.dot.gov/>.

2) Traffic Enforcement

Many preventable crashes result from illegal or unsafe driver behavior, such as speeding, distracted driving, driving under the influence, or following too closely. State inspection programs and highly-visible traffic enforcement activities, especially in areas identified as high-risk crash corridors, have proven to deter these unsafe behaviors.

Traffic enforcement activities may encompass CMVs (including vehicles operating in foreign commerce) and/or non-CMV, and are eligible under the MCSAP grant, if approved in the applicable grant agreement. This element includes:

- CMV traffic enforcement associated with an inspection;
- CMV traffic enforcement without an accompanying inspection resulting from an observed unsafe driver behavior; and
- Non-CMV traffic enforcement when necessary to promote the safe operation in and around CMVs.

MCSAP recipients should clearly state in their CVSP what specific types of activities will be included as part of their documented traffic enforcement. FMCSA emphasizes the need to target specific types of unsafe driver behavior such as impaired operation, unsafe speed, occupant restraint, cell-phone use, etc. as a part of a comprehensive and effective traffic enforcement objective.

While there is a 10% funding limit under 49 U.S.C. § 31102(h), on traffic enforcement of non-CMVs operating unsafely around CMVs (absent an approved exception), there is no statutory funding limitation on CMV traffic enforcement. However, with the proper justification and approval, a State may exceed that limit. **For non-CMV traffic enforcement activities to be eligible for reimbursement, the State must maintain the number of motor carrier safety activities at a level at least equal to the average level of such activities in FYs 2004 and 2005.** FMCSA has calculated these activities by utilizing the volume of CMV safety inspections, new entrant safety audits and

carrier investigations conducted during this period. This information will be included within the eCVSP application for reference by the applicant.

States that wish to spend more than 10 percent of their MCSAP Basic funding on non-CMV traffic enforcement must provide additional justification to support this request within their CVSP for review and approval by FMCSA.

a. Special Emphasis Area – Work Zone Safety

CMV crashes in construction work zones are a major safety focus for the FMCSA. The narrow lanes, shifting traffic patterns, sudden stops and other factors present in these areas pose special challenges to large trucks and buses. According to NHTSA crash statistics, 30% of work zone fatal crashes involved at least one large truck, a disproportionate representation considering that large trucks comprise only 5% of vehicular traffic.

FMCSA strongly encourages states to place special emphasis on work zone crashes by targeting CMVs, and non-CMV traffic in the immediate vicinity of CMVs, operating in an unsafe manner. These activities should incorporate appropriate enforcement efforts within work zones, and the congested areas immediately before and after these areas. States should clearly identify the locations of such activities (if known) in their CVSP and include updates on efforts and progress in quarterly reports.

Note that the above limitations on non-CMV traffic enforcement still apply, unless justified and approved.

As a reminder, States must provide specific data in their quarterly performance reports detailing traffic enforcement activities not associated with a CMV inspection. This allows FMCSA to strengthen traffic enforcement programs nationwide, enables better tracking of grant fund expenditures, as well as more accurate and efficient reporting to Congress on traffic enforcement activities. Please refer to the MCSAP Grant Comprehensive Policy (MCP), Section 5, for details on reporting requirements.

3) Investigations

Investigations are on- or off-site examinations of motor carriers' operations to determine whether they are compliant with the Federal Motor Carrier Safety Regulations (FMCSRs) (or State laws and regulations compatible with the FMCSRs) and Federal Hazardous Materials Regulations (HMRs). An investigation may be initiated based on compliance issues with the company's safety management controls or complaints.

Eligible activities include the examination of a motor carrier's transportation and safety records, training requirements, controlled substance and alcohol program, commercial driver's license (CDL) records, financial responsibility (insurance), HOS, and inspection and maintenance programs. These activities are eligible under the MCSAP grant program, as specified in the grant agreements.

4) New Entrant Safety Audits

New motor carriers seeking to operate in interstate commerce are subject to a new entrant safety audit, as defined under 49 CFR part 385, subpart D. These motor carriers are designated as "New Entrants"

and safety audit activities include an examination of a motor carrier's operations. These audits provide educational and technical assistance on safety and the operational requirements of the FMCSRs and HMRs, as applicable. In addition, these safety audits gather critical safety data needed to assess the carrier's safety performance and basic safety management controls. The audit may be conducted at the New Entrant's place of business or off-site, provided that program requirements are met.

