



OKLAHOMA

Commercial Vehicle Safety Plan

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

**Fiscal Years 2022 - 2024
Annual Update FY 2023**

Date of Approval: June 26, 2023

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 2022 - 2024)
- Part 2: Crash Reduction and National Program Elements (FY 2022 - 2024)
- Part 3: National Emphasis Areas and State Specific Objectives (FY 2022 - 2024)
- Part 4: Financial Information (FY 2023)
- Part 5: Certifications and Documents (FY 2023)

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 2023:

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 2022 plans. States must carefully review and update this information to reflect FY 2023 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 2023 update). Include descriptions of the changes to your program, including how data tables were modified.
- The Trend Analysis areas in each section are only open for editing in Year 1 of a three-year plan. This data is not editable in Years 2 and 3.

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.

The Oklahoma Department of Public Safety (DPS) is designated by the Secretary of Public Safety at the direction of Oklahoma's Governor as the lead Motor Carrier Safety Assistance Program (MCSAP) agency for the State. Oklahoma Highway Patrol (OHP) Troop S – Commercial Vehicle Enforcement (Troop S) is responsible for the regulation and enforcement of the Federal Motor Carrier Regulations (49 CFR Parts 40, 303, 325, 350-399), Hazardous Material Regulations (49 CFR Parts 100-185), and Oklahoma Statute Title 47. The State of Oklahoma adopted the FMCSRs and HMRs pertaining to motor carrier safety and hazardous materials transportation which can be found in Oklahoma Administrative Rules, Title 595 - Department of Public Safety. DPS provides Troop S financial and material support to execute this assigned task.

The OHP, a division of DPS, is dedicated to protecting the lives and property of all persons within the State of Oklahoma. This statement is affirmed in the Oklahoma Highway Patrol Operations Manual which proclaims “the primary function of the Oklahoma Highway Patrol is the protection of lives and property in the State of Oklahoma”. The OHP will actively pursue the reduction of collisions and fatalities involving large truck and passenger carriers through enforcing Oklahoma State Laws and the FMCSRs. In this pursuit, the OHP will work in partnership with the Federal Motor Carrier Safety Administration (FMCSA) in improving the safety of the Nation's transportation system, within Oklahoma. This partnership will work to establish and maintain programs that improve motor carrier, CMV, and driver safety by 1) making investments to promote safe CMV transportation, including the transportation of passengers and hazardous materials; 2) investing in activities likely to generate maximum reductions in the number and severity of large truck trucks and passenger carrier collisions; 3) adopting and enforcing effective motor carrier, CMV, and driver safety regulations and practices consistent with Federal requirements; and 4) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

Troop S will focus on problem-specific areas and/or activities of motor carriers and their drivers through random and selective roadside & fixed-site inspections, CMV and non-CMV traffic enforcement, Compliance Investigations, New Entrant Safety Audits, public and motor carrier outreach/education, and data collection. These priorities will ultimately aid in the reduction of collisions & fatalities involving large trucks and passenger carriers as well as criminal activity. This goal will be accomplished through planning using all available data, executing innovative and effective enforcement strategies, reviewing our efforts every quarter, and making adjustments as needed to attain our goal.

All laws and/or regulations, either State or Federal, pertaining to size & weight, CMV driver and non-CMV driver safety, CMV safety, and hazardous materials (HM) transportation will be administered fairly and impartially, focusing upon the ultimate goal of saving lives through highway safety. This effort will be approached as a partnership between State and Federal enforcement, FMCSA-regulated industry, the motoring public, and other entities concerned with highway safety. All available resources, including education and enforcement activities, will be utilized.

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:

Answer the questions about your CVSP activities and briefly describe the State's commercial motor vehicle (CMV) enforcement program funded by the MCSAP grant. Please do not include activities or expenses associated with any other FMCSA grant program.

Yes	No	Question
<input checked="" type="radio"/>	<input type="radio"/>	Are there initiatives involving "rural roads" included in this CVSP?
<input checked="" type="radio"/>	<input type="radio"/>	Does your State voluntarily submit an annual Training Plan to the National Training Center (NTC)?
<input checked="" type="radio"/>	<input type="radio"/>	Does your State include activities regarding Migrant Worker Transportation in Rural Areas in this CVSP?

FY 2022 Updates per BIL Funding

Additional FTE positions created/added within Troop S to include a Major, Captain & Lieutenants, MCSAP Data Research Analyst, and various administrative personnel.

Part Time Inspection Personnel activities may be either direct billed or MOE.

FY 2023 Updates

Add the missing FY 2022 Updates that were not entered prior to transfer to this CVSP

Add Oklahoma v. Castro-Huerta, No. 21-429, 597 US ____ (2022) Supreme Court ruling which adjust McGirt ruling

Troop S - Commercial Motor Vehicle Enforcement Division is comprised of the following full-time positions unless otherwise indicated: a Major, Captains, Lieutenants, uniformed personnel (State Troopers and Port of Entry law enforcement officers), civilian personnel which includes - Safety Investigators, Port of Entry (POE) CMV civilian inspectors, Administrative Hearing Officers, civilian administrative staff members, civilian program consultant, and MCSAP Data Research Analyst, and Data Analyst staff member. The full-time personnel conduct driver/vehicle inspections, Compliance Investigations, New Entrant Safety Audits, training, outreach programs, and data quality assurances. The number of personnel assigned/employed in Troop S fluctuates throughout the year based on changes which include but not limited to: permanent or temporary assignments, promotions, retirements, and State Law requirements. Any vacant positions within the Troop are attempted to be filled as soon as practical and possible. Troop S also has numerous State Troopers assigned to the division on a part-time basis to help Troop S fulfill its mission.

Troop S personnel are committed to reducing collisions and fatalities involving large trucks and passenger carriers by providing CMV education, training, and enforcement. This dedication takes place through many activities involving Troop S funded through the MCSAP grant. First, Troop S full-time and part-time personnel are certified through Commercial Vehicle Safety Alliance (CVSA) in the North American Standard (NAS) roadside inspection conduct inspections of CMVs and their drivers. OHP uniformed personnel who are certified as roadside inspectors concentrate on mobile enforcement, while Troop S civilian Safety Investigators and uniform Port of Entry Officers (POE), who are certified inspectors, concentrate on fixed-site enforcement. Inspections, whether occurring at the roadside or fixed locations, enforce State law, including size and weight activity, and the FMCSRs. Second, all OHP uniformed personnel conduct mobile traffic enforcement of State laws on CMVs and non-CMV. Third, Troop S has certified investigators who, along with their FMCSA partners, conduct Compliance Reviews / Investigations and New Entrant Safety Audits. Fourth, Troop S provides the public, CMV industry, and enforcement officers and/or agencies with education and training through awareness & outreach programs. Fifth, Troop S is responsible for CMV data collection and the accuracy of that information. Supervisor and office personnel review data collection to ensure it is complete, accurate, and on time. Any discrepancies discovered by Troop S are either corrected or sent back to the originating

source for correction. Some discrepancies are discovered by motor carriers or their drivers. These discrepancies are brought to the attention of Troop S through the Data Q process. Once a Data Q is received, depending on the issue, it is reviewed. A determination is made if corrective action should or should not be taken as a result of that review.

Troop S inspection personnel attend all required Troop meetings, training for CMV enforcement, and inspection training updates and changes. Training occurs through classroom instruction, field training, webinars, and conference calls. Troop S is anticipating conducting several FMCSA classes during this performance period using MCSAP grant funds, NAS Part A and Part B, General Hazardous Materials, Hazardous Materials Cargo Tank, Other HM Bulk Packaging, and Passenger Vehicle Inspection. Troop S has several FMCSA National Training Center (NTC) certified instructors who instruct these courses. These certified NTC instructors not only teach within Oklahoma but also travel throughout the country, as assigned, teaching FMCSA courses to other agencies.

Troop S is active in CVSA activities, conferences, and training. CVSA is a non-profit association comprised of local, state, provincial, territorial, and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility, and reciprocity of CMV inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Troop S has personnel who serve on various CVSA committees. This allows Troop S to ensure they are current with inspection procedures, CVSA policies, FMCSA rules and regulations, and industry concerns. Oklahoma will support and participate in CVSA inspection activities such as International Road Check, Operation Airbrake/Brake Safety Week, Operation Safe Driver, and all other pertinent CVSA inspection activities. Troop S will also participate in various traffic enforcement-related events sponsored by the National Highway Traffic Safety Administration (NHTSA) and/or the Oklahoma Highway Safety Office. Troop S is currently assessing civil penalties on out-of-service violations discovered during driver/vehicle inspections according to CVSA out-of-service criteria. Troop S is continuing its attempt to implement an intrastate motor carrier Compliance Reviews / Investigations during this performance period and will use civil penalties as an enforcement tool.

Part-Time Inspection Personnel

Troopers from various field Troops throughout the State who are certified as CMV inspectors are assigned to Troop S on a part-time basis. To be accepted into this program Troopers are required to meet and maintain the NAS inspection certification requirements. These part-time positions allow Troop S to provide additional enforcement personnel throughout the State. Troopers conduct inspections through random inspection of commercial motor vehicles or based on observed traffic enforcement violations. Part-time inspectors provide additional enforcement of seat belts, cell phone & texting, inattentive driving, and collision causation violations. This program serves to fulfill the OHP career path for those members who desire to become full-time CMV enforcement Troopers. Part-time Troopers are allowed to become certified in Hazardous Material and Cargo Tank inspections as classes are offered. DPS may seek reimbursement from FMCSA for their activity or use their eligible hours to meet our maintenance of effort (MOE).

The part-time inspection personnel is broken down into three categories: Turnpike Commercial Vehicle Traffic Enforcement Program (TCVTEP), Commercial Vehicle Traffic Enforcement Program (CVTEP), and Traffic Trooper Enforcement Program (TTEP). TCVTEP is a new program that began July 2021, currently with 4 PTE positions. These PTEs are assigned to an Oklahoma Turnpike, reporting to the the Turnpike chain-of-command, focusing on CMV enforcement but still have non-CMV traffic enforcement/response duties. The Turnpike systems in Oklahoma have a high CMV crash occurrence and Troop S created this program to help reduce crashes involving CMVs on the Turnpike system. If this program is successful, the PTE positions will be increased using Troopers already assigned to the Turnpike system. CVTEP is a program designed to supplement our FTEs, providing additional training opportunities and a career path into Troop S as an FTE in the future. CVTEP PTEs are assigned to a local Troop chain-of-command with non-CMV & CMV traffic enforcement/response duties but allowed to work CMVs enforcement during the course of the shift and, when personnel available, allowed to focus solely CMV enforcement during the shift. TTEP PTEs are assigned to a local Troop chain-of-command with non-CMV & CMV traffic enforcement/response duties. TTEP PTEs focus primarily on CMV driver behavior enforcement.

Port of Entry (POE)

Port of Entry (POE) inspectors are employed as DPS civilians or law enforcement officers conducting CMV inspections. POE inspectors are assigned to Troop S, reporting to a fixed site location conducting driver/vehicle inspections. All DPS POE inspectors are initially CVSA NAS Level 1 certified with General HM and HM Cargo tank certifications added as classes are available. DPS does not seek reimbursement from FMCSA for POE activity but uses all eligible costs necessary to operate the POE program to help meet our MOE and/or State match.

Criminal Interdiction

There are currently several Troopers (TTEP PTEs) who are assigned full-time to Troop SO - Special Operations / Criminal Interdiction. This troop is primarily responsible for conducting criminal and drug interdiction activities on

Oklahoma highways. These Troop SO members are CVSA certified to conduct driver/vehicle inspections and work CMV interdiction as well as non-CMV interdiction. Troop SO assists Troop S whenever requested with canine detection dogs, detection and arrest of CMV drivers transporting illegal substances or illegal currency, and with follow-up investigations as needed.

Special Emphasis

Throughout the performance period, Troop S will conduct various special emphases to facilitate our goal of reducing collisions and fatalities involving large trucks and passenger carriers. Some special emphases are in conjunction with CVSA, NHTSA, or FMCSA projects to include, but are not limited to, Road Check, Positive Driver investigations, and Passenger Carrier initiatives. Troop S further establishes additional special emphasis projects that include, but are not limited to, Hazardous Materials transportation, Passenger Carrier transportation, drug interdiction, traffic enforcement on CMVs and non-CMV (with violations around CMVs), work zones, and high collision corridors. Troop S uses available data on CMV activity, incidents, or collisions to determine when and where these need to be worked.

Premium Pay

Throughout the performance period, Troop S will conduct various premium pay shifts to facilitate our goal of reducing collisions and fatalities involving large trucks and passenger carriers. The premium pay shifts focus on unsafe driving to include non-CMV enforcement when necessary, Hazardous Material transportation, and Passenger Vehicle transportation. Troop S will also conduct premium pay activities in high crash corridors, work zones, areas with a high traffic number of CMVs travel, or in conjunction with special emphasis to help promote the reduction of crashes involving large trucks and passenger carriers. Premium pay shifts allow Troop S to help reduce CMV-related crashes by increasing our manpower since these shifts allow Troop S troopers to work non-scheduled shifts, increasing our presence, and focusing on areas that need to be targeted.

