



## **KENTUCKY**

### ***Commercial Vehicle Safety Plan***

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

**Fiscal Years 2019 - 2021  
Annual Update FY 2021**

**Date of Approval: June 09, 2021**

**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 350.209, 350.211 and 350.213](#). The lead agency must submit the State's CVSP to the FMCSA Division Administrator on or before the due date 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 or annual update each year to receive MCSAP funds.

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 (FY 2019 - 2021)
- 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 2021)
- Part 5: Certifications and Documents (FY 2021)

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 2021:

**Multi-Year plans**—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**—States in Year 2 or Year 3 of a multi-year plan will be providing an Annual Update only. States will review the project plan submitted the previous year and indicate any updates for the upcoming fiscal year by answering the "Yes/No" question provided in each Section of Parts 1-3.

- If Yes is indicated selected, the information provided for Year 1 will be editable and State users can make any necessary changes to their project plan. (Note: Trend Analysis information that supports your current activities is not editable.) Answer carefully as there is only one opportunity to select "Yes" before the question is locked.
- If "No" is selected, then no information in this section will be editable and the user should move forward to the next section.

All multi-year and annual update plans have been pre-populated with data and information from their FY 2020 plans. States must carefully review and update this information to reflect FY 2021 activities prior to submission to FMCSA. The financial information and certifications will be updated each fiscal year.

- Any information that is added should detail major programmatic changes. Do not include minor modifications that reflect normal business operations (e.g., personnel changes).
- Add any updates to the narrative areas and indicate changes by preceding it with a heading (e.g., FY 2021 update). Include descriptions of the changes to your program, including how data tables were modified.

**Personally Identifiable Information - PII** is information which, on its own or matched with other data, would permit identification of an 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.

States are reminded **not** to include any PII in their CVSP. The final CVSP approved by FMCSA is required to be posted to a public FMCSA website.

## Part 1 Section 2 - Mission/Goal Statement

Please review the description of your State's lead CMV agency's goals or mission. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

### 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.

*"To enforce state and Federal laws and regulations, placing emphasis on commercial vehicles, to encourage and promote a safe driving environment through safety education and awareness."*

Kentucky's mission and goals support the United States Department of Transportation's and the Federal Motor Carrier Safety Administration's (FMCSA's) fatality reduction goals. During calendar year (CY) 2013 this was to reduce roadway fatalities involving large trucks and buses per 100 million vehicle miles traveled (VMT) to 0.114 from 0.117 in 2012. For Kentucky, this goal translated to reducing CMV fatalities from the CY 2011 .160 rate to .157. Kentucky significantly surpassed that goal by seeing a reduction and rate of .145 and .146 in CY 2012 and 2013. Kentucky will continue to utilize activities of enforcement, public awareness and other traffic safety methods in an effort to reduce the fatality crash rate by .003 during the three year period covered during calendar years 2019 - 2021 by looking at crashes. A baseline is established utilizing crash data from calendar years 2013 - 2015 while supporting the primary mission of the Federal Motor Carrier Safety Administration (FMCSA) to reduce crashes, injuries and fatalities involving large trucks and buses.

Kentucky's 2021 CVSP will continue to emphasize the five national program elements of Driver/Vehicle Inspections, Compliance Reviews, Traffic Enforcement, Public Education and Awareness and Data Collection and Reporting. The 2021 CVSP will also contain activities that follow the FY 2021 FMCSA national priorities including work zone areas even though Kentucky is not included in the list of top ten states, the KSP considers work zone safety a high priority and utilizes enforcement before and after the zones. The continuing implementation of CSA has provided challenges and change within the KSP; resources have been redirected to deal with DataQ's and compliance review changes and the KSP follows the guidance relating to the adjudicated citation policy.

With the modification to the MCSAP BASIC grant structure in 2017 and inclusion of the New Entrant program under the MCSAP umbrella, the 2021 CVSP will include Kentucky's continued effort and dedication to the New Entrant program with a goal of reducing the number and severity of crashes, injuries, and fatalities involving commercial motor vehicles by reviewing new interstate motor carriers to ensure that they have effective safety management programs. Kentucky will also continue efforts to implement and sustain an intrastate New Entrant program which began being allowed with the 2017 FFY. The intrastate program will not interfere with Kentucky's efforts regarding interstate carriers and will be developed as manpower allows.

Kentucky utilizes three sub-grantees to better address CMV enforcement in the respective jurisdictions, Lexington, Louisville, and Boone County. These three agencies provide omnipresence and increased enforcement in three largely populated areas that would suffer a lack of enforcement personnel without their assistance. With the restructuring of the FMCSA grants and having Innovative Technology Deployment (formerly CVISN) and PRISM operation and maintenance under the MCSAP umbrella in FFY 2017, the KSP has added the Kentucky Department of Transportation as a sub-grantee to provide funding to allow them to continue to manage those programs.

Kentucky long ago developed a Highway Safety Management Team; this team consists of an Executive Committee that includes individuals from the public as well as private sector. The Commissioner of the Department of Kentucky State Police (KSP) is one of the setting members on this panel. KSP provides input which becomes an integral part of setting enforcement plans and policy. There are eleven sub-committees, which address different areas of traffic safety, and these committees, task teams, report to the Executive Committee. The Emphasis Task Teams will review data, recommend strategies and implement solutions to reduce specific collision concerns. Kentucky is in the process of updating its Strategic Highway Safety Plan and Lt. Johnson, CVE Division is attending those meetings to provide CMV safety input. The plan will include several items to improve and impact traffic safety. While Kentucky's fatality count for 2013 was at a 16 year low and 2014 continued a downward trend for CMV fatalities, Kentucky continues to look for ways to further reduce the needless loss of life on Kentucky's highway, especially since Kentucky observed a rise in fatalities and crashes during CY 2015 and 2016. 2017 however saw an increase in VMT and a significant reduction in CMV fatalities hitting a record low for fatality rate, an estimated .137 compared to .177 during 2015. The VMT rose again during 2018 and with that estimate for 2019 the fatality rate has risen slightly above that for 2015.

With a desired outcome of 1% reduction KY has met that goal with a 1.10% reduction for the years 2017 - 2019. KY will continue on with the desire to hit the 3% mark by the close of 2021. The vision of Kentucky is that "Through public and private partnerships, we can achieve the most improved and sustainable downward trend in highway fatalities and injuries in the nation"

The reality of how COVID-19 will affect our goals, objectives, activity and state budget and funding is yet to be recognized and most likely will not be for some time. We know that activity has suffered beginning in March of 2020 and still being affected at this time. KSP hopes to get back to normal



operations and to be able to address the goals of FMCSA and KSP in dealing with traffic safety.

Data source: FMCSA A&I crash statistics, J. E. Smoot, June 2020

Revised 07/06/2020

## Part 1 Section 3 - MCSAP Structure Explanation

Please review your State's CMV enforcement program description. You must answer the questions about your grant activities. You must select "yes" to make changes.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

### 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.

Kentucky will be entering its 32nd year in the Motor Carrier Safety Assistance Program and completes the three cycle of a multi-year 3 year CVSP with this 2021 application. The Department of Kentucky State Police (KSP) under the Justice and Public Safety Cabinet is the lead MCSAP agency within the Commonwealth. The Department is broken into four divisions, Administrative, Operations and Technical Services, Operations and the Commercial Vehicle Enforcement Division. CVE has its central headquarters located in Frankfort, KY with six regions throughout the state. The current projected operation staffing is approximately 178 sworn and civilian personnel. This staffing is broken down as follows:

29 civilian inspectors most of which are assigned to fixed facilities where they perform safety inspections, enforce size and weight regulations, and enforce the highway use tax.

5 Additional inspectors that are assigned as New Entrant Auditors,

73 sworn officers that perform these same duties as above, both at scale facilities and through patrol operations, which includes officers and supervisors, additionally, officers conduct drug and criminal interdiction as well as traffic enforcement within the Commonwealth. Included in the 73 are compliance review officers and other sworn staff that work in the Programs Branch, currently 9 and 7 that work in CDL.

Lastly KSP has 17 support staff that works within the KSP and utilize a percentage of grant funding.

Additionally, KSP has approximately 54 North American Standard trained troopers who perform level one and level three inspections.

Kentucky's program is comprehensive, encompassing all National Program elements outlined by FMCSA. In addition to routine inspection and enforcement operations, the KSP continues the program that was put into place in 2005 to conduct all New Entrant Safety Audits on Kentucky interstate motor carriers and will continue efforts to implement an Intrastate New Entrant program in FFY 2021.

All sworn personnel are trained in detecting and removing impaired drivers from the highways and are certified breath test operators. Additionally, all sworn officers are trained in drug interdiction programs. KSP has established a Special Operations section that is specialized in drug interdiction. CVE officers are assigned to this section and funded by MCSAP when doing MCSAP eligible activities. The drug interdiction unit, along with all of the other inspecting personnel within the department work to eliminate any drug impaired drivers or involvement of commercial vehicle being used in the transportation of illegal narcotics by looking for drug and bulk cash seizures.

KSP continues to fund three sub-grantees that are trained to complete NAS inspections: Louisville Metro Police Department, the Lexington Fayette Urban County Police and the Boone County Sheriff's Office; these agencies conduct MCSAP inspections and perform traffic enforcement activities. The utilization of the sub-grantees has been of great benefit in staffing their jurisdictions and relieving CVE of the burden of those large areas. Lexington currently has 23 certified level one inspectors while Louisville has 14 and Boone county 10. All three sub-grantees recently trained new inspectors this year.

KSP developed training for all officers within the state addressing the guidelines for reporting CMV crash data. Additionally as part of the above training all officers during the training received a commercial vehicle familiarization course including information on cabotage and Mexican carriers. This course was being presented regionally to provide training and assistance to police agencies that receive very little commercial vehicle enforcement training. While the course has not been taught recently we have placed much of the material on the KSP KYOPS website and PIO's continue to provide smaller blocks of instruction. CVE believes that providing this type of training to our traditional police agencies will provide an increased enforcement capability for those agencies as well as increase the reliability and completeness of commercial vehicle crash data.

In an effort to further increase data quality and to better be alerted to companies with FOOS orders, KY has changed its inspection software suite which sets on Kentucky's CVIEW database for all inspectors. This software and access to our CVIEW allows real-time and automatic scanning for FOOS orders as well as other screening criteria. The change to this software package has increased FOOS enforcement to nearly a 100% identification rate.

In an effort to increase homeland security, Kentucky has increased the number of Hazardous Material inspections being performed since the terror attacks in September 2001. CVE continues to encourage both its personnel as well as sub-grantee personnel to maintain a 33 % Level 3 inspection ratio and to increase hazardous material vehicle inspections and also require that electronic CDL checks be completed on each driver contacted and verification of operating authority of motor carriers.

In addition to normal police enforcement activities, CVE performs Outreach and Public Education event such as:

- Farm Machinery Show in Louisville, February
- Mid America Truck Show in Louisville, March
- Kentucky State Fair in Louisville, August
- Various County Fairs
- Recruiting Seminars
- Kentucky's Truck Rodeo

The FFY 2021 CVSP will take into account the Special Emphasis Areas which are applicable to KY:

1. Passenger Carrier Safety and Migrant Worker Transportation - The KSP will continue with its efforts to address passenger carrier safety by completing terminal inspections since Kentucky has little to no end point destinations where they can be completed. The KSP included a passenger carrier detail at last year's Kentucky Derby and will pursue that again with the rescheduled Derby, date modified due to COVID-19, if the opportunity still exists with the possibility of reduced spectator levels due to COVID -19.
2. Enforcement of OOS orders at roadside which has been a priority of the KSP and was the main reason that the KSP changed to its current reporting software, additionally a change was made last fiscal year to have the FOOS test hit the PRISM Webservice database which allows for real time FOOS data. A KSP sub-grantee missed a FOOS this year which shows our current catch rate at 0%, that sub-grantee has been retrained and KSP expects a 100% catch rate going forward.
3. Electronic Logging Devices - The KSP has taken advantage of the NTC training and was prepared to move into the ELD age of enforcement. Additionally, the KSP purchased thumb drives for inspectors to have available to assist in downloading ELD data when necessary, however the KSP encourages the downloading of ELD data using web services to increase its utilization to at least 85%. KSP encourage the review of the hours of service data through Eros and not at the roadside on the ELD. The KSP has two NAS Part A and B instructors on staff and they have been heavily involved in this endeavor.
4. Traffic Enforcement and **Workzone Safety** - The KSP continues to utilize its road officers for traffic enforcement on CMV's on both high crash corridors, by-pass routes on other roads that are identified by commanders where commercial vehicle enforcement is desired. The KSP will utilize officers for enforcement in advance and beyond work zones. The KSP does not utilize traffic enforcement on non CMV's or on CMV's without an inspection.

#### 5. Special Emphasis Area

The KSP utilizes current and available statewide crash data to address the primary focus of MCSAP and that is reducing CMV crashes. Kentucky's CVSP and enforcement efforts are data driven and focus on high crash corridors with and other opportunities for safety improvement that commanders observe within their regions.

#### 6. Other MCSAP special Emphasis Areas

##### Migrant Worker Transportation in Rural Areas

With Kentucky having rural farming and horse farm industries the KSP encourages its road officers to be aware of possible transportation issues regarding migrant workers while patrolling these rural areas.

##### Compliance Reviews/Investigations

KSP continues to maintain a specialized group of officers to sustain this important focus.

##### Public Education/Awareness

KY continues its efforts to both educate and provide safety awareness messages to the public although this is one area that a decreased staffing level has affected. The addition of the Teens and Trucks programs in schools has been difficult to get schools to buy into and supply adequate time but KSP intends to continue the effort and has reached out to program leaders in an attempt to have much of the Teens and Trucks program implemented in the States Graduated Licensing Program. Additionally, the KSP utilizes its routine traffic safety activities to reach all drivers including mature drivers and provides many outreach opportunities yearly through radio, internet other technologies. The KSP completed 105 P. R. related programs during calendar year 2019 which exceeded the goal desired for the calendar year and expects the same level of activity during calendar year 2020 and 2021. KSP reports all program activities with each quarterly SF-PPR.

KSP participates in all CVSA sponsored CVE activities throughout the year to maximize CVE education, training and enforcement. COVID-19 had an impact on the last fiscal year and it possibly will in fiscal year 2021.

##### Data Collection and Quality

KY continues to lead in data quality and will continue to focus on maintaining green status while looking for ways to further improve its processes.

##### New Entrant Safety Audits

The KSP continues to staff dedicated inspectors within the Program Branch that concentrate on completing interstate audits. The reality of the decreased workload since beginning off-site audits has allowed the Programs Branch Supervisor to reduce the work force in this area without suffering

a manpower issue. Additionally, with the reduced workload and the inclusion of intrastate audits into the MCSAP, the KSP will continue to look into the possibility of completing intrastate reviews while not allowing this to interfere or cause the interstate program to suffer

ITD/PRISM – Beginning with the 2017 CVSP KY added the KY Transportation Cabinet as a sub-grantee to continue to manage these functions. Funds are budgeted for the cabinet to continue this management.

Revised 07/20/2020

**Part 1 Section 4 - MCSAP Structure**

Please review your State's MCSAP structure information. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

**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:	KENTUCKY STATE POLICE
Enter total number of personnel participating in MCSAP activities	178
<b>National Program Elements</b>	<b>Enter # personnel below</b>
Driver and Vehicle Inspections	161
Traffic Enforcement Activities	127
Investigations*	9
Public Education and Awareness	178
Data Collection and Reporting	178
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Subrecipient Information	
Agency Name:	LEXINGTON DIVISION OF POLICE
Enter total number of personnel participating in MCSAP activities	23
<b>National Program Elements</b>	<b>Enter # personnel below</b>
Driver and Vehicle Inspections	23
Traffic Enforcement Activities	23
Investigations*	0
Public Education and Awareness	23
Data Collection and Reporting	23
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Subrecipient Information	
Agency Name:	LOUISVILLE POLICE
Enter total number of personnel participating in MCSAP activities	14
<b>National Program Elements</b>	<b>Enter # personnel below</b>
Driver and Vehicle Inspections	14
Traffic Enforcement Activities	14
Investigations*	0
Public Education and Awareness	14
Data Collection and Reporting	14
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Subrecipient Information	
Agency Name:	BOONE COUNTY SHERIFF
Enter total number of personnel participating in MCSAP activities	10
<b>National Program Elements</b>	<b>Enter # personnel below</b>
Driver and Vehicle Inspections	10
Traffic Enforcement Activities	10
Investigations*	0
Public Education and Awareness	10
Data Collection and Reporting	10
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Subrecipient Information	
Agency Name:	KENTUCKY TRANSPORTATION CABINET
Enter total number of personnel participating in MCSAP activities	20
<b>National Program Elements</b>	<b>Enter # personnel below</b>
Driver and Vehicle Inspections	0
Traffic Enforcement Activities	0
Investigations*	0
Public Education and Awareness	0
Data Collection and Reporting	0
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Non-funded Agency Information	
Total number of agencies:	0
Total # of MCSAP Participating Personnel:	0

## 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.*

*In past years, the program effectiveness summary trend analysis and performance goals were separate areas in the CVSP. Beginning in FY 2017, these areas have been merged and categorized by the National Program Elements as described in [49 CFR 350.109](#). This change is intended to streamline and incorporate this information into one single area of the CVSP based upon activity type.*

**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 State Quarterly Report and CVSP Data Dashboard, and/or the CVSP Toolkit on the A&I Online website. The Data 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/StatePrograms/Home.aspx>. 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

Please review the description of your State's crash reduction problem statement, goals, program activities and monitoring. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

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			
01/01/2017	12/31/2017	68	0.17	0.1370
01/01/2016	12/31/2016	87	0.1670	0.1760
01/01/2015	12/31/2015	86	0.1460	0.1770
01/01/2014	12/31/2014	67	0.1470	0.14
01/01/2013	12/31/2013	87	0.1670	0.1480



**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:** N/A

**If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:**  
KY has not identified any significant issues.

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2017	12/31/2017	0		
01/01/2016	12/31/2016	3		
01/01/2015	12/31/2015	4		
01/01/2014	12/31/2014	3		
01/01/2013	12/31/2013	0		

## 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:** N/A

**If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:**  
KY has not identified any significant issues.

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2017	12/31/2017	1		
01/01/2016	12/31/2016	2		
01/01/2015	12/31/2015	6		
01/01/2014	12/31/2014	3		
01/01/2013	12/31/2013	3		

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

KYOPS, June 2018, John E Smoot

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

**Motorcoach**

Kentucky has limited to no end destination locations which provides some difficulty in completing motorcoach inspections, KSP does however continue to focus on details that include terminal inspections and others as available. KSP plans on training additional motorcoach inspectors both within our agency and our subgrantees to assist with attrition.

Kentucky has improved the level of contacts with passenger carriers significantly over the last several years, during 2011 KSP completed 57 motorcoach inspections, 89 in 2012 and very significantly increased to 206 during 2013, 131 during 2014 and 91 during CY 2015, 80 during CY 2016 and 32 during CY 2017. Attrition has created a decrease and hence the reason for the planned course. KSP has initiated carrier based terminal inspections, reviewed curb side operations in Lexington and now requires all commercial bus traffic to enter the scale facilities.

**Hazardous Materials**

Kentucky maintains a consistent hazardous materials inspection program and trains all of its CVE troop inspectors in the investigation of hazardous materials vehicles as well as cargo tank and bulk packaging. The KSP provided the majority of its inspectors an opportunity to go through the General Roadside Hazardous Materials course as a refresher during 2016 and 2017. Additionally, the KSP provided the same type of refresher training in the areas of Cargo Tank during 2017 and will do so with Other Bulk Packaging during FFY 2019. Kentucky added a state specific goal for 2015 and continues that program goal into FFY 2019 in its two largest counties which had significantly more crashes involving commercial vehicles carrying hazardous materials than the other counties within the state. Kentucky completed 6,871 hazardous materials inspections during CY 2017, which is slightly less than 10% of the CVE Divisions inspections. KSP will work to achieve at least a 10% ratio.

**Narrative Overview for FY 2019 - 2021**

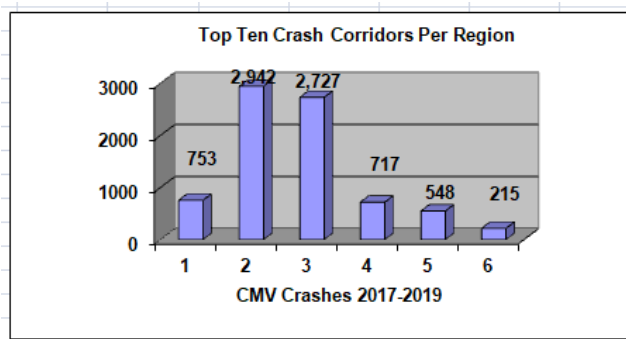
**Instructions:**

*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.**

The Commercial Vehicle Enforcement Division is divided into six regions statewide each commanded by a regional commander responsible for his/her region. Each region has its own specific crash problem areas as identified within this CVSP by crash data. CVE implemented region specific objectives during FFY 2007 and crash reduction on these high crash corridors was a priority. CVE has observed significant results in reduction of crashes. The success and reduction of crashes on many of the previously identified corridors provides a need to shift emphasis, KSP has identified with 2017-2019 crash data new high crash corridors within each region and these corridors are modified based on the most current three year data, additionally, CVE commanders will monitor crash data within their respective regions to identify areas that need additional attention. The below table indicates percentages of crashes on high crash corridors for each region.

Region Crash Data Per Corridor 2017 - 2019						
	Region One	Region Two	Region Three	Region Four	Region Five	Region Six
% Crashes on top 10 High Crash Corridors	58%	68%	60%	76%	59%	70%
% Crashes on Non High Crash Corridors	40%	32%40	40%	24%	41%	30%
% Crashes on top 15 High Crash Corridors	71%	79%	74%	86%	72%	83%
% Crashes on Non High Crash Corridors	29%	21%	26%	14%	28%	16%



Region	1	2	3	4	5	6
114	452	680	169	172	54	
89	316	483	123	42	28	
87	311	223	103	39	19	
70	304	150	39	39	14	
57	252	124	36	29	13	
50	216	123	36	27	13	
48	202	122	36	27	12	
37	192	116	32	26	11	
33	156	110	32	25	9	
32	137	108	29	23	8	
31	98	107	20	21	8	
28	93	105	16	21	7	
28	75	98	16	20	7	
25	70	94	16	19	6	
24	68	84	14	18	6	
753	2942	2727	717	548	215	

**Enter the data source and capture date:**

KYOPS, June 2020, John E Smoot

**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	1
2020	1
2021	1

3% over the three year period with annual benchmark goals of 1%.

**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.**

**Program Activity Plan:**

**Program Strategy:**

Enforcement – Increased contact and enforcement in high crash areas. Region commanders may modify enforcement corridors based on quarterly activity.

**Program Activity/Plan:**

Commanders for each region will base their activities on the top ten high crash corridors as identified within each regions crash corridors for the three year period 2017 - 2019. Those top ten crash corridors are shown for each region below along with each regions program/activity measure. A higher percentage of enforcement activities, inspections and citations should occur on these corridors versus non identified corridors. Commanders will utilize routine patrol for inspection activity and traffic enforcement, high visibility blitzes and other activities as they deem necessary. Commanders will increase enforcement presence on top crash locations as determined by need from previous quarter activity. KSP will monitor the numbers of inspections and citations to verify compliance with the plan of action.

**(Region One)**

COUNTY	ROUTE	NUMBER OF CRASHES 2012-2014	NUMBER OF CRASHES 2013-2015	NUMBER OF CRASHES 2014-2016	NUMBER OF CRASHES 2015-2017	NUMBER OF CRASHES 2016-2018	NUMBER OF CRASHES 2017-2019
MCCRACKEN	I 0024	75	77	83	95	112	114
HENDERSON	US0041	88	93	91	95	83	89
CHRISTIAN	I 0024	57	62	62	74	84	87
MARSHALL	I 0024	33	42	47	43	60	70
LYON	I 0024	58	80	71	62	50	57
DAVIESS	US0060	56	60	52	49	48	50
HOPKINS	WK9001/69	18	12	31	35	45	48
GRAVES	JC9003	11	14	20	23	29	37
CALLOWAY	US0641	30	30	28	33	33	33
GRAVES	US0045					22	32

**Program/Activity Measure:**

Activity will be measured quarterly and activities on high crash corridors should be at or near 58 % of the total region activity. Data will be gathered from Kentucky's crash and citation database. As a baseline, calendar year 2017 activity indicates a total of 11,286 inspections and 2,658 citations for region one, based on this baseline and percentage plan, calendar year 2021 activity should conclude with approximately 6,545 inspections and 1,541 citations on the identified high crash corridors for this region, which is 58% of total activity.

**(Region Two)**

COUNTY	ROUTE	NUMBER OF CRASHES 2012-2014	NUMBER OF CRASHES 2013-2015	NUMBER OF CRASHES 2014-2016	NUMBER OF CRASHES 2015-2017	NUMBER OF CRASHES 2016-2018	NUMBER OF CRASHES 2017-2019
JEFFERSON	I 0065	466	489	551	553	474	452
JEFFERSON	I 0064	262	319	377	364	350	316
HARDIN	I 0065	198	262	326	368	369	311
JEFFERSON	I 0264	250	311	354	352	321	304
BULLITT	I 0065	253	272	268	209	224	252
JEFFERSON		195	223	242	222	204	216
WARREN	I 0065	152	166	177	189	211	202
JEFFERSON	I 0265	125	157	165	184	170	192
JEFFERSON	I 0071	129	155	183	187	170	156
HART	I 0065	178	254	261	239	164	137

**Program/Activity Measure:**

Activity will be measured quarterly and activities on high crash corridors should be at or near 68% of the total region activity. Data will be gathered from Kentucky's crash and citation database. As a baseline, calendar year 2017 activity indicates a total of 14,604 inspections and 1,922 citations for region two based on this baseline and percentage plan, calendar year 2021 activity should conclude with approximately 9,930 inspections and 1,306 citations on the identified high crash corridors for this region, which is 68% of total activity.

**(Region Three)**

COUNTY	ROUTE	NUMBER OF CRASHES 2012-2014	NUMBER OF CRASHES 2013-2015	NUMBER OF CRASHES 2014-2016	NUMBER OF CRASHES 2015-2017	NUMBER OF CRASHES 2016-2018	NUMBER OF CRASHES 2017-2019
KENTON	I 0075	375	432	499	564	631	680
BOONE	I 0075	298	339	358	408	444	483
FAYETTE	I 0075	199	227	240	236	218	223
OLDHAM	I 0071	126	154	161	140	147	150
CARROLL	I 0071	76	81	96	105	119	124
FAYETTE	KY0004	115	134	145	145	128	123
GALLATIN	I 0071	107	116	115	104	121	122
FAYETTE		125	125	135	124	125	116
HENRY	I 0071	81	105	111	102	113	110
SCOTT	I 0075	97	101	115	97	115	108

**Program/Activity Measure:**

Activity will be measured quarterly and activities on high crash corridors should be at or near 60% of the total region activity. Data will be gathered from Kentucky's crash and citation database. As a baseline, calendar year 2017 activity indicates a total of 15,993 inspections and 2,067 citations for region three, based on this baseline and percentage plan, calendar year 2021 activity should conclude with approximately 9,595 inspections and 1,240 citations on the identified high crash corridors for this region, which is 60% of total activity.