As a requirement for participation in MCSAP, States must have a New Entrant safety audit program that allows them to meet the current requirements for completion of safety audits and to address and prevent overdue audits. Intrastate New Entrant safety audits are an eligible MCSAP expense at the State's discretion; however, States must prioritize interstate New Entrant inventory to prevent overdue interstate safety audits. The optional intrastate safety audit program must not have a detrimental impact on the MCSAP-required interstate safety audit program.

Please note that Territories, including Puerto Rico, are exempt from the new entrant safety audit requirements.

A State may authorize a third party, by sub-award or contract, to conduct safety audits on its behalf, provided the State verifies and oversees the quality of the work conducted. The State will remain solely responsible and accountable for the management and oversight of all New Entrant Safety activities.

5) CMV safety programs focusing on international commerce in border States

As outlined in 49 U.S.C. § 31102(c)(2)(AA), if a State shares a land border with another country, the State may conduct a border CMV safety program focusing on international commerce (i.e., transporting cargo or passengers whose origin and/or destination is to/from a foreign country) that includes enforcement or related projects. Note that although Border Enforcement activities are optional for qualifying states, Border Enforcement activities must be cited and included in the State's CVSP, or funding calculated within the MCSAP allocation formula for border-related activities will be forfeited. Any forfeited funds will then be redistributed among Border Enforcement eligible MCSAP participants (excluding the State that forfeited the border enforcement funds). The Border Enforcement requirements are as follows.

- Increase the number of inspections of motorcoaches engaged in international commerce. FMCSA encourages States to examine their data on international motorcoach activity and use such data to establish reasonable goals that will result in an increase of international motorcoach-focused activities. In the application, States must substantiate the goals set and provide supporting data for the goal(s), or data source references;
- Conduct enforcement activities (i.e., inspections and traffic enforcement) on CMVs engaged in international commerce within corridors where the data indicate (the data analysis to support corridor selection must be included in the CVSP) that there is a high number of crashes involving CMVs engaged in international commerce; and/or;
- Improve the capability to conduct CMV safety inspections at remote and other sites at or near the Canadian and Mexican borders. If included, the application should provide data-driven support for how non-fixed location inspections will increase the likelihood of reducing crashes, injuries, and fatalities involving CMVs engaged in international commerce. If border

enforcement activities are conducted at locations that are a significant distance from the international border, justification must be included in the CVSP providing information such as the volume of CMVs involved in international commerce at that location, crash rates involving CMVs operating in international commerce, etc.

6) Public Education and Awareness

Public education and awareness activities are designed to provide information on a variety of traffic safety issues related to CMVs and non-CMV's which operate around large trucks and buses. Public awareness and education are essential to changing social and cultural norms which perpetuate harmful practices. The FMCSA promotes activities to increase the safety awareness of the motoring public, motor carriers and drivers through activities such as safety talks, safety demonstrations, and creation of materials that highlight safe driving and public awareness.

MCSAP applicants engaging in public education and awareness activities should tailor these efforts to the safety challenges being faced within their jurisdictions, as well as the FMCSA priority areas of occupant restraint usage, distracted driving prevention, impaired operation, human trafficking and other areas included below.

More information on FMCSA safety campaigns may be found via the *“Our Roads, Our Safety”* initiative web page included below. These pages contain useful materials and toolkits that safety partners can use to promote specific CMV safety.

<https://www.fmcsa.dot.gov/ourroads/about-campaign>

a. **Special Emphasis Area – Work Zone Crashes**

As discussed previously, the crash risk posed by work zone construction areas is particularly high with CMVs. To help address this issue, FMCSA has established a special resource page containing a variety of educational and outreach materials relating to work zone crashes that safety partners can utilize. This information may be found at:

<https://www.fmcsa.dot.gov/ourroads/work-zone-safety-shareable-material>

FMCSA encourages MCSAP partners to use these, and other appropriate outreach methods, to educate the motor carrier population, CMV drivers and the public on the risks associated with work zones and on how to safely operate CMVs (and non-CMV's in the vicinity of large trucks and buses) when transiting road construction and work areas. States should clearly outline in their CVSP what outreach and public education efforts are being conducted to address this priority.

For all public education and outreach efforts, applicants must describe the type of projects they plan to conduct, including but not limited to passenger transportation, hazardous materials transportation, and other *“Our Roads, Our Safety”* initiatives, including the number of personnel involved and the level of effort required for this effort.