ADVISEMENT:

McGirt v. Oklahoma, 591 U.S. _____ (2020) – Muscogee (Creek) Nation

Bosse v. State, 2021 OK CR 3 – Chickasaw Nation; Hogner v. State, 2021 OK CR 4 – Cherokee Nation; Sizemore v. State, 2021 OK CR 6 – Choctaw Nation; Grayson v. State, 2021 OK CR 8 – Seminole Nation

The United States Supreme Court McGirt ruling focused solely on criminal jurisdiction over a Native American tribal member who committed a crime within the boundaries of the Creek Nation reservation. The Supreme Court ruled the State did not have jurisdiction if the suspect or victim is a Native American and the crime occurred within the boundaries of the Creek Nation. The Major Crimes Act of 1885 allows only the Federal government or Tribal governments have criminal jurisdiction within tribal boundaries. The McGirt ruling, through the Oklahoma Court of Criminal Appeals, extended to four other tribes within Eastern Oklahoma to include the Chickasaw, Cherokee, Choctaw, and Seminole Nations. The McGirt ruling and subsequent Oklahoma Court of Criminal Appeals decisions have created a unique situation in Oklahoma with many unsettled or unforeseen consequences. Although these rulings focus on criminal jurisdiction, they could impact civil issues as well. At least one Federal Agency is using the ruling to extend their authority, removing Oklahoma's authority, over mines in Eastern Oklahoma. As a result of this ruling expansion, the State of Oklahoma is currently suing the Federal Government. If the McGirt ruling is allowed to extend beyond criminal jurisdiction issues, this could play a role in Oklahoma's Commercial Motor Vehicle Safety Plan and crash reduction efforts.

The McGirt ruling does not abolish or alter the boundaries of the State of Oklahoma. The ruling does not alter the ability of the State to regulate non-Native Americans within tribal boundaries. The Oklahoma Highway Patrol has addressed the criminal jurisdiction issue through a special law enforcement commission for Troopers with the Bureau of Indian Affairs. Oklahoma may have several issues to address in the future depending on how the McGirt ruling is applied outside of criminal jurisdiction. Some of those affected could be:

- 1- Taxation – if the ruling extends to taxation, the State could potentially lose \$72.7 million per year with an additional \$218.1 million immediate loss through refunds to tribal members. The loss in tax revenue would result in a reduced budget for all State agencies including the Department of Public Safety.
- 2- Enforcement / crash reduction efforts within the five tribal boundaries
- 3- Data Exchange of crash reports initiated by Federal or tribal law enforcement officers
- 4- Commercial Driver License issues
- 5- Tribes may enter into agreements to conduct North American Standard roadside inspections

6- The possibility of foreign commerce due to transportation in or out of sovereign tribal boundaries

This list is only a few concerns. It is unknown fully what the *McGirt* ruling, or any consequences of the ruling, will have on Oklahoma's Commercial Vehicle Safety Plan. Oklahoma will advise FMCSA with any changes or challenges we discover.

Oklahoma v. Castro-Huerta, No.21-429, 597 US ____ (2022)

In 2015, respondent Victor Manuel Castro-Huerta was charged by the State of Oklahoma for child neglect. Castro-Huerta was convicted in state court and sentenced to 35 years of imprisonment. While Castro-Huerta's state-court appeal was pending, this Court decided *McGirt v. Oklahoma*, 591 U. S. _____. There, the Court held that the Creek Nation's reservation in eastern Oklahoma had never been properly disestablished and therefore remained "Indian country." *Id.*, at _____. In light of *McGirt*, the eastern part of Oklahoma, including Tulsa, is recognized as Indian country. Following this development, Castro-Huerta argued that the Federal Government had exclusive jurisdiction to prosecute him (a non-Indian) for a crime committed against his stepdaughter (a Cherokee Indian) in Tulsa (Indian country), and that the State therefore lacked jurisdiction to prosecute him. The Oklahoma Court of Criminal Appeals agreed and vacated his conviction. This Court granted certiorari to determine the extent of a State's jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country.

Held: The Federal Government and the State have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country.

This Supreme Court ruling adjusts the original *McGirt* ruling now allowing States jurisdiction in criminal cases involving Indians if the suspect is a non-Indian.

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:	OKLAHOMA DEPARTMENT OF PUBLIC SAFETY
Enter total number of personnel participating in MCSAP activities	121
National Program Elements	Enter # personnel below
Driver and Vehicle Inspections	59
Traffic Enforcement Activities	36
Investigations*	8
Public Education and Awareness	7
Data Collection and Reporting	11
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Subrecipient Information	
Agency Name:	
Enter total number of personnel participating in MCSAP activities	0
National Program Elements	Enter # personnel below
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:	
Total # of MCSAP Participating Personnel:	

Part 2 - Crash Reduction and National Program Elements

Part 2 Section 1 - Overview

Part 2 allows the State to provide past performance trend analysis and specific goals for FY 2022 - 2024 in the areas of crash reduction, roadside inspections, traffic enforcement, audits and investigations, safety technology and data quality, and public education and outreach.

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

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

Part 2 Section 2 - CMV Crash Reduction

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 2016 - 2020

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 relate to each other and 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.
- The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable in Years 2 and 3.

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: Actual # Fatal Crashes

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			
01/01/2020	12/31/2020	97	114	97
01/01/2019	12/31/2019	113	116	113
01/01/2018	12/31/2018	126	118	126
01/01/2017	12/31/2017	128	107	128
01/01/2016	12/31/2016	120	107	120

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: Actual # Fatal Crashes

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

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2020	12/31/2020	1	0	1
01/01/2019	12/31/2019	2	0	2
01/01/2018	12/31/2018	3	0	3
01/01/2017	12/31/2017	6	0	6
01/01/2016	12/31/2016	1	0	1

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: Actual # Fatal Crashes

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

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2020	12/31/2020	2	3	2
01/01/2019	12/31/2019	1	3	1
01/01/2018	12/31/2018	1	3	1
01/01/2017	12/31/2017	2	8	2
01/01/2016	12/31/2016	4	8	4

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

Data Source: MCMIS data snapshot as of 05/28/2021 utilizing the eCVSP toolkit on 06/14/2021. HM crash data source obtained through A&I crash statistics, HM report, MCMIS data snapshot as of 06/25/2021 on 07/22/2021.

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

Difficulties encountered regarding goals and outcomes:

1- Past CVSP goals were based on data from the Statewide Analysis for Engineering & Technology (SAFE-T) data collection program. SAFE-T is an Oklahoma Department of Transportation (ODOT) program specific to crashes investigated by all crash reporting agencies in Oklahoma to help ODOT determine highway engineering and/or design issues. One of the problems with using this program for the CVSP was the program was not created for this purpose. Another problem with this program was the timeliness of data entry. The crashes that were not created and submitted electronically were required be entered into the system by a data entry technician. Due to State budget cuts, data entry positions were eliminated causing delays and errors in reporting. These delays and errors required Oklahoma switched to the eCVSP toolbox that utilizes data from MCMIS as its data source to report outcomes. This switch has created an obstacle for Oklahoma. Oklahoma based previous CVSP goals on regulated CMV crashes. The MCMIS data is based on "large truck and bus" crashes that include all vehicles in excess of 10,000 lbs, regardless if it was a regulated CMV or not. This difference in data based reporting skews the goal / outcome results slightly. Oklahoma feels this is important to note to help explain why it appears at face value, previous goals were not met. This will be a continuous issue for the next 5 years in order for the mismatched goal/outcome data to fall off.

2- Past data used in CVSP goals and reporting showed discrepancies. An example of this is past data using SAFE-T information indicated 4,737 crashes and 92 fatal crashes in 2015. According to the data from the eCVSP toolbox, in CY 2015 there were 3,362 crashes and 99 fatal crashes involving "large truck and bus". Oklahoma is unable to determine why there is such a discrepancy in reporting numbers.

In order to overcome these two obstacles, Oklahoma will utilize the data and information contained in the eCVSP tool to set goals and report outcomes starting in FFY 2018 and beyond. This will help both Oklahoma and FMCSA since both entities have access to the same data collection information. It should be noted, the Oklahoma Highway Safety Office (OHSO), along with DPS, is working on a new crash investigation system that will replace the PARIS system. The new crash system is anticipated to be available to all Oklahoma law enforcement agencies. The new system will help with crash data discrepancies and provide better crash analysis for Oklahoma. The transition will occur during the FFY 2022 through FFY 2024 period.

Narrative Overview for FY 2022 - 2024**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.

In FFY 2019, Oklahoma began a reduction goal of 2% per year. The goal for the FFY 2022-2024 eCVSP will continue with the 2% per year reduction in large truck and bus crashes. The baseline utilized will be CY 2019 collision data. CY 2020, while more current, will not be used due to COVID-19 anomalies that occurred during this period.

One of the major obstacles that we are facing, and will continue to face, throughout this multi-year period is the number of Oklahoma Highway Patrol Troopers. State budget cuts and the inability to replace Troopers lost to attrition have created a strain on the department's ability to devote the appropriate amount of Troopers to Troop S and field traffic Troops. While the overall number of Troopers is down, our mission to reduce all collisions will not change.

Except for Oklahoma and Tulsa Counties, Oklahoma is comprised of rural roads, by FMCSA definition. A strong emphasis will be placed on decreasing the number of CMV fatality and injury collisions through roadside enforcement targeting causation factors. The most recent collision data from MCMIS shows collisions and fatalities involving large trucks and buses increasing from CY 2016 to CY 2018, then decreasing in CY 2019 and CY 2020. A couple of the reasons for this increase is collisions occurring in and around work zones, which have increased, and the driving behavior of non-CMV drivers around CMVs. Oklahoma's data shows violations around CMVs by non-CMVs play a significant role in CMV-involved collisions.

The Oklahoma Highway Patrol is responsible for investigating collisions on all interstate and defense highways, turnpikes, and on all highways (roadways) outside of incorporated municipalities. The Oklahoma Highway Patrol uses PARIS, a computerized collision report form, to report collisions they investigate. Several other agencies within Oklahoma use PARIS. All OHP PARIS information is available to Troop S for analysis. The availability of this information allows Troop S to have a better picture of collisions within Oklahoma, identifying high collision corridors quicker. It should be noted OHSO, along with DPS, is working on a new crash investigation system that will replace the PARIS system. The new crash system is anticipated to be available to all Oklahoma law enforcement agencies. The system will be able to provide realtime, or near realtime access to crash data. This will allow Troop S to determine high crash corridors. The transition will occur during the FFY 2022 through FFY 2024 period.

PARIS data, or any other crash investigation program, will be monitored and analyzed by Troop S to develop strategic enforcement and education plans. Enforcement and education will focus on high collision corridors, work zones, and No Zones (the area around CMVs where violations by non-CMVs occur).

Enter the data source and capture date:

Data Source: MCMIS data snapshot as of 05/28/2021 utilizing the eCVSP toolkit on 06/14/2021.

Projected Goal for FY 2022 - 2024:

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 shown as 4 percent.

Fiscal Year	Annual Crash Reduction Goals
2022	2
2023	2
2024	2

Troop S is setting a multi-year goal of reducing collisions involving large trucks and passenger carriers by 2% each calendar year with an overall reduction of 6% at the end of FFY 2024. Collision numbers from CY 2019 will be the baseline for this goal. During CY 2019 Oklahoma had 3,735 collisions and 113 fatal collisions involving large trucks and passenger carriers. Our goal is to reduce collisions involving large trucks and passenger carriers by 75 collisions each year with a total reduction of 224 collisions at the end of FFY 2024 and reduce fatal crashes by 2 each year with a total reduction of 6 fatal collisions at the end of FFY 2024. Oklahoma recognizes work zone collisions play a significant role in these collisions. Due to existing and future road construction projects throughout Oklahoma, Troop S will continue to strive towards our goal by addressing, unsafe CMVs and driver behaviors across the State with an emphasis on work zones.

Program Activities for FY 2022 - 2024: States must indicate the activities, and the amount of effort (staff hours, inspections, traffic enforcement stops, etc.) that will be resourced directly for the program activities purpose.

FY 2023 Updates - Additional FTE MCSAP Data Analyst

Troop S has the majority of its uniformed personnel assigned to conduct roadside inspections (mobile enforcement). Troopers assigned to this function are evaluated annually and provided with a minimum number of inspections required throughout the calendar year. Roadside inspection Troopers are required to conduct mobile enforcement roadside inspections and may also work fixed-site facilities. Roadside inspection Trooper's performance criteria allow the inspection to focus on quality over quantity. Roadside inspection Troopers are encouraged to conduct Level 1 and Level 2 inspections to help in the reduction of collisions by finding unsafe CMVs, non-compliant drivers, and/or non-compliant motor carriers. With the collision reduction goal in mind, Troop S strives to obtain a 35% out-of-service inspection rate. Level 3 inspections are encouraged for driver behavior or traffic enforcement issues to be observed.