**(Region Four)**

COUNTY	ROUTE	NUMBER OF CRASHES 2012-2014	NUMBER OF CRASHES 2013-2015	NUMBER OF CRASHES 2014-2016	NUMBER OF CRASHES 2015-2017	NUMBER OF CRASHES 2016-2018	NUMBER OF CRASHES 2017-2019
ROCKCASTLE	I 0075	110	132	156	143	165	169
LAUREL	I 0075	89	94	103	109	114	123
WHITLEY	I 0075	95	107	113	106	101	103
KNOX	US0025E	34	41	44	49	48	39
LAUREL	KY0080	39	41	48	46	46	36
PULASKI	US0027	26	23	40	45	46	36
LAUREL	US0025	27	33	32	34	31	36
LAUREL	US0025E	24	23	32	36	38	32
PULASKI	KY0080	23	26	25	31	32	32
BELL	US0025E	25	23	33	40	36	29

**Program/Activity Measure:**

Activity will be measured quarterly and activities on high crash corridors should be at or near 76% of the total region activity. Data will be gathered from Kentucky's crash and citation database. As a baseline, calendar year 2017 activity indicates a total of 20,566 inspections and 2,409 citations for region four; based on this baseline and percentage plan, calendar year 2021 activity should conclude with approximately 15,630 inspections and 1,830 citations on the identified high crash corridors for this region, which is 76% of total activity.

**(Region Five)**

COUNTY	ROUTE	NUMBER OF CRASHES 2012-2014	NUMBER OF CRASHES 2013-2015	NUMBER OF CRASHES 2014-2016	NUMBER OF CRASHES 2015-2017	NUMBER OF CRASHES 2016-2018	NUMBER OF CRASHES 2017-2019
MADISON	I 0075	136	141	157	172	181	172
BOYD	US0060	30	24	23	32	33	42
JESSAMINE	US0027	42	48	54	49	50	39
CARTER	I 0064	44	41	33	24	26	39
ROWAN	I 0064	29	25	21	20	24	29
CLARK	I 0064	36	37	41	39	34	27
BOYD	US0023	46	40	32	29	29	27
BOYD	I 0064	23	31	29	27	23	26
MADISON	US0025	23	26	24	23	19	25
MONTGOMERY	I 0064	21	17	20	23	27	23

**Program/Activity Measure:**

Activity will be measured quarterly and activities on high crash corridors should be at or near 59% of the total region activity. Data will be gathered from Kentucky's crash and citation database. As a baseline, calendar year 2017 activity indicates a total of 10,099 inspections and 635 citations for region five, based on this baseline and percentage plan, calendar year 2021 activity should conclude with approximately 5,958 inspections and 374 citations on the identified high crash corridors for this region, which is 59% of total activity.

**(Region Six)**

COUNTY	ROUTE	NUMBER OF CRASHES 2012-2014	NUMBER OF CRASHES 2013-2015	NUMBER OF CRASHES 2014-2016	NUMBER OF CRASHES 2015-2017	NUMBER OF CRASHES 2016-2018	NUMBER OF CRASHES 2017-2019
PIKE	US0023	57	51	47	48	55	54
PERRY	KY0015	15	18	19	23	22	28
FLOYD	US0023	27	35	29	25	16	19
PIKE	US0460	34	24	17	15	14	14
PIKE	KY0194	24	25	25	17	14	13
PERRY	KY0080	11	4	6	10	13	13
MAGOFFIN	US0460	6	2	5	6	12	12
PIKE	US0119	29	21	14	15	14	11
JOHNSON	US0023	15	15	14	10	9	9
LETCHER	US0119	28	27	21	15	10	8

**Program/Activity Measure:**

Activity will be measured quarterly and activities on high crash corridors should be at or near 70% of the total region activity. Data will be gathered from Kentucky's crash and citation database. As a baseline, calendar year 2017 activity indicates a total of 4,679 inspections and 215 citations for region six, based on this baseline and percentage plan, calendar year 2021 activity should conclude with approximately 3,275 inspections and 150 citations on the identified high crash corridors for this region, which is 70% of total activity.

***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.***

**Performance Measurement:**

The State will monitor and evaluate the effectiveness of its CMV Crash Reduction Goal quarterly and annually by evaluating the following data elements. Activity will be monitored quarterly utilizing activities of inspection, crash and citation data to identify that high crash corridors are being actively worked and to determine what modifications to enforcement activity needs to be realized. CVE utilizes KYOPS, the real-time state crash database, to review current and historical crash and citation data for determining problems and monitoring activities. CVE will expect to see a 3% decrease in collisions, on a three year average with the benchmark three year period being 2015 – 2017, by the end of FFY 2021, with incremental reductions in the 1% range per calendar year and with this reduction hoping to reduce crashes by the minimum proposed .001 reduction for calendar year 2019 and beyond. With a desired outcome of 1% reduction KY has met that goal with a 1.10% reduction for the years 2017 - 2019. KY will continue on with the desire to hit the 3% mark by the close of 2021.

Note: COVID-19 has created modifications in work activities, assignment of personnel and general abilities to perform the functions of commercial vehicle inspectors and traffic law enforcement in general. A reality of this unprecedented time is that activity and goals may suffer as we navigate this difficult time. There is no pre-determined time of when things will return to a somewhat normal state so all measurement data will be reviewed at a later date and subject to disappointment when compared to desired goals.



**Part 2 Section 3 - Roadside Inspections**

Please review the description of your State's overall inspection program and identify if changes are needed for the upcoming fiscal year. You must also update the projected roadside inspection goals for the upcoming fiscal year. You must select "yes" to make changes.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

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	33589	32700	24985	21794	33094
Level 2: Walk-Around	29007	27276	24819	21715	28726
Level 3: Driver-Only	29373	13282	11959	11933	20254
Level 4: Special Inspections	0	1	3	0	0
Level 5: Vehicle-Only	620	662	725	297	227
Level 6: Radioactive Materials	0	0	7	3	3
<b>Total</b>	<b>92589</b>	<b>73921</b>	<b>62498</b>	<b>55742</b>	<b>82304</b>

**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.**

Commercial vehicle inspections are the foundation of the MCSAP, and not only help to ensure that unsafe vehicles and drivers are dealt with appropriately; these inspections also provide data which helps identify carriers that have unsafe operating practices, especially with the implementation of CSA. CVE is staffed with 29 civilian inspectors which are assigned to fixed facilities where they perform safety inspections; additionally CVE has approximately 57 sworn officers that perform these same duties both at scale facilities and through patrol operations with emphasis on the identified high crash corridors. There are 16 sworn personnel assigned to special duties that maintain certification and complete at least 32 level one inspections per year and charge MCSAP funding only when completing MCSAP eligible activities. Additionally, KSP has approximately 54 North American Standard trained troopers who perform level one and level three inspections. With all staffing and percentages utilizing MCSAP eligible activities the KSP shows approximately 69 FTE hours dedicated to the MCSAP activities, these FTE hours take into account that the civilian inspectors spend approximately 70% of their time on MCSAP eligible activities. Vehicle inspections are important in minimizing the risk attendant to the transportation of materials and passengers. Inspections can be instrumental in identifying national problems, such as fatigued drivers or specific mechanical violations that seem to occur nationally. In prior years an emphasis was placed on Level 1 inspections and that program has been and continues to be an effective tool in maintaining maintenance levels of vehicles. It is apparent though that the impact has leveled off as far as unsafe vehicle defects being identified on the roadside. To balance the effectiveness of level one inspections against the total value of all inspections, KSP will fulfill the FMCSA desire to have 33% of inspections fall within the level 3 category, the KSP will not require the 33% among the sub-grantees due to their limited focus and need for level 1 inspections. With the change to utilizing our newest software for inspections KSP has addressed the national priority dealing with FOOS orders at roadside, every CMV is screened automatically upon initiating an inspection without the inspector having to leave the inspection software for another program and as of June of 2019 KSP is actually hitting the PRISM web services and has real-time FOOS data. Additionally, KSP intends to continue efforts addressed to bypass routes as described below:

Program Strategy: Enforcement – CVE scale facilities have natural bypass routes that can be utilized by drivers to avoid going through scale facilities and

therefore avoid the risk of obtaining an inspection at a scale facility. CVE will monitor these bypass routes for CMV activity and implement at a minimum level three inspections.

Program Activity Plan: CVE will monitor crash activity on these bypass routes and pay specific attention to those that show CMV crash activity. Additionally, all bypass routes will receive maintenance enforcement activity and evaluation.

Program Activity Measure: CVE will monitor activity on these routes quarterly to determine crash, inspection and citation data and results or need for modification to other routes. As provided in the data section of this document, corridors will be monitored for actual crash and citation activity to insure that those corridors indicating crash history are provided with active enforcement. KSP would expect corridors with the highest incidence of crashes to receive the highest number of documented activities.

Monitoring & Evaluation: The goal of this particular activity is to remove unsafe vehicles from bypassing scale facilities in an effort to avoid violation detection. Evaluation of documented violations will be the initial primary tool however the goal of reduction of crashes and fatalities covers the big picture and meeting the identified goals that are within the CVSP will be the ultimate monitor. Crash and activity data will be evaluated to confirm to the goals established within the previous areas of the CVSP, particularly reducing the three year crash rate average 3% over the three year period.

COVID-19 has affected the ability of KSP units to complete inspection activity as normal and activity levels have suffered along with all forms of traffic safety activities. KSP maintained staffing of scale facilities during the peak of the Pandemic in an effort to keep scales open, provide the perception of continued enforcement as well as continuing to address obvious serious safety defects. KSP will resume normal inspection functions when conditions allow and will maintain a normal inspection goal for 2021 with the expectation and hope that activities will return to normal by October 2020.

Revised 07/06/2020

## 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 2021, 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:** KENTUCKY STATE POLICE

**Enter the total number of certified personnel in the Lead agency:** 161

Projected Goals for FY 2021 - Roadside Inspections					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	26500	2486	168	29154	35.84%
Level 2: Walk-Around	21000	3553	10	24563	30.20%
Level 3: Driver-Only	26700	829	18	27547	33.86%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	69	0	7	76	0.09%
Level 6: Radioactive Materials	0	3	3	6	0.01%
<b>Sub-Total Lead Agency</b>	<b>74269</b>	<b>6871</b>	<b>206</b>	<b>81346</b>	

**MCSAP subrecipient agency**

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

**Subrecipient is:** LEXINGTON DIVISION OF POLICE

**Enter the total number of certified personnel in this funded agency:** 26

Projected Goals for FY 2021 - Subrecipients					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	854	81	7	942	58.99%
Level 2: Walk-Around	243	56	0	299	18.72%
Level 3: Driver-Only	252	54	0	306	19.16%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	50	50	3.13%
Level 6: Radioactive Materials	0	0	0	0	0.00%
<b>Sub-Total Funded Agencies</b>	<b>1349</b>	<b>191</b>	<b>57</b>	<b>1597</b>	

**Subrecipient is:** LOUISVILLE POLICE

**Enter the total number of certified personnel in this funded agency:** 16

Projected Goals for FY 2021 - Subrecipients					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	600	50	0	650	52.00%
Level 2: Walk-Around	500	0	0	500	40.00%
Level 3: Driver-Only	100	0	0	100	8.00%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	0	0	0.00%
Level 6: Radioactive Materials	0	0	0	0	0.00%
<b>Sub-Total Funded Agencies</b>	<b>1200</b>	<b>50</b>	<b>0</b>	<b>1250</b>	

**Subrecipient is:** BOONE COUNTY SHERIFF

**Enter the total number of certified personnel in this funded agency:** 10

Projected Goals for FY 2021 - Subrecipients					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	237	8	0	245	33.33%
Level 2: Walk-Around	245	0	0	245	33.33%
Level 3: Driver-Only	245	0	0	245	33.33%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	0	0	0.00%
Level 6: Radioactive Materials	0	0	0	0	0.00%
<b>Sub-Total Funded Agencies</b>	<b>727</b>	<b>8</b>	<b>0</b>	<b>735</b>	

KENTUCKY TRANSPORTATION

**Subrecipient is:** CABINET**Enter the total number of certified personnel in this funded agency:** 0

Projected Goals for FY 2021 - Subrecipients					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full				0	%
Level 2: Walk-Around				0	%
Level 3: Driver-Only				0	%
Level 4: Special Inspections				0	%
Level 5: Vehicle-Only				0	%
Level 6: Radioactive Materials				0	%
<b>Sub-Total Funded Agencies</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**Non-Funded Agencies**

Total number of agencies:	0
Enter the total number of non-funded certified officers:	0
Enter the total number of inspections projected for FY 2021:	0

**Summary**

## Projected Goals for FY 2021 - Roadside Inspections Summary

Projected Goals for FY 2021 Summary for All Agencies					
<b>MCSAP Lead Agency: KENTUCKY STATE POLICE</b>					
<b># certified personnel: 161</b>					
<b>Subrecipient Agencies: BOONE COUNTY SHERIFF , KENTUCKY TRANSPORTATION CABINET, LEXINGTON DIVISION OF POLICE, LOUISVILLE POLICE</b>					
<b># certified personnel: 52</b>					
<b>Number of Non-Funded Agencies: 0</b>					
<b># certified personnel: 0</b>					
<b># projected inspections: 0</b>					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	28191	2625	175	30991	36.49%
Level 2: Walk-Around	21988	3609	10	25607	30.15%
Level 3: Driver-Only	27297	883	18	28198	33.20%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	69	0	57	126	0.15%
Level 6: Radioactive Materials	0	3	3	6	0.01%
<b>Total ALL Agencies</b>	<b>77545</b>	<b>7120</b>	<b>263</b>	<b>84928</b>	

**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.

**Note:** States in Year 2 or Year 3 of a multi-year plan cannot edit the table shown below. It should be used as a reference.

Projected Goals for FY 2020 Roadside Inspections	Lead Agency	Subrecipients	Non-Funded	Total
Enter total number of projected inspections	74269	3500	0	77769
Enter total number of certified personnel	180	59	0	239
Projected Goals for FY 2021 Roadside Inspections				
Enter total number of projected inspections	74269	3500	0	77769
Enter total number of certified personnel	180	59	0	239

**Part 2 Section 4 - Investigations**

Please review your State's investigation goals, program activities and monitoring. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

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	35	58	22	17	56
Cargo Tank Facility Reviews					
Non-Rated Reviews (Excludes CSA & SCR)					
CSA Off-Site					
CSA On-Site Focused/Focused CR	27	51	19	16	47
CSA On-Site Comprehensive	8	7	3	1	9
<b>Total Investigations</b>	<b>70</b>	<b>116</b>	<b>44</b>	<b>34</b>	<b>112</b>
Total Security Contact Reviews			1	2	1
Total Terminal Investigations					

Investigative Types - Intrastate	2013	2014	2015	2016	2017
Compliance Investigations	134	53	44	63	3
Cargo Tank Facility Reviews					
Non-Rated Reviews (Excludes CSA & SCR)					
CSA Off-Site					
CSA On-Site Focused/Focused CR	131	53	44	61	2
CSA On-Site Comprehensive	3	0	0	2	1
<b>Total Investigations</b>	<b>268</b>	<b>106</b>	<b>88</b>	<b>126</b>	<b>6</b>
Total Security Contact Reviews		6	3	6	2
Total Terminal Investigations		0	1	0	6

**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	14	0	14	0	30	2
CSA On-Site Focused/Focused CR	27	4	27	4	28	3
CSA On-Site Comprehensive	7	2	7	2	13	2
<b>Total Investigations</b>	<b>48</b>	<b>6</b>	<b>48</b>	<b>6</b>	<b>71</b>	<b>7</b>
Total Security Contact Reviews	0	0	0	0	2	0
Total Terminal Investigations	0	0	0	0	0	0

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

Please see below regarding data and methodology. As methods and data capture has changed some data is not retrievable in the format requested. Methodology w/Assumptions General • 4 full time compliance investigators each FY, 1 part-time investigator (part-time administrator). • Estimated average production per full-time investigator: 1.5 investigations per month (18 per investigator per year). • Part-time investigator produces the re-certification minimum and primarily assists the Program Coordinator in an administrative role. Comprehensive • 3 comprehensive investigations x 5 investigators per year (15 total per year). Focused Investigations • 18 total investigations per year - 3 comprehensive investigations = 15 total focused per investigator per year. • 15 focused x 4 investigators = 60 total focused. • 3 focused x 1 part-time investigator = 3 focused. • 63 total focused investigations per year, 50-50 split between Offsite and Onsite. Totals • 18 investigations per year x 4 full-time investigators = 72 investigations. • 6 investigations per year x 1 part-time investigator = 78 investigations. • 72 + 6 = 78 investigations total. • 10% of activity designated intrastate.

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

Compliance review officers will work with the FMCSA to perform reviews on carriers with high BASIC rankings. CVE currently operates with 5 full-time investigators. The KSP instituted a program for civil fines in compliance with FMCSA regulations, however, the program has been dormant. Since all of the enforcement cases initiated by the KSP currently fall within the jurisdiction of FMCSA, KSP's current approach to enforcement involves completing and forwarding enforcement cases to FMCSA to be handled using FMCSA's enforcement processes. The KSP retains the ability to complete intrastate enforcement cases when appropriate.

CVE has modified the program plans to incorporate the changes brought about by CSA and are completing mostly focused reviews. CR personnel are assigned specifically to the CR program and supervised out of the Programs Branch. While these positions are considered and designed to be 100% Compliance Review staff, the reality is that there are instances when they have to switch roles but that should be minimal and time is charged appropriately at that time, we still expect them to be at 100% but it could possibly dip to 85% or less based on activity but again the time will be charged appropriately. A good example is when COVID-19 hit these investigators were reassigned to non FMCSA functions and none of their time was charged to MCSAP. Other situations that can cause this switch are things like cancellations of appointments by carriers, lack of available CR activity within the investigators area or other deviations that would not be considered compliance review activity. When these switches occur the investigators time is charged accordingly for that limited time and to the appropriate program. Additionally these investigators may also assist in the New Entrant Program.

The 35% rate mentioned earlier for officer MCSAP function is a benchmark of basic MCSAP road personnel and does not apply to CR personnel. During FFY 2019 the KSP completed 46 reviews with reduced staffing levels, but up from 35 reviews performed in FFY 2018, also at reduced staffing levels. The KSP expects to complete 78 reviews as described above during FFY 2021 and beyond.

Revised 07/06/2020



***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.***

**Performance Measure:**

The number of compliance reviews performed on carriers with high BASICS ratings, complaints, or otherwise subject to investigation.

Number of carriers identified, reviewed, or receiving enforcement action.

CVE has a compliance and enforcement program coordinator to coordinate the compliance review section and civil penalties section. The compliance review manager will report quarterly to the MCSAP coordinator activities to be included in the quarterly report to the local office of the FMCSA. The program coordinator manages the state-level investigation program, makes investigation assignments, directs investigations, approves or rejects investigative reports and cases, approves investigation reports on interstate carriers prior to upload to FMCSA, and other related duties. CVE provides training updates quarterly to CR investigators and CVE utilizes the coordinator and experienced CR investigators to obtain training and to provide the needed updates to CVE investigators.

## Part 2 Section 5 - Traffic Enforcement

Please review the description of your State's traffic enforcement program, projected goals and monitoring. You must answer the questions about your traffic enforcement activities in the Projected Goals area. You must select "yes" to make changes.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

*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	10249	8678
01/01/2016	12/31/2016	11201	8898
01/01/2015	12/31/2015	11853	9690
01/01/2014	12/31/2014	7424	6303
01/01/2013	12/31/2013	6693	5851

☒ 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.

☒ 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.

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

Safety Net Data, June/July 2018, John E Smoot

## 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 large truck causation study indicates a need for increased driver focus. Traffic Enforcement activities are a tool in addressing driver behavior at the time it occurs. Accompanying inspections often reveal additional violations and the information gathered as a result of these activities is entered into the carriers profile in the national database. Traffic Enforcement prevents crashes and removes unsafe vehicles/drivers from the road. CVE is staffed with approximately 86 sworn officers that perform patrol operations as well as completing fixed facility inspections. With all staffing and percentages utilizing MCSAP eligible activities the KSP shows approximately 27 FTE hours dedicated to roadside traffic enforcement MCSAP activities. During patrol operations these officers primary responsibility is to provide traffic enforcement efforts with the emphasis on commercial motor vehicles. CVE has not been utilizing the non-CMV enforcement monies due to other high priority funding in previous years. Kentucky does not intend to utilize MCSAP funds for non-CMV enforcement during FFY 2019.

Traffic enforcement is a daily function of our CMV units and their focus is on CMV activity with an inspection, however if passenger car enforcement is required by our CMV officers they will take the appropriate enforcement without charging that time to the MCSAP grant. To reduce CMV crashes and fatalities throughout Kentucky by increasing the use of mobile patrol units to increase traffic enforcement and inspection activity to ensure vehicles, both commercial and non-commercial operate safely around commercial vehicles. CVE is utilizing crash information from the Kentucky crash reporting system to identify high crash areas within each region and anticipates by utilizing additional traffic enforcement in these areas that crashes can be reduced by 3% for the three year period ending 2021 from the benchmark set by 2015 – 2017 data, see crash data. Each region will have its own baseline established by the crash data shown in the data tables, for purposes here region one will begin with 686 crashes, region two 1,910 crashes, region three 1,750 crashes, region four 348 crashes, region five 474 crashes, and region six 144 crashes based on 2017 data. Specific manpower allocation is fixed in some methods by region staff levels. Commanders utilize scheduling based on manpower available and assign duties per high crash corridors and other activities as required.

Program Strategy: Enforcement – CVE officers are being instructed to increase the focus on stopping CMV's that are in violation of traffic laws or are likely to have CMV violations.

Program Activity Plan: Encourage an increase in the number of roadside inspections particularly Level two and three inspections. CVE intends to utilize Incentive funding projects for overtime programs to increase contacts but will require a higher activity index by officers during regular tours of duty.

Commanders will utilize activity reports and KY-OPS crash database as management tools. Recognize personnel who demonstrate consistent activity in quality and contacts. Provide recognition through CVE awards program and other established methods.

Program Activity Measure: CVE will monitor activity monthly and expect a .25% increase quarterly over the same quarter of the previous year. A detailed activity report will be supplied to the CVE Command Staff, to monitor region activity. Commanders discuss region activity and performance standards with each region they command.

Monitoring & Evaluation: CVE requires Captains to provide quarterly reports and these are supplemented with crash number reviews for each region. Specific high crash corridors are reviewed for activity and information forwarded to commanders for mobilization of personnel in the upcoming quarter. Commanders will take a more proactive evaluation their regions by utilizing the KY-OPS on-line crash data retrieval system.

COVID-19 has had a significant impact on traffic enforcement activity as can be seen by the chart below comparing the first five months of calendar year 2019 to calendar year 2020 to date as of the end of May. KSP will hopefully return to normal activities by October 2020 however depending on the realities of what does occur with the Pandemic and virus going forward, activity levels could suffer. KSP will not adjust the projected goals at this time.

CY 2019			CY 2020		
Fed	State	Total	Fed	State	Total
0	700	700	0	836	836
0	640	640	0	817	817
0	646	646	0	633	633
0	853	853	0	66	66
0	905	905	0	467	467
0	712	712	0	0	0
0	928	928	0	0	0
0	888	888	0	0	0
0	1,042	1,042	0	0	0
0	1,074	1,074	0	0	0
0	685	685	0	0	0
0	688	688	0	0	0
0	9,761	9,761	0	2,819	2,819

Data captured from A/I, June 18, 2020, J. E. Smoot

### 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.

**Note: If you answer "No" to "Non-CMV" traffic enforcement activities, the State does not need to meet the average number of 2004/2005 safety activities because no reimbursement will be requested. If you answer "No" and then click the SAVE button, the Planned Safety Activities table will no longer be displayed.**

			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	11200	11200	11200
<input type="radio"/>	<input checked="" type="radio"/>	CMV without Inspection			
<input type="radio"/>	<input checked="" type="radio"/>	Non-CMV			
<input checked="" type="radio"/>	<input type="radio"/>	Comprehensive and high visibility in high risk locations and corridors (special enforcement details)	36	36	36

In order to be eligible to utilize Federal funding for Non-CMV traffic enforcement, States 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 2021 Planned Safety Activities				
Inspections	Investigations	New Entrant Safety Audits	Sum of FY 2021 Activities	Average 2004/05 Activities
84928	78	510	85516	83436

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

The KSP includes traffic enforcement and inspection activities in its quarterly reporting and commanders are encouraged to monitor, evaluate and correct deficiencies in enforcement and activity. The KSP does not utilize MCSAP funding for non-CMV activities or for CMV stops without an inspection.

**Part 2 Section 6 - Safety Technology**

Please verify your State's safety technology compliance levels, responsible agencies, and narrative overview. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

*Performance and Registration Information Systems Management (PRISM) is a condition for MCSAP eligibility in [49 CFR 350.207\(27\)](#). 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.*

*PRISM, Operations and Maintenance (O&M) costs are eligible expenses subject to FMCSA approval. For Innovative Technology Deployment (ITD), if the State has an approved ITD Program Plan/Top-Level Design (PP/TLD) that includes a project that requires ongoing O&M, this is an eligible expense so long as other MCSAP requirements have been met. O&M expenses must be included and described both in this section and 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	Exceeds Full Participation	Yes

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:** Kentucky Transportation Cabinet

**Enter the agency name responsible for PRISM in the State, if other than the Lead MCSAP Agency:** Kentucky Transportation Cabinet

**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.**

N/A

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

N/A

***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.***

N/A

## Part 2 Section 7 - Public Education and Outreach

Please review the description of your State's public education and outreach activities, projected goals and monitoring. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

*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	122	72	64	78	32
CMV Safety Belt Education and Outreach	0	5	4	11	15
State Trucking Association Meetings	6	5	6	3	5
State-Sponsored Outreach Events	5	18	21	23	2
Local Educational Safety Events	73	24	25	37	6
Teen Safety Events	11	6	9	11	2

### 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 safety initiatives. Include the number of personnel that will be participating in this effort.**

Commercial vehicle collisions a great deal of the time involve non-commercial vehicles as the other unit involved and on many occasions as the at-fault unit. Public education and awareness activities are essential in advising the general public about sharing the road safely with commercial vehicles. These activities raise the awareness of drivers of all ages and social groups of their responsibility in sharing the road. This includes MCSAP partners at all levels. In addition to normal police enforcement activities, CVE performs Outreach and Public Education events:

- Farm Machinery Show in Louisville, February
- Mid America Truck Show in Louisville, March
- Kentucky State Fair in Louisville, August
- Various County Fairs
- Recruiting Seminars
- Kentucky Truck Rodeo
- Public Service Announcements regarding CVSA Initiatives

Performance Objective:

To perform outreach programs and educate drivers of passenger cars about CMV's by providing multiple in-person presentations to desired groups as well as other types of media and outreach materials. The KSP has had to reduce its Public Information Officers, from a total of six, which was one per region to a total of two for the state and they do most of the division's public relations activities, however occasionally other staff may be involved in presentations or programs. KSP documented 133 programs during 2016 resulting in thousands of contacts but only 62 during 2017 due to attrition. KSP will expect to make a similar impact consistent with 2017 during calendar year 2019 and 2020.