Public education and awareness activities as outlined above are eligible under the MCSAP grant; however, these activities do not include training materials or other items/activities for the direct benefit

of the recipient organization (i.e., training grantee personnel). Further, costs for promotional items are unallowable (see the MCP for details related to promotional items).

7) Data Collection and Quality

The FMCSA uses safety performance data collected by States to monitor motor carrier compliance, to measure the condition of vehicle fleets, to track the driving records of licensed operators, and to record crashes involving CMVs on public roadways. High-quality, accurate, and timely data in each of these areas is crucial to the mission of improving the safety of CMVs. FMCSA is committed to ensuring the integrity of State and Federally-reported safety data in the Motor Carrier Management Information System (MCMIS).

As outlined in 49 U.S.C. § 31102(c)(2)(P), and pursuant to MCSAP grant conditions, States must establish and dedicate sufficient resources to a program to collect and report accurate, complete, and timely motor carrier safety data and they must participate in DataQs, which is FMCSA's prescribed national motor carrier safety data correction system. The State lead MCSAP agency is responsible for all CMV crash and inspection data generated by its agency and/or sub-agencies and is responsible for reviewing and resolving all requests for data reviews or disputes pertaining to the collection and reporting of State-reported safety data into MCMIS.

8) Performance and Registration Information Systems Management (PRISM)

The Performance and Registration Information Systems Management (PRISM) program is a key component to FMCSA's mission to reduce the number of commercial motor vehicle crashes, injuries and fatalities in a rapidly expanding interstate motor carrier population. PRISM is a Federal-State partnership that links carrier safety fitness to vehicle registrations to ensure that OOS motor carriers do not continue to operate.

As established in 49 CFR § 350.207(a)(27), MCSAP recipients must fully participate in PRISM (or an FMCSA-approved alternative approach) to remain eligible for full funding. More information on the PRISM participation requirements may be found in the MCP, section 4.3.1 at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/mission/grants/73001/motor-carrier-grant-comprehensive-policy-v31.pdf>.

MCSAP lead agencies are expected to use MCSAP funds to achieve and maintain compliance with the requirements for all levels of PRISM participation, even if the program is administered by a non-MCSAP lead agency. MCSAP lead agencies may issue sub-awards for PRISM related costs to appropriate State entity(s) in their jurisdiction responsible for the operation of their State's PRISM program. MCSAP funds may also be used for Enhanced and Expanded PRISM upgrades.

9) Innovative Technology Deployment (ITD)

The use of MCSAP funding for ongoing Operations and Maintenance (O&M) for ITD is an eligible MCSAP expense. Any MCSAP lead agency needing O&M funding for deployed projects should utilize MCSAP funding for this purpose. State Lead agencies may also issue sub-awards for ITD related costs to the appropriate agency(s) in their jurisdiction responsible for the O&M of their ITD components.

Please note if a MCSAP lead agency has not budgeted for O&M costs within their multi-year CVSP, and is denied ITD O&M funds under a discretionary High Priority financial assistance application, FMCSA will only consider amendments to the year of obligation's MCSAP budget for ITD O&M funding in exceptional circumstances and when legally permissible.

10) Hazardous Materials Safety

Hazardous Materials transportation by CMV remains a critical concern, with over 122,000 hazardous materials motor carriers registered with the FMCSA. Transportation of hazardous materials is inherently risky due to the nature of the commodities being transported. This inherent risk could result in an increase of fatalities, injuries, and property damage when a hazardous material crash or incident occurs. Following are strategies that FMCSA has identified to help lower the inherent risks.

a. Driver and Vehicle Inspections

Basic to lowering the risks associated with the transportation of hazardous materials (HM) is the conduct of inspections. Due to a trend showing a decrease in these inspections, FMCSA requests that states re-engage in a more robust HM inspection program. This is especially needed where data indicates high concentrations of HM movement and especially in high HM crash and incident corridors. Special emphasis should be placed on targeted enforcement plans that incorporate reoccurring inspections in specific areas of concentration to improve HM driver, vehicle and commodity compliance.