Part-time Troopers conduct mobile enforcement activities focusing on driver behavior and traffic enforcement issues. Troopers assigned to these programs conduct inspections of Levels 1, 2, and 3 based on their certification level obtained and maintained. Troop S has activity requirements for each of the respective programs. These programs help to ensure Troop S attains its collision reduction goals. Oklahoma recognized a high CMV crash occurrence on our Turnpike systems, mainly consisting of Interstate Highways, due to a high level CMV traffic. In an attempt to help reduce CMV crashes, beginning in July 2021, the OHP created the TCVTEP, a part-time position within Troop S. TCVTEP currently has 4 PTEs assigned to the Turnpike system, in addition to the 3 Troop S FTEs assigned to the Turnpike system. TCVTEP PTEs are assigned to the Turnpike chain-of-command, focusing on CMV enforcement but still have non-CMV traffic enforcement/response duties. If this program is successful, additional PTEs will be added.

Troop S personnel also conduct driver/vehicle inspections at fixed locations throughout the State. Troopers, from time to time, may work the fixed sites throughout the State but primarily conduct mobile enforcement. Troop S civilian New Entrant Safety Investigators are required to maintain CVSA NAS Level 1 (32) and HM Cargo Tank (8) certifications. Certification inspections performed by civilian Safety Investigators unless in conjunction with a safety investigation, are performed at fixed site locations. Troop S POE inspectors are assigned to a fixed site and do not conduct mobile enforcement activities. They are also required to maintain any additional certifications they may have such as General HM or HM Cargo Tank.

In FFY 2021, Troop S developed the "Troop S Strategic Enforcement Plan" (TSSEP) due to Oklahoma being in the Top 10 States for CMV-involved work zone crashes. The goals of TSSEP are to reduce the number of CMV-involved crashes in or near work zones through mobile enforcement, special emphasis, premium pay projects, and educational & outreach programs. Troop S will continue to utilize the TSSEP from FFY 2022 through FFY 2024 to reduce crashes. The complete TSSEP is attached to this eCVSP for review.

As of 08/01/2022, Troop S added a MCSAP Data Analyst (FTE) who will research inspection and CMV crash data to assist with crash reduction activities. This FTE will help determine where CMV crashes are occurring in large numbers to help Troop S leadership to direct inspection and enforcement activities helping reduce future CMV crashes. Troop S will review the collision statistics and patterns using PARIS, or any other crash investigation program, and any other available data every quarter for potential deployment options. The other data sources include, but not limited to, monthly crash stat analysis reports from OHSO, current ODOT active work zone maps, and ODOT projected work zone maps. Troop S will offer premium pay shifts each month with a specific enforcement focus to target risk factors, crash corridors, non-CMV drivers, and more.

Oklahoma is working hard to reduce CMV related crashes throughout our state. There are multiple efforts, above the normal routine patrol, in progress to reduce crashes in or near work zones. The first effort from Troop S is through special emphasis and premium pay shifts with NAS certified Troopers focusing on driver behaviors in and around work zones. The special emphasis and premium pay shifts typically require NAS certified Troopers to work within 10 miles of an active work zone and focus on traffic enforcement violations. Another effort being made is OHP now requires CMV probable cause traffic enforcement contacts under Chief's Directive #2022-03 for both NAS certified and non-certified Troopers. Although the Directive requires all Troopers to make CMV traffic enforcement stops, the goal of the Directive is to reduce crashes. The Directive was implemented to ensure all Troopers are conducting CMV probable cause traffic enforcement as part of our crash reduction efforts. In the past, many NAS non-certified Troopers have shied away from CMV traffic enforcement due to lack of knowledge and understanding to CMV regulations. OHP has provided CMV traffic enforcement training on the proper enforcement actions to take during a contact as a non-certified NAS inspector. Finally, OHP contracts with the Oklahoma Department of Transportation and other work construction companies to provide overtime shifts to Troopers to work major highway construction projects. While these overtime shifts are not paid through MCSAP funds or a MCSAP eligible activity, it is another effort Oklahoma is taking to reduce crashes in work zones. These overtime shifts provide at least 1, sometimes more, Trooper in a marked unit displaying emergency lights near an area where workers are present to alert drivers and change driver behavior.

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 Progress Reports (PPR) will be completed and submitted to FMCSA quarterly.

The PPR will contain:

Quarterly collision data found in the eCVSP toolbox to help monitor the collision reduction goal progression

Quarterly roadside inspection data found in the eCVSP toolbox to monitor inspection activities.

Quarterly PARIS data, or the appropriate data source, to track traffic enforcement activities to include both citations and/or warnings issued to either CMV or non-CMV drivers.

All other quarterly MCSAP activities helping Oklahoma to meet their goals for reducing crashes involving large trucks and passenger carriers.

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 2022 - 2024. The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

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 2016 - 2020

Inspection Types	2016	2017	2018	2019	2020
Level 1: Full	6467	6622	10390	10584	8732
Level 2: Walk-Around	14970	16312	18888	18967	13520
Level 3: Driver-Only	4043	4248	5466	5729	4990
Level 4: Special Inspections	55	119	172	181	154
Level 5: Vehicle-Only	116	90	83	102	68
Level 6: Radioactive Materials	0	1	0	0	0
Total	25651	27392	34999	35563	27464

Narrative Overview for FY 2022 - 2024**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 the roadside inspection application name(s) (e.g., Aspen) used by the State.

Oklahoma currently utilizes the InSpect roadside inspection program through Iteris, a third-party vendor.

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.

FY 2022 Updates per BIL funding

Troop S is adding additional FTE personnel in FFY 2022 including a Major devoted to the MCSAP Program, another Captain who will serve as Troop Executive Officer, and additional Lieutenants. Troop S will continue to request additional FTEs and PTEs inspectors (Troopers) to help fill vacancies and increase MCSAP program activities. Troop S is also going to hire additional FTE POE Officers to fill vacancies.

Troop S is purchasing a portable Performance-Based Brake Testing system. This system will be utilized during special emphasis, the Ports of Entry, and other various locations throughout Oklahoma.

FY 2023 Updates

Update year to date inspection numbers

Update Troop S FTE and PTE personnel numbers as of 08/01/2022

Update Human Trafficking initiative

Troop S maintains a strong statewide CMV driver/vehicle inspection program to keep unsafe CMVs and CMV drivers off of Oklahoma roadways. Oklahoma's traffic enforcement includes an aggressive inspection program incorporated into the main MCSAP effort, focusing on traffic enforcement and CMV driver behavior. This focus also extends to non-CMV driver behavior when around CMVs. Troop S utilizes Level 1 and Level 2 inspections as the top priority and Level 3 inspections utilized when appropriate. According to MCMIS year-to-date FFY 2021 data updated on 05/28/2021, Troop S has conducted 19,713 roadside inspections with a goal of 27,967 inspections. This number is down from where we wanted to be due to the reduction in personnel and COVID-19 restrictions. According to MCMIS year-to-date FFY 2022 updated on 06/24/2022, Troop S has conducted 27,853 roadside inspections with a goal of 27,462. Oklahoma is already exceeding our projected roadside inspection goal for FFY 2022.

During FFY 2016, Troop S leadership changed the focus from conducting Level 3 inspections to conducting more Level 1 or Level 2 inspections. This has not changed our view of the importance of traffic enforcement but focusing on CMV violations and CMV driving behaviors. This decision was a result of auditing our inspections and finding that many Level 3 inspections had no violations discovered. This raised a concern that too much emphasis was placed on the number of inspections and not causation or equipment violations. Troop S altered our priority to focus on quality inspections instead of quantity.

Troop S's goal is to increase the total number of inspections initiated by a traffic enforcement stop, helping to change driver behavior and thereby reducing the number of large truck and passenger carrier involved collisions statewide. Troop S believes this approach is within the spirit of the Level 3 percentage requirement. In FFY 2019, Troop S conducted 35,563 driver / vehicle inspections with 8,866 inspections based on traffic enforcement. This equals 24.9% of all inspection levels. In FFY 2020, Troop S conducted 27,464 roadside inspections with 5,507 based on traffic enforcement. This equals 20% of all inspection levels being traffic enforcement inspections. Troop S believes the reduction in percentages from previous years is due to COVID-19 exemptions and safety precautions taken.

All inspection personnel work to ultimately satisfy the Oklahoma and national goal of reducing collisions and fatal collisions involving large truck and passenger carriers. Troop S roadside inspector FTEs typically select CMVs for roadside inspections based on observation and technology. Visual observations of traffic violations, equipment violations, and the use of radar or lidar play a primary role in inspection selection. FTEs also utilize carrier safety data obtained through mobile computer systems for inspection selection when the opportunity allows. In some instance, although not preferred, roadside inspections may be conducted based on random selection. The level of inspection conducted is based on the primary reason for inspection selection, carrier/driver safety history, and the location.

Troop S personnel and/or assignments are located throughout Oklahoma to address large truck and passenger carrier collisions. Troop S divides Oklahoma into five geographical sectors to ensure proper coverage of the state which includes both full-time and part-time personnel. The sectors and number of personnel currently assigned are as follows:

ROADSIDE INSPECTION PROGRAM*

Northeast- 1 Lieutenant with 12 FTE inspectors (Troopers)

Northwest- 1 Lieutenant with 12 FTE inspectors (Troopers)

Southwest- 1 Lieutenant with 10 FTE inspectors (Troopers)

Southeast- 1 Lieutenant with 10 FTE inspectors (Troopers)

Port of Entry (POE) - 1 OHP Lieutenant with 2 FTE POE Supervisors and 12 FTE inspectors (non-Trooper LEOs and civilians).

Turnpike Commercial Vehicle Traffic Enforcement Program (TCVTEP), Commercial Vehicle Traffic Enforcement Program (CVTEP), Traffic Trooper Enforcement Program (TTEP) - 36 PTE inspectors (Troopers) supervised by Training Lieutenant

*The FTE positions fluctuate throughout the grant period based on transfers in and out of Troop S, retirements, and promotions.

Full-time inspectors are assigned to a sector in which they reside but are allowed to travel to other areas that require attention. Part-time inspectors are limited to the county and/or Troop they are assigned unless on a special emphasis such as Road Check. All inspectors, except for those assigned to a fixed site, conduct mobile enforcement and perform both inspection and traffic enforcement activities.

New Entrant Safety Audit Program

1 New Entrant Program Manager, 5 civilian Safety Auditors, and 1 Trooper.

Compliance Review / Investigation Program

2 Troopers supervised by Troop S Captain

All personnel involved in the New Entrant Program and Compliance Investigation Program are FTEs and required to maintain driver/vehicle inspection certifications. The Troopers perform mobile enforcement inspections and traffic enforcement activities when not involved with their primary audit or investigation duties. The civilian auditors conduct their required certification inspections at fixed-site facilities since they do not have the authority to conduct law enforcement or mobile enforcement activities.

All other MCSAP Program activities

1 Captain serving as MCSAP Coordinator

1 Lieutenant serving as Training Officer

Troop S is working with OHP Command Staff and will add a FTE Major, an additional Captain, and additional Lieutenants. The Major will serve as the MCSAP Coordinator with the current Captain serving as the Troop Commander and the additional Captain serving as the Troop Executive Officer. The additional Lieutenant FTEs will help ease the current span and control of the FTE Troopers in the Troop.

All personnel certified in driver/vehicle inspections, including those in the New Entrant and Compliance Review / Investigation Programs, participate in conducting education and outreach when needed. The number of personnel assigned to the MCSAP Program, either full-time or part-time, will fluctuate based on inspection certification training classes, inspectors maintaining their certification credentials, and/or transfers.

Performance-Based Brake Test system

Troop S is considering purchasing a portable Performance-Based Brake Testing system using FY 2022 BIL funding. This system will be used during special emphasis, the Ports of Entry locations, and various locations throughout the performance period. The system will help reduce CMV crashes by identifying CMV braking systems that are not working correctly and remove the CMV from service.

KAPSCH Trailer

In partnership with the Oklahoma Department of Transportation (ODOT), ODOT has purchased 1 KAPSCH enforcement trailer with plans for additional trailers in the future. The KAPSCH enforcement trailer is a self-contained trailer equipped with a generator for power, data collection technology that includes a license plate reader & USDOT reader cameras and can connect to traffic counters & weigh-in-motion sensors already installed on the highway system. The trailer can operate and collect data without a person physically present. The data gathered and analyzed helps determine when CMV traffic increases and the date, times, and frequency of motor carriers operating with high safety scores. This data will assist Troop S with the ability to deploy saturation enforcement to reduce crashes. The trailer can transmit data to Troopers using the trailer as an electronic screening inspection selection method. Troop S currently has several Troopers trained in deploying the trailer.

President Biden's Executive Order 13985 Advancing Racial Equity and Support for Underserved Communities.

Troop S has adopted and abides by CVSA Operational Policy 13 - Selecting Vehicles for Inspection. Troop S is currently working on a written Troop Policy to incorporate Ops Policy 13 and Title VI requirements in one point of reference for all inspectors when selecting vehicles for inspection to ensure equitable and unbiased inspections and enforcement. The Troop S written policy will be submitted with the Title VI assessment. It should be noted that during FFY 2021, all Troopers and POE inspectors were required to attend Racial Intelligence Training & Engagement (RITE) training. This course is a nationally recognized course on racial equity, bias free communities, and promoting zero-tolerance for unprofessional behavior.

Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative.

With the exception of Oklahoma and Tulsa Counties, the majority of Oklahoma is comprised of rural roads, by FMCSA definition. Troop S supports this initiative through partnerships with stakeholders including the Oklahoma Department of Transportation (ODOT), and County Commissioners. Troop S is in constant communication with ODOT officials to help identify, analyze data, and track transportation & infrastructure issues.