Program Activity Plan: At least four outreach presentations quarterly.

Utilize public information officers to inform both the media and general public regarding all areas that involve traffic safety, education and Commercial Vehicle Enforcement. CVE expects to make approximately 62 educational program presentations. Kentucky generally provides officers for the annual truck rodeo for the benefit of the trucking industry and the communication, cooperation and partnerships it develops.

KSP plans on continuing the effort to present the Teens and Trucks in local schools during the 2019 – 2020 school year and hopes to provide at least 6 classes per region over the coming year and to expand the program in the following years. KSP has had difficulties partnering with schools as schools have not been able to provide the time for these courses, however the KSP is not giving up on this program and will look for additional avenues during the upcoming years to provide this opportunity. The KSP has reached out to the leaders of Kentucky's Graduated Licensing program to evaluate the possibility of including some of the Teens and Trucks curriculum in the new driver required training.

As with many other areas of CVE activities much relies on the realities of what occurs with COVID-19 and its effects on the ability to gather in groups and what happens to the next school year.

Revised 07/07/2020

### **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	32	32	32
<input checked="" type="radio"/>	<input type="radio"/>	CMV Safety Belt Education and Outreach	15	15	15
<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	6	6	6
<input checked="" type="radio"/>	<input type="radio"/>	Teen Safety Events	8	8	8

**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.**

Kentucky will maintain a high level of education and outreach activities and these are documented along with normal monthly and quarterly activity, while it is difficult to predict a performance target, KSP will expect the outcome to be consistent with the 62 documented programs of 2017. Attrition again has hampered the efforts to maintain PIO activity. Supervisors will review activity to assure that CVE is making a strong effort towards appropriate public awareness.

Region PIO's will be scheduling programs for the Teens and Trucks as schools provide available dates and times. As this will be third year for this program a benchmark for classes has not been established as challenges have been significant in that schools have found it difficult to schedule this, however the KSP is not giving up on this program and will continue to look for ways to reach teens within the state, we hope and anticipate reaching no less than 1,000 students during this next year.

The KSP completed 105 P. R. related programs during calendar year 2019 which exceeded the goal desired for the calendar year. KSP reports all program activities with each quarterly SF-PPR.

Revised 07/06/2020



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

Please review your State's SSDQ compliance levels and Narrative Overview and identify if changes are needed for the upcoming fiscal year. You must select 'yes' to make changes.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

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](#)

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

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
Crash VIN Accuracy	Good	Good	Good	Good
Fatal Crash Completeness	Good	Good	Good	Good
Crash Timeliness	Good	Good	Good	Good
Crash Accuracy	Good	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.

Data current as of June 18, 2020. Downloaded June 18, 2020

**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.).

N/A

**Program Activities FY 2019 - 2021:** Describe activities that will be taken to maintain a "Good" overall SSDQ rating. These activities should include all measures listed in the table above. Also, describe program activities to achieve a "Good" rating for all SSDQ measures based upon the Problem Statement Narrative including measurable milestones.

N/A

***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.***

The KSP monitors the performance measures on a quarterly basis or better and reports those results along with quarterly reporting. The commander of the Programs Branch which is responsible for data quality has included performance standards in the personnel evaluations of individuals that work closely with the data quality process.

**Part 2 Section 9 - New Entrant Safety Audits**

Please review the agency responsible for conducting New Entrant activities and the description of your State's strategies, activities and monitoring. You must complete the safety audit data questions for the current year. You must select "yes" to make changes.

- ☒ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

States must conduct interstate New Entrant safety audits in order to participate in the MCSAP ([49 CFR 350.201](#).) A State may conduct intrastate New Entrant safety audits at the State's discretion if the intrastate safety audits do not negatively impact their interstate new entrant program.

Note: 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 checked="" 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 checked="" type="radio"/>	Does your State conduct Group safety audits at non principal place of business locations?
<input checked="" 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	545	752	787	535	397
Intrastate	0	0	0	0	0
<b>Total Audits</b>	<b>545</b>	<b>752</b>	<b>787</b>	<b>535</b>	<b>397</b>

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:** The Statutory time limit for processing and completing interstate safety audits is: If entry date into the New Entrant program (as shown in FMCSA data systems) October 1, 2013 or later, a 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)	51	10	55	10	60	10
# of Safety Audits (Offsite)	411	0	415	0	440	0
# Group Audits	0	0	0	0	0	0
<b>TOTAL Safety Audits</b>	<b>462</b>	<b>10</b>	<b>470</b>	<b>10</b>	<b>500</b>	<b>10</b>
# of Non-Audit Resolutions	173	0	175	0	180	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.**

**Program Strategies**

The Kentucky State Police Division of Commercial Vehicle Enforcement continues the program that was put into place in 2005 to conduct all New Entrant Safety Audits on Kentucky interstate motor carriers.

The KSP will utilize methods to meet the National priorities for MCSAP New Entrant program which include Processing and completing safety audits within the new statutory time limits as defined in the objective above.

The KSP generally accomplishes this goal by assigning audits by geographical area to minimize travel and down time for investigators. The KSP has a full time New Entrant Coordinator that assigns and coordinates with the unit investigators. Kentucky will utilize house/office visits to carrier's PPOB, phone contact, fax, emailing, physical mailings along with the motor carrier registration process, to educate interstate new entrant carriers about applicable safety laws and regulations. All to which this educational material can be downloaded and obtained through the FMCSA website.

Revised 07/06/2020

**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.**

**Program Activity Plan**

Kentucky's New Entrant Coordinator will monitor and assign the inventories to auditors based on timeliness and geography to assure that these carriers are reviewed within the now 12 month required window.

Investigators will assist the carrier on the overview process and encourage carriers to provide any documents they have to be uploaded into the FMCSA/NEWS website, or if the carrier chooses to, certain documents can be mailed and or emailed to the investigator. Contact and receiving of various documents, will be made by one or more of the strategies listed above. Investigators will continuously monitor, educate, and keep in contact, by any means necessary with the carrier until all required documents have been submitted.

Revised 07/06/2020

**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.**

**Performance Measurement Plan:**

Kentucky has placed as a goal the completion of 500 actual safety audits over the 12 month period associated with grant activity and expects to see a quarter of that or 125 audits completed each quarter, additionally the KSP recognizes that several carriers leave the program through other resolutions other than actual audits and the proposed number on the summary of activity chart is based on historical data from MCMIS.

As an example of activity and what the KSP uses to measure its activities below is the results of new entrant activity for the period of 01/01/2018 - 12/31/2019:

EXITED DUE TO CHANGE: 216

EXITED DUE TO INACTIVATION: 138

REVOKED FROM THE NEW ENTRANT PROGRAM (FAILED SA): 35

REVOKED FROM THE NEW ENTRANT PROGRAM (NO CONTACT): 189

EXITED FROM NEW ENTRANT PROGRAM WITH SA: 731

EXITED FROM NEW ENTRANT PROGRAM (SA EXEMPT/FARM): 74

Source: MCMIS, June 10, 2020, J. E. Smoot, Jaime Day

### 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 Notice of Funding Opportunity (NOFO) 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

Please review your State's Federal OOS catch rate during roadside enforcement activities, projected goals, program activities and monitoring. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

#### 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 IH or UNSAT/UNFIT 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.

#### Narrative Overview for FY 2019 - 2021

Enter your State's OOS Catch Rate percentage if below 85 percent: 67%

Projected Goals for FY 2019 - 2021: Enter a description of the State's performance goals.

Fiscal Year	Goal (%)
2019	100
2020	100
2021	100

The FMCSA report indicates that KY has a 0% catch rate for 2020, report dated April 2020. There was one FOOS Unsat/Unfit that was missed by a sub-grantee in November of 2019 and they were retrained in the importance and how to verify FOOS. KY anticipates a 100% catch rate for FFY 2021 and beyond.

Kentucky has modified its new inspection software and is hitting the PRISM Web Services to query for FOOS orders; this is a real-time environment which provides real-time data that we were not getting in the past.

Revised 07/06/2020

Kentucky: Summary of Out-of-Service (OOS) Catch Counts & Rates (April 2020 Results)					
Measures		FY 2018	FY 2019	FY 2020 YTD*	April 2020
Inspection Counts	Inspections On All OOS Carriers	34	32	20	0
	Inspections On All OOS Carriers Identified	30	27	18	0
OOS Carriers <i>not</i> Identified	Imminent Hazard Carriers <i>not</i> Identified	0	0	0	0
	Unsatisfactory/Unfit Carriers <i>not</i> Identified	0	1	1	0
	Other OOS Types <i>not</i> Identified	4	4	1	0
OOS Carriers Identified	Imminent Hazard Carriers Identified	0	0	0	0
	Unsatisfactory/Unfit Carriers Identified	3	2	0	0
	Other OOS Types Identified	27	25	18	0
% Identified (OOS Catch Rate)	% of All OOS Carriers Identified	88.24%	84.38%	90.00%	N/A
	% of Imminent Hazard null/Unfit Carriers Identified	100.00%	66.67%	0.00%	N/A

***Program Activities for FY 2019 - 2021: Describe policies, procedures, and/or technology that will be utilized to identify OOS carriers at roadside. Include how you will conduct quality assurance oversight to ensure that inspectors are effectively identifying OOS carriers and preventing them from operating.***

The KSP inspection software runs the test for Federal OOS on each inspection and as described above a modification was made to the inspection software to hit the PRISM Web Services for real time data. KSP has reemphasized the need to utilize proper code for these OOS violations to field and sub-grantee staff.

***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.***

KSP utilizes the reports provided from the FMCSA and will forward those to commanders to take corrective action when necessary.

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

Please review your State's passenger carrier transportation goals, problem statement narrative, program activities and monitoring. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

**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

No updates are required for this section.

#### Instructions:

*Describe any State-specific CMV problems that were addressed with FY 2018 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.**

Commanders for each region base their activities on the top ten high crash corridors as identified within each regions crash corridors. A higher percentage of enforcement activities, inspections and citations should occur on these corridors versus non identified corridors. Commanders will utilize routine patrol for inspection activity and traffic enforcement, high visibility blitzes and other activities as they deem necessary. Commanders will increase enforcement presence on top crash locations as determined by need from previous quarter activity.

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

CVE will expect to see a 3% decrease in collisions by the end of FFY 2021, with incremental reductions in the 1% range per calendar year.

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

The overall crash rate for 2015 - 2017 compared to 2014 - 2016 is a 16% increase over the same ten corridors which is a significant rise in a difficult time. On a positive note, 2017 did show a reduction in crashes from the 2016 totals. The KSP will shift its baseline focus to the most current three year period 2015 – 2017 which encompasses two of the higher years in crashes in recent history..

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

CMV CRASH REDUCTION The CVE Division has suffered continued loss of personnel and difficulty retaining personnel which has resulted in a steady decrease in activity and complicated with increased highway traffic has led to increased collision activity. The KSP is working on methods to both retain and attract new personnel, including but not limited to increasing pay through a specialist pay incentive which took effect July 1, 2016. The KSP has hired 25 new inspectors that are focused on CMV activities and will look to hire additional during FFY 2019.

#### Activity #2

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

CMV HM TRANSPORTATION SAFETY KSP incorporates a year round focus on hazardous materials inspections and has two regions that have specific program plans to increase hazardous materials inspections in Kentucky's largest two counties, Jefferson and Fayette. During the three year period of CY 2014 - 2016 the KSP completed 18,213 hazardous materials inspections compared to 18,116 for the CY period 2015 - 2017. During CY 2017 KSP completed 6,871 HM inspections which is significantly above the 5,138 projected in the FFY 2018 CVSP. Additionally, the Fayette/Jefferson counties emphasis has shown increased activity slightly however Jefferson county is still somewhat behind in its efforts to reach goals. Fayette county has reached the desired goal of inspections while county wide there is still work to be done.

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

Reduce hazardous material carrier involved crashes by 1% in the above identified counties by the close of FFY 2017, while increasing inspections within regions two and three by 3%, and specifically concentrating on Fayette and Jefferson counties by increasing inspections in those counties by 10%.

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

The activity in Jefferson county has struggled to keep up with the goals as prescribed. The individual goal of increasing inspections in Fayette county is accomplished while the overall number for region three has not been reached. During the first quarter of FFY 2018 the KSP completed 1,896 hazardous materials inspections and 1,518 during the second quarter. With 3,414 hazardous material inspections completed to date, the KSP is on track to meet its goal of 5,138 hazardous materials inspections for the fiscal year. Additionally, the Fayette/Jefferson counties emphasis will continue for this FFY and the second quarter 2018 statistics are below. Region 2 Jefferson County Region 3 Fayette County 2011 - 2013 3868 458 3444 253 2015 1151 78 648 175 2016 768 14 446 81 2018 606 238 618 90 Total to date 2525 330 1712 346 3/31/2018 CVSP GOAL 3% projection 3984.04 3547.32 10% projection 503.8 278.3

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

Manpower issues and assignments in a large region have posed issues with getting the goal accomplished in Jefferson county, commanders are attempting to utilize overtime to provide additional coverage.

**Part 3 Section 4 - State Specific Objectives – Future**

Please review your State specific objectives and narrative overview. Are there changes that need to be made for the upcoming fiscal year? Before selecting "yes," make sure there are changes to be made as once selected, this answer cannot be changed.

- ☐ Yes, the information in this section must be updated for this upcoming fiscal year. I understand that I must click "Save" to save any changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary.

**Instructions:**

*The State may include additional objectives from the national priorities or emphasis areas identified in the NOFO 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.*

## 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 2021 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			
	85.01% Federal Share	14.99% State Share	Total Estimated Funding
Total	\$4,952,896.00	\$873,972.00	\$5,826,868.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (14.99% of MCSAP Award Amount ):	\$873,972.00
MOE Baseline:	\$1,751,368.59

## 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 14.99 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 14.99 percent limitation as provided in the MCP. Any deviation from the 14.99 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 (14.99% of MCSAP Award Amount):	\$873,972.00
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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
Major	1	78.0000	\$32,844.00	\$25,618.32	\$21,778.13	\$3,840.19	\$7,225.68
Captain	4	78.0000	\$22,540.00	\$70,324.80	\$59,783.11	\$10,541.69	\$19,835.20
Lieutenant	7	78.0000	\$18,032.00	\$98,454.72	\$83,696.36	\$14,758.36	\$27,769.28
Specialist Pay	58	100.0000	\$5,491.00	\$318,478.00	\$270,706.30	\$47,771.70	\$0.00
Sergeant	10	78.0000	\$16,100.00	\$125,580.00	\$106,755.56	\$18,824.44	\$35,420.00
Inspector	34	44.0000	\$22,932.00	\$343,062.72	\$291,637.62	\$51,425.10	\$436,625.28
Officer	36	80.0000	\$21,252.00	\$612,057.60	\$520,310.17	\$91,747.43	\$153,014.40
Coordinator/Staff	1	80.0000	\$55,291.60	\$44,233.28	\$37,598.29	\$6,634.99	\$11,058.32
Programs Staff	5	80.0000	\$35,280.00	\$141,120.00	\$119,952.00	\$21,168.00	\$35,280.00
Compliance Review Support	1	80.0000	\$15,680.00	\$12,544.00	\$10,662.40	\$1,881.60	\$3,136.00
Administrative Support	10	80.0000	\$15,827.00	\$126,616.00	\$107,623.60	\$18,992.40	\$31,654.00
Sergeant Special Assignment	1	80.0000	\$980.00	\$784.00	\$666.40	\$117.60	\$196.00
Officers Special Assignment	14	80.0000	\$1,293.60	\$14,488.32	\$12,315.07	\$2,173.25	\$3,622.08
Trooper Certified Inspectors	54	80.0000	\$388.08	\$16,765.05	\$14,250.29	\$2,514.76	\$4,191.26
<b>Subtotal: Salary</b>				<b>\$1,950,126.81</b>	<b>\$1,657,735.30</b>	<b>\$292,391.51</b>	<b>\$769,027.50</b>
Overtime Project Costs							
General Staff	1	0.0000	\$219,987.35	\$0.00	\$0.00	\$0.00	\$219,987.35
Federal Overtime	1	100.0000	\$200,462.72	\$200,462.72	\$169,884.56	\$30,578.16	\$0.00
<b>Subtotal: Overtime</b>				<b>\$200,462.72</b>	<b>\$169,884.56</b>	<b>\$30,578.16</b>	<b>\$219,987.35</b>
<b>TOTAL: Personnel</b>				<b>\$2,150,589.53</b>	<b>\$1,827,619.86</b>	<b>\$322,969.67</b>	<b>\$989,014.85</b>
<b>Accounting Method:</b>	<b>Accrual</b>						

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

**Personnel Costs:**

The Personnel budget chart above reflects the portion of the salary that would be anticipated being charged to the MCSAP grant as a percentage of the individual's average activity. The non MCSAP eligible salary charges are not included in the salaries above.

The Division of Commercial Vehicle Enforcement's 178 staff is divided as broken down below:

29 civilian inspectors most of which are assigned to fixed facilities where they perform safety inspections, enforce size and weight regulations, and enforce the highway use tax. 5 Additional inspectors that are assigned as New Entrant Auditors,

73 sworn officers that perform these same duties as above, both at scale facilities and through patrol operations, which includes officers and supervisors, additionally, officers conduct drug and criminal interdiction as well as traffic enforcement within the Commonwealth. Included in the 73 are compliance review officers and other sworn staff that work in the Programs Branch, currently 9. Additionally there are 7 that work in CDL.

Lastly KSP has 17 support staff that works within the KSP and utilize a percentage of grant funding.

Additionally, KSP has approximately 54 North American Standard trained troopers who perform level one and level three inspections.

CVE region sworn inspection staff dedicate approximately 35% of their time to MCSAP related activities and charge time to MCSAP only when performing MCSAP eligible activities, Supervisors charge 35 - 50% to the MCSAP grant and possibly more depending on activities performed, Civilian inspectors main focus is MCSAP related activities so their time is generally near 60 - 80% MCSAP charges. The other portion of the certified inspection staff charge time as appropriate and when completing MCSAP eligible activities. Additionally, KSP utilizes trained troopers to do inspections as their duty day permits and their time is charged based on activity performed. Lastly, the KSP has support staff, seven of which function solely dedicated to MCSAP activities and other staff that charge time to the grant only when performing MCSAP eligible activities.

Additionally, the CVE Troop has instituted a specialist pay for its certified inspectors and that pay is broken down as an individual entry above. To clarify, only certified civilian inspectors receive the specialist pay as our sworn staff received a significant pay raise that civilian inspectors did not receive so the specialist pay was removed from the sworn units. At this time there are approximately 34 inspectors that receive that pay but the KSP is planning hiring an additional 24.

KSP Modified the OT charges to accomade the actual initial award.

All personnel costs are necessary, reasonable, and allocable as the KSP only charges personnel costs when staff is completing MCSAP eligible activities.

Revised 05/03/2021



### 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
Federal Overtime	60.3200	100.0000	\$304,308.21	\$183,558.71	\$156,043.26	\$27,515.45	\$0.00
Officer	45.0000	80.0000	\$765,072.00	\$275,425.92	\$234,139.57	\$41,286.35	\$68,856.48
Coordinator/Staff	88.8900	80.0000	\$55,291.60	\$39,318.96	\$33,421.12	\$5,897.84	\$9,829.74
Programs Staff	88.8900	80.0000	\$176,400.00	\$125,441.56	\$106,625.32	\$18,816.24	\$31,360.39
Compliance Review Support	88.8900	80.0000	\$15,680.00	\$11,150.36	\$9,477.81	\$1,672.55	\$2,787.59
Administrative Support	88.8900	80.0000	\$158,270.00	\$112,548.96	\$95,666.62	\$16,882.34	\$28,137.24
Sergeant Special Assignment	45.0000	80.0000	\$980.00	\$352.80	\$299.88	\$52.92	\$88.20
Officers Special Assignment	45.0000	80.0000	\$18,110.40	\$6,519.74	\$5,541.78	\$977.96	\$1,629.94
Trooper Certified Inspectors	100.0000	80.0000	\$20,956.32	\$16,765.05	\$14,250.29	\$2,514.76	\$4,191.26
Specialist Pay	88.8900	100.0000	\$318,478.00	\$283,095.09	\$240,630.83	\$42,464.26	\$0.00
State Funded Overtime	100.0000	0.0000	\$76,744.62	\$0.00	\$0.00	\$0.00	\$76,744.62
Major	45.0000	78.0000	\$32,844.00	\$11,528.24	\$9,800.16	\$1,728.08	\$3,251.56
Captain	45.0000	78.0000	\$90,160.00	\$31,646.16	\$26,902.40	\$4,743.76	\$8,925.84
Lieutenant	45.0000	78.0000	\$126,224.00	\$44,304.62	\$37,663.36	\$6,641.26	\$12,496.18
Sergeant	45.0000	78.0000	\$161,000.00	\$56,511.00	\$48,040.00	\$8,471.00	\$15,939.00
Inspector	88.8900	44.0000	\$779,688.00	\$304,948.45	\$259,236.68	\$45,711.77	\$388,116.21
<b>TOTAL: Fringe Benefits</b>				<b>\$1,503,115.62</b>	<b>\$1,277,739.08</b>	<b>\$225,376.54</b>	<b>\$652,354.25</b>

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

#### Fringe Benefits

Fringe benefits are a summation of the actual fringe benefits that employees receive including, FICA, Medical, Health insurance, and retirement. It should be noted that Medical and Health insurance are not charged to overtime hours. Retirement benefit charges differ between trooper and CVE officers, trooper fringe is approximately 100.00 % of salary while CVE Officer fringe is approximately 45% - 89% of salary. FICA charges are based on a 7.65% rate. Health insurance ranges from 10% - 17%. The total amount for fringe benefits that will be charged to the grant is estimated at \$1,345,985.11.

The non MCSAP eligible salary charges are not included in the salaries above.

Fringe percentages are based on the amount charged to the grant after the pro-rating of the eligible MCSAP expenses and vary depending on the actual percentage of charged costs and percentage of MCSAP eligible activity. A breakdown of each individual fringe is included with each billing to show breakdowns of FICA, medical and health.

The KSP provides salary breakdowns for each billing period that identifies individual fringe benefit charges per officer, example below.

### Personnel Cost-Payroll

**MCSAP BASIC FFY20 04/01/2020 thru 06/30/2020**

Rank	Name	PERNR	Hours	Pay	121	122	123	124	Cost
<b>DRIVER TESTING</b>									
Ofc.	Adkins	Paul	161996	241.57	\$5,957.68	\$402.08	\$2,195.42	\$1,488.11	\$1.76
Ofc.	Curtis	Robert	186106	306.19	\$8,513.18	\$640.79	\$3,137.08	\$1,326.22	\$1.50
Ofc.	Mullins	Gary	186799	86.57	\$2,360.69	\$180.58	\$809.90	\$91.07	\$0.34
Ofc.	Robertson	Phillip	187292	52	\$1,203.95	\$88.54	\$443.64	\$242.86	\$0.50
Summary for " " = DRIVER TESTING (16 detail records)									
<b>Sum</b>			<b>686.33</b>	<b>\$18,035.50</b>	<b>\$1,311.99</b>	<b>\$6,646.04</b>	<b>\$3,150.26</b>	<b>\$4.10</b>	<b>\$29,147.89</b>

**KSP Modified the OT Fringe charges to accomade the actual initial award.**

All fringe costs are necessary, reasonable, and allocable as the KSP only charges personnel and fringe costs when staff is completing MCSAP eligible activities.



Revised 05/03/2021

**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, airfare, lodging, meals, transportation, 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
MCSAP FMCSA Planning Meeting	5	3	100.0000	\$8,710.00	\$7,403.50	\$1,306.50	\$0.00
Routine Annual Training	91	1	100.0000	\$10,000.00	\$8,500.00	\$1,500.00	\$0.00
COHMED Conference	2	5	100.0000	\$3,990.00	\$3,391.50	\$598.50	\$0.00
CVSA Conference	3	5	100.0000	\$6,360.00	\$5,406.00	\$954.00	\$0.00
CVSA Inspector Championship	1	6	100.0000	\$2,254.00	\$1,915.90	\$338.10	\$0.00
<b>TOTAL: Travel</b>				<b>\$31,314.00</b>	<b>\$26,616.90</b>	<b>\$4,697.10</b>	<b>\$0.00</b>

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

**Program Travel:**

The KSP utilizes travel to maintain certifications, competence and the skills necessary to perform the mission of addressing commercial vehicle safety.

The listed travel below is believed to be necessary, reasonable, and allocable as the KSP only charges travel costs when providing opportunities that are MCSAP eligible. Conference registration fees will be placed under the "Other Costs" category but are shown here for information on total conference costs.

A portion of those charges would be MOE expenses so the percentage of time on the ecvsp chart will show 100% due to subtracting the MOE after figuring eligible MCSAP activities costs.

Routine day to day travel is not accounted for with the exception of vehicle fuel and maintenance costs and they are captured under "Other Costs" and are pro-rated, however, we do account for officers that may have travel costs due to unexpected CMV training and are estimated at approximately \$10,000, 91 nights lodging at \$109.89 per night, estimated.

All travel costs are necessary, reasonable, and allocable.

Revised 07/20/2020

The KSP anticipates sending two officers to the annual COHMED conference sponsored by the CVSA. The KSP has certified two officers to train NTC hazardous materials courses and this conference is a necessity for these inspector instructors to stay current.

**COHMED**

Expense	Units	Amount	Days	Total
Airfare	2	\$700.00		\$1,400.00
Lodging	2	\$200.00	5	\$2,000.00
Registration	2	\$550.00		\$1,100.00
Per-Diem	2	\$44.00	5	\$440.00
Ground Travel	2	\$75.00		\$150.00

Grand Total \$5,090.00

Less Registration -\$1,100.00

Total Less  
Registration \$3,990.00

The KSP anticipates sending up to three individuals to the annual CVSA conference sponsored by the CVSA and one to the inspector championship. The KSP maintains instructors to train the NTC parts A and B certification courses and the MCSAP Coordinator sets on the CVSA training committee. It is important for these instructors to remain current.

## CVSA

Expense	Units	Amount	Days	Total
Airfare	3	\$700.00		\$2,100.00
Lodging	3	\$200.00	5	\$3,000.00
Registration	3	\$550.00		\$1,650.00
Per-Diem	3	\$44.00	5	\$660.00
Ground Travel	3	\$200.00		\$600.00
Grand Total				\$8,010.00
Less Registration				-\$1,650.00
Total Less Registration				\$6,360.00

## Inspector Championship

Expense	Units	Amount	Days	Total
Airfare	1	\$700.00		\$700.00
Lodging	1	\$200.00	6	\$1,200.00
Registration				
Per-Diem	1	\$44.00	6	\$264.00
Ground Travel	1	\$90.00		\$90.00
Grand Total				\$2,254.00
Less Registration				\$0.00
Total Less Registration				\$2,254.00

The KSP anticipates sending five individuals to the MCSAP planning meeting sponsored by the FMCSA.