FMCSA recommends an increase in HM inspections at entry points into the United States from Mexico (MX) to ensure compliance of Mexican motor carriers transporting HM, especially in cargo tank motor vehicles. These HM inspections will help minimize non-compliant HM packages (i.e., cargo tank motor vehicles) used to transport bulk HM from entering in the United States. Furthermore, the increased targeted inspection and enforcement actions will assist in ensuring that MX manufacturers are introducing currently manufactured DOT specification packaging.

b. Traffic Enforcement

The presence of HM adds to the severity of crashes and disrupts emergency response. Speed and distracted driving, either alone or in combination, can have deadly consequences. Therefore, FMCSA requests that states step up traffic enforcement activities that focus on these behaviors exhibited by drivers of HM transport vehicles. Through stepped-up enforcement, states can decrease HM crashes and incidents resulting in fewer deaths and injuries and decreased property damage associated with HM transportation.

c. Compliance Review/Investigation

Presently, there are approximately 1,000 interstate and intrastate HM motor carriers operating in the United States that hold Hazardous Materials Safety Permits (HMSP) issued by FMCSA pursuant to 49 CFR Part 385 Subpart E. These carriers, identified in 49 CFR § 385.403, are required to be held to higher safety standards due to the types and quantities of HM transported and identified in 49 CFR § 385.403. FMCSA requests that states place special emphasis on the proper identification and oversight of HMSP carriers during roadside inspections and investigations.

Section 350.207(a)(28) requires that “states cooperate in the enforcement of hazardous materials safety permits issued under subpart E of part 385 of this subchapter by verifying possession of the permit when required while conducting vehicle inspections and investigations, as applicable.” FMCSA requests that state personnel trained and certified to conduct intrastate HM reviews conduct reviews on carriers identified as either holding or needing to hold a HMSP. Both interstate and intrastate motor carriers pose the same risks when transporting the types and quantities of HM requiring a HMSP.

There exists the possibility there are intrastate operations transporting HM that contribute to high HM OOS rates and increased risks associated in the transportation of HM within the respective State. FMCSA requests, where data signifies or supports HM OOS rates higher than 10%, that states concentrate resources and conduct reviews and inspections on intrastate HM motor carriers.

The Hazardous Materials Division and the Hazardous Materials Technical Expertise and Advisory Members (HM TEAM) are committed to the safe and secure transportation of HM, both interstate and intrastate. To assist states in reengaging in HM activities, FMCSA commits to working with the states to provide training relative to HM transportation and HMSP oversight.

STATE TRAINING PLANS

State MCSAP Partners are encouraged to submit a plan of their anticipated FY 2022 training needs directly to the National Training Center (NTC). This will allow the NTC to plan FY 2022 so that it may better align the scheduling of training courses, assignment of instructors and procurement of instructional materials with the needs of State partners. This will also allow greater flexibility for State Partners in that NTC will be able to forecast the need for scheduling any additional courses that are generally in demand based on States’ additional hiring or program changes. States are encouraged to submit their annual training plan to the NTC at ntc-state-programs@dot.gov via email by August 2nd.

TITLE VI ASSESSMENTS

The FMCSA Title VI Program Grant requirements consist of a Title VI Program Compliance Plan, which includes a CEO-signed/dated Title VI Program Assurance. The Title VI Program Assurance commits the grant applicant to complying with Title VI and related nondiscrimination authorities to ensure that no person in the United States shall, on the grounds of, race, color, national origin, sex, age, disability, low-income, or Limited English Proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from FMCSA.

Prior to the Grant Program application submission deadline, the Applicant should complete these items:

- **Title VI Program Assurance** – The Applicant is required to fill in, where prompted, the name of the Applicant’s organization on pages 1-4 of the document and the Applicant’s Chief Executive Officer (CEO) is required to sign and date page 4 of the document. The Assurance will then be inserted as section two of the Plan or may be referenced in section two of the Plan and attached at the end of the Plan;

- **Title VI Program Compliance Plan Checklist** – The Applicant is required to use the Checklist as the format for the draft Plan. If the Applicant has a Plan that was developed using the Checklist and previously approved by FMCSA, the Applicant should update the Plan by having the Applicant’s CEO re-sign/re-date the Policy Statement and Assurance and shall update the remainder of the Plan by providing the status on any sections under development and/or any procedural changes. The Applicant is required to submit the revised draft Plan to the FMCSA Office of Civil Rights (OCR) for review, comments as appropriate, and approval. The Applicant should then upload the FMCSA OCR approved Plan along with the Grant application;
- **Training** – Ensure employees receive training consistent with the Training section of the grantee/sub-grantee’s FMCSA Title VI Program Compliance Plan so that employees conduct safety audits, investigations, and driver/vehicle inspections in a non-discriminatory manner regardless of the owner’s/driver’s race, color, national origin, sex, age, disability, income-level, or Limited English Proficiency;
- **Commercial Motor Vehicle (CMV) Inspection Selection Policy** – Driver/Vehicle inspections and traffic enforcement are included in the National MCSAP Program elements. In accordance with FMCSA’s Title VI Program regulation, all FMCSA Program activities are to be conducted in a nondiscriminatory manner. MCSAP Grantees/Sub-Grantees are required to develop and implement a nondiscriminatory CMV inspection selection policy. CVSA has issued Policy 13 as a guide for use when MCSAP Grantees/Sub-Grantees review their CMV inspection selection policies; and
- **Unbiased Enforcement/Policing Policy** – If a MCSAP Grantee/Sub-Grantee has developed or intends to develop this policy, the policy must reference appropriate sections of the Grantee/Sub-Grantee’s Title VI Program Compliance Plan.