Enforcement of Out of Service Orders

Troop S utilizes the InSpec inspection reporting system (third party vendor) which has drastically improved our ability to catch and enforce motor carriers that are operating under a Federal Out of Service order. Prior to purchasing InSpec, our OOS catch rate was below 85% and since Troop S has moved to the InSpec our catch rate is 100%. The benefit of this system is it checks the carrier's profile in real time, giving the inspector up to date information regarding the carriers status and provides pertinent safety data through CVIEW.

Enforcement of Drug and Alcohol Clearinghouse

Troop S requires all inspectors to check each driver through CDLIS during the inspection. Troop S utilizes the InSpec inspection reporting system (third party vendor) which allows the inspector to check CDLIS through the InSpec system and import CDLIS data into the inspection. The InSpec program saves the information imported from CDLIS allowing supervisors to verify, if needed, CDLIS is being checked during the inspection. Troop S discovered an issue with InSpec not importing CDLIS information regarding "prohibited" drivers. Iteis, vendor responsible for the InSpec program was contacted and made aware of the issue. Representatives from Iteis informed Troop S they have located the importing issue and plan on releasing an update to the InSpec program on August 30, 2021. Until this issue is fixed, Troop S is requiring inspectors to use the CDLIS website to determine prohibited driving status.

Human Trafficking and Drug Interdiction

Oklahoma has partnered with Truckers Against Trafficking (TAT) to provide human trafficking training to all OHP Troopers and Communications Officers. This TAT training is in person and virtual / web based with regular human trafficking refresher training. Oklahoma will be Iowa Motor Vehicle Enforcement Model compliant by the end of the first quarter in FFY 2023. Troop S Troopers have distributed TAT materials to all weigh stations, ports of entry, truck stops, and bus terminals in Oklahoma.

All Troopers, NAS certified and non-NAS certified, are trained in drug interdiction enforcement during their Patrol School and refresher training throughout their employment. Troop S works with Troop SO, criminal (drug) interdiction unit, throughout the year and during special emphasis. There are a few NAS certified inspectors assigned to Troop SO and we are anticipating adding additional NAS certified inspectors throughout this performance period. Troop S has requested to host a CMV drug interdiction school through FMCSA's DIAP program during FFY 2023.

Electronic Logging Devices (ELD)

All inspectors are required to verify ELDs, when applicable, through the use of the eRODS program. All inspectors are provided with the eRODS program and have been properly trained in the use of eRODS and ELD requirements. The preferred telematics method is transfer utilizing webservice. The "local" transfer method is utilized is Bluetooth.

Projected Goals for FY 2022 - 2024

Instructions for Projected Goals:

Complete the following tables in this section indicating the number of inspections that the State anticipates conducting during Fiscal Years 2022 - 2024. For FY 2023, 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: OKLAHOMA DEPARTMENT OF PUBLIC SAFETY

Enter the total number of certified personnel in the Lead agency: 110

Projected Goals for FY 2023 - Roadside Inspections					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	9000	400	0	9400	34.23%
Level 2: Walk-Around	12000	1000	0	13000	47.34%
Level 3: Driver-Only	5000	0	0	5000	18.21%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	60	60	0.22%
Level 6: Radioactive Materials	0	2	0	2	0.01%
Sub-Total Lead Agency	26000	1402	60	27462	

MCSAP subrecipient agency

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

Subrecipient is:

Enter the total number of certified personnel in this funded agency: 0

Projected Goals for FY 2023 - 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	%
Sub-Total Funded Agencies	0	0	0	0	

Non-Funded Agencies

Total number of agencies:	
Enter the total number of non-funded certified officers:	0
Enter the total number of inspections projected for FY 2023:	

Summary

Projected Goals for FY 2023 - Roadside Inspections Summary

Projected Goals for FY 2023 Summary for All Agencies					
MCSAP Lead Agency: OKLAHOMA DEPARTMENT OF PUBLIC SAFETY					
# certified personnel: 110					
Subrecipient Agencies:					
# certified personnel: 0					
Number of Non-Funded Agencies:					
# certified personnel: 0					
# projected inspections:					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	9000	400	0	9400	34.23%
Level 2: Walk-Around	12000	1000	0	13000	47.34%
Level 3: Driver-Only	5000	0	0	5000	18.21%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	60	60	0.22%
Level 6: Radioactive Materials	0	2	0	2	0.01%
Total MCSAP Lead Agency & Subrecipients	26000	1402	60	27462	

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.

FY 2023 Updates Update to inspection percentages with current FY 2022 Level 1 & 3 inspections are above MCSAP Comprehensive Policy recommendations. Troop S's goal is to increase the total number of inspections initiated by traffic enforcement stops, helping to change driver behavior and reducing the number of large truck and passenger carrier-involved collisions statewide. Troop S allows all Levels of inspections focusing on the appropriate inspection level based on observations of driver behavior and CMV violations. Our focus is to ensure driver behavior & qualifications are consistent with State Law & FMCSRs, as well as verifying CMV equipment is safe to operate on public roadways. In FFY 2021, Troop S conducted 32,609 driver / vehicle inspections with 6,406 inspections based on traffic enforcement. Our traffic enforcement inspections equal 20% of all inspection levels. In FFY 2022, as of 06/24/2022, Troop S has conducted 27,853 driver/vehicle inspections with 6,612 based on traffic enforcement. This equals 24% of all inspection levels with traffic enforcement violations. FFY 2021 Level 1 inspections were 32% and Level 3 inspections were 25% of all our inspections. Our Level 3 inspections were below the Policy's encouragement of 33%. Oklahoma has worked on increasing this number in FFY 2022. As of 06/24/2022, Oklahoma has increased the Level 3 inspections which are currently 38% of all inspections with 28% of all inspections were Level 1. Troop S is targeting driver behavior issues when appropriate. There are other issues that play a role in the number of Level 3 inspections conducted. Approximately 30% of our FTE roadside inspectors are assigned to a fixed site POE. These inspections are very rarely based on traffic enforcement violations since they are at a fixed site. The electronic screening technology at Oklahoma POEs assists in flagging CMVs for inspections, usually indicating some other issue besides driver behavior or qualification. A Level 3 inspection may not be appropriate based on the electronic screening flag. COVID-19 restrictions and health concerns did, and to some extent still do, play a role in roadside inspections. Level 3 inspections are utilized in everyday MCSAP activities, premium pay activities, and special emphasis.

Note: The table below is created in Year 1. It cannot be edited in Years 2 or 3 and should be used only as a reference when updating your plan in Years 2 and 3.

Projected Goals for FY 2023 Roadside Inspections	Lead Agency	Subrecipients	Non-Funded	Total
Enter total number of projected inspections	27500	0	0	27500
Enter total number of certified personnel	110	0	0	110
Projected Goals for FY 2024 Roadside Inspections				
Enter total number of projected inspections	27500	0	0	27500
Enter total number of certified personnel	110	0	0	110

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 Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

☐ 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 2016 - 2020

Investigative Types - Interstate	2016	2017	2018	2019	2020
Compliance Investigations	0	0	0	0	0
Cargo Tank Facility Reviews	0	0	0	0	0
Non-Rated Reviews (Excludes CSA & SCR)	2	0	0	0	0
CSA Off-Site	0	0	0	3	11
CSA On-Site Focused/Focused CR	29	38	25	9	18
CSA On-Site Comprehensive	19	28	41	16	12
Total Investigations	50	66	66	28	41
Total Security Contact Reviews	1	0	0	0	1
Total Terminal Investigations	1	2	3	3	7

Investigative Types - Intrastate	2016	2017	2018	2019	2020
Compliance Investigations					
Cargo Tank Facility Reviews					
Non-Rated Reviews (Excludes CSA & SCR)	1				
CSA Off-Site					
CSA On-Site Focused/Focused CR	1	3	6	1	
CSA On-Site Comprehensive		1		6	5
Total Investigations	2	4	6	7	5
Total Security Contact Reviews					
Total Terminal Investigations		5		2	

Narrative Overview for FY 2022 - 2024**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 2022 - 2024

Complete the table below indicating the number of investigations that the State anticipates conducting during FY 2022 - 2024.

Projected Goals for FY 2022 - 2024 - Investigations						
Investigation Type	FY 2022		FY 2023		FY 2024	
	Interstate	Intrastate	Interstate	Intrastate	Interstate	Intrastate
Compliance Investigations	0	0	0	0	0	0
Cargo Tank Facility Reviews	0	0	0	0	0	0
Non-Rated Reviews (Excludes CSA & SCR)	0	0	0	0	0	0
CSA Off-Site	0	0	0	0	0	0
CSA On-Site Focused/Focused CR	24	0	24	0	24	0
CSA On-Site Comprehensive	16	2	16	2	16	2
Total Investigations	40	2	40	2	40	2
Total Security Contact Reviews	0	0	0	0	0	0
Total Terminal Investigations	0	0	0	0	0	0

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

FY 2023 Updates Update FTEs assigned and future FTEs Currently, Oklahoma has 2 Troopers, dedicated FTEs, conducting Compliance Investigations. Oklahoma hosted a Investigative Safety Analysis course and is working with FMCSA to train additional FTEs to increase our efforts in Investigations. Activities may vary each FFY due to FTE numbers fluctuating within the Compliance Investigation Program.

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

FY 2023 Updates

Increasing FTEs in the Investigation Program.

Troop S will conduct compliance investigations on interstate carriers assigned by FMCSA and intrastate carriers assigned by Troop S per FMCSA assignment policy and guidelines. Compliance Investigations will include non-HM carriers, HM carriers, and passenger carriers. The Compliance Investigation program currently has 2 Troopers conducting Compliance Investigations. Oklahoma recently hosted an Investigative Safety Analysis course with the intent to add additional FTEs to this program in FFY 2023. All FTEs assigned to conduct carrier investigations are certified Troopers/law enforcement officers. This requires them to maintain law enforcement certification by attending required law enforcement training, any FMCSA required training, vacations, or any other unforeseen instances that occur throughout the year. The FTEs, being State Troopers, require they work law enforcement activities in addition to the conducting Compliance Investigations reducing the number of investigations they can do when compared to FMCSA's SIs. These activities included assigned to an on-call rotation and non-MCSAP related activities such as responding to criminal and civil emergencies.

When assigned by FMCSA or Troop S, Compliance Investigations will be conducted on carriers involved in fatality collisions in which the CMV driver/motor carrier is determined to be culpable or where any of the seven CSA Behavioral Analysis and Safety Improvement Categories (BASICS) were contributing factors: Unsafe Driving, Fatigued Driving (Hours-of-Service), Driver Fitness, Crash History, Vehicle Maintenance, Improper Loading/Cargo Securement, and Controlled Substances/Alcohol. Compliance Investigations will be conducted on carriers as a result of non-frivolous complaints made against them and per FMCSA or Troop S policy. Compliance Investigators are also cross-trained in New Entrant Safety Audits and, on occasion, conduct Safety Audits if needed, based on logistics or assistance with carrier's coming to there due date.

Troop S is still facing difficulty in fully implementing an intrastate Compliance Investigation program. Troop S is continuing to work on getting the program fully functional with the anticipation to conduct several intrastate Compliance Investigations in FFY 2022 through FFY 2024.

All Compliance Investigators attend quarterly meetings with our FMCSA partners at various locations throughout Oklahoma. These quarterly meetings are paramount to the success of our program. During the quarterly meetings, Compliance Investigators discuss any changes to the FMCSRs, new FMCSA memorandums or regulation guidance, ensure the most current versions of computer programs are being utilized, and any other issues related to the program that may arise throughout the quarter. These meetings help ensure the integrity of the Compliance Investigations conducted by Troop S is consistent with the expectations of the Oklahoma FMCSA Division office and FMCSAs Southern Service Center.

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.

Activities will be measured by the number of investigations conducted. The target goal is 40 Interstate and 2 Intrastate Compliance Investigations each year. This number is based on the extra time dedicated to properly conduct Compliance Investigations, Record Consolidation Orders, Voluntary Record Consolidations, and when necessary, Enforcement Cases. These activities are tracked through MCMIS and will be reported quarterly to FMCSA.

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 by 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). The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

Trend Analysis for 2016 - 2020**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		
10/01/2019	09/30/2020	5507	6214
10/01/2018	09/30/2019	8866	10041
10/01/2017	09/30/2018	10083	11426
10/01/2016	09/30/2017	7393	8334
10/01/2015	09/30/2016	7161	7552

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

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented CMV Traffic Enforcement Stops without Inspection	Number of Citations and Warnings Issued
Begin Date	End Date		
10/01/2019	09/30/2020	9736	9736
10/01/2018	09/30/2019	12530	12530
10/01/2017	09/30/2018	12506	12506
10/01/2016	09/30/2017	11759	11759
10/01/2015	09/30/2016	12205	12205

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

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented Non-CMV Traffic Enforcement Stops	Number of Citations and Warnings Issued
Begin Date	End Date		
01/01/2019	12/31/2020	419908	419908
01/01/2018	12/31/2019	544253	544253
01/01/2017	12/31/2018	553034	553034
01/01/2016	12/31/2017	599270	599270
01/01/2015	12/31/2016	190206	190206

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

The data provided is NOT complete and accurate data based on the systems used to capture all data. At the end of 2015 and beginning of 2016, OHP began a gradual implementation of PARIS, an electronic citation, warning, and crash reporting program. This information is able to provide all citations and warnings issued to both CMVs and non-CMV. During the transition to this system and prior to full implementation, only citation data was able to be determined. Written warnings were not entered into any data collection system and cannot be provided without a lengthy process of hand searching and counting.