## MCSAP Planning Meeting

Expense	Units	Amount	Days	Total
Air	5	\$700.00		\$3,500.00
Lodging	5	\$200.00	3	\$3,000.00
Per-Diem	5	\$44.00	3	\$660.00
Ground Travel	5	\$200.00		\$1,000.00
Other		\$550.00		\$550.00
Grand Total				\$8,710.00

## 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
Patrol Vehicles	15	\$12,600.00	47.09	\$89,000.10	\$75,650.08	\$13,350.02	\$99,999.90
Patrol Vehicle Equipment	15	\$4,015.00	100	\$60,225.00	\$51,191.25	\$9,033.75	\$0.00
CR Vehicle Costs	2	\$31,323.93	100	\$62,647.86	\$53,250.68	\$9,397.18	\$0.00
<b>TOTAL: Equipment</b>				<b>\$211,872.96</b>	<b>\$180,092.01</b>	<b>\$31,780.95</b>	<b>\$99,999.90</b>
Equipment threshold is greater than \$5,000.							

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

### Equipment:

The KSP expects to purchase approximately 15 new patrol vehicles, specific type and brand to be determined based on state price contract pricing etc, for CVE officers who perform MCSAP activities and two vehicles for compliance review officers to replace those lost through normal wear and mileage. These patrol vehicles provide for patrol officers to complete CMV inspections in areas away from scale facilities and on local bypass routes as well as providing the capability to perform traffic enforcement functions to address the traffic safety function. The patrol vehicles which cost approximately \$36,000 each per state contract will be pro-rated with the 35 % of MCSAP use charged to the MCSAP grant and the remainder charged to state funds, the KSP may purchase two Compliance Review(CR) vehicle and/or New Entrant (NE) vehicles and they will be charged 100% to the grant, as CR and NE investigators are 100% dedicated to CR, New Entrant or MCSAP activities. The MCSAP prorated expense is estimated to be approximately \$189,000 with \$89,000.10 being charged federally, \$13,350.02 in match and \$99,999.90 toward MOE. CR vehicle costs are estimated to be approximately \$62,647.86 for two civilian style vehicles.

A portion of those charges would be MOE expenses so the percentage of time on the ecvsp chart will show 100% due to subtracting the MOE after figuring eligible MCSAP activities costs.

Additional expenses for vehicles in the form of equipment to outfit them such as lights/sirens, consoles/docking stations, partitions/gunlocks and radios/repeaters, MCSAP prorated cost will be approximately \$60,225 with \$51,191.25 charged to Federal MCSAP and the remaining \$9,033.75 being match.

The vehicles purchase described above is necessary, reasonable, and allocable as the KSP only charges a percentage of vehicle costs to the MCSAP grant based on the estimated and agreed upon percentage of hours that the personnel that operate these vehicles perform MCSAP eligible activities.

Revised 07/20/2020

## 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
Uniforms and related equipment	76	\$394.00	100.0000	\$29,944.00	\$25,452.40	\$4,491.60	\$0.00
Office Supplies	1 Cost	\$25,056.00	100.0000	\$25,056.00	\$21,297.60	\$3,758.40	\$0.00
MOE Costs	1 Cost	\$10,000.00	0.0000	\$0.00	\$0.00	\$0.00	\$10,000.00
<b>TOTAL: Supplies</b>				<b>\$55,000.00</b>	<b>\$46,750.00</b>	<b>\$8,250.00</b>	<b>\$10,000.00</b>

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

The KSP utilizes routine supplies as described below that are utilized in the daily function while addressing the mission of commercial vehicle safety. The listed items are necessary, reasonable, and allocable as the KSP only charges what is obtained and or utilized for MCSAP eligible activities. Many items such as standard uniforms are prorated based on percentage of time that staffs are factored as spending time on MCSAP eligible activities.

Uniforms and other related supplies are expected to cost \$40,000. \$10,000 of that is charged to MOE. Uniforms are charged to the grant based on functional type and the amount of eligible MCSAP activities that are performed while utilizing that equipment. A typical class A uniform will only have 35% of cost charged to grant while a uniform that is functional for vehicle inspections and dedicated to that activity will be charged at 100%.

Uniform and related supplies are estimated to be approximately as described below:

Item	Unit Price	76 Units
Boots	\$226.00	\$17,176.00
Pants	\$53.00	\$4,028.00
Shirts	\$40.00	\$3,040.00
Belts	\$75.00	\$5,700.00
		\$0.00
	\$394.00	\$29,944.00

Routine office supplies, paper, pens etc are expected to be cost the state approximately \$25,000 for the fiscal year and will be charged accordingly to the grant. Other areas of supply cost are maintenance/janitorial supplies, classroom supplies for FMCSA training, MV expendable supplies, small tools, copy machine supplies, and other items that are needed for daily MCSAP activities.

A portion of those charges would be MOE expenses so the percentage of time on the ecvsp chart will show 100% due to subtracting the MOE after figuring eligible MCSAP activities costs.

All supply costs are necessary, reasonable, and allocable.

Revised 10/28/2020



## 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
Boone County Sheriffs Office	DUNS 142354062	Subrecipient	100.0000	\$17,647.06	\$15,000.00	\$2,647.06	\$0.00
Description of Services: MCSAP Related Activities							
KY Transportation Cabinet	DUNS 188593644	Subrecipient	100.0000	\$1,482,290.59	\$1,259,947.00	\$222,343.59	\$0.00
Description of Services: MCSAP Related Activities							
Lexington Division of Police	DUNS 20428777	Subrecipient	100.0000	\$80,000.00	\$68,000.00	\$12,000.00	\$0.00
Description of Services: MCSAP Related Activities							
Louisville Police	DUNS 112110577	Subrecipient	100.0000	\$70,588.24	\$60,000.00	\$10,588.24	\$0.00
Description of Services: MCSAP Related Inspections							
<b>TOTAL: Contractual and Subaward</b>				<b>\$1,650,525.89</b>	<b>\$1,402,947.00</b>	<b>\$247,578.89</b>	<b>\$0.00</b>

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



**Contractual:**

The KSP utilizes sub-grantees to assist it in its mission in addressing CMV safety, describe below are the basics of those contracts, detailed information is supplied in each sub-grantees separate CVSP.

The KSP utilizes three sub-grantees to assist in completing MCSAP eligible activities within their jurisdictions. KSP has routinely provided funds for these agencies for mostly overtime enforcement and some of equipment expenses. The availability of these agencies provides the opportunity to have CMV enforcement and inspection activity in these jurisdictions while relieving the CVE Troop of the burden of staffing these areas with the limited staffing that CVE has. These costs are necessary, reasonable, and allocable and are only utilized for MCSAP eligible activities.

Louisville Metro Police - \$70,588.24

Lexington Police - \$80,000.00

Boone County Sheriff - \$17,647.06

Detailed plans from each sub-grantee are included in the grants.gov application and the KYTC plans are below.

KYTC is applying for MCSAP FY20 funds as a sub-grantee under the Kentucky State Police for ITD Maintenance and Operations activities. The program will run October 1, 2020 through September 30, 2022 with annual budget and plan updates for each project. Each budget narrative provided is for one year.

Potential impacts from COVID-19 to this grant request include: restrictions to travel and in-person meetings.

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# **1. Maintenance for Kentucky's CVIEW and inSPECTION software**

## **1.1 Introduction**

The purpose of this project is to provide maintenance and support for Kentucky's CVIEW and inspection software. The Kentucky CVIEW serves as the repository and exchange mechanism for moving and storing commercial vehicle data between SAFER and Kentucky's legacy systems. The Kentucky CVIEW is customized to work with the Motor Carrier Portal and roadside systems to provide timely data for screening purposes for the KYTC, DMC, and KSP-CVE. The inspection software allows KSP-CVE to record and transmit commercial vehicle inspections. It is customized to work with the Kentucky Observation system and CVIEW and allows officers to make timely, informed decisions about vehicles for inspection.

## **1.2 Problem Statement**

The Kentucky CVIEW is central to Kentucky's ITD architecture and has interfaces with SAFER, Kentucky's Motor Carrier Portal, Kentucky's Observation System, the Kentucky Automated Truck Screening (KATS) System, the inspection software, and various roadside screening systems. Kentucky's CVIEW is essential to assist the DMC in making informed decisions on issuing credentials and to assist KSP-CVE in choosing good carriers for inspection. It also plays a vital role in the national ITD program as data within Kentucky's CVIEW is shared with all states through SAFER. On a regular basis, problems arise with the data and troubleshooting is needed. It is essential that this data be kept fresh and be available for Kentucky and other states to use for screening purposes. The inspection software is also essential because it is the mechanism for recording and transmitting commercial vehicle inspections to FMCSA.

## **1.3 Performance Objectives**

The objective of this project is to provide accurate and timely data to FMCSA, Kentucky, and other states through maintenance, hosting, and support for Kentucky's CVIEW and inspection software.

## **1.4 Program Activity Plan**

The following activities will occur during this project:

The Kentucky Transportation Cabinet will contract for maintenance and support of Kentucky's CVIEW and inspection software.

The Kentucky Transportation Cabinet will also monitor the functionality of CVIEW and communicate with the contractor as needed.

The Kentucky State Police will monitor the functionality of inspection software and communicate with the Kentucky Transportation Cabinet and the contractor as needed.

The Kentucky Transportation Cabinet and Kentucky State Police will communicate with Kentucky's ITD team and FMCSA to identify updates or corrections needed to the CVIEW and the inspection software.

The Kentucky Transportation Cabinet and Kentucky State Police will communicate with the contractor on the updates/corrections needed to the CVIEW and the inspection software.

## 1.5 Performance Measurement Plan

The Kentucky Transportation Cabinet will be utilizing the CVIEW on a daily basis. Tom McDaniel will communicate regularly with the contractor when problems are identified or when updates are needed.

The Kentucky State Police will be utilizing the inspection software on a daily basis. John Smoot will communicate regularly with the contractor when problems are identified and when enhancements are needed.

The Kentucky Transportation Cabinet and Kentucky State Police will track the problems identified in Kentucky CVIEW and the inspection software to ensure problems are addressed by the contractors.

## 1.6 Schedule and Milestones

Milestone		Expected Completion Date
Project Start		October 1, 2020
1	Setup maintenance contract	
2	One year contract for maintenance, hosting, updates	
Project End		September 30, 2022

## 1.7 Budget Narrative

Description of Services	Total Cost
Hosting and Maintenance for Kentucky's CVIEW and related interfaces	<b>\$180,355</b>
<p><i>Maintenance and support under this contract to include:</i></p> <ul style="list-style-type: none"> <li>• <i>Software updates pushed out as needed</i></li> <li>• <i>Management of the CVIEW/SAFER submission process</i></li> <li>• <i>Management of the user interface</i></li> <li>• <i>Minor bug fixes</i></li> <li>• <i>Minor software changes to comply with federal changes</i></li> <li>• <i>Management of federal connections and data feeds</i></li> <li>• <i>Management and maintenance of KY specific changes</i></li> <li>• <i>Support resources to troubleshoot data related problems/issues</i></li> <li>• <i>ALTS Clearinghouse Support</i></li> <li>• <i>Management of FTP process for relaying data to PrePass, KATS, Observation, and Inspection applications</i></li> <li>• <i>Temp and OS/OW Permit interface</i></li> <li>• <i>Processing IFTA Cleansed File</i></li> <li>• <i>Ignore/Grace Table Maintenance</i></li> <li>• <i>Processing SAFER standard transaction sets (upload and download)</i></li> <li>• <i>Custom pass/fail test maintenance</i></li> <li>• <i>Inspection application maintenance</i></li> <li>• <i>Management of the inspection/FMCSA submission process</i></li> </ul>	

**Total Cost: \$180,355**

**85% Federal Share: \$153,302**

**15% State Share: \$27,053**

## **2. Administrative and technical support for Kentucky's ITD/PRISM program**

### **2.1 Introduction**

The purpose of this project is to provide administrative and technical support for Kentucky's ITD and PRISM programs. In 2006, the Kentucky Transportation Cabinet entered into an agreement with the Kentucky Transportation Center (KTC) at the University of Kentucky (UK) to provide program management, technical support, and logistical support for Kentucky's CVISN Program. Under this agreement, the CVISN Team was reformed and reenergized, seven planning meetings have been held, priority projects have been identified and initiated, and Kentucky is moving forward with the Expanded CVISN (now ITD) Program. Over time, assisting with the PRISM program also became part of KTC's responsibilities. Staff members at KTC are providing day-to-day support for the programs, including preparation of meeting agendas, scheduling and arrangements for off-site meetings, information gathering and dissemination, documentation of existing and planned systems, preparation of quarterly reports, participation in conference calls, etc. KTC staff also collects and analyzes data as requested by the Program Manager or ITD/PRISM team. The ITD Program Manager and members of Kentucky's ITD/PRISM team will utilize a portion of this funding to travel to national ITD and PRISM-related meetings on behalf of Kentucky's program.

### **2.2 Problem Statement**

Kentucky's ITD team is made up of a diverse group of agencies working together to meet the national ITD goals and advance Kentucky's expanded ITD program. This group is also composed of the PRISM team from Kentucky who focuses on the priorities outlined by the PRISM program. The Kentucky Transportation Center at UK has been contracted to serve as the facilitator for this group and provide administrative, technical, and logistical support. For an active group focused on ITD and PRISM, this support is not only beneficial but essential.

This administrative support helps to strengthen Kentucky's ITD and PRISM programs and therefore will help the Commonwealth of Kentucky advance the national priorities for these programs. A continued area of focus will be enhancing Kentucky's CVIEW, improving data quality, and tracking and reporting performance measures.

### **2.3 Performance Objectives**

Specific objectives of this effort will include:

1. To host and arrange at least four meetings of the ITD/PRISM team
2. To host a ITD/PRISM planning meeting for the ITD team
3. To attend at least one national ITD or PRISM-related meeting
4. To document enhancements to Kentucky's CVIEW, KATS system, and inspection software
5. To document improvements to data quality
6. To prepare and report on performance metrics for Kentucky's ITD/PRISM team and FMCSA

### **2.4 Program Activity Plan**

The Kentucky Transportation Cabinet will establish a project with the Kentucky Transportation Center to perform activities such as:

- Arranging meetings, issuing invitations, preparing meeting materials, etc.;
- Planning, scheduling, and making arrangements for periodic ITD/PRISM planning meetings;
- Preparing minutes and summaries of ITD/PRISM meetings and planning meetings;
- Fostering communications among all ITD/PRISM stakeholders within Kentucky;
- Gathering and disseminating information related to Kentucky's ITD/PRISM program (this includes responding to requests for information from internal and external stakeholders);

- Gathering feedback on CVIEW, KATS, and inspection software problems that arise and enhancements that are needed;
- Representing Kentucky on national committees, working groups, and ad hoc teams;
- Assisting with ITD/PRISM data quality issues that are internal to the state;
- Assisting with preparation of grant application material;
- Providing minor updates to Kentucky's Program Plan and Top Level Design as needed;
- Investigating technologies or systems of interest by the ITD/PRISM team;
- Providing technical assistance and support in designing and implementing systems;
- Preparing project descriptions, system documentation, etc.;
- Assisting with ITD and PRISM-related training as needed; and
- Tracking progress (performance metrics) of ITD and PRISM-related projects.

The Kentucky Transportation Cabinet will also send ITD/PRISM team members to national meetings on behalf of Kentucky as deemed necessary.

## 2.5 Performance Measurement Plan

The Kentucky Transportation Cabinet will keep documentation (minutes) of all ITD/PRISM team meetings.

The Kentucky Transportation Cabinet will keep record of CVIEW, KATS, and inspection software enhancements as well as improvements to data quality.

The Kentucky Transportation Cabinet will provide quarterly reports on ITD/PRISM performance metrics to Kentucky's ITD team and FMCSA.

## 2.6 Schedule and Milestones

Milestone		Expected Completion Date
<b>Project Start</b>		<b>October 1, 2020</b>
1	Establish Contract	
2	Planning Meeting	
3	Quarterly Team Meetings (at least 4 total)	
4	Attend Local and National Meetings Representing Kentucky's ITD Team	



Project End	September 30, 2022
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## 2.7 Budget Narrative

Description of Services		Total Cost
Administrative and Technical Support for the ITD Program		<b>\$175,295</b>
<p><i>KYTC has obtained a work plan and proposal from the Kentucky Transportation Center to perform this effort. KTC has been serving in this capacity since the beginning of Kentucky's ITD program and is an integral part of the ITD team. These funds will serve to pay the staff who participates in the activities mentioned in the project narrative. There are also funds allowed for their staff members to travel on behalf of Kentucky's ITD team. KTC also hosts a planning meeting each year for Kentucky's ITD team and these funds will be utilized for expenses associated with that event. Additional effort will be placed in collecting and disseminating performance metrics to the ITD team and FMCSA.</i></p>		

**Total Cost: \$175,295**

**85% Federal Share: \$149,000**

**15% State Share: \$26,295**

Travel Cost Budget Narrative				
(SF-424A, Line 6c)				
Purpose	# of Staff	Method of Travel	Days	Total Cost
To provide travel funds for the ITD/PRISM team members (state employees) to represent Kentucky	2	Air, Vehicle	12	\$8236

*Estimates are made for national trips to CVSA Fall and Spring, IFTA, IRP, ITD/PRISM Workshops, AAMVA, etc. Estimate also includes local travel to represent the ITD/PRISM team in Kentucky. These estimates are based on previous trips.*

**Total Cost: \$8236**

**85% Federal Share: \$7000**

**15% State Share: \$1236**

## 3. ITD and PRISM-Related training

### 3.1 Introduction

The purpose of this project is to provide ITD and PRISM-related training to KSP-CVE officers and inspectors. This training is necessary since KSP-CVE personnel have numerous responsibilities. Many of the safety, registration, and credentials information related to the ITD and PRISM programs can be confusing and complicated. In addition, KSP-CVE recently transitioned to a new CVIEW and inspection software. Because of the diversity of their responsibilities, the complexity of the information, and the recently implemented changes, regular training is needed for KSP-CVE to ensure they are comfortable with utilizing the technologies and systems that have been provided to them. The tools are only useful when properly utilized by enforcement. This type of training will allow KSP-CVE officers and inspectors to access this data and identify carriers with credential or registration problems or poor safety history for inspection. With increased usage of Kentucky's CVIEW, inspection software, and KATS, problems will be identified and solved as well as enhancements will be implemented.

Similar training has been conducted annually for the past several years and KSP-CVE supervisors and Kentucky Department of Vehicle Regulation staff have noted an increase in the credential violations that were identified along with increases in the out-of-service rates for those utilizing the data. A separate study conducted by the KTC noted that when this type of data was used to choose a vehicle for inspection (rather than randomly choosing a vehicle) the vehicle out-of-service rate rose from 16.22 percent to 38.46 percent.

### 3.2 Problem Statement

Over the past few years, Kentucky has made significant changes to the way screening data is accessed as well as how inspections are documented and reported by KSP-CVE. The CVIEW is now the primary means for verifying credentials, registration, and safety information by KSP-CVE. New inspection software is now utilized to document and report all inspections of commercial vehicles. KATS technology is available in 13 of Kentucky's 14 weigh stations and at 3 virtual weigh stations.

The KSP-CVE officers in particular have numerous responsibilities so it is critical that annual training on these technologies and systems is provided. Even with recent training in every region of the state, it is clear that many are not comfortable with some of the systems and technologies or the information being provided. Kentucky, like most states, does not have sufficient resources to stop every vehicle and verify the credentials and registration or perform an inspection. This project can improve the safety of commercial vehicle operations and improve compliance with credential and registration regulations by helping KSP-CVE to identify carriers or vehicles with a specific problem.

### 3.3 Performance Objectives

The objectives of this project include:

To provide hands-on training to all KSP-CVE inspectors and officers.

To increase knowledge and usage of the electronic screening checkbox (in the inspection software).

To increase the driver and vehicle OOS over state rates when screening systems are utilized.

To increase the number of credential and safety violations identified on inspections for inspections identified using screening systems.

### 3.4 Program Activity Plan

The Kentucky Transportation Cabinet will contract with the Kentucky Transportation Center at UK to conduct this training. Initially, KTC will meet with the ITD/PRISM team to discuss specific training needs of KSP-CVE and will plan to travel to every region to conduct training. Specifically, they will discuss training in the latest available technologies, screening software and database queries, standard practices respecting the enforcement of various safety and credentialing programs and policies, when and how to cite a driver or carrier for violating various safety and credentialing laws, how to report data quality issues, who to contact with questions, strategies and techniques for identifying non-compliant vehicles and drivers, reporting requirements and other official protocols which apply to law enforcement officials in Kentucky. The training will be organized and planned by KTC in conjunction with DMC and KSP-CVE.

### 3.5 Performance Measurement Plan

The Kentucky Transportation Cabinet will keep record of all training related visits to KSP-CVE. This record will include location and type of training as well as the number of KSP-CVE staff participating.

### 3.6 Schedule and Milestones

Milestone		Expected Completion Date
<b>Project Start</b>		<b>October 1, 2020</b>
1	Training Kickoff Meeting Held with ITD Team	
2	Conduct hands-on training in all regions	
3	Collect "Before" Data for Analysis	
4	Collect "After" Data for Analysis	
5	Summarize Data Analysis	
<b>Project End</b>		<b>September 30, 2022</b>

### 3.7 Budget Narrative

Contractual Cost Budget Narrative (SF-424A, Line 6f)	
Description of Services	Total Cost
ITD-Related Training	\$30,589
<p><i>KYTC has obtained a work plan and proposal from the Kentucky Transportation Center to perform this effort. KTC has a long history of working with KYTC and KSP-CVE and has the technical expertise for this effort. The bulk of these funds will be utilized to pay staff to train officers and inspectors. Funds are set aside for travel so that staff can go to the officers and inspectors.</i></p>	

**Total Cost: \$30,589**

**85% Federal Share: \$26,000**

**15% State Share: \$4589**

Travel Cost Budget Narrative (SF-424A, Line 6c)				
Purpose	# of Staff	Method of Travel	Days	Total Cost
To provide travel funds for the ITD/PRISM team members (state employees) to assist with training in Kentucky	4	State Vehicle	10	\$3530
<p><i>Estimates are made for trips to various areas of Kentucky (particularly the 6 KSP-CVE regions) to assist with training; budget is based on previous travel needed for training</i></p>				

**Total Cost: \$3530****85% Federal Share: \$3000****15% State Share: \$530**

## 4. Data quality initiative

### 4.1 Introduction

Improving data quality has long been a goal of the ITD and PRISM programs. While FMCSA and state DOTs have directed substantial resources at addressing problems, a multitude of data quality issues persist. Kentucky has found that data quality initiatives should be incorporated to our daily routines. Recently changes were made to Kentucky's CVIEW so that users can report data quality issues while they are using the system. The data that is collected will need to be reviewed and utilized on a daily basis to keep Kentucky's data at the highest quality. This project will serve to enhance Kentucky's CVIEW, maintain and improve data uploads, and assist with the reporting of performance metrics.

### 4.2 Problem Statement

Kentucky Transportation Center researchers have initiated several data quality projects over the last couple of years. Currently, it is putting together documentation of data quality initiatives undertaken as a result of previous ITD grant awards. Researchers and officials at KTC and KYTC are engaged in the investigation of data quality issues on a daily basis. They look at records in Kentucky's CVIEW, the inspection software, the Kentucky Clearinghouse, the Observation System, the Motor Carrier portal, Transportation Enterprise Data housed in KYTC's SAP Business Objects application, and other systems referenced in Kentucky's current ITD system architecture.

Previous data quality initiatives have focused on IFTA, IRP, UCR, and PRISM data. This effort will focus on all types of data. Researchers will continue to monitor the Kentucky Automated Truck Screening (KATS) system, inspection software, and CVIEW to identify data quality issues. In addition to CVIEW data quality reporting, Kentucky will continue to emphasize the accuracy of license plate readers and USDOT readers at fixed inspection stations and virtual inspection stations. Kentucky will work with FMCSA, other states, and organization as needed to address these issues.

### 4.3 Performance Objectives

1. Identify existing data quality issues by monitoring KATS, the inspection software, and CVIEW.
2. Identify problems and take appropriate steps to remedy these issues.
3. Analyze new reporting tool with CVIEW to identify the most often reported data quality issues.
4. Identify methods to address reoccurring problems.

### 4.4 Program Activity Plan

The following tasks will be accomplished:

Task 1: Regular monitoring of KATS, the inspection software, and CVIEW.

Run reports in CVIEW for records marked with Data Quality issues.

Check KATS for data quality and data upload problems.

Receive feedback on data quality issues identified by KSP-CVE through the inspection process.

Continue to monitor accuracy of license plate readers and USDOT readers.

Verify these problems and identify the source of the problem.

Milestone: List of data quality problems

Task 2: Work with appropriate entity to address data quality issue

Contact entity with data quality problems.

Work with these entities to identify the problems and address it.

Ensure the data quality issue is addressed and notify the user (if reported by a user) of the update.

Milestone: Resolution report

Task 3: Analyze data quality problems to identify most prevalent issues

Collect data from systems in ITD architecture or relevant to ITD data quality.

Analyze the data quality issues reported to identify the most prevalent issues.

Identify methods to eliminate these issues if possible.

Milestone: Long-term resolution plan for data quality issues

Task 4: Summarize findings

Pull together information collected from previous tasks.

Summarize findings in a draft document.

Allow review and input from the ITD/PRISM team.

Finalize document.

Milestone: Data Quality Report

## 4.5 Performance Measurement Plan

The ITD/PRISM team will serve as the advisory committee for this effort. They will provide direction as needed. Data quality updates will be provided to the ITD/PRISM team at regular team meetings to keep them abreast of data quality problems and initiatives. The Data Quality Report will be provided to the ITD/PRISM team for their input and review.

## 4.6 Schedule and Milestones

Milestone		Expected Completion Date
Project Start		October 1, 2020
1	Prepare list of data quality problems	
2	Develop resolution report	
3	Develop long-term resolution plan for issues as needed	
4	Develop Data Quality Report	
Project End		September 30, 2022

## 4.7 Budget Narrative

Contractual Cost Budget Narrative (SF-424A, Line 6f)	
Description of Services	Total Cost
Data Quality	\$29,412
<p><i>KYTC has obtained a work plan and proposal from the Kentucky Transportation Center to perform this effort. KTC has a long history of working with KYTC, KSP-CVE, FMCSA, IFTA and IRP, and other states. The bulk of these funds will be utilized to pay staff to spearhead the data quality initiative, but funds are allowed for travel when necessary.</i></p>	

**Total Cost: \$29,412**

**85% Federal Share: \$25,000**

**15% State Share: \$4,412**

## **5. International registration Plan and International Fuel Tax Agreement Membership fees**

### **5.1 Introduction**

The purpose of this project is to maintain membership in the International Registration Plan (IRP) and the International Fuel Tax Agreement (IFTA). Participation in IRP and IFTA is required for Core ITD compliance and helps states exchange information and fees related to fuel tax and vehicle registration. Maintaining Kentucky's membership in these organizations helps to improve data quality and data uploads to CVIEW.

### **5.2 Problem Statement**

The Commonwealth of Kentucky is a member of IRP and IFTA. As a member of these organizations, the Commonwealth is required to make sure that member jurisdictions receive an appropriate amount of revenue from registered vehicles (IRP) and fuel taxes (IFTA). Kentucky is also required to share information about these credentials among member jurisdictions.

### **5.3 Performance Objectives**

The Commonwealth of Kentucky's participation in IRP and IFTA has several objectives, including:

1. To make sure that each member jurisdictions receives an appropriate amount of revenue from registered vehicles (IRP),
2. To make sure that each member jurisdiction received an appropriate amount of revenue from fuel taxes (IFTA), and
3. To electronically share information among member jurisdictions about tax and registration revenue.