To begin this coordination, please contact Mr. Lester Finkle, FMCSA National Title VI Program Manager, at 202-366-4474 or lester.finkle@dot.gov.

FY 2022 APPLICATION AND eCVSP INFORMATION

Submitting a MCSAP grant application is a two-step process using both Grants.gov and the eCVSP tool. All MCSAP grant application materials are due to the Agency on **August 2, 2021**. The MCSAP Grant Required Documents Checklist can be found in Attachment 2. This checklist will assist States in determining what forms must be submitted in Grants.gov and what must be included in the eCVSP Tool.

Grants.gov

Grants.gov is the Federal system for searching and applying for all Federal funding. FMCSA utilizes Grants.gov for accepting specific federal forms required for application under the MCSAP grant. FMCSA does not own or maintain Grants.gov, thus, any technical issues must be directed to Grants.gov.

- Grants.gov technical support information is located at:
<http://www.grants.gov/web/grants/support.html>.
- Grants.gov training on how to apply in the Grants.gov system is available at:
<http://www.grants.gov/applicants/apply-for-grants.html>.

Applicants must complete registration in the System for Award Management (SAM), and obtain a valid Dun and Bradstreet Universal Numbering System (DUNS) Number before application submission in Grants.gov. Both a valid SAM registration and DUNS number are required to complete the MCSAP application components in Grants.gov.

eCVSP Tool

The CVSP is submitted separately via the eCVSP tool. A complete and accepted CVSP is required for MCSAP funding eligibility. The FY 2022 eCVSP application is currently scheduled for release on or about June 1, 2021. States may begin working on their FY 2022 CVSPs once the system is deployed.

Applicants who, for good cause, cannot submit their applications by the deadline may request an extension in writing (i.e., e-mail) of no more than 30 calendar days from the FMCSA Division Administrator with a copy provided to the Chief, State Programs Division, and the FMCSA Grants Management e-mail box at: FMCSA_GrantMgmtHelpDesk@dot.gov.

eCVSP Access and training

Access to the eCVSP website is through FMCSA's MCSAP page of the Analysis and Information website (<http://ai.fmcsa.dot.gov/StatePrograms/Home.aspx>) and requires a username and password. The FMCSA works directly with each State/Territory to develop a list of users that require access to the eCVSP website.

Technical support with the eCVSP tool, including access issues, can be found at <https://ai.fmcsa.dot.gov/ecvsp/Data/ContactUs.aspx>.

Please note that FMCSA may not make a Federal award to a State lead agency until the State lead agency has complied with all applicable requirements.

FMCSA will host training for State lead agencies during its annual MCSAP Planning Meeting on May 11 through 13, 2021 that will provide guidance in: 1) using and navigating the eCVSP tool; 2) identifying problem statements and best practices to aid in application development; and 3) preparing the budget narrative and spending plan.

Registration information for the MCSAP Planning Meeting has been sent under separate notice to MCSAP lead agencies.

Grant Reporting and Other Requirements

The grant terms and conditions outline the reporting requirements that the recipient must meet after award. Reporting responsibilities include quarterly program performance reports using the Performance Progress Report (SF-PPR) and quarterly financial status using the Federal Financial

Report (SF-FFR, also known as the SF-425). Recipients shall submit financial reports electronically through GrantSolutions. Contact the primary or secondary point of contact listed in the overview of the funding notification for additional information.

FMCSA will be beginning the transition to SF-FFR, SF-PPR, and Post-award amendment request (if applicable) submission via GrantSolutions during FY 2022. More information on the requirements and process for the submission of these documents through this method will be provided prior to implementation. Until this process is initiated, recipients should continue to submit quarterly financial and performance reports, and post-award amendment requests via their current process. Additional information and other required forms and templates are available at <http://www.fmcsa.dot.gov/mission/grants/grantee-resources>.