Narrative Overview for FY 2022 - 2024

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](#).

FY 2023 Updates

Update FTE and PTE personnel numbers

Troop S focuses on CMV traffic enforcement and inspections in order to reduce collisions involving large trucks and passenger carriers. Our MCSAP activities include our FTE and PTE Troopers, focusing on enforcement of CMV driver behavior and non-CMV traffic violations. In order to maintain an aggressive traffic enforcement program, all Troopers are always on the lookout for CMV and non-CMV committing traffic violations and taking appropriate action. As of 07/01/2022, the number of FTEs involved in MCSAP eligible traffic enforcement activities include all 55 Troopers assigned to Troop S, and approximately 36 Troopers assigned to Troop S on a part time basis. There are approximately 730 Troopers within Oklahoma who enforce

both CMV and non-CMV traffic violations. Oklahoma will seek reimbursement for eligible and verified MCSAP activities of both certified FTEs, PTEs and non-certified FTEs when allowed.

The McGirt ruling has created an issue with Oklahoma Highway Patrol citation reporting. Any tribal member issued a traffic citation within the tribal boundaries of the five civilized tribes, must be handwritten. The PARIS system cannot be used since the electronic citation system was designed to transmit the citation directly to the county court clerks and not tribal courts. The Oklahoma Highway Patrol does not have a tracking mechanism in place for handwritten citations. The tracking system for handwritten citations utilized prior to PARIS is obsolete. The reporting numbers will not be accurate until a solution is found. We are anticipating the new electronic citation system replacing PARIS will have this ability. Until then the citation numbers will not be completely accurate.

Updates based on TRP comments

1- Oklahoma Highway Patrol Chief's Directive #2022-03 to all field Troopers assigned to Troops A-M and turnpikes requiring Troopers to conduct probable cause enforcement action on commercial motor vehicles. The purpose of the Chief's Directive is to establish commercial motor vehicle traffic enforcement guidelines to enhance traffic safety and reduce commercial motor vehicle collisions on all Oklahoma roadways. The Chief's Directive encourages Troopers, who are not NAS certified and less likely to stop CMVs, to conduct enforcement stops of CMVs based on driver behaviors and traffic violations, thus helping to reduce crashes. This directive took full effect in the 4th Quarter of FFY 2022. In the first 3 quarters of FFY 2022, Oklahoma averaged 2,350 CMV traffic enforcement contacts per quarter. In the 4th quarter of FFY 2022, Oklahoma had 10,790 CMVs traffic enforcement contacts, a tremendous increase that will help to reduce crashes involving CMVs. 2- Oklahoma will be utilizing CMV traffic enforcement contacts with and without a NAS inspection. Oklahoma will use NAS certified Troopers, FTEs & PTEs, to conduct CMV traffic enforcement contacts with an inspection. All Troopers who are not NAS certified, will conduct CMV traffic enforcement activities without an inspection. All Troopers, whether NAS certified or not, are required to conduct CMV traffic enforcement contacts under Chief's Directive #2022-03. All traffic enforcement activities primarily focus on unsafe driver behavior issues to include, but not limited to, speeding, impaired driving, distracted driving, handheld phone use & texting, occupant/driver restraint, and driver fatigue. All drivers who are subject to a CMV inspection, regardless of the reason for the inspection, are checked through CDLIS for DACH violations. During the inspection, the USDOT is verified through CVIEW to ensure the number is active and the carrier is not under a Federal Out of Service order. Both actions, CDLIS and CVIEW, are accessed through Inspect, Oklahoma's NAS roadside inspection program.

Projected Goals for FY 2022 - 2024

Using the radio buttons in the table below, indicate the traffic enforcement activities the State intends to conduct in FY 2022 - 2024. 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 2014/2015 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 2022	FY 2023	FY 2024
<input checked="" type="radio"/>	<input type="radio"/>	CMV with Inspection	6000	6000	6000
<input checked="" type="radio"/>	<input type="radio"/>	CMV without Inspection	10000	10000	10000
<input checked="" type="radio"/>	<input type="radio"/>	Non-CMV	200	200	200
<input checked="" type="radio"/>	<input type="radio"/>	Comprehensive and high visibility in high risk locations and corridors (special enforcement details)	300	300	300

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 (including border inspections, if applicable), carrier investigations, and new entrant safety audits conducted in the State for Fiscal Years 2014 and 2015.

The table below displays the information you input into this plan from the roadside inspections (including border inspections, if applicable), investigations, and new entrant safety audit sections. Your planned activities must at least equal the average of your 2014/2015 activities.

FY 2023 Planned Safety Activities				
Inspections	Investigations	New Entrant Safety Audits	Sum of FY 2023 Activities	Average 2014/15 Activities
27462	42	500	28004	27974

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

Components of the traffic enforcement efforts are already explained in detail. Troop S will monitor traffic enforcement activity of special emphasis, premium pay projects, and everyday inspections through inSPECT (driver/vehicle inspection program) and PARIS (OHP enforcement and crash reporting program). CMV contacts without inspections are obtained through the PARIS contact system utilized by all OHP Troopers for reporting purposes. All OHP Troopers conduct both CMV and non-CMV traffic enforcement activities. This information will be monitored and tracked in the quarterly Performance Monitoring Reports. FTEs will account for 5000 of the 6000 inspections related to traffic enforcement inspections. During the FFY 2022 through FFY 2024 period, OHP is transitioning away from PARIS and will implement a new citation & warning system. Once the new system is in place, it will be monitored and tracked in the quarterly Performance Monitoring Reports.

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 maintain, at a minimum, full PRISM participation. 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 Financial Information Part 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 ITD Compliant	No
PRISM	Enhanced Participation	No

Available data sources:

- [FMCSA ITD website](#)
- [PRISM Data And Activity Safety Hub \(DASH\) website](#)

Enter the agency name responsible for ITD in the State: Oklahoma Department of Transportation

Enter the agency name responsible for PRISM in the State: Oklahoma Corporation Commission

Narrative Overview for FY 2022 - 2024

Problem Statement Narrative and Projected Goal: Describe activities your State plans to implement in order to maintain participation in PRISM at your current level (Full, Enhanced, Expanded) and ITD goals.

Oklahoma - ITD CVISN Compliant and Enhanced PRISM Participation

Program Activities for FY 2022 - 2024: Describe any actions that will be taken to maintain full participation in PRISM and any ITD activities.

Oklahoma - ITD CVISN Compliant and Enhanced PRISM Participation

Performance Measurements and Monitoring: Describe all performance measures that will be used and include how the State will conduct ongoing monitoring of progress (e.g., including quarterly SF-PPR reporting).

All PRISM reports will be submitted in timely manner as required.

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. The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

Trend Analysis for 2016 - 2020

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

Public Education and Outreach Activities	2016	2017	2018	2019	2020
Carrier Safety Talks	111	101	122	131	50
CMV Safety Belt Education and Outreach	6	21	18	17	10
State Trucking Association Meetings	5	6	6	9	1
State-Sponsored Outreach Events	1	0	1	0	0
Local Educational Safety Events	10	3	10	4	6
Teen Safety Events	7	3	2	4	5

Narrative Overview for FY 2022 - 2024

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.

FY 2022 Updates per BIL funding

Purchase of a truck-tractor and semitrailer for education & outreach and for traffic enforcement activities.

FY 2023 Updates

Increasing outreach activities to become fully compliant with Truckers Against Trafficking, Iowa Motor Vehicle Enforcement model.

Troop S will address civic groups, general public, and industry concerning traffic safety issues. In addition, Troop S manages their own website that is an Oklahoma CMV safety website to further the public education and outreach capabilities. Troop S will conduct at least 80 carrier safety talks with the intent of capturing larger audiences/multi-company talks, non-CMV driving schools, etc. Topics discussed at each safety talk will vary based on the audience. Troop S will seek out and provide outreach activities to include passenger carrier transportation, hazardous materials transportation, share the road & safe driving initiatives, and any other topics that will assist Oklahoma in reducing collisions involving large trucks and passenger carriers as well as improving safety throughout not only Oklahoma but the entire United States.

Troop S launched their website in FFY 2016, providing information to the CMV industry and the general public in regards to CMV requirements. This website provides assistance to users in order to help explain and understand the FMCSRs and Oklahoma laws pertaining to motor carriers and CMVs. The website also allows users to request a safety talk, report a CMV related complaint and provide links to CMV related websites such as FMCSA and the Oklahoma Corporation Commission.

Troop S, as part of its education and outreach program, utilizes public service announcements and social media posts on the Oklahoma Highway Patrol social media accounts to promote CMV safety. Troop S is also considering creating a video, working with the Oklahoma Department of Transportation, emphasizing commercial motor vehicle and work zone safety. This consideration, and hopefully implementation, will help provide education to all drivers near work zones in an effort to reduce work zone related crashes.

Troop S, FMCSA, and Oklahoma Career Tech are partnering to develop a series of six 1-day commercial vehicle safety seminars promoting safety and compliance. The first seminar planned will focus on CMV maintenance and designed for mechanics. Based on the success of these seminars, we anticipate expanding to other specific areas of the FMCSRs to help provide education to the motor carrier industry. Thus creating a safer motor carrier industry and encouraging compliance through education.

Troop S works with various CMV organizations in Oklahoma which includes but not limited to: the Oklahoma Trucking Association, Oklahoma Safety Management Council, and the Oklahoma Transit Association, in order to build partnerships that play a role in reducing large truck and passenger carrier related collisions. These partnerships allow Troop S access to providing information and education to a wider range of motor carriers and drivers.

Troop S is currently working on becoming fully complaint with the Truckers Against Trafficking, Iowa Motor Vehicle Enforcement model with the intent to be fully certified by the end of the first quarter of FFY 2023. This will require Oklahoma to conduct outreach and education with trucking and passenger carrier companies as well as truck stops in Oklahoma. Oklahoma will conduct safety talks on this issue and provide information and resources to combat human trafficking.

Oklahoma has partnered with Truckers Against Trafficking (TAT) to provide human trafficking training to all OHP Troopers and Communications Officers. This TAT training is in person and virtual / web based and annual refresher training. Oklahoma will be Iowa Motor Vehicle Enforcement Model compliant by the end of the first quarter in FFY 2023. Troop S Troopers have distributed TAT materials to all weigh stations, ports of entry, truck stops, and bus terminals in Oklahoma.

Human Trafficking and work zone safety / crash reduction are topics discussed during public outreach activities and motor carrier safety talks. Oklahoma also uses social media posts on Facebook, Instagram, Twitter, and YouTube to help provide public education and outreach on these issues.

Troop S is considering the purchase of a truck-tractor and semitrailer to assist with outreach and education. The combination will be multiuse in that Troop S will use the combination to assist with traffic enforcement activities, educational activities assisting with NAS Part B training tool, and wrapped for various education programs regarding CMV related emphasis and safety programs.

All FTEs will participate in education and outreach activities throughout the performance period. These activities are assigned based on expertise and location of the outreach event.

Projected Goals for FY 2022 - 2024

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 2022	FY 2023	FY 2024
<input checked="" type="radio"/>	<input type="radio"/>	Carrier Safety Talks	80	80	80
<input checked="" type="radio"/>	<input type="radio"/>	CMV Safety Belt Education and Outreach	5	5	5
<input checked="" type="radio"/>	<input type="radio"/>	State Trucking Association Meetings	4	4	4
<input checked="" type="radio"/>	<input type="radio"/>	State-Sponsored Outreach Events	0	0	0
<input checked="" type="radio"/>	<input type="radio"/>	Local Educational Safety Events	2	2	2
<input checked="" type="radio"/>	<input type="radio"/>	Teen Safety Events	4	4	4

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

The performance will be measured by the number of outreach programs addressing traffic safety (CMV and non-CMV) issues conducted by Troop S Troopers. Activities will be measured by the number of talks conducted and the number of attendees. The number of talks will be provided quarterly in a report to FMCSA.

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.

MCSAP lead agencies are allowed to use MCSAP funds for Operations and Maintenance (O&M) costs associated with State Safety Data Quality (SSDQ) requirements to ensure 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.).

Data Quality Program	Current Compliance Level	Include O & M Costs?
SSDQ Performance	Good	No

Available data sources:

- [FMCSA SSDQ website](#)
- [FMCSA DataQs website](#)

Enter the agency name responsible for Data Quality: Oklahoma Highway Patrol

Enter the agency or agencies name responsible for DataQs: Oklahoma Highway Patrol

Enter the agency name responsible for the Crash Data Repository: Oklahoma Department of Public Safety

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 2022 - 2024.