### **5.4 Program Activity Plan**

The Kentucky Transportation Cabinet will pay membership fees for IRP and IFTA in order to maintain membership within the organizations.

### **5.5 Performance Measurement Plan**

This project will be considered complete when the dues and clearinghouse fees are paid to IFTA and IRP.

### **5.6 Schedule and Milestones**





Milestone		Expected Completion Date
Project Start		October 1, 2020
1	IFTA Membership Fees (Annual membership)	
2	IRP Membership Fees (Annual Membership)	
Project End		September 30, 2022

## 5.7 Budget Narrative

Other Cost Budget Narrative (SF-424A, Line 6h)			
Item Name	# of Units	Cost per Unit	Total Cost
International Registration Plan	1	\$29,648	\$29,648
International Fuel Tax Agreement	1	\$20,000	\$20,000
<i>The purpose of this budget cost is to provide funding for the cost of the International Registration Plan (IRP) and the International Fuel Tax Agreement (IFTA) annual membership dues and clearinghouse fees for one year.</i>			

**Total Cost: \$49,648**

**85% Federal Share: \$42,200**

**15% State Share: \$7,448**

## 6. e-screening Membership fees

### 6.1 Introduction

The purpose of this project is to provide funding for the cost to participate on the HELP, Inc. Board of Directors for Kentucky's e-screening program. Participation in the PrePass e-screening program supports the core ITD requirement of electronic screening. Maintaining Kentucky's e-screening membership will help to improve the reporting of performance metrics. PrePass provides reports that help to quantify the benefits received from e-screening. This project implements ITD performance measures of safety, efficiency, and environmental benefits through electronic

screening. It will promote safety and credentials of commercial vehicles in the United States. The project will also increase the effectiveness and efficiency of KSP-CVE in their efforts to focus on non-compliant carriers. Additionally, this project encourages states to share safety and credentialing information with each other.

## 6.2 Problem Statement

Kentucky's facilities and resources are insufficient to handle the vast number of motor carriers coming through them. Weigh station ramps often backup due to the large number of vehicles entering these facilities. Most facilities have a safety feature allowing trucks to bypass before traffic backs up onto the mainline, but in this case, these vehicles are not screened or even observed by enforcement. Participating in e-screening allows Kentucky to meet the core ITD requirements, but more importantly allows approved carriers to be screened electronically prior to the weigh stations.

## 6.3 Performance Objectives

The Commonwealth of Kentucky's participation in HELP, Inc. has several objectives, including:

1. To promote safety and credentialing,
2. To facilitate inspections by increasing efficiency and effectiveness of KSP-CVE enforcement efforts to target motor carriers with credentials problems and poor safety histories,
3. To allow compliant carriers to bypass weigh stations and continue unimpeded,
4. To prevent congestion around weigh stations, and
5. To decrease idling time to save on fuel costs and the emission of greenhouse gasses.

## 6.4 Program Activity Plan

The KYTC will make the necessary arrangements to pay the dues for the Help, Inc. Board of Directors.

## 6.5 Performance Measurement Plan

This task will be considered complete when the membership dues are paid for FY 2019.

## 6.6 Schedule and Milestones

Milestone		Expected Completion Date
Project Start		October 1, 2020
1	E-Screening State Membership	
Project End		September 30, 2022

## 6.7 Budget Narrative

Other Cost Budget Narrative (SF-424A, Line 6h)			
Item Name	# of Units	Cost per Unit	Total Cost
E-Screening Membership Fees	1	\$8824	\$8824
<i>This provides funding for the cost to participate on the board of director's for Kentucky's electronic screening program through HELP, Inc.</i>			

**Total Cost: \$8824**

**85% Federal Share: \$7500**

**15% State Share: \$1324**

## 7. Maintenance of Roadside Screening Systems

### 7.1 Introduction

The purpose of this project is to provide maintenance and support for Kentucky's roadside screening systems. Kentucky has automated screening systems in 17 locations. These systems utilize all or some of the following technologies:

- ⌚ An automated license plate reader (ALPR) that provides the license plate number from the front of the vehicle along with the state/jurisdiction.
- ⌚ An automated USDOT/KYU number reader (USDOTR) that provides the USDOT number and KYU from the side of the vehicle.
- ⌚ A scene camera to capture a digital image of each passing vehicle for general description and visual identification purposes.
- ⌚ Lighting to help illuminate the truck as images are being captured.
- ⌚ A triggering device (loop) to begin and end the image capture process.
- ⌚ An interface to the existing weigh-in-motion (WIM) and truck sorting and tracking system (Mettler-Toledo), which directs trucks targeted for inspection to park.
- ⌚ Thermal imaging cameras to identify brake and tire problems.
- ⌚ Over-height detectors to measure trucks for potential over-dimensional violations.
- ⌚ Tire anomaly classification system to identify potential problems with tires such as uninflated, underinflated, mismatched, and missing tires.

- ⌚ Parking monitoring cameras to monitor and track vehicles through the facilities and to ensure trucks do not leave the facility before meeting with enforcement personnel inside the inspection station.
- ⌚ A screening database containing national and state information pertaining to safety, registration, and credentials. The database is updated daily, using data from Kentucky's Commercial Vehicle Information Exchange Window (CVIEW). Safety and Fitness Electronic Records (SAFER) provides (via Kentucky's CVIEW) the PRISM status and the Federal Out-of-Service (FOOS) status of the motor carrier.
- ⌚ Computers within the inspection station to provide an interface for the user.

Screening system are a very effective tool for commercial vehicle enforcement officers. The volume of truck traffic at weigh stations is extremely high therefore personnel are only able to inspect a small percentage of all vehicles. A screening system allows personnel to target "high-risk" carriers for inspection making better use of their time. Although volumes are lower on side routes, virtual weigh stations also improve efficiency and effectiveness by identifying "high-risk" carriers for inspection. These systems also provide the ability for enforcement to target specific issues if desired. Personnel can direct the system to pull in specific types of potential violations and then focus their efforts there.

## 7.2 Problem Statement

All of the equipment used in these systems requires regular maintenance to ensure their effectiveness and functionality are maintained. Maintenance on these screening systems includes both equipment maintenance and software maintenance. Maintaining the screening equipment to its optimal level helps to facilitate inspections and increase the effectiveness of the limited number of enforcement personnel compared to the number of trucks that pass through weigh stations on a daily basis. In order to keep the screening systems functioning at a high level, it is imperative that periodic preventative maintenance be performed and to have call-out availability for repairs of these devices if needed. If the screening system fails to function at a high level for any reason and enforcement personnel loses confidence in the ability of the system to accurately identify vehicles and carriers, it will not be used and the momentum gained during the installation and use of the system to screen commercial vehicles will be lost.

## 7.3 Performance Objectives

The objectives associated with this project are to maintain the roadside screening systems. This will be accomplished by setting up maintenance contracts with the pertinent companies that have their equipment installed at the sites as well as utilizing the Kentucky Transportation Center to monitor system, troubleshoot problems, and perform routine maintenance.

## 7.4 Program Activity Plan

The Kentucky Transportation Cabinet will establish maintenance contracts for the equipment.

The Kentucky Transportation Center will monitor roadside screening systems, troubleshoot problems, and perform regular, routine maintenance for the systems.

## 7.5 Performance Measurement Plan

The Kentucky Transportation Cabinet will require that maintenance reports be provided detailing preventive maintenance, outlining all work that was done. Identified issues with the systems and how the problem was resolved will also be documented. The enforcement personnel will also provide feedback to the ITD program manager concerning the functionality of the system. If the required maintenance is performed, there should not be a drop off in quality or effectiveness of the screening system. If a drop off in performance is noted, or problems arise with the screening systems, the enforcement personnel will be expected to contact the ITD Program Manager or KTC to ensure that the required maintenance is performed and functionality is restored.

## 7.6 Schedule and Milestones

Milestone	Expected Completion Date
Project Start	October 1, 2020
Setup maintenance contracts	
Project End	September 30, 2022

## 7.7 Budget Narrative

Description of Services	Total Cost
Maintenance of Roadside Screening Systems	<b>\$458,824</b>
This budget represents quotes for a year of contractual work for routine and preventative maintenance of hardware, lighting, monitoring of the equipment and data, troubleshooting of problems, minor repairs, updates and fixes for the software, and warranties on the cameras.	

**Total Cost: \$458,824**

**85% Federal Share: \$390,000**

**15% State Share: \$68,824**

## 8. Maintenance of the IFTA Processing Consortium (IPC) System

### 8.1 Introduction

The purpose of this project is to provide operations and maintenance for Kentucky's International Fuel Tax Agreement (IFTA) Processing Consortium (IPC) System. This Consortium is made up of six states (Connecticut, Maryland, Michigan, Nevada, New Hampshire, and Kentucky), with Kentucky being the lead state. The Kentucky IPC System is

an online processing system allowing the Division of Motor Carriers to manage the requirements for IFTA. This system has been designed to permit motor carriers to register for IFTA, order the IFTA license and decals, renew the IFTA license, file IFTA tax returns, make payments, and communicate with the Division of Motor Carriers in a safe and secure electronic environment. This request is for maintenance and support associated with a core ITD project.

## 8.2 Problem Statement

The Kentucky IPC system is the automated electronic processing system that allows for the application, processing, issuance, and tax filing for the IFTA agreement. This system is linked to Kentucky's CVIEW and provides important data to Kentucky's Division of Motor Carriers and Commercial Vehicle Enforcement as well as to other states via SAFER. Kentucky seeks funds to maintain this system.

## 8.3 Performance Objectives

The objective of this project is to provide funding for maintenance and support for the IPC system.

## 8.4 Program Activity Plan

The Kentucky Transportation Cabinet will contract with Explore to provide maintenance and support for Kentucky's IPC system.

## 8.5 Performance Measurement Plan

Quarterly reports will be made to FMCSA documenting activities and project billing specifics. In the event FMCSA would like an update on the project's progress, Kentucky will host a conference call or provide any requested documentation for review.

## 8.6 Schedule and Milestones

Milestones	Expected Completion Date
<b>Project Start</b>	<b>October 1, 2020</b>
Pay Maintenance Fees for Kentucky's IPC System	
<b>End Project</b>	<b>September 30, 2022</b>

## 8.7 Budget Narrative

Description of Services	Total Cost
<i>Contractual agreement for the maintenance and support of the IPC System</i>	<b>\$199,395</b>
KYTC will contract with Explore, the developer of the IPC system for the hosting and maintenance of the system. This cost estimate is based upon the monthly charges to date.	

**Total Cost: \$199,395**

**85% Federal Share: \$169,485**

**15% State Share: \$29,910**

## 9. Maintenance of the Automated Ow/OD Load Permitting And Routing System

### 9.1 Introduction

The purpose of this project is to provide annual operations and maintenance costs for Kentucky's automated overweight/over-dimensional (OW/OD) load permitting and routing system. This project increases efficiencies for the Division of Motor Carriers as well as the motor carrier industry. In addition, this system allows for real-time bridge analysis of every load prior to issuance of the permit to ensure the safety of the traveling public.

### 9.2 Problem Statement

The Kentucky automated OW/OD load permitting and routing system consists of five major components: Superload routing, bridge analysis, restriction management, and permit administration. This system went live in 2019 and utilizes the Kentucky CVIEW to perform real-time verification of compliance with safety-related regulations – such as Federal OOS orders. The system is also utilized with CVIEW to verify compliance with IFTA, UCR, and IRP regulations.

### 9.3 Performance Objectives

The objective of this project is to provide funding for maintenance and support for the automated OW/OD load permitting and routing system.

## 9.4 Program Activity Plan

The Kentucky Transportation Cabinet will contract with a vendor to provide maintenance and support for of the automated OW/OD system.

## 9.5 Performance Measurement Plan

Quarterly reports will be made to FMCSA documenting activities and project billing specifics. In the event FMCSA would like an update on the project's progress, Kentucky will host a conference call or provide any requested documentation for review.

## 9.6 Schedule and Milestones

Milestones	Expected Completion Date
Project Start	October 1, 2020
Pay Maintenance Fees for Kentucky's OW/OD Permitting System	
End Project	September 30, 2022

## 9.7 Budget Narrative

Description of Services	Total Cost
<i>Contractual agreement for the maintenance and support of the automated OW/OD permitting system</i>	<b>\$179,365</b>
KYTC has received a quote for the annual upkeep and maintenance for Kentucky's automated OW/OD load permitting and routing system.	

**Total Cost: \$179,365**

**85% Federal Share: \$152,460**

**15% State Share: \$26,905**



# 10. Maintenance of the IRP System

## 10.1 Introduction

The purpose of this project is to provide operations and maintenance for Kentucky's International Registration Plan (IRP) online portal system with Explore. The Kentucky IRP Portal is an online processing system allowing the Division of Motor Carriers to manage the requirements for IRP. This system has been designed to permit motor carriers to register for IRP, order the IRP plates and cab cards, renew the IRP plates and cab cards, add vehicles, update MCRS lease agreements, make payments, and communicate with the Division of Motor Carriers in a safe and secure electronic environment. This request is for maintenance and support associated with a core ITD project.

## 10.2 Problem Statement

The Kentucky IRP system is the automated electronic processing system that allows for the application, processing, issuance, for the International Registration Plan. This system is linked to Kentucky's CVIEW and provides important data to Kentucky's Division of Motor Carriers and Commercial Vehicle Enforcement as well as to other states via SAFER. Kentucky seeks funds to maintain this system.

## 10.3 Performance Objectives

The objective of this project is to provide funding for maintenance and support for the IRP system.

## 10.4 Program Activity Plan

The Kentucky Transportation Cabinet will contract with a vendor to provide maintenance and support for the IRP system.

## 10.5 Performance Measurement Plan

Quarterly reports will be made to FMCSA documenting activities and project billing specifics. In the event FMCSA would like an update on the project's progress, Kentucky will host a conference call or provide any requested documentation for review.

## 10.6 Schedule and Milestones

Milestones	Expected Completion Date
Project Start	October 1, 2020
Pay Maintenance Fees for Kentucky's IRP System	
End Project	September 30, 2022

## 10.7 Budget Narrative

Description of Services	Total Cost
<i>Contractual agreement for the maintenance and support of the IRP System</i>	<b>\$158,824</b>
KYTC has received a quote for the annual upkeep and maintenance for Kentucky's IRP System.	

**Total Cost: \$158,824**

**85% Federal Share: \$135,000**

**15% State Share: \$23,824**

Revised 10/28/2020

## 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 (typically non-tangible) may include utilities, leased property or equipment, fuel for vehicles, 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 in the “My Documents” area in the eCVSP tool and through Grants.gov. 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
Conference Registration Fees	5 Cost	\$550.00	100.0000	\$2,750.00	\$2,337.50	\$412.50	\$0.00
FMCSR Regulation Books	120 Cost	\$26.00	100.0000	\$3,120.00	\$2,652.00	\$468.00	\$0.00
Hazardous Materials Regulation Books	120 Cost	\$23.00	100.0000	\$2,760.00	\$2,346.00	\$414.00	\$0.00
Mid American Truck Space Rental	1 Cost	\$7,600.00	100.0000	\$7,600.00	\$6,460.00	\$1,140.00	\$0.00
Cellular Costs	1 Cost	\$35,000.00	100.0000	\$35,000.00	\$29,750.00	\$5,250.00	\$0.00
Vehicle Repairs	1 Cost	\$15,000.00	100.0000	\$15,000.00	\$12,750.00	\$2,250.00	\$0.00
CVSA Decals	1 Cost	\$13,500.00	100.0000	\$13,500.00	\$11,475.00	\$2,025.00	\$0.00
Vehicle Operating Expenses	1 Cost	\$100,000.00	100.0000	\$100,000.00	\$85,010.00	\$14,990.00	\$0.00
Post Crash Data Retrieval Software	1 Cost	\$6,000.00	100.0000	\$6,000.00	\$5,100.00	\$900.00	\$0.00
Copy Machines	1 Cost	\$8,000.00	100.0000	\$8,000.00	\$6,800.00	\$1,200.00	\$0.00
CVSA Annual Dues	1 Cost	\$12,900.00	100.0000	\$12,900.00	\$10,966.00	\$1,934.00	\$0.00
Computer Maintenance	324 12	\$55.00	100.0000	\$17,820.00	\$15,484.65	\$2,335.35	\$0.00
<b>TOTAL: Other Costs</b>				<b>\$224,450.00</b>	<b>\$191,131.15</b>	<b>\$33,318.85</b>	<b>\$0.00</b>

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

**Other:**

This area covers several items that are necessary in the daily functions of the CVE Division and are all associated with the CMV safety mission. These expenses are charged according to the utilization within the MCSAP program. These costs are necessary, reasonable, and allocable to the MCSAP program.

A portion of those charges would be MOE expenses so the percentage of time on the ecvsp chart will show 100% due to subtracting the MOE after figuring eligible MCSAP activities costs.

The KSP utilizes travel to maintain certifications, competence and the skills necessary to perform the mission of addressing commercial vehicle safety. The charges for travel, lodging and per-diem are placed under the travel category and the costs for registration are placed here at \$2,750 for three individuals to register for the CVSA conference and two for COHMED.

The KSP provides new and updated FMCSR regulation books to its officers as the regulations change regularly. Anticipated cost of 120 books is \$3,120.

The KSP provides new and updated Hazardous Materials FMCSR regulation books to its officers as the regulations change regularly. Anticipated cost of 120 books is \$2,760.

Rental cost for the Mid-American Truck Show - \$7,600.

KSP provides air cards to all officers and mobile phones to supervisors and PIOs, these cellular charges are charged to the grant and estimated to be \$35,000. The KSP provides air cards for its fulltime CMV staff for the sole reason of accessing CMV related data, uploading inspections etc. There is no other reason for CVE officers to have this technology therefore the cost is charged to the grant. Without this technology inspectors would not be able to check carrier and driver status as the FMCSA requires.

KSP provides maintenance and repairs to vehicles that are attributed to the MCSAP program and charged, prorated, based on the estimated and agreed upon percentage of hours that the personnel that operate these vehicles perform MCSAP eligible activities. Costs are estimated to be \$15,000.00 charged to the grant.

The KSP is a partner with the Commercial Vehicle Safety Alliance and this is a necessary partnership while completing our MCSAP eligible activities and our mission of CMV highway safety. As a member of the CVSA the KSP utilizes the CVSA Out of Service criteria and inspection decals. Approximately \$13,500 charged to the grant for decals.

The KSP maintains vehicle maintenance records in an in-house database and charges a 35 percent usage rate for actual costs incurred for vehicles that are not 100% MCSAP usage. Vehicles that are 100% MCSAP are charged at that rate. KSP provides a spreadsheet each billing cycle that addresses and identifies these charges. Fuel costs are estimated to be \$100,000.00.

The KSP will need to update the CMV crash data retrieval systems. These systems are used by department officers for post crash data retrieval when investigating commercial vehicle fatality and serious injury crashes. Crash investigation is an important aspect of traffic safety and these tools will provide investigators a more thorough and complete review of why crashes have occurred in an attempt to learn from the data and therefore reduce crashes. The approximate cost for this update is \$6,000. This update is specifically CMV technology and utilized only for commercial vehicles.

The KSP provides copy machines at CVE Programs and scale facilities for the daily use of administration personnel, inspectors and officers. These copy machines are segregated and used only for MCSAP eligible costs and programs. Cost for these machines is expected to be \$8,000.

The KSP is a partner with the Commercial Vehicle Safety Alliance and this is a necessary partnership while completing our MCSAP eligible activities and our mission of CMV highway safety. The CVSA provides the Out of Service criteria utilized by the KSP as well as training opportunities and other activities to assist keeping staff knowledgeable and consistent. These costs are necessary, reasonable, and allocable.

CVSA membership - \$12,900 annually.

Lastly, Kentucky has formally moved all computer purchases, connectivity and maintenance etc to a department within the state, the Commonwealth Office of Technology. Each desktop computer accesses a \$55 charge for replacement and maintenance. KY estimates that this will affect approximately 27 computers throughout the troop at a cost of \$17,820.00.

Revised 07/20/2020

**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).

<b>ESTIMATED Fiscal Year Funding Amounts for MCSAP</b>			
	85.01% Federal Share	14.99% State Share	Total Estimated Funding
Total	\$4,952,896.00	\$873,972.00	\$5,826,868.00

<b>Summary of MCSAP Funding Limitations</b>	
Allowable amount for Overtime without written justification (14.99% of Basic Award Amount):	\$873,972.00
MOE Baseline:	\$1,751,368.59

<b>Estimated Expenditures</b>				
<b>Personnel</b>				
	Federal Share	State Share	Total Project Costs (Federal + Share)	MOE
Major	\$21,778.13	\$3,840.19	\$25,618.32	\$7,225.68
Captain	\$59,783.11	\$10,541.69	\$70,324.80	\$19,835.20
Lieutenant	\$83,696.36	\$14,758.36	\$98,454.72	\$27,769.28
Specialist Pay	\$270,706.30	\$47,771.70	\$318,478.00	\$0.00
Sergeant	\$106,755.56	\$18,824.44	\$125,580.00	\$35,420.00
Inspector	\$291,637.62	\$51,425.10	\$343,062.72	\$436,625.28
Officer	\$520,310.17	\$91,747.43	\$612,057.60	\$153,014.40
Coordinator/Staff	\$37,598.29	\$6,634.99	\$44,233.28	\$11,058.32
Programs Staff	\$119,952.00	\$21,168.00	\$141,120.00	\$35,280.00
Compliance Review Support	\$10,662.40	\$1,881.60	\$12,544.00	\$3,136.00
Administrative Support	\$107,623.60	\$18,992.40	\$126,616.00	\$31,654.00
Sergeant Special Assignment	\$666.40	\$117.60	\$784.00	\$196.00
Officers Special Assignment	\$12,315.07	\$2,173.25	\$14,488.32	\$3,622.08
Trooper Certified Inspectors	\$14,250.29	\$2,514.76	\$16,765.05	\$4,191.26
<b>Salary Subtotal</b>	<b>\$1,657,735.30</b>	<b>\$292,391.51</b>	<b>\$1,950,126.81</b>	<b>\$769,027.50</b>
General Staff	\$0.00	\$0.00	\$0.00	\$219,987.35
Federal Overtime	\$169,884.56	\$30,578.16	\$200,462.72	\$0.00
<b>Overtime subtotal</b>	<b>\$169,884.56</b>	<b>\$30,578.16</b>	<b>\$200,462.72</b>	<b>\$219,987.35</b>
<b>Personnel total</b>	<b>\$1,827,619.86</b>	<b>\$322,969.67</b>	<b>\$2,150,589.53</b>	<b>\$989,014.85</b>

Fringe Benefits				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Federal Overtime	\$156,043.26	\$27,515.45	\$183,558.71	\$0.00
Officer	\$234,139.57	\$41,286.35	\$275,425.92	\$68,856.48
Coordinator/Staff	\$33,421.12	\$5,897.84	\$39,318.96	\$9,829.74
Programs Staff	\$106,625.32	\$18,816.24	\$125,441.56	\$31,360.39
Compliance Review Support	\$9,477.81	\$1,672.55	\$11,150.36	\$2,787.59
Administrative Support	\$95,666.62	\$16,882.34	\$112,548.96	\$28,137.24
Sergeant Special Assignment	\$299.88	\$52.92	\$352.80	\$88.20
Officers Special Assignment	\$5,541.78	\$977.96	\$6,519.74	\$1,629.94
Trooper Certified Inspectors	\$14,250.29	\$2,514.76	\$16,765.05	\$4,191.26
Specialist Pay	\$240,630.83	\$42,464.26	\$283,095.09	\$0.00
State Funded Overtime	\$0.00	\$0.00	\$0.00	\$76,744.62
Major	\$9,800.16	\$1,728.08	\$11,528.24	\$3,251.56
Captain	\$26,902.40	\$4,743.76	\$31,646.16	\$8,925.84
Lieutenant	\$37,663.36	\$6,641.26	\$44,304.62	\$12,496.18
Sergeant	\$48,040.00	\$8,471.00	\$56,511.00	\$15,939.00
Inspector	\$259,236.68	\$45,711.77	\$304,948.45	\$388,116.21
<b>Fringe Benefits total</b>	<b>\$1,277,739.08</b>	<b>\$225,376.54</b>	<b>\$1,503,115.62</b>	<b>\$652,354.25</b>

Travel				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
MCSAP FMCSA Planning Meeting	\$7,403.50	\$1,306.50	\$8,710.00	\$0.00
Routine Annual Training	\$8,500.00	\$1,500.00	\$10,000.00	\$0.00
COHMED Conference	\$3,391.50	\$598.50	\$3,990.00	\$0.00
CVSA Conference	\$5,406.00	\$954.00	\$6,360.00	\$0.00
CVSA Inspector Championship	\$1,915.90	\$338.10	\$2,254.00	\$0.00
<b>Travel total</b>	<b>\$26,616.90</b>	<b>\$4,697.10</b>	<b>\$31,314.00</b>	<b>\$0.00</b>

Equipment				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Patrol Vehicles	\$75,650.08	\$13,350.02	\$89,000.10	\$99,999.90
Patrol Vehicle Equipment	\$51,191.25	\$9,033.75	\$60,225.00	\$0.00
CR Vehicle Costs	\$53,250.68	\$9,397.18	\$62,647.86	\$0.00
<b>Equipment total</b>	<b>\$180,092.01</b>	<b>\$31,780.95</b>	<b>\$211,872.96</b>	<b>\$99,999.90</b>

Supplies				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Uniforms and related equipment	\$25,452.40	\$4,491.60	\$29,944.00	\$0.00
Office Supplies	\$21,297.60	\$3,758.40	\$25,056.00	\$0.00
MOE Costs	\$0.00	\$0.00	\$0.00	\$10,000.00
<b>Supplies total</b>	<b>\$46,750.00</b>	<b>\$8,250.00</b>	<b>\$55,000.00</b>	<b>\$10,000.00</b>

Contractual and Subaward				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Boone County Sheriffs Office	\$15,000.00	\$2,647.06	\$17,647.06	\$0.00
KY Transportation Cabinet	\$1,259,947.00	\$222,343.59	\$1,482,290.59	\$0.00
Lexington Division of Police	\$68,000.00	\$12,000.00	\$80,000.00	\$0.00
Louisville Police	\$60,000.00	\$10,588.24	\$70,588.24	\$0.00
<b>Contractual and Subaward total</b>	<b>\$1,402,947.00</b>	<b>\$247,578.89</b>	<b>\$1,650,525.89</b>	<b>\$0.00</b>

Other Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Conference Registration Fees	\$2,337.50	\$412.50	\$2,750.00	\$0.00
FMCSR Regulation Books	\$2,652.00	\$468.00	\$3,120.00	\$0.00
Hazardous Materials Regulation Books	\$2,346.00	\$414.00	\$2,760.00	\$0.00
Mid American Truck Space Rental	\$6,460.00	\$1,140.00	\$7,600.00	\$0.00
Cellular Costs	\$29,750.00	\$5,250.00	\$35,000.00	\$0.00
Vehicle Repairs	\$12,750.00	\$2,250.00	\$15,000.00	\$0.00
CVSA Decals	\$11,475.00	\$2,025.00	\$13,500.00	\$0.00
Vehicle Operating Expenses	\$85,010.00	\$14,990.00	\$100,000.00	\$0.00
Post Crash Data Retrieval Software	\$5,100.00	\$900.00	\$6,000.00	\$0.00
Copy Machines	\$6,800.00	\$1,200.00	\$8,000.00	\$0.00
CVSA Annual Dues	\$10,966.00	\$1,934.00	\$12,900.00	\$0.00
Computer Maintenance	\$15,484.65	\$2,335.35	\$17,820.00	\$0.00
<b>Other Costs total</b>	<b>\$191,131.15</b>	<b>\$33,318.85</b>	<b>\$224,450.00</b>	<b>\$0.00</b>



Total Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Subtotal for Direct Costs	\$4,952,896.00	\$873,972.00	\$5,826,868.00	\$1,751,369.00
<b>Total Costs Budgeted</b>	<b>\$4,952,896.00</b>	<b>\$873,972.00</b>	<b>\$5,826,868.00</b>	<b>\$1,751,369.00</b>

#### 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			
	85.01% Federal Share	14.99% State Share	Total Estimated Funding
Total	\$4,952,896.00	\$873,972.00	\$5,826,868.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (14.99% of Basic Award Amount):	\$873,972.00
MOE Baseline:	\$1,751,368.59

Estimated Expenditures				
	Federal Share	State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Salary Subtotal	\$1,657,735.30	\$292,391.51	\$1,950,126.81	\$769,027.50
Overtime Subtotal	\$169,884.56	\$30,578.16	\$200,462.72	\$219,987.35
Personnel Total	\$1,827,619.86	\$322,969.67	\$2,150,589.53	\$989,014.85
Fringe Benefits Total	\$1,277,739.08	\$225,376.54	\$1,503,115.62	\$652,354.25
Travel Total	\$26,616.90	\$4,697.10	\$31,314.00	\$0.00
Equipment Total	\$180,092.01	\$31,780.95	\$211,872.96	\$99,999.90
Supplies Total	\$46,750.00	\$8,250.00	\$55,000.00	\$10,000.00
Contractual and Subaward Total	\$1,402,947.00	\$247,578.89	\$1,650,525.89	\$0.00
Other Costs Total	\$191,131.15	\$33,318.85	\$224,450.00	\$0.00
	85.01% Federal Share	14.99% State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Subtotal for Direct Costs	\$4,952,896.00	\$873,972.00	\$5,826,868.00	\$1,751,369.00
Indirect Costs	\$0.00	\$0.00	\$0.00	NA
<b>Total Costs Budgeted</b>	<b>\$4,952,896.00</b>	<b>\$873,972.00</b>	<b>\$5,826,868.00</b>	<b>\$1,751,369.00</b>

**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? Nathan Day
2. What is this person's title? Major
3. Who is your Governor's highway safety representative? Jim Gray
4. What is this person's title? Secretary Transportation Cabinet

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

- ☐ Yes
- ☐ No

**State Certification declaration:**

I, Nathan Day, Major, on behalf of the Commonwealth of KENTUCKY, 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 Commonwealth satisfies all the conditions required for MCSAP funding, as specifically detailed in [49 C.F.R. § 350.211](#).