Reimbursement requests (SF-270s) are also part of the reporting process, providing FMCSA another opportunity to determine the status of the project. Quarterly interim reports are due no later than 30 days after the end of each reporting period. Final reports are due no later than 120 days after the project or grant period end date.

Grantees are also required to establish reporting requirements in accordance with 2 CFR §170.100 for information on sub-awards and executive total compensation, as required by the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), as amended by section 6202 of Public Law 110-252, hereafter referred to as “the Transparency Act”.

FMCSA will notify recipients of grant approval by issuing a Notice of Grant Award via GrantSolutions (www.grantsolutions.gov), FMCSA's grant management system. States will need to ensure that they have access to this application for the FY 2022 MCSAP grant.

All FMCSA grant programs are cost reimbursable and all recipients must submit vouchers for reimbursement on at least a quarterly basis as required by the FAST Act. Reimbursement means that grant funded entities must first expend their own money for activities identified in the grant application. Entities will then be reimbursed by FMCSA for actual costs incurred. This request must include a Request for Advance or Reimbursement (SF-270), a detailed expenditures worksheet outlining how the funds were utilized, and supporting documentation. All costs must be in line with the approved budget, Office of Management and Budget cost principles and FMCSA policies. Recipients must submit requests for reimbursement electronically through the Delphi eInvoicing System (iSupplier). Additional information is available at: <http://www.dot.gov/cfo/delphi-einvoicing-system>.

Public Posting of CVSPs

FMCSA is required to post copies of the approved FY 2022 CVSPs for each State on a website accessible to the public. States will have the option to redact safety sensitive information prior to the Plan being posted. Further guidance on this process will be provided following the issuance of the final grant award for FY 2022.

Special Considerations Relating to the Coronavirus Disease 2019 (COVID-19) Response

As States and Territories continue to adapt operations in response to the COVID-19 outbreak, we encourage our MCSAP lead agencies to refer to the FMCSA’s COVID-19 resource page

(<https://www.fmcsa.dot.gov/COVID-19>) for updated information on operational, enforcement and grants management impacts.

Should MCSAP lead agencies experience factors that could potentially impact their ability to meet MCSAP participation requirements, these should be discussed within the State's/Territories CVSP. States should explain in the CVSP what changes they have made to their MCSAP programs as a result of COVID, how will those changes impact crash reduction plans/goals. Lead agencies should also refer to previous guidance within the MCSAP Comprehensive Policy (MCP) on maintenance of effort modifications, should they be needed.

Contacts and Resources

The MCSAP grant program is managed by the FMCSA Associate Administrator for Enforcement. However, for more information related to this announcement or application submission, the State lead agency may contact:

- The [FMCSA Division Office](#) in its State;
- The FMCSA Grants Management Help Desk at (202) 366-0621 or via email at FMCSA_GrantMgmtHelpDesk@dot.gov; or
- Mr. Tom Liberatore, Chief, State Programs Division at:
1200 New Jersey Avenue, SE
MC-ESS
Washington, DC 20590
Phone: (202) 366-3030
Thomas.Liberatore@dot.gov