SSDQ Measure	Current SSDQ Rating	Goal for FY 2022	Goal for FY 2023	Goal for FY 2024
Crash Record Completeness	Good	Good	Good	Good
Crash VIN Accuracy	Good	Good	Good	Good
Fatal Crash Completeness	Good	Good	Good	Good
Crash Timeliness	Fair	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 November 11, 2022, generated from A&I on November 15, 2022.

Narrative Overview for FY 2022 - 2024

Problem Statement Narrative: Describe any issues encountered for all SSDQ measures not rated as "Good/Green" in the Current SSDQ Rating category column above (i.e., problems encountered, obstacles overcome, lessons learned, etc.).

"Good" SSDQ current rating and history (past year) rating.

Oklahoma will continue to work towards maintaining the "good" SSDQ rating. DPS is responsible for CMV collision data collected and reported by all Oklahoma law enforcement agencies. Crash Timeliness is currently "fair". There are several reasons why this happens. The main reason is DPS is the crash repository for ALL crashes. All agencies are required to submit their crash investigation reports promptly but there is not an enforcement element or penalty for those agencies who are slow to submit. COVID-19 may also have played a role in the submission of crash reports due to agencies limiting non-essential personnel activities to include records divisions. The second reason this rating slipped was due to turnover within the DPS records management department. The reduced staff level created a backlog of crash reports not being entered on time. The Oklahoma Highway Safety Office (OHSO), along with DPS, is working on a new crash investigation system that will replace the PARIS system. The new crash system is anticipated to be available to all Oklahoma law enforcement agencies. The new system will improve the Crash Timeliness issues. The transition will occur during the FFY 2022 through FFY 2024 period.

FY 2023 Update

Troop S has taken some small steps to help get CMV crashes into the system as the State continues to struggle through the elimination of our Mainframe system. Our SafetyNet admin is working with the Major over our current crash reporting system to have those electronically reported crashes emailed to her manually every Friday. She then enters those crashes manually into SafetyNet and uploads to MCMIS. This makes up for about 80% of the crashes reported in the state. In our new system, D360, the electronic collisions seem to be coming through the validator with about a 20% error rate, which is the same as before with Mainframe. To date there have been approximately 4000 out of 16,000 records processed successfully. The project coordinator for the implementation said she would be in touch with us when they start pushing them to Troop S electronically as before.

When it comes to collision reports that have to be manually entered the vendor tried running the manually entered crashes through the validator and it was erroring out about 95% of the time. The crash module in D360 was never built with validation checks when someone entered the information. Troop S was aware of this after participating in a short training/demo a couple months back; however, the IT support group did not know this. No validation checks is causing the numerous errors. The IT group told Records Management to halt entering for now until they can correct the system to have validation checks and retrain personnel on entering. No ETA on when that's expected to be done.

As of November 1, 2022, Oklahoma's crash data repository transferred from the Department of Public Safety to the new Service Oklahoma agency.

Program Activities FY 2022 - 2024: Describe activities that will be taken to achieve or maintain a "Good/Green" rating in all measures including the overall SSDQ rating. Also, describe how your State provides resources to conduct DataQs operations within your State, and describe how elevated/appeals requests are handled.

Oklahoma has one dedicated administrative FTE (MCSAP data research analyst) whose primary role is to monitor the data quality measures which includes identifying issues when/if the measures show a downtrend, taking corrective action when necessary on inspection and crash data, and partnering with the Records Management division of the agency regarding timeliness issues. The MCSAP Data Research Analyst serves on the Information Systems Committee and Crash Data and Investigation Standards Committee at CVSA, attends the CVSA/FMCSA Data Quality Trainings, and maintains close working relationships with our State Data Quality Specialist with FMCSA. This FTE answers to the Administrative Program Officer IV and reports problems that may require a high degree of intervention. Whenever our ratings or leading indicator shows anything other than "good", Troop S will attempt to identify the reason and correct it.

FY 2023 Update

Troop S has taken some small steps to help get CMV crashes into the system as the State continues to struggle through the elimination of our Mainframe system. Our SafetyNet admin is working with the Major over our current crash reporting system to have those electronically reported crashes emailed to her manually every Friday. She then enters those crashes manually into SafetyNet and uploads to MCMIS. This makes up for about 80% of the crashes reported in the state. In our new system, D360, the electronic collisions seem to be coming through the validator with about a 20% error rate, which is the same as before with Mainframe. To date there have been approximately 4000 out of 16,000 records processed successfully. The project coordinator for the implementation said she would be in touch with us when they start pushing them to Troop S electronically as before.

When it comes to collision reports that have to be manually entered the vendor tried running the manually entered crashes through the validator and it was erroring out about 95% of the time. The crash module in D360 was never built with validation checks when someone entered the information. Troop S was aware of this after participating in a short training/demo a couple months back; however, the IT support group did not know this. No validation checks is causing the numerous errors. The IT group told Records Management to halt entering for now until they can correct the system to have validation checks and retrain personnel on entering. No ETA on when that's expected to be done.

As of November 1, 2022, Oklahoma's crash data repository transferred from the Department of Public Safety to a newly established state agency, Service Oklahoma. Prior to the repository transfer, DPS attempted an IT modernization project that resulted in major issues and setbacks. This has effected Oklahoma's data quality with crash reporting. While most of

our measures are "good", we are currently "fair" in crash timeliness anticipating this to continue to decline until a solution is found to address the upload issues. DPS and Service Oklahoma are working with our vendor and David Hetzel (FMCSA contractor) to resolve the issues as soon as possible. This is a top priority with a resolution anticipated as soon as possible hopefully no longer than 6 months at the latest. Once a resolution is implemented, it will take some time to recover back to "good" in crash timeliness but will be maintained in the future.

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

Troop S will continue to monitor monthly SSDQ data to ensure continued "good" rating through A&I. If any category starts to decline or has a rating other than "good", Troop S will determine the cause and start corrective action. The SSDQ will be included in the quarterly Performance Progress Report.

As of November 1, 2022, Oklahoma's crash data repository transferred from the Department of Public Safety to the new state agency, Service Oklahoma. Oklahoma is anticipating data issues during this transition period.

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 350.207](#).) 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. The Trend Analysis area is only open for editing during Year 1 of a 3-year plan. This data is not editable during Years 2 and 3.

For the purpose of this section:

- **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.).

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 type="radio"/>	<input checked="" 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 2016 - 2020

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

New Entrant Safety Audits	2016	2017	2018	2019	2020
Interstate	558	339	442	448	452
Intrastate					
Total Audits	558	339	442	448	452

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 2022 - 2024

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

Please complete the information below by entering data from the NEWS Dashboard regarding Safety Audits in your State. Data Source: New Entrant website	
Date information retrieved from NEWS Dashboard to complete eCVSP	08/08/2022
Total Number of New Entrant Carriers in NEWS (Unassigned and Assigned)	792
Current Number of Past Dues	0

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: Meet the statutory time limit for processing and completing interstate safety audits of 120 days for Motor Carriers of Passengers and 12 months for all other Motor Carriers.

Projected Goals for FY 2022 - 2024

Summarize projected New Entrant safety audit activities in the table below.

Projected Goals for FY 2022 - 2024 - New Entrant Safety Audits						
	FY 2022		FY 2023		FY 2024	
Number of Safety Audits/Non-Audit Resolutions	Interstate	Intrastate	Interstate	Intrastate	Interstate	Intrastate
# of Safety Audits (Onsite)	100	0	100	0	100	0
# of Safety Audits (Offsite)	400	0	400	0	400	0
# Group Audits	0	0	0	0	0	0
TOTAL Safety Audits	500	0	500	0	500	0
# of Non-Audit Resolutions	292	0	292	0	292	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.

Troop S will reduce the number and severity of collisions, injuries, and fatalities involving large trucks and passenger carriers by conducting New Entrant Safety Audits on all interstate motor carriers identified by FMCSA as a New Entrant motor carrier based within the State of Oklahoma. Troop S will continue to take a proactive approach to CMV safety and the safety of the general public by ensuring interstate motor carriers have correct and appropriate safety management programs in place.

Troop S will contact every New Entrant motor carrier within 12 months of their entry into the New Entrant Program or within 120 days if they are a motor carrier of passengers. This contact will determine if a Safety Audit or non-Safety Audit resolution is required. If the motor carrier qualifies for a Safety Audit it will be conducted within the above required time frame. If they do not qualify for a Safety Audit, Troop S will initiate a non-Safety Audit resolution and remove the motor carrier from the New Entrant Program. Non-Safety Audit resolutions will consist of: inactivating the USDOT if the motor carrier is out of business or mistakenly applied for a USDOT number, change their operating status to intrastate if the motor carrier does not perform interstate operations, remove the motor carrier if they have gone through a comprehensive Compliance Review before a Safety Audit, the motor carrier is exempt based on meeting Map-21 requirements, the motor carrier refuses to comply with the Safety Audit process, or Troop S is unable to contact the motor carrier after at least 3 attempts.

The motor carriers who qualify for a Safety Audit will undergo the Safety Audit within the property carrier's first 12 months of operation or 120 days if they are a motor carrier of passengers and may be conducted at the motor carrier's principal place of business (onsite) or offsite if the carrier qualifies. This provides Troop S the opportunity to review the motor carrier operations before they are involved in a serious or fatal collision. Troop S works with the Oklahoma Division of FMCSA in looking for possible reincarnated motor carriers trying to recreate a new motor carrier to avoid previous related adverse safety scores or safety ratings. The Safety Investigators have been trained by the Oklahoma Division of FMCSA in the discovery of a reincarnated motor carrier or a possible reincarnated motor carrier. The Safety Investigators look for problematic drivers who are employed with the new motor carriers and have a history of unsafe driving or non-compliance to the FMCSRs.

During the Safety Audit, if problems are found, the Safety Investigators will provide appropriate education and guidance to the motor carrier in regards to their problem areas. This education and guidance consist of the Federal Motor Carrier Safety Regulations (FMCSRs) requirements and recommendations on how to establish effective safety management practices and programs. Those carriers who fail the

Safety Audits will be instructed on and provided the steps to submit their required corrective action plans to FMCSA within the allotted time.

Troop S is solely responsible for the New Entrant Program within the State of Oklahoma. Troop S currently utilizes DPS civilian Safety Investigators FTEs and a few State Troopers FTEs who are experienced and certified as New Entrant Safety Investigators. Oklahoma does not have an intrastate safety audit program with no foreseeable plans to create one during this performance period. Since Troop S is already responsible for the New Entrant Program and Oklahoma does not have an intrastate safety audit program, there are no challenges to the successful completion of this objective.

All New Entrant personnel attend quarterly meetings with our FMCSA partners at various locations throughout Oklahoma. During the quarterly meetings, Safety Auditors discuss any changes to the FMCSRs, new FMCSA memorandums or regulation guidance, ensure the most current versions of computer programs are being utilized, and any other issues related to the program that may arise throughout the quarter. These meetings help ensure the integrity of the Program by allowing every Safety Investigator to be aware of any changes that may have occurred and ensure that all Safety Investigators are answering/interpreting the Safety Audit questions the same way.

Activity Plan for FY 2022 - 2024: 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.

All New Entrant Safety Audits that are conducted by Troop S will be completed offsite via the NEWS web-based system unless the motor carrier does not qualify for an offsite Safety Audit. If the motor carrier does not qualify for an offsite or, based on a tangible reason with manager approval, the New Entrant Safety Audit will be conducted onsite at the motor carrier's principal place of business (PPOB). All onsite Safety Audits will be completed via the Sentri computer program. From time to time there may also be extenuating circumstances that exist requiring the Safety Audit to occur at another location. All onsite Safety Audits will be completed via the Sentri computer program.

Once a New Entrant motor carrier is assigned to the Safety Investigator, they will attempt to contact the motor carrier by email or phone. This contact is necessary to establish if the motor carrier is eligible for a Safety Audit, whether onsite or offsite, or the carrier needs to have a non-Safety Audit resolution completed. If the carrier is unable to be reached by email or phone, the attempts are made by any available means such as email, fax, US Mail, or in-person. If after three attempts are made and the carrier still cannot be reached, the Safety Investigator enters the 3 attempts into the MCMIS system and initiates the New Entrant revocation / out-of-service process. If the New Entrant motor carrier is contacted, the Safety Investigator sets the onsite Safety Audit appointment with the New Entrant motor carrier, if applicable. If the motor carrier is eligible for an offsite Safety Audit, the Safety Investigator contacts the carrier explaining the offsite process and as often as required to answer any questions and complete the Safety Audit process.

Troop S Safety Investigators are located throughout Oklahoma and assigned motor carriers requiring onsite Safety Audits by the geographical location of the motor carrier, if at all possible. Offsite Safety Audit eligible motor carriers are assigned to any of the FTEs and not based on geographical location. If the offsite eligible motor carrier is already assigned but, before the Safety Audit is completed, now requires an onsite Safety Audit the assignment may or may not be reassigned. Some onsite Safety Audits may require overnight travel.

All personnel assigned to the New Entrant Program will continue to meet as a group every quarter as discussed in the above strategy plan. During this performance period Troop S anticipates and requests the following opportunities: attending FMCSA Southern Service Center's Safety Audit update date and location to be determined, travel throughout Oklahoma with some instances requiring per diem and overnight accommodations to complete assigned Safety Audits, and FMCSA, from time to time, has requested or required participants in the Program attend meetings and/or training within and outside of Oklahoma.