**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? Nathan Day
2. What is the title of your certifying State official? Major
3. What are the phone # and email address of your State official? 502-782-1800 nathaniel.day@ky.gov

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

- ☐ Yes
- ☐ No

I, Nathan Day, certify that the Commonwealth has conducted the annual review of its laws and regulations for compatibility regarding commercial motor vehicle safety and that the Commonwealth'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 Commonwealth 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. See attached document. The KSP has submitted an action plan within the attachments, has drafted language to modify the specific KAR that will address some outstanding action items and is working with KSP legal and KYTC to address the other items that require legislative action. KY will provide details of the corrective action plan by December 30, 2020. Revised 11/03/2020

**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

Kentucky  
Kentucky State Police  
MCSAP MAINTENANCE OF EFFORT (MOE) SUBSTANTIATION TEMPLATE  
FEDERAL FISCAL YEAR (FFY): 2019

LEAD AGENCY MCSAP-ELIGIBLE EXPENDITURES for FFY 2019 (October 1, 2018 through September 30, 2019)	FFY 2019 TOTAL MCSAP ELIGIBLE EXPENDITURES <sup>1</sup>
<b>Personnel (Payroll Costs)</b>	
Salary	\$2,140,116.91
Subtotal for Personnel	\$2,140,116.91
<b>Fringe Benefit Costs (Health, Life Insurance, Retirement, etc.)</b>	
FICA, Retirement, Health, Life	\$1,687,814.12
Subtotal for Fringe Benefits	\$1,687,814.12
<b>Program Travel</b>	
Travel	\$36,911.93
Subtotal for Program Travel	\$36,911.93
<b>Equipment</b>	
<b>Vehicles and Related Vehicle Equipment</b>	
Vehicles and Related Equipment	\$769,659.27
Subtotal for Vehicles and Related Vehicle Equipment	\$769,659.27
<b>Non-Vehicle Equipment</b>	
Subtotal for Non-Vehicle Equipment	\$0.00
Subtotal for Equipment	\$769,659.27
<b>Supplies</b>	
Supplies	\$114,589.42
Subtotal for Supplies	\$114,589.42
<b>Contractual (Sub Grantees, Consultant Services, etc.)</b>	
Contractual	\$1,213,037.83
Subtotal for Contractual	\$1,213,037.83
<b>Other Expenses</b>	
Other Expenses	\$262,343.56
Subtotal for Other Expenses including Training & Conferences	\$262,343.56
<b>TOTAL DIRECT COSTS</b>	<b>\$6,224,473.04</b>
<b>TOTAL APPROVED INDIRECT COSTS</b>	<b>\$0.00</b>
<b>TOTAL MCSAP ELIGIBLE COSTS EXPENDED</b>	<b>\$6,224,473.04</b>
Federal Grant Funds Expended	<b>\$3,802,138.43</b>
Associated State Matching Funds Expended	<b>\$670,965.61</b>
Total Grant Related Funds Expended	<b>\$4,473,104.04</b>
Total MOE Funds Expended	<b>\$1,751,369.00</b>
<b>CERTIFICATION AND VALIDATION OF FFY 2019 MOE EXPENDITURES</b>	
<b>TOTAL MOE BASELINE</b> (MAP-21 Baseline years of 2004 and 2005)	<b>\$1,751,369.00</b>
<b>TOTAL MOE EXPENDITURES</b>	<b>\$1,751,369.00</b>
<p>I hereby certify as follows that the information included in this template is true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable federal law:</p> <p>(1) The State lead MCSAP agency has validated and met the minimum MOE baseline expenditure amount for FFY 2015.</p> <p>(2) All Lead Agency expenditures included in the template are MCSAP-eligible.</p> <p>(3) Supporting documents are available for review by the Federal Motor Carrier Safety Administration upon request.</p>	
Major Nathan Day	
nathan.day@ky.gov	502-782-1800
Major Nathan Day	

## **FY 2021 Certification of MCSAP Conformance (State Certification)**

I Nathan Day, Major, on behalf of the Commonwealth of Kentucky, 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 Kentucky State Police (KSP) as the Lead State Agency to administer the Commercial Vehicle Safety Plan throughout the State for the grant sought and KSP, Lexington P.D, Louisville P.D. and the Boone County Sheriff's Office 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 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 (or other authorized State official through whom coordination was accomplished) is Siwula, Jason J (KYTC)  
<Jason.Siwula@ky.gov and Jim Gray, jim.gray@ky.gov.
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 willfully participates 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 06/24/2020

Signature Major Nathan Day



## ANNUAL CERTIFICATION OF COMPATABILITY

In accordance with 49 CFR, Parts 350 and 355, as Director for the Department of Kentucky State Police, Commercial Vehicle Enforcement Division, I do hereby certify, based on an annual review, the Commonwealth of Kentucky's compatibility with appropriate parts of the Federal Motor Carrier Safety Regulations (FMCSR's) and the Federal Hazardous Material Regulations (FHMRs) as follows:

### INTERSTATE MOTOR CARRIERS

Regulations adopted when published by FMCSA.

### INTRASTATE MOTOR CARRIERS

(No changes)

Kentucky's MCSAP review completed in 2010 identified issues regarding incompatibility with some regulations. KSP, Commercial Vehicle Enforcement Division has been diligently working with the Kentucky Department of Transportation to modify the specific KAR and the most recent draft which will be presented for approval is attached, Kentucky is very close to resolving this obsolete incompatibility.

Dated this 16 day of July 2020

Nathan Day

Major

1 TRANSPORTATION CABINET

2 Department of Vehicle Regulation

3 Division of Motor Carriers

4 (Amendment)

5 601 KAR 1:005. Safety administrative regulation.

6 RELATES TO: KRS 138.665, 174.400-174.425 ~~[281.013]~~, 281.600, 281.730, 281.750,  
7 281.880, Chapter 281A, 49 C.F.R. 40, <sup>✓</sup>Parts 107, 130, 171-173, 175, 177, 178, 180, 350, 381-  
8 385, 390-397, 1572

9 STATUTORY AUTHORITY: KRS 174.410(2) 281.600, 281.730, 281.750, 281.880-  
10 281.888, 49 C.F.R. 40, Parts 130, 171-173, 175, 177, 178, 180, 382-384, 385, 390-397, 1572

11 NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.410(2) ~~[281.600]~~  
12 authorizes the Secretary of the Transportation Cabinet, in consultation with the Secretary of the  
13 Environmental and Public Protection Cabinet and the Secretary of the Cabinet for Health and  
14 Family Services, to adopt the federal hazardous materials transportation regulation, 49 C.F.R.,  
15 (1978), as amended, by reference or in its entirety, in order to effectively carry out the intent of  
16 KRS 174.400 through 174.425 relating to the transportation of hazardous materials by air or  
17 highway. KRS 281.600 authorizes the Transportation Cabinet to promulgate administrative  
18 regulations relating to safety requirements for motor vehicles and the method of operation,  
19 including adoption of any federal motor carrier safety regulations. This administrative regulation  
20 establishes requirements for motor carriers operating in Kentucky. This administrative regulation  
21 establishes requirements related to exemptions from medical examination for private motor

1 carriers of passengers that are more stringent than the requirements in 49 C.F.R. 391.68(c),  
2 which allows these carriers to avoid medical examination. Kentucky does not allow these  
3 medical waivers.

4 Section 1. Definitions.

5 (1) ~~["City bus" is defined in KRS 281.013(1)(b).~~

6 ~~(2)~~ "Daylight hours" means that period of time one-half (1/2) hour before sunrise  
7 through one-half (1/2) hour after sunset.

8 ~~(2)(3)~~ "Farm-to-market agricultural transportation" means the operation of a motor  
9 vehicle that is controlled and operated by a farmer who, as a private motor carrier, is using a  
10 vehicle:

11 (a)1. To transport agricultural products from his or her farm;

12 2. To transport farm machinery or farm supplies to his or her farm; or

13 3. Generally thought of as farm machinery; and

14 (b) Which is not transporting hazardous materials of a type or quantity ~~[that requires the~~  
15 ~~vehicle to be marked or placarded in accordance with 601 KAR 1:025.~~

16 ~~(4) "Load limit" means the seating capacity established by the manufacturer for a~~  
17 ~~passenger-carrying vehicle plus an additional twenty-five (25) percent.~~

18 ~~(5) "Suburban bus" is defined in KRS 281.013(2)(b).~~

19 ~~(6) "Utility" means an entity which provides water, electricity, natural gas, sewage~~  
20 ~~disposal, telephone service, television cable, or community antenna service.]~~

21 Section 2. Governing Federal Regulations. A commercial motor vehicle and its operator  
22 meeting the definitions established ~~[set forth]~~ in 49 C.F.R. 390.5 operating for-hire or in private  
23 carriage, interstate or intrastate, except as established ~~[set forth]~~ in Section 3 of this

administrative regulation, shall be governed by the following Motor Carrier Safety Regulations and Transportation Security Administration Regulations adopted and issued by the United States Department of Transportation<sup>[5]</sup>:

(1) 49 C.F.R. 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs;

(2) 49 C.F.R. 382, Controlled Substances and Alcohol Use and Testing;

(3) 49 C.F.R. 383, Commercial Driver's License Standards; Requirements and Penalties;

(4) 49 C.F.R. 384, State Compliance with Commercial Driver's License Program;

(5) 49 C.F.R. 385, Safety Fitness Procedures;

(6) 49 C.F.R. 390, General;

(7) 49 C.F.R. 391, Qualifications of Drivers;

(8) 49 C.F.R. 392, Driving of Commercial Motor Vehicles;

(9) 49 C.F.R. 393, Parts and Accessories Necessary for Safe Operation;

(10) 49 C.F.R. 395, Hours of Service of Drivers;

(11) 49 C.F.R. 396, Inspection, Repair and Maintenance;

(12) 49 C.F.R. 397, Transportation of Hazardous Materials; Driving and Parking Rules;

and

(13) 49 C.F.R. 1572, Credentialing and Security Threat Assessments [~~Background Checks for Maritime and Land Transportation Security~~].

**Section 3.** The following hazardous materials transportation regulations adopted and issued by the United States Department of Transportation shall govern the transportation of hazardous materials within Kentucky if the transportation of hazardous material is by air or highway: [~~Exemptions and Exceptions. The following exemptions and exceptions to compliance~~]



1 with the provisions of Section 2 of this administrative regulation shall be made: ]

2 (1) 49 C.F.R. Part 107. Hazardous Material Program Procedures: [(a) A city or suburban  
3 bus shall not be required to comply with the federal regulations governing this administrative  
4 regulation, except as required by paragraph (b) of this subsection;

5 (b) The operator of one (1) of these vehicles who is required by KRS Chapter 281A to  
6 obtain a commercial driver's license shall:

7 1. Comply with the provisions of 49 C.F.R. 382 and 383; and

8 2. a. Provide proof of having passed the medical examination set forth in 49 C.F.R. 391;

9 or

10 b. Have received a medical waiver as set forth in 601 KAR 11:040 and subsection (7) of  
11 this section for intrastate operators or as set forth in 49 C.F.R. 381 for interstate operators. ]

12 (2) 49 C.F.R. Part 130. Oil Spill Prevention and Response Plans: [(a) A motor vehicle  
13 operated by the federal government, a state government, a county government, a city  
14 government, or a board of education shall not be required to comply with the federal regulations  
15 adopted in this administrative regulation, except as required by paragraphs (b) and (c) of this  
16 subsection;

17 (b) An operator of one (1) of these vehicles who is required by KRS Chapter 281A to  
18 obtain a commercial driver's license shall provide proof of:

19 1. Having passed the medical examination set forth in 49 C.F.R. 391; or

20 2. Having received a medical waiver as set forth in 601 KAR 11:040 and subsection (7)  
21 of this section for intrastate operators or as set forth in 49 C.F.R. 381 for interstate operators;

22 (c) The operator of a vehicle specified in paragraph (a) of this subsection shall meet the  
23 requirements of 49 C.F.R. 382 relating to drug and alcohol testing. ]

(3) 49 C.F.R. Part 171. General information, Regulations, and Definitions: ~~[(a) A motor vehicle which is used exclusively in intrastate commerce and exclusively in farm-to-market agricultural transportation when operated during daylight hours by a private motor carrier shall not be required to comply with 49 C.F.R. 393.9 to 393.33, relative to lighting device requirements, except as required by paragraph (b) of this subsection.]~~

~~[(b) A motor vehicle as described in paragraph (a) of this subsection shall have two (2) stop lamps and mechanical turn signals as set forth in 49 C.F.R. 393.9 to 393.33.]~~

(4) 49 C.F.R. Part 172. Hazardous Materials Table, Special Provisions, Hazardous Materials communications, Emergency Response information, Training Requirements, and Security Plans: ~~[(a) A motor vehicle which is used exclusively in intrastate commerce and exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility which is located at a point not more than fifty (50) air miles (eighty and five-tenths (80.5) air kilometers) from the harvest area when operated during daylight hours shall not be required to comply with 49 C.F.R. 393.9 to 393.33, relative to lighting devices requirements, except as required by paragraph (b) of this subsection.]~~

~~[(b) A motor vehicle as described in paragraph (a) of this subsection shall have two (2) stop lamps and mechanical turn signals as set forth in 49 C.F.R. 393.9 to 393.33.]~~

(5) 49 C.F.R. Part 173. Shippers-general requirements for Shipments and Packagings: ~~[Except for a transporter of hazardous materials subject to the requirements of 601 KAR 1:025, a motor vehicle operator who is operating a vehicle in intrastate commerce shall not be required to be twenty-one (21) years of age as set forth in 49 C.F.R. 391.11(b)(1). However, he shall be at least eighteen (18) years of age.]~~

(6) 49 C.F.R. Part 175. Carriage by Aircraft: ~~[A utility service vehicle as defined in 49 C.F.R. 395.2 shall be exempt from the maximum driving and on-duty time for drivers as set forth in~~



1 49 C.F.R. 395.]

2 (7) 49 C.F.R. Part 177. Carriage by Public Highway; Medical waivers for intrastate  
3 drivers;

4 (a) A commercial vehicle driver who operates a commercial vehicle exclusively in  
5 intrastate commerce within Kentucky may apply for a medical waiver of the requirements of 49  
6 C.F.R. 391 under the provisions of 601 KAR 11:040;

7 (b) If a medical waiver is issued, the waiver shall be in the possession of the commercial  
8 driver any time the driver is operating a commercial motor vehicle.]

9 (8) 49 C.F.R. Part 178. Specifications for Packagings; Except for a farm-to-market  
10 agricultural transportation motor vehicle with a gross vehicle weight rating of 26,000 pounds or  
11 less, a motor carrier which operates exclusively in intrastate commerce shall:

12 (a) Apply for an intrastate motor carrier identification number on Form TC 95-1,  
13 "Kentucky Trucking Application", October 2004 edition or Form TC 92-150, "Application for  
14 Intrastate Carrier Identification Number", March 1996 edition;

15 (b) Display the assigned intrastate motor carrier identification number and the name of  
16 the motor carrier in the same manner as required pursuant to 49 C.F.R. 390.21 except the  
17 identification number shall be preceded by the letters "USDOT" and followed by the letters  
18 "KY".]

19 (9) 49 C.F.R. Part 180/ Continuing Qualification and Maintenance of Packagings;  
20 [Notwithstanding 49 C.F.R. 391.68(c), a Kentucky licensed commercial driver operating a  
21 passenger transportation vehicle on behalf of a private motor carrier of passengers shall not be  
22 exempt from the sections of 49 C.F.R. 391.41 and 391.45 requiring a driver to be medically  
23 examined and to have a medical examiner's certificate on his or her person.]

24 Section 4. Exemptions and Exceptions. The following exemptions and exceptions to

1 compliance with the provisions of Section 2 of this administrative regulation shall be made:

2 (1)(a) A motor vehicle operated by the federal government, a state government, a county  
3 government, a city government, or a board of education shall not be required to comply with the  
4 federal regulations adopted in this administrative regulation, except as required by paragraphs (b)  
5 and (c) of this subsection:

6 (b) An operator of one (1) of these vehicles who is required by KRS Chapter 281A to  
7 obtain a commercial driver's license shall provide proof of:

8 1. Having passed the medical examination established in 49 C.F.R. 391; or

9 2. Having received a medical waiver as established in 601 KAR 11:040 and subsection  
10 (7) of this section for intrastate operators or as established in 49 C.F.R. 381 for interstate  
11 operators.

12 (c) The operator of a vehicle specified in paragraph (a) of this subsection shall meet the  
13 requirements of 49 C.F.R. 382 relating to drug and alcohol testing.

14 (2) Except for a transporter of hazardous materials subject to the requirements of 601  
15 KAR 1:025, a motor vehicle operator who is operating a vehicle in intrastate commerce shall not  
16 be required to be twenty-one (21) years of age as established in 49 C.F.R. 391.11(b)(1), but shall  
17 be at least eighteen (18) years of age.

18 (3) Medical waivers for intrastate drivers.

19 (a) A commercial vehicle driver who operates a commercial vehicle exclusively in  
20 intrastate commerce within Kentucky may apply for a medical waiver of the requirements of 49  
21 C.F.R. 391 under the provisions of 601 KAR 11:040.

22 (b) If a medical waiver is issued, the waiver shall be in the possession of the commercial  
23 driver any time the driver is operating a commercial motor vehicle.



1       (4) Except for a farm to market agricultural transportation motor vehicle with a gross  
2 vehicle weight rating of 26,000 pounds or less, a motor carrier that operates exclusively in  
3 intrastate commerce shall:

4       (a) Apply for an intrastate USDOT number by visiting the Federal Motor Carrier Safety  
5 Administration at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov), incorporated by reference herein; and

6       (b) Display the assigned intrastate motor carrier identification number and the name of  
7 the motor carrier in the same manner as required pursuant to 49 C.F.R. 390.21, except the  
8 identification number shall be preceded by the letters "USDOT" and followed by the letters  
9 "KY."

10       (5) Notwithstanding 49 C.F.R. 391.68(c), a Kentucky licensed commercial driver  
11 operating a passenger transportation vehicle on behalf of a private motor carrier of passengers  
12 shall not be exempt from the sections of 49 C.F.R. 391.41 and 391.45 requiring a driver to be  
13 medically examined and to have a medical examiner's certificate on his or her person.

14       [Buses

15       (1) A bus shall be maintained in a clean and sanitary condition so that the health of  
16 passengers will not be impaired.

17       (2) A seat shall be comfortable in order that passengers will not be subjected to  
18 unreasonable discomfort which might be detrimental to their health and welfare.

19       (3) An employee in charge of buses shall be courteous and helpful to passengers,  
20 properly caring for baggage so that it will not be damaged, and shall be acquainted with the  
21 routes traveled and schedules maintained, so that the passengers will not be subjected to  
22 unnecessary delays.

23       (4) An operator shall take into consideration the health and welfare of his or her

1 passengers and control his or her operations in the public interest.

2 (5) ~~Express and freight, mail bags, newspapers and baggage shall be so placed as not to~~  
3 ~~interfere with the driver or with the safety and comfort of passengers. These items shall be~~  
4 ~~protected from the weather but shall not be carried in the aisles or in a position to block exits or~~  
5 ~~doorways on the bus.~~

6 ~~Section 5. Overcrowding of Passenger Vehicles. A bus operated by an authorized carrier,~~  
7 ~~except city or suburban buses, shall not be used to transport passengers in excess of its load limit.~~  
8 ~~A passenger shall not be permitted to occupy the rear door well of any bus vehicle that is~~  
9 ~~equipped with a rear door well.]~~

10 Section ~~5~~[6]. Out-of-service Criteria ~~[and Sticker]~~.

11 (1) The basic safety criteria to be followed by the Kentucky State Police or other  
12 individual certified through KSP to complete commercial vehicle inspections ~~[Transportation~~  
13 ~~Cabinet]~~ in determining if a commercial motor vehicle driver is declared unqualified or if a  
14 commercial motor vehicle is [shall be declared unqualified or] placed out-of-service shall be the  
15 ["North American Uniform Out-of-service Criteria["] issued by the Commercial Vehicle Safety  
16 Alliance, incorporated by reference herein.

17 (2)(a) If a commercial motor vehicle is being operated in interstate or intrastate  
18 commeree with improper or invalid registration, without registration ~~[or]~~ in violation of any  
19 safety regulation or requirement, or has a current federal Out-Of-Service Order issued by the  
20 Federal Motor Carrier Safety Administration, a trooper from the Kentucky State Police or other  
21 individual certified through the KSP to complete commercial vehicle inspections may place the  
22 vehicle out-of-service until such defect or condition is corrected ~~[an officer or inspector of the~~  
23 ~~Division of Motor Vehicle Enforcement shall be authorized to affix to the vehicle a notice~~

1 ~~indicating the nature of the violation and requiring its correction before the commercial motor~~  
2 ~~vehicle is further operated~~].

3 (b) Refusal of the vehicle operator to grant permission for a law enforcement officer or  
4 inspector to conduct a safety inspection of the vehicle shall be cause for the officer or inspector  
5 to ~~hold the vehicle in place or move the vehicle to a safe location, as established by C.F.R. 396.7,~~  
6 ~~[place the vehicle out-of-service]~~ until the permission is granted.

7 (c) Operation of a vehicle in violation of the out-of-service notice affixed to it shall  
8 constitute a separate violation of this administrative regulation.

9 (3)(a) If a commercial motor vehicle driver is ~~[determined to be]~~ unqualified to drive and  
10 is placed out-of-service but the commercial motor vehicle is not placed out-of-service, the motor  
11 carrier may provide a different driver for the commercial motor vehicle.

12 (b) The commercial motor vehicle driver placed out-of-service shall not again operate a  
13 commercial motor vehicle until ~~[he is]~~ once again qualified.

14 (c) Refusal of the commercial motor vehicle driver to grant permission for a law  
15 enforcement officer or inspector to conduct a safety inspection regarding the driver himself shall  
16 be cause for ~~suspension of the certificate or permit of the motor carrier as established by KRS~~  
17 ~~281.755 [the officer to place the driver out-of-service until the permission is granted]~~.

18 (d) Operating a commercial motor vehicle in violation of an out-of- service order shall  
19 constitute a separate violation of this administrative regulation.

20 Section ~~6~~[7]. Persons Allowed to Perform Physical Examinations. A physical  
21 examination required pursuant to state or federal law shall be conducted by a medical examiner  
22 as defined by ~~[in]~~ 49 C.F.R. 390.5. ~~[The following shall qualify:~~

23 ~~(1) Physician licensed by the Kentucky Board of Medical Licensure;~~



1       (2) Osteopath licensed by the Kentucky Board of Medical Licensure;

2       (3) Physician assistant certified by the Kentucky Board of Medical Licensure if working  
3 under the direct supervision of a licensed physician;

4       (4) Advanced registered nurse practitioner licensed by the Kentucky Board of Nursing;  
5 and

6       (5) Chiropractor licensed by the Kentucky State Board of Chiropractic Examiners.

7       Section 8. Intrastate Safety Rating System.

8       (1) The Transportation Cabinet may issue a safety rating to a motor carrier subject to the  
9 provisions of this administrative regulation if all of the commercial motor vehicles operated by  
10 the motor carrier are operated exclusively in intrastate commerce.

11       (2) The safety standards and rating criteria set forth in 49 C.F.R. 385 shall be used by the  
12 Transportation Cabinet in issuing a safety rating.]

13       Section 7[9]. Random Alcohol Testing Rate. A commercial motor vehicle employer shall  
14 randomly test a percentage of the average number of driver positions employed by the employer.  
15 The applicable percentage shall be determined by the Federal Motor Carrier Safety  
16 Administration's Administrator annually established [as set forth] in 49 C.F.R. 382.305.

17       Section 8[10]. Incorporation by Reference.

18       (1) The following material is incorporated by reference:

19       (a) Application for an intrastate USDOT number by the Federal Motor Carrier Safety  
20 Administration, available at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov); and ["North American Uniform Out-of-Service  
21 Criteria" revised April 1, 2005 by the Commercial Vehicle Safety Alliance;]

22       (b) "North American Uniform Out-Of-Service Criteria" updated annually, effective April  
23 1 of each year, by the Commercial Vehicle Safety Alliance, [TC-95-1, "Kentucky Trucking

1 Application," revised October, 2004; and

2 (c) TC 92-150, "Application for Intrastate Carrier Identification Number," revised March,  
3 1996.]