Attachment 1:**Estimated Fiscal Year (FY) 2022 MCSAP Funding Distribution**

State	Federal Share	Grantee Match	Total Award
Alabama	\$ 6,096,415	\$ 1,074,994	\$ 7,171,409
Alaska	\$ 1,236,122	\$ 217,968	\$ 1,454,090
Arizona	\$ 10,937,380	\$ 1,928,612	\$ 12,865,992
Arkansas	\$ 4,326,060	\$ 762,824	\$ 5,088,884
California	\$ 18,710,082	\$ 3,299,190	\$ 22,009,272
Colorado	\$ 4,990,138	\$ 879,922	\$ 5,870,060
Connecticut	\$ 2,648,711	\$ 467,053	\$ 3,115,764
Delaware	\$ 1,181,243	\$ 208,291	\$ 1,389,534
District of Columbia	\$ 1,136,766	\$ 200,448	\$ 1,337,214
Florida	\$ 12,773,111	\$ 2,252,311	\$ 15,025,422
Georgia	\$ 10,196,791	\$ 1,798,023	\$ 11,994,814
Hawaii	\$ 1,106,164	\$ 195,052	\$ 1,301,216
Idaho	\$ 2,484,803	\$ 438,151	\$ 2,922,954
Illinois	\$ 10,828,686	\$ 1,909,446	\$ 12,738,132
Indiana	\$ 7,242,826	\$ 1,277,143	\$ 8,519,969
Iowa	\$ 4,817,261	\$ 849,438	\$ 5,666,699
Kansas	\$ 4,447,694	\$ 784,272	\$ 5,231,966
Kentucky	\$ 4,952,896	\$ 873,355	\$ 5,826,251
Louisiana	\$ 4,284,837	\$ 755,555	\$ 5,040,392
Maine	\$ 1,593,458	\$ 280,978	\$ 1,874,436
Maryland	\$ 4,367,921	\$ 770,205	\$ 5,138,126
Massachusetts	\$ 4,706,808	\$ 829,962	\$ 5,536,770
Michigan	\$ 9,195,764	\$ 1,621,509	\$ 10,817,273
Minnesota	\$ 6,812,365	\$ 1,201,239	\$ 8,013,604
Mississippi	\$ 4,021,847	\$ 709,181	\$ 4,731,028
Missouri	\$ 6,846,638	\$ 1,207,283	\$ 8,053,921
Montana	\$ 3,047,682	\$ 537,404	\$ 3,585,086
Nebraska	\$ 3,639,652	\$ 641,788	\$ 4,281,440
Nevada	\$ 2,585,917	\$ 455,980	\$ 3,041,897
New Hampshire	\$ 1,278,983	\$ 225,526	\$ 1,504,509
New Jersey	\$ 7,014,741	\$ 1,236,925	\$ 8,251,666
New Mexico	\$ 4,128,998	\$ 728,075	\$ 4,857,073
New York	\$ 12,604,683	\$ 2,222,611	\$ 14,827,294
North Carolina	\$ 8,989,008	\$ 1,585,052	\$ 10,574,060
North Dakota	\$ 2,609,479	\$ 460,135	\$ 3,069,614
Ohio	\$ 9,635,790	\$ 1,699,100	\$ 11,334,890
Oklahoma	\$ 5,855,204	\$ 1,032,461	\$ 6,887,665
Oregon	\$ 4,004,991	\$ 706,209	\$ 4,711,200
Pennsylvania	\$ 10,484,896	\$ 1,848,825	\$ 12,333,721
Puerto Rico	\$ 1,239,410	\$ 218,548	\$ 1,457,958
Rhode Island	\$ 1,283,091	\$ 226,250	\$ 1,509,341
South Carolina	\$ 4,807,623	\$ 847,739	\$ 5,655,362
South Dakota	\$ 2,325,778	\$ 410,110	\$ 2,735,888
Tennessee	\$ 6,662,416	\$ 1,174,798	\$ 7,837,214
Texas	\$ 30,432,727	\$ 5,366,270	\$ 35,798,997
Utah	\$ 3,083,020	\$ 543,636	\$ 3,626,656
Vermont	\$ 1,269,250	\$ 223,810	\$ 1,493,060
Virginia	\$ 6,793,449	\$ 1,197,904	\$ 7,991,353
Washington	\$ 6,576,269	\$ 1,159,608	\$ 7,735,877
West Virginia	\$ 2,366,811	\$ 417,345	\$ 2,784,156
Wisconsin	\$ 6,313,529	\$ 1,113,278	\$ 7,426,807
Wyoming	\$ 1,603,375	\$ 282,727	\$ 1,886,102
States SUM	\$ 302,579,559	\$ 53,354,519	\$ 355,934,078
American Samoa	350,000	-	350,000
Guam	439,941	-	439,941
Northern Marianas	350,000	-	350,000
Virgin Islands	350,000	-	350,000
Territories Total	1,489,941	-	1,489,941.00
National Total	304,069,500.00		357,424,019.00

Attachment 2:**MCSAP Grant Required Documents Checklist**

Below are the documents required be considered as being responsive to this announcement. The table below lists the document names, description, location, and submission information.