In the past, personnel assigned to the New Entrant Program were 100% dedicated to conducting New Entrant activities. New Entrant FTE personnel will continue to devote their time and efforts to the success of the program but will also be used in other aspects when needed and not detrimental to the New Entrant Program. It is imperative to the success of the MCSAP Program and our collision reduction goals to utilize our personnel effectively and efficiently. Our personnel assigned to the New Entrant Program are highly trained and knowledgeable in Federal and State laws, regulations, and requirements regarding commercial motor carriers and vehicles. Troop S intends to use the New Entrant Safety Investigators to assist in training, education & outreach activities, Compliance Investigations, CMV inspections, and any other assignment(s) that will benefit the MCSAP Program.

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.

FY 2022 Updates per BIL funding

Increasing the number of civilian Safety Investigator FTEs to meet the growing New Entrant Inventory list.

FY 2023 Updates

Update inventory numbers and personnel assigned to the New Entrant Program.

Update number of New Entrant Safety Audits and removals based on current inventory list.

Update number of roadside inspections conducted based on change in FTE and PTE personnel numbers.

Troop S will consider requesting additional civilian FTEs during the performance period to address rising inventory needs to ensure New Entrant Safety Audit are conducted in a timely manner with the goal of 0 carrier's appearing on the overdue/rotten list.

Troop S will have 1 New Entrant Program Manager FTE who will supervise the New Entrant personnel and oversee the Programs efficiency and timeliness. The New Entrant Program utilizes 1 New Entrant Program Manager FTE, 1 State Trooper FTE, and 5 DPS civilian Safety Investigators FTEs to conduct Safety Audits as of August 1, 2022. The program utilizes 1 of the DPS civilian Safety Investigators to serve as an assistant manager helping manage assignment lists and any issues that arise when the manager is not available. Troop S recognizes the time sensitive nature of Safety Audits and may need additional personnel to meet our removal goals. Several FTEs may retire during FFY 2022 through FFY 2024 requiring replacements. Troop S has requested an additional civilian FTE added to the program to help with the projected increase in New Entrant carriers. All personnel conducting Safety Audits are certified as per 49 CFR 385.201 or 385.203. New Entrant personnel is also required to maintain CVSA NAS driver/vehicle inspection Level 1 and HM cargo tank certifications. New Entrant personnel is primarily focused on conducting New Entrant Safety Audits or clearing the New Entrant inventory list based on non-Safety Audit resolutions.

According to the New Entrant Monthly trends report in GOTHAM ran on 07/05/2022, Oklahoma is trending up in new interstate motor carriers. The report indicates during June 2020 Oklahoma's New Entrant Inventory was at 643 and in May 2022 it was at 1,110. That number appears to contain carriers who are waiting for authority and/or waiting to complete the registration process, not yet on our assignment list inventory. Several reasons for the upward trend could be a result of businesses opening back up due to COVID restrictions being lifted. Another reason could be based on Oklahoma is an oil and gas producing state with this industry constantly changing and adjusting based on supply, demand, and pricing. It should also be noted several carriers, beginning in 2015, registered as interstate motor carriers but were never placed into the New Entrant Program. This was due to the carrier not completing the registration process or operating authority vetting process. These carriers are slowly getting "pushed" into the New Entrant Program by the Southern Service Center. This increases the number of New Entrant carriers for Oklahoma. The majority of these carriers are difficult to contact since the main reason they never completed the process is the carrier never started operating and increasing the number of our non-Safety Audit resolutions.

As previously mentioned not all new interstate motor carriers will require a Safety Audit. There are many reasons why this happens which includes but not limited to: the carrier never starting operations, the carrier is no longer in business, Troop S is unable to contact the motor carrier, a carrier classifying themselves as an interstate carrier when they are intrastate, or the carrier is a farm operation exempt from the Safety Audit under MAP-21. If a Safety Investigator contacts a motor carrier that is still showing "active" but is claiming to be out of business or a MAP-21 exemption, the Safety Investigator checks the carrier's profile for activity before allowing a non-Safety Audit resolution. If the carrier that is claiming to be out of business has recorded activity such as an interstate trip or interstate crash or a farmer has activity outside of 150 miles the Safety Investigator will attempt to schedule the Safety Audit appointment. Troop S initiated this policy due to motor carriers coming in and out of the Program in an attempt to avoid the Safety Audit. If the motor carrier refuses the Safety Audit, the Safety Investigator will submit that information to FMCSA and begin the revocation process. This policy has been successful in slowing down carriers who are avoiding the Safety Audit or claiming an exemption that does not apply to their operation.

Troop S can't determine how many Safety Audits they will conduct due to the above factors. It is also impossible, and beyond Troop S control, to determine the number of new interstate motor carriers entering the program in any given month or year. However, several tangible benchmarks can be determined by Troop S in regards to the New Entrant activities. All personnel assigned to the New Entrant Program will conduct at least 224 NAS Level 1 inspections (32 per person) and 56 NAS Level 1 or 2 HM Cargo Tank inspections (8 per person) to maintain their CVSA NAS certifications. The New Entrant personnel will conduct a minimum of 792 Safety Audits or non-Safety Audit resolutions during this performance period. This number is based on the average number of New Entrant interstate motor carriers entering the Program in Oklahoma during the past several years. It should be noted this number is the minimum level of anticipated activity based on a fluctuating number of carriers entering the New Entrant Program each month.

The New Entrant Program Manager will be responsible for supervision activities involving the New Entrant Program, ensuring the Program is running efficiently, and also conducts Safety Audits and non-Safety Audit resolutions. The Safety Investigator assigned as the assistant manager will be responsible for: assigning New Entrant interstate motor carriers to the appropriate Safety Investigator, monitoring the New Entrant inventory list, answering New Entrant related phone calls that come into Troop S, conducting Safety Audits, and perform non-Safety Audit resolutions. All Safety Investigators are required to complete Safety Audits and/or enter all non-Safety Audit resolutions they receive from motor carriers assigned to them into the appropriate system. It is the responsibility of all FTEs in the New Entrant Program to ensure motor carriers assigned to them are removed from the New Entrant inventory list promptly and before appearing on the overdue or "rotten" list. All Safety Audits will be completed using the SENTRI or NEWS system depending on the type of Safety Audit performed.

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 2022 - 2024).

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 Imminent Hazard (IH) or UNSAT/UNFIT 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.

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 2021 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 2021 CVSP.

Progress Report on State Specific Objectives(s) from the FY 2021 CVSP

Please enter information to describe the year-to-date progress on any State-specific objective(s) identified in the State's FY 2021 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.

Traffic Enforcement: Oklahoma is committed to FMCSAs traffic enforcement national priority and agrees that driver behavior is the leading cause of all traffic collisions including those involving large trucks and passenger carriers. Collisions involving large trucks and passenger carriers are not always a result of the CMV driver behavior but non-CMV driver behavior as well. Some causation factors include hand-held cell phones, texting, inattention, speeding, unsafe lane changes, left of center, negligent driving and following too close. The State intends to conduct traffic enforcement activities on CMVs and non-CMV when violations occur around a large trucks and passenger carriers. These activities will help Oklahoma achieve the collision reduction goal and educate drivers on how their behavior affects everyone around them.

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

Oklahoma intends on focusing on traffic enforcement activities by conducting public outreach and education, CMV driver and vehicle inspections based on traffic enforcement stops, non-CMV driver and vehicle contacts based on traffic enforcement violations, special emphasis efforts, and premium pay projects. The goal of traffic enforcement activities is to help meet and/or exceed our 2021 collision reduction goal of reducing large truck and passenger carrier collisions by 6%.

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

In FFY 2019, Troop S conducted 8,866 traffic enforcement inspections. In FFY 2020, Troop S conducted 5,507 traffic enforcement inspections. If FFY 2021, so far, Troop S has conducted 3,284 traffic enforcement inspection. This data was obtained through A&I Traffic Enforcement data snapshot from MCMIS as of 05/28/2021, on 06/28/2021.

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

Oklahoma is committed to FMCSAs traffic enforcement national priority and agrees that driver behavior is the leading cause of all traffic collisions including those involving CMVs. Collisions involving CMVs are not always a result of the CMV driver behavior but non-CMV driver behavior as well. Some causation factors include hand-held cell phones, texting, inattention, speeding, unsafe lane changes, left of center, negligent driving and following too close. Several difficulties occurred throughout this performance period. The first obstacle that Troop S had no control over was COVID-19 pandemic. COVID-19 led to reduced level of activities due to limiting contact with drivers, both CMV and non-CMV, along with Federal & State restrictions and exemptions. The second obstacle that Troop S had no control over was State budget issues. Every State agency in Oklahoma suffered from budget cuts due to a decrease in State revenue. The Oklahoma Highway Patrol is losing more Troopers to attrition than it is able to replace through hiring. This hurts, not only the number of inspections conducted, but also all traffic enforcement efforts. A third obstacle was the ability to track non-CMV enforcement efforts when unsafe operation / violations occur around a CMV. The OHP is moving towards a different citation and warning program and Troop S is attempting to have a feature added to our documentation system in order to collect this data. It should be noted, Troop S can only suggest this feature be added with no final say in what features will be included.

Activity #2

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

MSCAP Program enhancements, education, training: Oklahoma's MCSAP program requires all stakeholders to be informed, trained and forward thinking. Federal and State laws, regulations, policies and requirements are constantly changing and evolving. It is imperative that Oklahoma have the opportunity to stay up to date with any current or future changes as well as educating our own personnel, other agencies and other personnel as needed, requested or required.

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

Troop S has assigned one Lieutenant to oversee Troop S training on a full-time basis. This position was created to ensure everyone within Troop S is properly trained, up-to-date on all laws, rules, regulations and policies, and receives all the information to properly perform their duties within Troop S. Troop S is requesting the ability to continue to be able to provide and receive training, attend meetings and conferences that will help enhance our MCSAP program. These activities help enhance our program by several means. First, Troop S provides CMV related training to our own personnel, other agencies, organizations and enforcement personnel, not only in Oklahoma but across the US. Second, attending training and conferences help to educate our personnel and allows us the opportunity to share ideas and network with other agencies and individuals in order to help promote CMV safety, thereby reduce large truck and passenger carrier collisions. Third, training, meetings and conferences can help to ensure that Oklahoma is doing what is necessary to comply with the grant requirements and prepare for future requirements.

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

In FFY 2019, Troop S personnel instructed 17 courses for FMCSA NTC. In FFY 2020, Troop S personnel instructed 12 courses for FMCSA NTC. In the first two quarters of FFY 2021, Troop S personnel instructed 12 courses for FMCSA NTC. The FMCSA NTC courses included training in-state and out-of-state training locations. Troop S personnel received in-state training related to CMV and MCSAP related activities to include but not limited to: Out-of-Service update, Inspection Data Quality, Lifecycle of Roadside Inspections, Truckers Against Trafficking, Size and Weight Enforcement update, ELD Roadside and Enforcement, Title VI, RITE (civil rights training) and various CVSA & FMCSA webinars. Troop S personnel received out-of-state training related to CMV and MCSAP related activities to include but not limited to: FMCSA SSC New Entrant training, COHMED, FMCSA grant training, FMCSA grant planning meeting, and NTC instructor development. Troop S personnel also received numerous required CLEET and OHP training courses.

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

State budget issues continue to hurt our training efforts during FFY 2019 through FFY 2020. Due to State budget issues and limitations placed on Troop S, several training courses were canceled, the number of personnel sent to out of state conferences were reduced and quarterly meetings were also canceled in order to comply with the Departments budget cuts. COVID-19 also reduced our ability to travel out-of-state and in person training. During FFY 2020 and FFY 2021, most of our training was conducted through virtual training platforms such as Zoom, TEAMS, and PoliceOne.

Activity #3**Activity: Describe State-specific activity conducted from previous year's CVSP.**

Special Emphasis Area - Work Zone Safety According to the Federal Motor Carrier Safety Administration memorandum dated May 22, 2020, subject: Development of Fiscal Year 2021 Commercial Vehicle Safety Plan, Oklahoma was identified by the Federal Highway Administration as one of the top 10 states with the highest number of CMV involved work zone crashes.

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

Troop S has developed the "Troop S Strategic Enforcement Plan" (TSSEP). The goals of TSSEP are to reduce the number of CMV involved crashes in or near work zones through mobile enforcement, special emphasis, premium pay projects, and educational & outreach programs. The complete TSSEP is provided as an attachment to the eCVSP for review. A synopsis of that plan is as follows. Mobile Enforcement - Troop S roadside inspectors will be encouraged to work CMV enforcement activities in or near work zones whenever possible as part of their daily activities. Special Emphasis - each detachment (currently four detachments) will have a minimum of 1 special emphasis per quarter. The special emphasis as part of TSSEP will be in or near work zones, or in an identified CMV high crash corridor based on crash data, or an Oklahoma turnpike system*. Premium Pay Projects - each quarter Troop S FTEs will have the voluntary opportunity to work extra hours/shifts throughout the quarter to address work zone and CMV crash

reduction. Premium Pay Projects will be in or near work zones, or in an identified CMV high crash corridor based on crash data, or an Oklahoma turnpike system*. Both special emphasis and premium pay projects will also include enforcement of non-CMV violations around CMVs. *Oklahoma turnpikes have a high number of CMV traffic and a higher number of CMV crashes. Education & Outreach - all Troop S related educational and outreach opportunities (safety talks) will be encouraged to include information on driving safely in or around CMVs.