4 (2) This material may be inspected, copied, or obtained, subject to applicable copyright  
5 law, by visiting the webpages referenced in subsection (1). [at any of the weigh stations operated  
6 by the Transportation Cabinet, and at the Division of Motor Carriers, 2nd Floor, Transportation  
7 Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday,  
8 8 a.m. to 4:30 p.m. (DMT-19; 1 Ky.R. 1037; eff. 6-11-1975; 2 Ky.R. 501; eff. 6-12-1976; 13  
9 Ky.R. 535; 895; 1071; eff. 11-11-1986; 14 Ky.R. 1094; eff. 1-4-1988; 15 Ky.R. 45; 816; eff. 10-  
10 4-1988; 1695; 2072; eff. 3-7-1989; 15 Ky.R. 2435; 16 Ky.R. 161; eff. 8-1-1989; 1242; 1595; eff.  
11 3-8-1990; 2735; eff. 8-9-1990; 17 Ky.R. 2504; 2978; eff. 6-4-1991; 19 Ky.R. 225; 885; eff. 10-8-  
12 1992; 1411; eff. 1-21-1993; 20 Ky.R. 840; eff. 11-16-1993; 3307; 21 Ky.R. 343; eff. 7-13-1994;  
13 3070; eff. 8-1-1995; 22 Ky.R. 1716; 2029; 2293; eff. 6-6-1996; 23 Ky.R. 2257; 2817; 2-10-1997;  
14 24 Ky.R. 1932; 2392; eff. 6-15-1998; 25 Ky.R. 2190; 2565; eff. 5-4-1999; 29 Ky.R. 178; 707;  
15 eff. 9-16-2002; 30 Ky.R. 1831; 2024; 2143; eff. 3-3-2004; 31 Ky.R. 214; eff. 9-7-2004; 1016;  
16 1240; eff. 1-21-2005; 32 Ky.R. 960; 1241; eff. 1-18-2006; Crt eff. 11-26-2019.)]

APPROVED:

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Jim Gray  
Secretary  
Kentucky Transportation Cabinet

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Date

APPROVED:

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Matt Cole  
Acting Commissioner  
Department of Vehicle Regulation  
Kentucky Transportation Cabinet

---

Date

APPROVED AS TO FORM  
AND LEGALITY:

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Jon Johnson  
Staff Attorney Manager/Assistant General Counsel  
Office of Legal Services  
Kentucky Transportation Cabinet

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Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD  
601 KAR 1:005

A public hearing on this administrative regulation shall be held at 10:00 AM on September 25, 2020, at the Transportation Cabinet, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on September 30, 2020. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jon Johnson  
Staff Attorney Manager/Assistant General Counsel  
Transportation Cabinet  
Office of Legal Services  
200 Mero Street  
Frankfort, Kentucky 40622  
Telephone: (502) 564-7650  
Fax: (502) 564-5238  
Email: jon.johnson@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT  
601 KAR 1:005

CONTACT PERSON: Jon Johnson  
Staff Attorney Manager/Assistant General Counsel  
Transportation Cabinet  
Office of Legal Services  
200 Mero Street  
Frankfort, Kentucky 40622  
Telephone: (502) 564-7650  
Fax: (502) 564-5238  
Email: jon.johnson@ky.gov

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation
- (b) The necessity of this administrative regulation: This administrative regulation is required by KRS
- (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will establish the regulatory requirements of

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: This administrative regulation
- (b) The necessity of the amendment to this administrative regulation: KRS requires that the Transportation Cabinet to promulgate administration regulations in order to administer this program.
- (c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS that requires the cabinet to implement \_\_\_\_\_.
- (d) How the amendment will assist in the effective administration of the statutes: This amendment will clarify provisions in the current administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect:

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

- (a) List the actions each of the regulated entities have to take to comply with this regulation or amendment:
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities:
- (c) As a result of compliance, what benefits will accrue to the entities:



(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

(b) On a continuing basis:

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

(9) TIERING: Is tiering applied? Explain why or why not. No tiering is required.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT  
601 KAR 1:005

CONTACT PERSON: Jon Johnson  
Staff Attorney Manager/Assistant General Counsel  
Transportation Cabinet  
Office of Legal Services  
200 Mero Street  
Frankfort, Kentucky 40622  
Telephone: (502) 564-7650  
Fax: (502) 564-5238  
Email: jon.johnson@ky.gov

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. For local government, costs should be minimal as the process is administratively driven and the regulatory actions will be performed within the context of DUI prosecutions.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation is not expected to generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation is not expected to generate revenue.

(c) How much will it cost to administer this program for the first year?

(d) How much will it cost to administer this program for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): No revenues will be generated by this program.

Expenditures (+/-):

Other Explanation:

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE  
601 KAR 1:005

(1) The Application for an intrastate USDOT number by the Federal Motor Carrier Safety Administration, available at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov), does...

(2) The "North American Uniform Out-Of-Service Criteria" updated annually, effective April 1 of each year, by the Commercial Vehicle Safety Alliance, does...

## **FY 2021 Certification of MCSAP Conformance (State Certification)**

I, Nathan Day, Major, on behalf of the Commonwealth of Kentucky, 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 designated the Kentucky State Police as the Lead State Agency to administer the Commercial Vehicle Safety Plan (CVSP) throughout the State for the grant sought and its subgrantees, the Lexington Police Department, Louisville Police Department, Boone County Sheriff's office and the Kentucky Transportation Cabinet to perform defined functions under the CVSP.
2. The State has assumed responsibility for and 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.
3. The State will cooperate in the enforcement of financial responsibility requirements under 49 C.F.R. part 387.
4. The State will enforce registration (i.e., operating authority) requirements under 49 U.S.C §§ 13902 and 31134 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.
5. 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.
6. The Lead State Agency and any subrecipient of MCSAP funds have 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.
7. The State has undertaken efforts to emphasize and improve enforcement of State and local traffic laws as they pertain to CMV safety.
8. 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.
9. The State will maintain the maintenance of effort required under 49 C.F.R. § 350.225.
10. The State requires that all reports required in the CVSP be available to FMCSA upon request, meets the reporting requirements, and uses the forms for recordkeeping, inspections, and investigations that FMCSA prescribes.

11. The State implements performance-based activities, including deployment and maintenance of technology, to enhance the efficiency and effectiveness of CMV safety programs.
12. The State dedicates sufficient resources to a program to ensure that accurate, complete, and timely motor carrier safety data are collected and reported, and to ensure the State's participation in a national motor carrier safety data correction system prescribed by FMCSA.
13. The State will ensure that the Lead State Agency will coordinate the CVSP, data collection, and information systems with the State highway safety improvement program under 23 U.S.C. § 148(c).
14. The State will ensure participation in information technology and data systems as required by FMCSA for jurisdictions receiving MCSAP funding.
15. The State will ensure that information is exchanged with other States in a timely manner.
16. The laws of the State 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.
17. The State will conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors.
18. 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.
19. 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).
20. The State will address activities in support of the national program elements listed in 49 C.F.R. § 350.203.
21. The State will ensure that detection of criminal activities and CMV size and weight enforcement activities described in 49 C.F.R. § 350.227(b) funded with MCSAP funds will not diminish the effectiveness of other CMV safety enforcement programs.
22. The State will ensure that violation sanctions imposed and collected by the State are consistent, effective, and equitable.
23. 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.



24. The State has in effect a requirement that registrants of CMVS demonstrate their knowledge of the applicable FMCSRs, HMRs, or compatible State laws, regulations, standards, and orders on CMV safety.
25. The State will transmit to its roadside inspectors at the notice of each Federal exemption granted pursuant to 49 U.S.C. § 31315(b) and 49 C.F.R. §§ 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.
26. 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.
27. 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.
28. The State will ensure that it cooperates 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.
29. 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.
30. 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 C.F.R. subpart D.

Date 08/10/2020

Signature Major Nathan Day

## Certifications required by 49 C.F.R. sections 350.211 and 350.213

### Part 5 ECVSP

Part 5 includes electronic versions of specific requirements, certifications and documents that a State must agree to as a condition of participation in MCSAP, as required by 49 C.F.R. sections 350.207, 350.211, 350.213, and 350.303. 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.

## 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? **Nathan Day**
2. What is this person's title? **Major, Director of CVE**
3. Who is your Governor's highway safety representative? **Jim Gray**
4. What is this person's title? **Secretary of Transportation Cabinet**

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

Yes

**Yes, uploaded certification document**

No

State Certification declaration:

I, Nathan Day, on behalf of the State of Kentucky have the authority to make the following certification on behalf of the State. As a condition of approval of a grant under the authority of 49 U.S.C. section 31102, I certify that the State satisfies all conditions required to qualify for MCSAP funding, as specifically detailed in 49 C.F.R. section 350.207.

Dated this 19 day of August 2020

Nathan Day

Major



## 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? **Nathan Day**
2. What is the title of your certifying State official? **Major, Director of CVE**
3. What are the phone # and email address of your State official? **502-782-1800, nathaniel.day@ky.gov**

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

Yes

**Yes, uploaded certification document**

No

### State Compatibility Review of Laws, Regulations, Standards, and Orders on CMV Safety Certification

I, Nathan Day, on behalf of the State of Kentucky have the authority to make the following certification on behalf of the State. I certify that the State has conducted the annual review required by 49 C.F.R. section 350.303 of its laws, regulations, standards, and orders on commercial motor vehicle (CMV) safety and that the State's safety laws, regulations, standards, and orders on CMV safety are compatible with the Federal Motor Carrier Safety Regulations (49 C.F.R. parts 390, 391, 392, 393, 395, 396, and 397) and the Hazardous Material Regulations (49 C.F.R. parts 107 (subparts F and G only), 171-173, 177, 178, and 180), 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, regulations, standards, and orders on CMV safety that:

- (1) As applicable to interstate commerce not involving the movement of hazardous materials:
  - (i) Are identical to or have the same effect as the FMCSRs; or
  - (ii) If in addition to or more stringent than the FMCSRs, have a safety benefit, do not unreasonably frustrate the Federal goal of uniformity, and do not cause an unreasonable burden on interstate commerce when enforced;

(2) As applicable to intrastate commerce not involving the movement of hazardous materials:

(i) Are identical to or have the same effect as the FMCSRs; or

(ii) Fall within the limited variances from the FMCSRs allowed under 49 C.F.R. sections 350.305 or 350.307; and

(3) As applicable to interstate and intrastate commerce involving the movement of hazardous materials, are identical to the HMRs.

### 3 - New State Laws, Regulations, Standards, and Orders on CMV safety

The State will provide answers to the questions below regarding any new State laws, regulations, standards, and orders on CMV safety since the last CVSP or annual update that was submitted.

Has the State adopted/enacted any new or updated State laws, regulations, standards, and orders on CMV safety since the last CVSP or annual update was submitted?

Yes **No**

In the table below, please provide the bill number and effective date of any new legislation. Please include the code section that the bill amended and provide a brief description of the legislation. Please include a statute number, hyperlink or URL, in the summary. Do NOT include the actual text of the Bill as that can be very lengthy.

If there is no formal bill, please include a description of standards or orders on CMV safety and effective date and include a hyperlink or URL in the summary.

Law, Regulation, Standard, or Order Adoption			
Bill Number	Effective Date	Code Section Change	Summary of Change

### **Previous Findings:**

Kentucky's MCSAP review completed in 2010 identified issues regarding incompatibility with some regulations. The KSP, Commercial Vehicle Enforcement Division has been diligently working with the Kentucky Department of Transportation to modify the specific KAR which will address findings 3507 and 4293. The remaining findings, 4385 and 3679 require legislative action and KSP is working toward a resolution.

### **KY/FI-1-2010-MC**

#### **Finding 3507**

The Commonwealth's exemption of for-hire bus companies is incompatible with the conditions in 49 CFR 350.201(a) and the Tolerance Guidelines in 49 CFR 350.341.

Under Kentucky's regulations adopting Parts of the FMCSRs in 601 KAR 1:005, section 3(1) of that statute exempts from required compliance with Parts 390 through 397, city and suburban buses, defined as those buses issued "...certificates granting authority only for the operation of motor vehicles transporting passengers for hire between points within the corporate limits of a city or within the confines of either one or more cities and their suburban area, or a suburban area, over regular routes." (See definitions in KRS 281.13 and 601 KAR 1:005 section 1.)

The exemptions do not apply to the operators of these vehicles to the extent that those operators must comply with the adopted 49 CFR Parts 382, 383, and the medical qualification portions of Part 391. This almost total exemption from safety regulations of these for-hire bus companies is incompatible with the conditions set forth in 49 CFR 350.201(a) and the Tolerance Guidelines in 49 CFR 350.341.

#### **Status:**

KRS 281.013 was repealed 06/24/2015 and 601 KAR 1:005 revisions have been drafted and being presented in 2020 to remove the references and exemptions to city busses. Additionally, a review of 1987/1988 KAR shows that these exemptions were actually in place in 1987 and 1988. Regardless the revised KAR will resolve this inconsistency. See attached.

### **KY/FI-1-2010-MC**

#### **Finding 4385**

The Commonwealth's exemptions provided in KRS 281.600 from 49 CFR Part 393 for farm vehicles are incompatible with the FMCSRs.

Kentucky's statutory authority to adopt the FMCSRs in KRS 281.600 provides two statutory exceptions from required compliance with 49 CFR Part 393, as adopted, for two types of vehicles when used in the intrastate transportation of fertilizer in bulk, or liquid fertilizer to a farm or field during the fertilizer season. Certain farm operations are exempted from provisions in 49 CFR Parts 391 and 395, but no exceptions are made for farm vehicles from the



requirements of 49 CFR Part 393. Therefore, the exceptions in KRS 281.600 (2) are incompatible with the corresponding provisions of the FMCSRs.

**Status:**

The Department of Vehicle Regulation (DVR) exercises all administrative functions of the state and the regulation pursuant to this chapter and therefore the KSP is working with the DVR to find a sponsor to revise the KRS in question and is continuing in efforts to resolve this issue. The Kentucky Legislature exempted the "fertilizer buggy" from part 393 due to they are not equipped with brakes. Research from surrounding states (Ohio/Tennessee) basically exempt them from the regulations as well. Tennessee, if they are using it for farming purposes and don't meet the HM requirements. Ohio exempts them from the safety regulations, but not the HM regulations. Both deal with intrastate commerce only.

Unfortunately this requires legislative statutory changes and is proving to be a difficult task, latest communication with the DVR regarding the exemptions is September 2020.

**KY/FI-1-2010-MC**

**Finding 4293**

The Commonwealth's exemptions, applicable to transportation of certain agricultural and forest products, from compliance with 49 CFR 393.3 to 393.33, relative to lighting device requirements, are incompatible with the FMCSRs. Kentucky's adoption regulation in 601 KAR 1:005, section 3 (3) exempts CMVs "used exclusively in intrastate commerce and exclusively in farm-to-market agricultural transportation when operated during daylight hours by a private motor carrier" from the requirements of "49 CFR 393.9 to 49 CFR 393.33" (comprising all of subpart B of Part 393), except that such vehicles "shall have two (2) stop lamps and mechanical turn signals as set forth in 49 CFR 393.9 to 49 CFR 393.33." In 601 KAR 1:005, section 3 (4), this same exemption is extended to the intrastate... transportation of primary forest products from the harvest area to a mill or other processing facility which is located at a point not more than fifty (50) air miles (eighty and five-tenths [80.5] air kilometers) from the harvest area when operated during daylight hours. All lamps required by the regulations in Subpart B of 49 CFR Part 393 must be capable of operation at all times, and the required reflective devices must be visible at all times. There is no evidence that the exemptions in 601 KAR 1:005 section 3 were ever approved by the FMCSA, or qualify as an "industry exemption" in 49 CFR 350.341(c), i.e., continually in effect since before April, 1988. Indeed, there is a specific Kentucky statute at KRS 281.757, originally enacted in 2001, prohibiting the operation of CMVs having a declared gross weight over 10,000 pounds "if the lights or reflectors are inoperable, missing, or are obscured." These exemptions in 601 KAR 1:005 section 3 are, therefore, incompatible with the corresponding sections of the FMCSRs.

**Status:**

KRS 281.757 addresses the requirement and prohibition against operating a CMV with inoperable, missing, or obscured lights or reflectors for vehicles over 10,000 pounds in accordance with 49 CFR Part 393. 601 KAR 1:005 revisions have been drafted and being

presented in 2020 to remove the references and exemptions. Additionally, a review of 1987/1988 KAR shows that these exemptions were actually in place in 1987 and 1988. Regardless the revised KAR will resolve this inconsistency. See attached.

**KY/FI-5-2013-MC**  
**Finding 3679**

The Commonwealth's fine structure does not provide for effective and reasonable sanctions as required in 49 CFR 350.201(u).

Kentucky's monetary fine schedules for safety violations contained in KRS 281.990 are very low when compared to the CVSA fine schedule or Federal civil penalties. The monetary fines authorized in KRS 281.990 generally range from \$25 to \$200 per offense, which is considerably lower than Federal civil penalties, which range from \$500 to \$10,000 per offense. The Kentucky penalties also are lower than the recommended maximum fine schedule of the CVSA, where the range for comparable violations is generally from \$30 to \$600 per offense.

Regarding violations of the HMRs, the Kentucky fine schedule for HM violations in KRS 174.990 is comparable to the civil fines authorized in 49 USC 5123. However, the Kentucky fines for HM violations are only authorized for willful violations of Kentucky's adopted HM regulations, which requires a higher level of proof than the Federal standard of knowingly in 49 U.S.C. 5123.

**Status:**

KYTC Division of Motor Carriers created a Motor Carrier Advisory Commission which would be made up of industry and enforcement representation, however that commission is dormant. To coincide with this Motor Carrier Advisory Commission, KYTC wants to implement a civil penalty structure for all motor carriers operating in Kentucky to fall under. If this is accomplished, the penalties for unsafe operation and non-compliant motor carriers regarding taxes, licenses etc. would be handled by said commission and would be removed from the local district court system, where the majority of fines/penalties are dismissed. Unfortunately this requires legislative statutory changes and is proving to be a difficult task, latest communication with the DVR regarding the exemptions is September 2020.



1 TRANSPORTATION CABINET

2 Department of Vehicle Regulation

3 Division of Motor Carriers

4 (Amendment)

5 601 KAR 1:005. Safety administrative regulation.

6 RELATES TO: KRS 138.665, 174.400 - 174.425 [281.013], 281.600, 281.730, 281.750,  
7 281.880, Chapter 281A, 49 C.F.R. Parts 40, 107, 130, 171 - 173, 175, 177, 178, 180, 350, 381 -  
8 385, 390-397, 1572

9 STATUTORY AUTHORITY: KRS 174.410(2), 281.600, 281.730, 281.750, 281.880 -  
10 281.888, 49 C.F.R. 40, Parts 130, 171 - 173, 175, 177, 178, 180, 382 - 384, 385, 390 - 397, 1572

11 NECESSITY, FUNCTION, AND CONFORMITY: KRS 174.410(2) [281.600] requires  
12 [authorizes] the Secretary of the Transportation Cabinet, in consultation with the Secretary of the  
13 Environmental and Public Protection Cabinet and the Secretary of the Cabinet for Health and  
14 Family Services, to adopt the Federal Hazardous Materials Transportation Regulations, 49  
15 C.F.R., in order to effectively carry out the intent of KRS 174.400 through 174.425 relating to  
16 the transportation of hazardous materials by air or highway. KRS 281.600 authorizes the  
17 Transportation Cabinet to promulgate administrative regulations relating to safety requirements  
18 for motor vehicles and the method of operation, including adoption of any federal motor carrier  
19 safety regulations. This administrative regulation establishes requirements for motor carriers  
20 operating in Kentucky. This administrative regulation establishes requirements related to  
21 exemptions from medical examination for private motor carriers of passengers that are more

1 stringent than the requirements in 49 C.F.R. 391.68(c), which allows these carriers to avoid  
2 medical examination. Kentucky does not allow these medical waivers.

3 Section 1. Definitions.

4 (1) ~~["City bus" is defined in KRS 281.013(1)(b).~~

5 (2) "Daylight hours" means that period of time one-half (1/2) hour before sunrise  
6 through one-half (1/2) hour after sunset.

7 (2)(3) "Farm-to-market agricultural transportation" means the operation of a motor  
8 vehicle that is controlled and operated by a farmer who, as a private motor carrier, is using a  
9 vehicle:

- 10 (a)1. To transport agricultural products from his or her farm;  
11 2. To transport farm machinery or farm supplies to his or her farm; or  
12 3. Generally thought of as farm machinery; and

13 (b) That ~~[Which]~~ is not transporting hazardous materials ~~[of a type or quantity that~~  
14 ~~requires the vehicle to be marked or placarded in accordance with 601 KAR 1:025.~~

15 (4) ~~"Load limit" means the seating capacity established by the manufacturer for a~~  
16 ~~passenger-carrying vehicle plus an additional twenty-five (25) percent.~~

17 (5) ~~"Suburban bus" is defined in KRS 281.013(2)(b).~~

18 (6) ~~"Utility" means an entity which provides water, electricity, natural gas, sewage~~  
19 ~~disposal, telephone service, television cable, or community antenna service.]~~

20 Section 2. Governing Federal Regulations. A commercial motor vehicle and its operator  
21 meeting the definitions established ~~[set forth]~~ in 49 C.F.R. 390.5 operating for-hire or in private  
22 carriage, interstate, or intrastate, including commercial motor vehicles and its operators ~~[except]~~  
23 as established ~~[set forth]~~ in Section 3 of this administrative regulation, shall be governed by the

1 following Motor Carrier Safety Regulations and Transportation Security Administration  
2 Regulations adopted and issued by the United States Department of Transportation[5]:

3 (1) 49 C.F.R. 40, Procedures for Transportation Workplace Drug and Alcohol Testing  
4 Programs;

5 (2) 49 C.F.R. 382, Controlled Substances and Alcohol Use and Testing;

6 (3) 49 C.F.R. 383, Commercial Driver's License Standards; Requirements and Penalties;

7 (4) 49 C.F.R. 384, State Compliance with Commercial Driver's License Program;

8 (5) 49 C.F.R. 385, Safety Fitness Procedures;

9 (6) 49 C.F.R. 390, General;

10 (7) 49 C.F.R. 391, Qualifications of Drivers;

11 (8) 49 C.F.R. 392, Driving of Commercial Motor Vehicles;

12 (9) 49 C.F.R. 393, Parts and Accessories Necessary for Safe Operation;

13 (10) 49 C.F.R. 395, Hours of Service of Drivers;

14 (11) 49 C.F.R. 396, Inspection, Repair and Maintenance;

15 (12) 49 C.F.R. 397, Transportation of Hazardous Materials; Driving and Parking Rules;

16 and

17 (13) 49 C.F.R. 1572, Credentialing and Security Threat Assessments [~~Background~~  
18 ~~Checks for Maritime and Land Transportation Security~~].

19 Section 3. The following hazardous materials transportation regulations adopted and  
20 issued by the United States Department of Transportation shall govern the transportation of  
21 hazardous materials within Kentucky if, as established in Section 2, the commercial motor  
22 vehicle and its operator meet the definitions established in 49 C.F.R. 390.5 operating for-hire or  
23 in private carriage, interstate, or intrastate, and transportation of hazardous material is by air or



1 highway: ~~[Exemptions and Exceptions. The following exemptions and exceptions to compliance~~  
2 ~~with the provisions of Section 2 of this administrative regulation shall be made:]~~

3 (1) 49 C.F.R. Part 107. Hazardous Material Program Procedures: ~~[(a) A city or suburban~~  
4 ~~bus shall not be required to comply with the federal regulations governing this administrative~~  
5 ~~regulation, except as required by paragraph (b) of this subsection.~~

6 ~~(b) The operator of one (1) of these vehicles who is required by KRS Chapter 281A to~~  
7 ~~obtain a commercial driver's license shall:~~

8 ~~1. Comply with the provisions of 49 C.F.R. 382 and 383; and~~

9 ~~2.a. Provide proof of having passed the medical examination set forth in 49 C.F.R. 391;~~

10 ~~or~~

11 ~~b. Have received a medical waiver as set forth in 601 KAR 11:040 and subsection (7) of~~  
12 ~~this section for intrastate operators or as set forth in 49 C.F.R. 381 for interstate operators.]~~

13 (2) 49 C.F.R. Part 130. Oil Spill Prevention and Response Plans: ~~[(a) A motor vehicle~~  
14 ~~operated by the federal government, a state government, a county government, a city~~  
15 ~~government, or a board of education shall not be required to comply with the federal regulations~~  
16 ~~adopted in this administrative regulation, except as required by paragraphs (b) and (c) of this~~  
17 ~~subsection.~~

18 ~~(b) An operator of one (1) of these vehicles who is required by KRS Chapter 281A to~~  
19 ~~obtain a commercial driver's license shall provide proof of:~~

20 ~~1. Having passed the medical examination set forth in 49 C.F.R. 391; or~~

21 ~~2. Having received a medical waiver as set forth in 601 KAR 11:040 and subsection (7)~~  
22 ~~of this section for intrastate operators or as set forth in 49 C.F.R. 381 for interstate operators.~~

23 ~~(c) The operator of a vehicle specified in paragraph (a) of this subsection shall meet the~~

1 ~~requirements of 49 C.F.R. 382 relating to drug and alcohol testing.]~~

2 (3) 49 C.F.R. Part 171. General information, Regulations, and Definitions; [(a) A motor  
3 ~~vehicle which is used exclusively in intrastate commerce and exclusively in farm-to-market~~  
4 ~~agricultural transportation when operated during daylight hours by a private motor carrier shall~~  
5 ~~not be required to comply with 49 C.F.R. 393.9 to 393.33, relative to lighting device~~  
6 ~~requirements, except as required by paragraph (b) of this subsection.~~

7 (b) ~~A motor vehicle as described in paragraph (a) of this subsection shall have two (2)~~  
8 ~~stop lamps and mechanical turn signals as set forth in 49 C.F.R. 393.9 to 393.33.]~~

9 (4) 49 C.F.R. Part 172. Hazardous Materials Table, Special Provisions, Hazardous  
10 Materials communications, Emergency Response information, Training Requirements, and  
11 Security Plans; [(a) A motor vehicle which is used exclusively in intrastate commerce and  
12 ~~exclusively for the transportation of primary forest products from the harvest area to a mill or~~  
13 ~~other processing facility which is located at a point not more than fifty (50) air miles (eighty and~~  
14 ~~five-tenths (80.5) air kilometers) from the harvest area when operated during daylight hours shall~~  
15 ~~not be required to comply with 49 C.F.R. 393.9 to 393.33, relative to lighting devices~~  
16 ~~requirements, except as required by paragraph (b) of this subsection.~~

17 (b) ~~A motor vehicle as described in paragraph (a) of this subsection shall have two (2)~~  
18 ~~stop lamps and mechanical turn signals as set forth in 49 C.F.R. 393.9 to 393.33.]~~

19 (5) 49 C.F.R. Part 173. Shippers-general requirements for Shipments and Packagings;  
20 [Except for a transporter of hazardous materials subject to the requirements of 601 KAR 1:025, a  
21 motor vehicle operator who is operating a vehicle in intrastate commerce shall not be required to  
22 be twenty-one (21) years of age as set forth in 49 C.F.R. 391.11(b)(1). However, he shall be at  
23 least eighteen (18) years of age.]