Document Name		Document Description and Location Information	Submit in/to:
1	SF-424 Application for Federal Assistance	A standard application form available in the Grants.gov application package required for all requests for Federal assistance. <i>Attached by the State lead agency to the Grants.gov application package.</i>	Grants.gov
2	SF-424A Budget Information for Non-Construction Programs	A standard budget form available in the Grants.gov application package required for requests for Federal assistance. <i>Attached by the State lead agency to the Grants.gov application package.</i>	Grants.gov
3	SF-424B Assurances for Non-Construction Programs	A standard assurance form available in the Grants.gov application package associated with accepting Federal assistance funds. This document indicates the organization is in substantial compliance with various programs, regulations, and Federal laws for a non-construction program. <i>Attached by the State lead agency to the Grants.gov application package.</i>	Grants.gov
4	Grants.gov Lobbying Form	A form available in the Grants.gov application package that allows organizations to indicate that they do not engage in lobbying activities. <i>Attached by the State lead agency to the Grants.gov application package.</i>	Grants.gov
5	SF-LLL Disclosure of Lobbying Activities (if applicable)	A standard form available in the Grants.gov application package to report lobbying activities if applicable. <i>Attached by the State lead agency to the Grants.gov application package.</i>	Grants.gov

6	Key Contacts Form	<p>A form available in the Grants.gov application package to report contact information for any additional Authorized Designated Officials (authorized signers), Principal Investigators or Program Directors (program/project managers); and Financial Officials (Grants Managers) not already identified on the SF-424.</p> <p><i>Attached by the State lead agency to the Grants.gov application package.</i></p>	Grants.gov
7	Attachment Form	<p>A form available in the Grants.gov application package used to submit supplemental attachments to support the grant application.</p> <p><i>Attached by the State lead agency to the Grants.gov application package.</i></p>	Grants.gov
8	Indirect Cost Rate Agreement (if applicable)	<p>Organization’s signed current and approved indirect cost rate agreement with the cognizant Federal agency (or letter of request to cognizant agency for rate establishment or adjustment).</p> <p><i>Attached by the State lead agency to the Grants.gov application package and uploaded into the eCVSP tool.</i></p>	Grants.gov and eCVSP
9	CVSP	<p>Commercial Vehicle Safety Plan which includes program structure, past performance data, performance goals, objectives, activities, strategies, performance measures, and comprehensive budget information.</p> <p><i>Applicants are encouraged to complete the Plan and submit in the eCVSP tool.</i></p>	eCVSP
10	State Certification	<p>Required by 49 CFR § 350.213, this document certifies that the State will meet all the requirements of participation in the MCSAP and must be executed by the authorized State official for providing program assurances. An electronic State Certification declaration is included in the eCVSP tool. A Word version of the State Certification is located within the Grants.gov “Full Announcement” tab and in the Help Center of the eCVSP tool.</p> <p><i>There are two options for completing the State Certification requirement. (1) The declaration can be completed within the eCVSP tool or (2) If a manual signature is required by State officials, the document can be uploaded by the State lead agency in the eCVSP tool.</i></p>	eCVSP

11	Annual Certification of Compatibility	<p>Required by 49 CFR § 350.213, the State must conduct an annual review to determine if the State laws, regulations, standards, and orders on CMV safety are compatible. The document must certify either that State CMV laws remain compatible with the FMCSRs and HMRs or identify any incompatibilities and include an explanation regarding the State’s progress towards achieving compatibility and the date by which compatibility is expected to be achieved.</p> <p><i>There are two options for meeting the Annual Review and Certification of Compatibility requirement. (1) The declaration can be completed within the eCVSP tool. (2) If a manual signature is required by State officials, the State should use the Word version of the certification which is in the eCVSP Help Center). The document can be uploaded by the State lead agency in the eCVSP tool.</i></p>	eCVSP
12	New Laws and Regulations	<p>Required by 49 CFR § 350.213, information regarding any new law, regulation, or policy affecting CMV safety that was adopted by the State since the last CVSP or annual update was submitted. These new laws and regulations should also be referenced in the results of the Regulatory Compatibility Review.</p> <p><i>The information required can be completed within the eCVSP tool.</i></p>	eCVSP
13	Title VI Program Requirements	<p>MCSAP awards will be conditional until the required Fiscal Year Title VI Program Compliance Plan (including the signed/dated FMCSA Title VI Program Assurance) is approved. Do <u>not</u> include the Title VI Program Compliance Plan with the Grants.gov application submission or upload in the eCVSP tool.</p> <p><i>Title VI Program Compliance Plans are to be submitted directly to Lester Finkle, FMCSA National Title VI Program Manager, by email at lester.finkle@dot.gov for review and approval. Please contact Mr. Finkle directly for guidance on content and submission requirements.</i></p>	Lester Finkle