(6) 49 C.F.R. Part 175. Carriage by Aircraft; [~~A utility service vehicle as defined in 49 C.F.R. 395.2 shall be exempt from the maximum driving and on-duty time for drivers as set forth in 49 C.F.R. 395.~~]

(7) 49 C.F.R. Part 177. Carriage by Public Highway; [~~Medical waivers for intrastate drivers.~~]

(a) ~~A commercial vehicle driver who operates a commercial vehicle exclusively in intrastate commerce within Kentucky may apply for a medical waiver of the requirements of 49 C.F.R. 391 under the provisions of 601 KAR 11:040.~~

(b) ~~If a medical waiver is issued, the waiver shall be in the possession of the commercial driver any time the driver is operating a commercial motor vehicle.~~]

(8) 49 C.F.R. Part 178. Specifications for Packagings; and [~~Except for a farm-to-market agricultural transportation motor vehicle with a gross vehicle weight rating of 26,000 pounds or less, a motor carrier which operates exclusively in intrastate commerce shall:~~

(a) ~~Apply for an intrastate motor carrier identification number on Form TC 95-1, "Kentucky Trucking Application", October 2004 edition or Form TC 92-150, "Application for Intrastate Carrier Identification Number", March 1996 edition;~~

(b) ~~Display the assigned intrastate motor carrier identification number and the name of the motor carrier in the same manner as required pursuant to 49 C.F.R. 390.21 except the identification number shall be preceded by the letters "USDOT" and followed by the letters "KY".]~~

(9) 49 C.F.R. Part 180/ Continuing Qualification and Maintenance of Packagings; [~~Notwithstanding 49 C.F.R. 391.68(c), a Kentucky licensed commercial driver operating a passenger transportation vehicle on behalf of a private motor carrier of passengers shall not be exempt from the sections of 49 C.F.R. 391.41 and 391.45 requiring a driver to be medically~~

1 ~~examined and to have a medical examiner's certificate on his or her person.]~~

2 Section 4. Exemptions and Exceptions. The exemptions and exceptions to compliance  
3 with the provisions of Section 2 of this administrative regulation shall be as established in  
4 paragraphs (a) through (c) of this subsection.

5 (1)(a) A motor vehicle operated by the federal government, a state government, a county  
6 government, a city government, or a board of education shall not be required to comply with the  
7 federal regulations adopted in this administrative regulation, except as required by paragraphs (b)  
8 and (c) of this subsection.

9 (b) An operator of one (1) of these vehicles who is required by KRS Chapter 281A to  
10 obtain a commercial driver's license shall provide proof of having:

11 1. Passed the medical examination established in 49 C.F.R. 391; or

12 2. Received a medical waiver as established in 601 KAR 11:040 and subsection (7) of  
13 this section for intrastate operators or as established in 49 C.F.R. 381 for interstate operators.

14 (c) The operator of a vehicle established in paragraph (a) of this subsection shall meet the  
15 requirements of 49 C.F.R. 382 relating to drug and alcohol testing.

16 (2) Except for a transporter of hazardous materials subject to the requirements of 601  
17 KAR 1:025, a motor vehicle operator who is operating a vehicle in intrastate commerce shall not  
18 be required to be twenty-one (21) years of age as established in 49 C.F.R. 391.11(b)(1), but shall  
19 be at least eighteen (18) years of age.

20 (3) Medical waivers for intrastate drivers.

21 (a) A commercial vehicle driver who operates a commercial vehicle exclusively in  
22 intrastate commerce within Kentucky may apply for a medical waiver of the requirements of 49  
23 C.F.R. 391 under the provisions of 601 KAR 11:040.



1 (b) If a medical waiver is issued, the waiver shall be in the possession of the commercial  
2 driver any time the driver is operating a commercial motor vehicle.

3 (4) Except for a farm-to-market agricultural transportation motor vehicle with a gross  
4 vehicle weight rating of 26,000 pounds or less, a motor carrier that operates exclusively in  
5 intrastate commerce shall:

6 (a) Apply for an intrastate USDOT number using the Application for USDOT Number,  
7 Form MCS-150, by visiting the Federal Motor Carrier Safety Administration at  
8 www.fmcsa.dot.gov; and

9 (b) Display the assigned intrastate motor carrier identification number and the name of  
10 the motor carrier in the same manner as required pursuant to 49 C.F.R. 390.21, except the  
11 identification number shall be preceded by the letters "USDOT" and followed by the letters  
12 "KY."

13 (5) Exception to 49 C.F.R. 391.68(c). A Kentucky licensed commercial driver operating  
14 a passenger transportation vehicle on behalf of a private motor carrier of passengers shall not be  
15 exempt from the sections of 49 C.F.R. 391.41 and 391.45 requiring a driver to be medically  
16 examined and to have a medical examiner's certificate on his or her person.

17 [Buses

18 (1) A bus shall be maintained in a clean and sanitary condition so that the health of  
19 passengers will not be impaired.

20 (2) A seat shall be comfortable in order that passengers will not be subjected to  
21 unreasonable discomfort which might be detrimental to their health and welfare.

22 (3) An employee in charge of buses shall be courteous and helpful to passengers,  
23 properly caring for baggage so that it will not be damaged, and shall be acquainted with the

1 ~~routes traveled and schedules maintained, so that the passengers will not be subjected to~~  
2 ~~unnecessary delays.~~

3 ~~(4) An operator shall take into consideration the health and welfare of his or her~~  
4 ~~passengers and control his or her operations in the public interest.~~

5 ~~(5) Express and freight, mail bags, newspapers and baggage shall be so placed as not to~~  
6 ~~interfere with the driver or with the safety and comfort of passengers. These items shall be~~  
7 ~~protected from the weather but shall not be carried in the aisles or in a position to block exits or~~  
8 ~~doorways on the bus.~~

9 ~~Section 5. Overcrowding of Passenger Vehicles. A bus operated by an authorized carrier,~~  
10 ~~except city or suburban buses, shall not be used to transport passengers in excess of its load limit.~~  
11 ~~A passenger shall not be permitted to occupy the rear door well of any bus vehicle that is~~  
12 ~~equipped with a rear door well.]~~

13 Section 5[6]. Out-of-service Criteria ~~[and Sticker]~~.

14 (1) The basic safety criteria to be followed by the Kentucky State Police or other  
15 individual certified through KSP to complete commercial vehicle inspections ~~[Transportation~~  
16 ~~Cabinet]~~ in determining if a commercial motor vehicle driver is declared unqualified or if a  
17 commercial motor vehicle is ~~[shall be declared unqualified or]~~ placed out-of-service shall be the  
18 ~~["]~~North American Uniform Out-of-service Criteria~~["]~~ issued by the Commercial Vehicle Safety  
19 Alliance.

20 (2)(a) If a commercial motor vehicle is being operated in interstate or intrastate  
21 commerce with improper or invalid registration, without registration, ~~[or]~~ in violation of any  
22 safety regulation or requirement, or with a current federal Out-Of-Service Order issued by the  
23 Federal Motor Carrier Safety Administration, a trooper from the Kentucky State Police or other



1 individual certified through the KSP to complete commercial vehicle inspections may place the  
2 vehicle out-of-service until the defect or condition is corrected ~~[an officer or inspector of the~~  
3 ~~Division of Motor Vehicle Enforcement shall be authorized to affix to the vehicle a notice~~  
4 ~~indicating the nature of the violation and requiring its correction before the commercial motor~~  
5 ~~vehicle is further operated]~~.

6 (b) Refusal of the vehicle operator to grant permission for a law enforcement officer or  
7 inspector to conduct a safety inspection of the vehicle shall be cause for the officer or inspector  
8 to hold the vehicle in place or move the vehicle to a safe location, as established by C.F.R. 396.7,  
9 ~~[place the vehicle out-of-service]~~ until the permission is granted.

10 (c) Operation of a vehicle in violation of the out-of-service notice affixed to it shall  
11 constitute a separate violation of this administrative regulation.

12 (3)(a) If a commercial motor vehicle driver is ~~[determined to be]~~ unqualified to drive and  
13 is placed out-of-service but the commercial motor vehicle is not placed out-of-service, the motor  
14 carrier may provide a different driver for the commercial motor vehicle.

15 (b) The commercial motor vehicle driver placed out-of-service shall not again operate a  
16 commercial motor vehicle until ~~[he is]~~ once again qualified.

17 (c) Refusal of the commercial motor vehicle driver to grant permission for a law  
18 enforcement officer or inspector to conduct a safety inspection regarding the actual driver  
19 ~~[himself]~~ shall be cause for suspension of the certificate or permit of the motor carrier as  
20 established by KRS 281.755 ~~[the officer to place the driver out-of-service until the permission is~~  
21 ~~granted]~~.

22 (d) Operating a commercial motor vehicle in violation of an out-of-service order shall  
23 constitute a separate violation of this administrative regulation.

Section ~~6~~[7]. Persons Allowed to Perform Physical Examinations. A physical examination required pursuant to state or federal law shall be conducted by a “medical examiner” as defined by ~~in~~ 49 C.F.R. 390.5. ~~[The following shall qualify:~~

~~(1) Physician licensed by the Kentucky Board of Medical Licensure;~~

~~(2) Osteopath licensed by the Kentucky Board of Medical Licensure;~~

~~(3) Physician assistant certified by the Kentucky Board of Medical Licensure if working under the direct supervision of a licensed physician;~~

~~(4) Advanced registered nurse practitioner licensed by the Kentucky Board of Nursing;~~

~~and~~

~~(5) Chiropractor licensed by the Kentucky State Board of Chiropractic Examiners.~~

~~Section 8. Intrastate Safety Rating System.~~

~~(1) The Transportation Cabinet may issue a safety rating to a motor carrier subject to the provisions of this administrative regulation if all of the commercial motor vehicles operated by the motor carrier are operated exclusively in intrastate commerce.~~

~~(2) The safety standards and rating criteria set forth in 49 C.F.R. 385 shall be used by the Transportation Cabinet in issuing a safety rating.]~~

Section ~~7~~[9]. Random Alcohol Testing Rate. A commercial motor vehicle employer shall randomly test a percentage of the average number of driver positions employed by the employer. The applicable percentage shall be determined by the Federal Motor Carrier Safety Administration’s Administrator annually established ~~[as set forth]~~ in 49 C.F.R. 382.305.

Section ~~8~~[10]. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Application for a~~n intrastate~~ USDOT number by the Federal Motor Carrier Safety



Administration, available at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov); and [~~"North American Uniform Out-of-Service Criteria" revised April 1, 2005 by the Commercial Vehicle Safety Alliance;~~]

(b) "North American Uniform Out-Of-Service Criteria" updated annually, effective April 1 of each year, by the Commercial Vehicle Safety Alliance. [TC-95-1, "Kentucky Trucking Application," revised October, 2004; and

(c) TC 92-150, "Application for Intrastate Carrier Identification Number," revised March, 1996.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law [~~at any of the weigh stations operated by the Transportation Cabinet, and~~] at the Division of Motor Carriers, 2nd Floor, Transportation Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m.

APPROVED:

\_\_\_\_\_  
Jim Gray  
Secretary  
Kentucky Transportation Cabinet

\_\_\_\_\_  
Date

\_\_\_\_\_  
Justice Mary C. Noble  
Secretary  
Kentucky Justice & Public Safety Cabinet

\_\_\_\_\_  
Date

\_\_\_\_\_  
Matt Cole  
Acting Commissioner  
Department of Vehicle Regulation  
Kentucky Transportation Cabinet

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rodney Brewer  
Commissioner  
Kentucky State Police  
Kentucky Justice & Public Safety Cabinet

\_\_\_\_\_  
Date

APPROVED AS TO FORM  
AND LEGALITY:

\_\_\_\_\_  
Jon Johnson  
Staff Attorney Manager/Assistant General Counsel  
Office of Legal Services  
Kentucky Transportation Cabinet

\_\_\_\_\_  
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD  
601 KAR 1:005

A public hearing on this administrative regulation shall be held at 10:00 AM EST on December 22, 2020 at the Transportation Cabinet, Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622. In the event the declaration of a State of Emergency in Executive Order 2020-215 and the State of Emergency Relating to Social Distancing in Executive Order 2020-243 are not rescinded by December 22, 2020, this hearing will be done by video teleconference. Members of the public wishing to attend may utilize the following link:

Join from PC, Mac, Linux, iOS or Android:

<https://zoom.us/j/153999547?pwd=NHpUQVNCVk4wV0VFbkthRUk5cHJtQT09>

Password: 649057

Or Telephone:

Dial: USA 713 353 0212

USA 8888227517 (US Toll Free)

Conference code: 497796

Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on December 31, 2020. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON:

Jon Johnson  
Staff Attorney Manager/Assistant General Counsel  
Transportation Cabinet  
Office of Legal Services  
200 Mero Street  
Frankfort, Kentucky 40622  
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Fax: (502) 564-5238  
Email: [jon.johnson@ky.gov](mailto:jon.johnson@ky.gov)



REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT  
601 KAR 1:005

CONTACT PERSON: Jon Johnson  
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(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation adopts the Federal Hazardous Materials Transportation Regulations, 49 C.F.R. (1978), by reference or in its entirety, in order to carry out the intent of KRS 174.400 through 174.425 relating to the transportation of hazardous materials by air or highway. This administrative regulation establishes requirements for motor carriers operating in Kentucky and relates to the safety requirements for motor vehicles and the method of operation. This administrative regulation establishes the requirements related to exemptions from medical examination for private motor carriers of passengers. Modifications to the current regulation eliminate findings that the FMCSA identified as non-compliant with the FMCA regulations.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 174.410(2) in order to carry out the intent of KRS 174.400 through 174.425, and it is also required by KRS 281.600 in order to provide safety and operational requirements for commercial motor vehicles.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by providing safety and operational requirements for commercial motor vehicles and by administering the intent of KRS 174.400 through 174.425 in relation to the applicable federal laws, including 49 C.F.R. (1978), as amended.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will establish the regulatory requirements of KRS 174.425 and 281.600 by providing safety and operational requirements for commercial motor vehicles operating in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation will change this existing administrative regulation by incorporating the requirements of KRS 174.410(2) in order to carry out the intent of KRS 174.400 through 174.425 relating to the transportation of hazardous materials by air or highway. KRS 174.410(2) authorizes the Secretary of the Transportation Cabinet to (1) consult with the Secretary of the Environmental and Public Protection Cabinet and the Secretary of the Cabinet for Health and

Family Services, and to (2) adopt the Federal Hazardous Materials Transportation Regulations, 49 C.F.R. (1978), as amended, by reference or in its entirety.

(b) The necessity of the amendment to this administrative regulation: KRS 174.410(2) and 281.600 allows the Transportation Cabinet to promulgate administration regulations in order to administer this program.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 174.410(2) and 281.600. KRS 174.410(2) requires the cabinet to (1) consult with the Secretary of the Environmental and Public Protection Cabinet and the Secretary of the Cabinet for Health and Family Services, and to (2) adopt the Federal Hazardous Materials Transportation Regulations, 49 C.F.R. (1978), as amended, by reference or in its entirety. KRS 281.600 allows the cabinet to establish administrative regulations related to the safety and operational requirements for commercial motor vehicles operating in Kentucky.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will clarify provisions in the current administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect: Motor carriers, including owners and operators of motor carriers as well as passengers; Kentucky State Police and KSP sub-grantees; Kentucky Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Carriers; Environmental and Public Protection Cabinet; Cabinet for Health and Family Services

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: This administrative regulation establishes requirements related to exemptions from medical examination for private motor carriers of passengers that are more stringent than the requirements in 49 C.F.R. 391.68(c), which allows these carriers to avoid medical examination. Kentucky does not allow these medical waivers.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost associated with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities: Compliance with this administrative regulation will allow safe operation of motor carriers throughout the Commonwealth of Kentucky.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no cost associated with implementing this administrative regulation.

(b) On a continuing basis: There is no cost associated with implementing this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no cost associated with implementing this administrative regulation, therefore there is no source of the funding to be used for the implementation and enforcement of this administrative regulation.



(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no cost associated with implementing this administrative regulation, therefore there is no need for an increase in fees or funding in order to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Explain why or why not. No tiering is required.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT  
601 KAR 1:005

CONTACT PERSON: Jon Johnson  
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(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky State Police and KSP sub-grantees; Kentucky Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Carriers; Environmental and Public Protection Cabinet; the Cabinet for Health and Family Services

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 174.410(2), KRS 281.600, 49 C.F.R. (1978)

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. This administrative regulation should cause no effect on the expenditures and revenues of a state or local government agency.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation is not expected to generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation is not expected to generate revenue.

(c) How much will it cost to administer this program for the first year? This administrative regulation is not expected to generate costs.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation is not expected to generate costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): No revenues will be generated by this program.

Expenditures (+/-): No expenditures will be generated by this program.

Other Explanation: N/a

FEDERAL MANDATE ANALYSIS COMPARISON  
601 KAR 1:005

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(1) Federal statute or regulation constituting the federal mandate: 49 C.F.R. (1978)

(2) State compliance standards: KRS 174.410(2) and 281.600

(3) Minimum or uniform standards contained in the federal mandate: 49 C.F.R. 391.68(c) allows private motor carriers of passengers to be exempt from medical examination in order to operate, but Kentucky does not allow private motor carriers of passengers to be exempted.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation establishes requirements related to exemptions from medical examination for private motor carriers of passengers that are more stringent than the requirements in 49 C.F.R. 391.68(c), which allows these carriers to avoid medical examination. Kentucky does not allow these medical waivers.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Due to the cabinet's compelling interest of public safety, a Kentucky licensed commercial driver operating a passenger transportation vehicle on behalf of a private motor carrier of passengers shall not be exempt from the sections of 49 C.F.R. 391.41 and 391.45 requiring a driver to be medical examined and to have a medical examiner's certificate on his or her person. This is notwithstanding 49 C.F.R. 391.68(c). There are instances, however, where a medical waiver is acceptable, as in the case of intrastate Kentucky motor carriers.



SUMMARY OF MATERIAL INCORPORATED BY REFERENCE  
601 KAR 1:005

(1) The Application for an intrastate USDOT number by the Federal Motor Carrier Safety Administration, available at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov), is the application that a motor carrier must complete and submit in order to apply for an intrastate USDOT number and therefore be compliant with this administrative regulation.

(2) The "North American Uniform Out-Of-Service Criteria" updated annually, effective April 1 of each year, by the Commercial Vehicle Safety Alliance, is the basic safety criteria to be followed by the Kentucky State Police or other individual certified through KSP to complete commercial vehicle inspections in order to determine whether a commercial motor vehicle is declared unqualified or if a commercial motor vehicle is place out-of-service.

## **Annual Review of Laws, Regulations, Policies and Compatibility Certification**

I, **Nathan Day**, on behalf of the State of **Kentucky** have the authority to make the following certification on behalf of the State. I certify that the State has conducted the annual review required by 49 C.F.R. section 350.303 of its laws, regulations, standards, and orders on commercial motor vehicle (CMV) safety and that the State's safety laws, regulations, standards, and orders on CMV safety are compatible with the Federal Motor Carrier Safety Regulations (49 C.F.R. parts 390, 391, 392, 393, 395, 396, and 397) and the Hazardous Material Regulations (49 C.F.R. parts 107 (subparts F and G only), 171-173, 177, 178, and 180), 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, regulations, standards, and orders on CMV safety that:

- (1) As applicable to interstate commerce not involving the movement of hazardous materials:
  - (i) Are identical to or have the same effect as the FMCSRs; or
  - (ii) If in addition to or more stringent than the FMCSRs, have a safety benefit, do not unreasonably frustrate the Federal goal of uniformity, and do not cause an unreasonable burden on interstate commerce when enforced;
- (2) As applicable to intrastate commerce not involving the movement of hazardous materials:
  - (i) Are identical to or have the same effect as the FMCSRs; or
  - (ii) Fall within the limited variances from the FMCSRs allowed under 49 C.F.R. sections 350.305 or 350.307; and
- (3) As applicable to interstate and intrastate commerce involving the movement of hazardous materials, are identical to the HMRs.

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

### **Previous Findings:**

Kentucky's MCSAP review completed in 2010 identified issues regarding incompatibility with some regulations. The KSP, Commercial Vehicle Enforcement Division has been diligently working with the Kentucky Department of Transportation to modify the specific KAR which will address findings 3507 and 4293. The remaining findings, 4385 and 3679 require legislative action and KSP is working toward a resolution.

### **KY/FI-1-2010-MC**

#### **Finding 3507**

The Commonwealth's exemption of for-hire bus companies is incompatible with the conditions in 49 CFR 350.201(a) and the Tolerance Guidelines in 49 CFR 350.341.

Under Kentucky's regulations adopting Parts of the FMCSRs in 601 KAR 1:005, section 3(1) of that statute exempts from required compliance with Parts 390 through 397, city and suburban buses, defined as those buses issued "...certificates granting authority only for the operation of motor vehicles

transporting passengers for hire between points within the corporate limits of a city or within the confines of either one or more cities and their suburban area, or a suburban area, over regular routes." (See definitions in KRS 281.13 and 601 KAR 1:005 section 1.)

The exemptions do not apply to the operators of these vehicles to the extent that those operators must comply with the adopted 49 CFR Parts 382, 383, and the medical qualification portions of Part 391. This almost total exemption from safety regulations of these for-hire bus companies is incompatible with the conditions set forth in 49 CFR 350.201(a) and the Tolerance Guidelines in 49 CFR 350.341.

**Status:**

KRS 281.013 was repealed 06/24/2015 and 601 KAR 1:005 revisions have been drafted and being presented in 2020 to remove the references and exemptions to city busses. Additionally, a review of 1987/1988 KAR shows that these exemptions were actually in place in 1987 and 1988. Regardless the revised KAR will resolve this inconsistency. See attached.

**KY/FI-1-2010-MC**

**Finding 4385**

The Commonwealth's exemptions provided in KRS 281.600 from 49 CFR Part 393 for farm vehicles are incompatible with the FMCSRs.

Kentucky's statutory authority to adopt the FMCSRs in KRS 281.600 provides two statutory exceptions from required compliance with 49 CFR Part 393, as adopted, for two types of vehicles when used in the intrastate transportation of fertilizer in bulk, or liquid fertilizer to a farm or field during the fertilizer season. Certain farm operations are exempted from provisions in 49 CFR Parts 391 and 395, but no exceptions are made for farm vehicles from the requirements of 49 CFR Part 393. Therefore, the exceptions in KRS 281.600 (2) are incompatible with the corresponding provisions of the FMCSRs.

**Status:**

The Department of Vehicle Regulation (DVR) exercises all administrative functions of the state and the regulation pursuant to this chapter and therefore the KSP is working with the DVR to find a sponsor to revise the KRS in question and is continuing in efforts to resolve this issue.

The Kentucky Legislature exempted the "fertilizer buggy" from part 393 due to they are not equipped with brakes. Research from surrounding states (Ohio/Tennessee) basically exempt them from the regulations as well. Tennessee, if they are using it for farming purposes and don't meet the HM requirements. Ohio exempts them from the safety regulations, but not the HM regulations. Both deal with intrastate commerce only.

Unfortunately this requires legislative statutory changes and is proving to be a difficult task, latest communication with the DVR regarding the exemptions is September 2020.

**KY/FI-1-2010-MC**

**Finding 4293**

The Commonwealth's exemptions, applicable to transportation of certain agricultural and forest products, from compliance with 49 CFR 393.3 to 393.33, relative to lighting device requirements, are incompatible with the FMCSRs. Kentucky's adoption regulation in 601 KAR 1:005, section 3 (3) exempts CMVs "used exclusively in intrastate commerce and exclusively in farm-to-market agricultural transportation when operated during daylight hours by a private motor carrier" from the requirements of "49 CFR 393.9 to 49 CFR 393.33" (comprising all of subpart B of Part 393), except that such vehicles "shall have two (2) stop lamps and mechanical turn signals as set forth in 49 CFR 393.9 to 49 CFR 393.33." In 601 KAR 1:005, section 3 (4), this same exemption is extended to the intrastate... transportation of primary forest products from the harvest area to a mill or other processing facility which is located at a point not more than fifty (50) air miles (eighty and five-tenths [80.5] air kilometers) from the harvest area when operated during daylight hours. All lamps required by the regulations in Subpart B of 49 CFR Part 393 must be capable of operation at all times, and the required reflective devices must be

visible at all times. There is no evidence that the exemptions in 601 KAR 1:005 section 3 were ever approved by the FMCSA, or qualify as an "industry exemption" in 49 CFR 350.341(c), i.e., continually in effect since before April, 1988. Indeed, there is a specific Kentucky statute at KRS 281.757, originally enacted in 2001, prohibiting the operation of CMVs having a declared gross weight over 10,000 pounds "if the lights or reflectors are inoperable, missing, or are obscured." These exemptions in 601 KAR 1:005 section 3 are, therefore, incompatible with the corresponding sections of the FMCSRs.

**Status:**

KRS 281.757 addresses the requirement and prohibition against operating a CMV with inoperable, missing, or obscured lights or reflectors for vehicles over 10,000 pounds in accordance with 49 CFR Part 393. 601 KAR 1:005 revisions have been drafted and being presented in 2020 to remove the references and exemptions. Additionally, a review of 1987/1988 KAR shows that these exemptions were actually in place in 1987 and 1988. Regardless the revised KAR will resolve this inconsistency. See attached.

**KY/FI-5-2013-MC**

**Finding 3679**

The Commonwealth's fine structure does not provide for effective and reasonable sanctions as required in 49 CFR 350.201(u).

Kentucky's monetary fine schedules for safety violations contained in KRS 281.990 are very low when compared to the CVSA fine schedule or Federal civil penalties. The monetary fines authorized in KRS 281.990 generally range from \$25 to \$200 per offense, which is considerably lower than Federal civil penalties, which range from \$500 to \$10,000 per offense. The Kentucky penalties also are lower than the recommended maximum fine schedule of the CVSA, where the range for comparable violations is generally from \$30 to \$600 per offense.

Regarding violations of the HMRs, the Kentucky fine schedule for HM violations in KRS 174.990 is comparable to the civil fines authorized in 49 USC 5123. However, the Kentucky fines for HM violations are only authorized for willful violations of Kentucky's adopted HM regulations, which requires a higher level of proof than the Federal standard of knowingly in 49 U.S.C. 5123.

**Status:**

KYTC Division of Motor Carriers created a Motor Carrier Advisory Commission which would be made up of industry and enforcement representation, however that commission is dormant. To coincide with this Motor Carrier Advisory Commission, KYTC wants to implement a civil penalty structure for all motor carriers operating in Kentucky to fall under. If this is accomplished, the penalties for unsafe operation and non-compliant motor carriers regarding taxes, licenses etc. would be handled by said commission and would be removed from the local district court system, where the majority of fines/penalties are dismissed. Unfortunately this requires legislative statutory changes and is proving to be a difficult task, latest communication with the DVR regarding the exemptions is September 2020.

**Signature of Certifying Official:** Major Nathan Day

**Title of Certifying Official: Director**

**Date of Certification: 10/26/2020**