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

The TSSEP was initiated during the FFY 2021 eCVSP update. Troop S believes this program is helping direct our activities towards reducing crashes and focusing on work zones and high crash corridors. Since this is a new implementation it is hard to quantify the results.

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

COVID-19 restrictions and exemptions provided some difficulties in achieving our goals. Another obstacle Troop S encountered during FFY 2021 was the assignments to other non-CMV related duties such as riots, protests, and public safety issues that occurred.

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

Describe any State-specific objective(s) identified for FY 2022 - 2024. Click on "Add New Activity" to enter information on each State-specific objective. This is an optional section and only required if a State has identified a specific State problem planned to be addressed with grant funding.

State Objective #1

Enter the title of your State-Identified Objective.

Traffic Enforcement

Narrative Overview for FY 2022 - 2024

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

Oklahoma is committed to FMCSAs traffic enforcement national priority and agrees that driver behavior is the leading cause of all traffic collisions including those involving large trucks and passenger carriers. Collisions involving large trucks and passenger carriers are not always a result of the CMV driver behavior but non-CMV driver behavior as well. Some causation factors include hand-held cell phones, texting, inattention, speeding, unsafe lane changes, left of center, negligent driving and following too close. The State intends to conduct traffic enforcement activities on CMVs and non-CMV when violations occur around large trucks and passenger carriers. These activities will help Oklahoma achieve the collision-reduction goal and educate drivers on how their behavior affects everyone around them.

Projected Goals for FY 2022 - 2024:

Enter performance goal.

FY 2022 Updates per BIL funding Added CMV traffic enforcement stops without an inspection by non-certified personnel. FY 2023 Updates Updating traffic enforcement stops without an inspection by non-certified personnel under Oklahoma Highway Patrol Chief's Directive #2022-03. Oklahoma intends on focusing on traffic enforcement activities by conducting public outreach and education, CMV driver and vehicle inspections based on traffic enforcement stops, CMV traffic enforcement stops without driver and vehicle inspections based on observed crash causation violations by non-certified OHP uniformed personnel, non-CMV driver and vehicle contacts based on traffic enforcement violations, special emphasis efforts, and premium pay projects. The goal of traffic enforcement activities is to help meet and/or exceed our 2024 collision reduction goal of reducing large truck and passenger carrier collisions by 6%. Oklahoma Highway Patrol Chief's Directive #2022-03 to all field Troopers assigned to Troops A-M and turnpikes requiring Troopers to conduct probable cause enforcement action on commercial motor vehicles. The purpose of the Chief's Directive is to establish commercial motor vehicle traffic enforcement

guidelines to enhance traffic safety and reduce commercial motor vehicle collisions on all Oklahoma roadways.

Program Activities for FY 2022 - 2024: Describe the activities that will be implemented including level of effort.

FY 2022 Updates per BIL funding Training all OHP uniformed personnel on CMV traffic enforcement and properly identification of motor carriers. Requiring all OHP uniform personnel to conduct CMV traffic enforcement activities based on observed moving violations contributing to crash causation factors. Purchasing a truck-tractor and semitrailer used to assist in traffic enforcement as well as education & outreach activities. FY 2023 Updates Oklahoma Highway Patrol Chief's Directive #2022-03 to all field Troopers assigned to Troops A-M and turnpikes requiring Troopers to conduct probable cause enforcement action on commercial motor vehicles. Uniformed personnel patrolling the highway are continuously observing driver behavior and taking enforcement action when violations of the law or regulations occur. This activity will include both certified and non-certified OHP uniformed personnel when observing moving violations that could contribute to crash causation. Troop S has created a training program and will train all OHP personnel on CMV traffic enforcement activities. This training program will educate Troopers who are non-certified CMV inspectors on what documents are allowed to be reviewed during a CMV traffic stop without becoming a Level 3 inspection, what vehicles are considered a CMV, how to properly identify the motor carrier, and how to properly document any enforcement action or information needed to complete a CMV crash report. Oklahoma Highway Patrol Chief's Directive #2022-03 requires all field Troopers assigned to Troops A-M and turnpikes to conduct no less than sixteen probable cause traffic enforcement actions on commercial motor vehicles during the Trooper's 28-day cycle. Troop S will raise public awareness through motor carrier safety programs/safety talks. Troop S will purchase a truck-tractor and semitrailer used for traffic enforcement by allowing Troopers to operate the combination and calling out observed traffic violations around the CMV. The combination will also be wrapped from time to time with education & outreach materials promote CMV crash reduction programs and awareness. Troop S will utilize special emphasis and premium pay projects to enhance traffic enforcement activities and reduce collisions. In FFY 2021, Troop S developed the "Troop S Strategic Enforcement Plan" (TSSEP) due to Oklahoma being in the Top 10 States for CMV-involved work zone crashes. The goals of TSSEP are to reduce the number of CMV-involved crashes in or near work zones through mobile enforcement, special emphasis, premium pay projects, and educational & outreach programs. Troop S will continue to utilize the TSSEP from FFY 2022 through FFY 2024 to reduce crashes. The complete TSSEP is attached to this eCVSP for review.

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.

FY 2022 Updates per BIL funding Added monitoring CMV traffic enforcement activities by non-certified personnel FY 2023 Updates Oklahoma Highway Patrol Chief's Directive #2022-03 monitoring Troop S will monitor the data from inSPECT to track to the number of inspections which resulted from traffic enforcement. Supervisors will track the data on each inspection marked as "traffic enforcement" inspections include valid traffic enforcement violations. All CMV traffic enforcement activities will be documented when requesting reimbursement for those activities. Non-certified OHP personnel will be required for their annual performance evaluations to conduct CMV traffic enforcement activities that result in either a citation or warning for a moving violation. Per Chief's Directive #2022-03, all field Troopers assigned to Troops A-M and turnpikes must conduct no less than sixteen probable cause traffic enforcement actions on commercial motor vehicles during the Trooper's 28-day cycle. The Directive further requires each Trooper to document the commercial motor vehicles VIN and USDOT number. All documented CMV traffic enforcement activities by non-certified personnel will be vetted by Troop S admin personnel to ensure the activity is eligible prior to seeking reimbursement for those activities under the MCSAP grant. Traffic enforcement activities of non-CMV s will be documented when requesting reimbursement and focus on driver behavior. Public education and awareness activities with CMV and non-CMV drivers about driver behavior issues will help bring awareness to all drivers and help reduce collisions.

State Objective #2

Enter the title of your State-Identified Objective.

MCSAP Program enhancements, education, training

Narrative Overview for FY 2022 - 2024**Problem Statement Narrative: Describe problem identified by performance data including baseline data.**

Oklahoma's MCSAP program requires all stakeholders to be informed, trained and forward thinking. Federal and State laws, regulations, policies and requirements are constantly changing and evolving. It is imperative that Oklahoma have the opportunity to stay up to date with any current or future changes as well as educating our own personnel, other agencies and other personnel as needed, requested or required.

Projected Goals for FY 2022 - 2024:**Enter performance goal.**

Troop S has assigned one Lieutenant to oversee Troop S training on a full-time basis. This position was created to ensure everyone within Troop S is properly trained, up-to-date on all laws, rules, regulations & policies, and receives all the information to properly perform their duties within Troop S. Troop S is requesting the ability to continue to be able to provide and receive training, attend meetings and conferences that will help enhance our MCSAP program. These activities help enhance our program by several means. First, Troop S provides CMV related training to our own personnel, other agencies, organizations, and enforcement personnel, not only in Oklahoma but across the US. Second, attending training and conferences helps to educate our personnel and allows us the opportunity to share ideas and network with other agencies and individuals in order to help promote CMV safety, thereby reduce large truck and passenger carrier collisions. Third, training, meetings, and conferences can help to ensure that Oklahoma is doing what is necessary to comply with the grant requirements and prepare for future requirements.

Program Activities for FY 2022 - 2024: Describe the activities that will be implemented including level of effort.

Troop S intends on providing classroom, field training, and remote/virtual training. Troop S intends to use TEAMS, when appropriate, to provide information, training, and updates remote/virtually on an as needed bases. This system will help keep inspectors up to date when changes occur without having the expense of travel or time removed from their assigned areas. Remote training will be utilized when it is necessary and feasible. Onsite training will continue to occur and is necessary for NTC courses and some MCSAP, Troop S, or OHP training. Troop S requests consideration to send personnel to any training, meeting, or conference that is or may not be listed below but would help enhance our MCSAP program during FFY 2022 through FFY 2024. Troop S has several Troopers and civilian personnel certified as adjunct instructors through FMCSA's National Training Center (NTC). During the performance period, Troop S would like to send additional personnel NTC's instructor development course to continue enhancing our program. The listed events include both in-state and out-of-state travel that may also require hotel and per diem. Troop S is anticipating conducting several training courses during FFY 2022 through FFY 2024 which include, but not limited to the following: - North American Standard Part A and Part B inspection school - General Hazardous Material and/or Hazardous Material Cargo Tank (as needed)* - CMV related courses to refresh and update Troop S personnel as well as providing LEO CEUs* - Intro to CMV and identifying the correct Motor Carrier course delivered to law enforcement personnel assist with data collection* - Drug Interdiction Assistance Program (DIAP). Troop S is anticipating sending personnel to the following FMCSA training: Any FMCSA training that is requested and/or required that may come up in FFY 2022 through FFY 2024, FMCSA Southern Service Center New Entrant update training, FMCSA Compliance Investigation update training*, and FMCSA NTC Instructor Development*. Troop S is anticipating sending personnel to the following meetings/conferences: - FMCSA Grant Planning Meeting* - CVSA conferences and the North American Inspector Championship* - COHMED Hazardous Material conference* - Safe Drive campaign meetings – NHTSA speed enforcement campaign. The above-listed events would help enhance our MCSAP program by providing training and information needed to comply with Federal regulations, policies, and grant

requirements. The meetings and conferences allow personnel to be active in MCSAP related activities and processes, provide input, and network with other stakeholders. This further ensures that Oklahoma is at the forefront of any current or future changes and plays an active part in CMV safety and reducing large truck and passenger carrier collisions. * indicated location and date(s) are "to be determined". Troop S is anticipating providing our Administrative Staff with computer program training as well. This training would help our administrative personnel to use programs such as Excel, Microsoft Word, Outlook, and other programs to their full advantage. Troop S is anticipating sending our grant personnel to additional grant training to improve our grant quality, recordkeeping, reporting, and overall grant program. This is not a comprehensive list of Troop S activities since some training, meetings, and conferences are not yet announced or even planned. Troop S is also considering conducting an Oklahoma Inspection Championship during FFY 2022 through FFY 2024. This is being considered to help enhance our MCSAP program by reinforcing the step by step NAS Level 1, HM Cargo Tank, HM Non-Bulk, and PVI inspection procedures. This will also help promote the importance of conducting a thorough inspection and also provide an opportunity for Oklahoma inspectors to learn from each other.

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.

This State-Identified Objective will be monitored as personnel attend the training, events, and meetings throughout the performance period. These activities will be monitored and reported on the quarterly Performance Monitoring Report to FMCSA. This particular objective may not produce tangible results that can be measured, however, over time it will help to reduce large truck and passenger carrier collisions through enhancing different aspects of the MCSAP program.

State Objective #3

Enter the title of your State-Identified Objective.

Replenish and Increase Troop S FTEs

Narrative Overview for FY 2022 - 2024

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

FY 2023 Updates Updating current personnel assigned to Troop S Oklahoma, like most states, is suffering from a decline in staff issues. In FFY 2018, OHP employed approximately 780 Troopers, with 45 of those Troopers assigned as FTEs roadside inspectors in Troop S. FFY 2018 was the highest number of roadside inspectors assigned to Troop S in recent years. As of August 1, 2022, OHP employed approximately 730 Troopers, Troop S FTEs include 54 Troopers with 44 Trooper FTEs assigned as roadside inspectors. During FFY 2022 through FFY 2024, OHP is anticipating an increased number of Troopers retiring due to mandatory retirement along with resignations and terminations. State Troopers are eligible for retirement after 20 years of service. Troop S currently has 29 Troopers with over 20 years of service and is eligible to retire. At the end of CY 2022, 140 Troopers will retire due to mandatory retirement with an additional 282 Troopers eligible to retire. At the end of CY 2024, OHP will have 321 Troopers eligible for retirement. The OHP Academy is funded through legislative appropriations and is not on a recurring schedule. Currently, OHP is unable to replenish the number of Troopers lost through attrition. New Troopers, who complete the Academy and Field Training, are assigned to Field Troops. Troopers seeking assignment to a Special Service, such as Troop S, must serve in a Field Troop for at least five (5) years. Assignments to a Special Service Troop are based on the need of the Troop and without diminishing the Field Troop's modified table of organization and equipment (MTOE), specifically the number of assigned Field Troopers. It is essential to Troop S to replenish and increase the FTEs to reduce CMV crashes and enhance our CMV enforcement activities. The Troop S career path to becoming an FTE roadside inspector is through our PTE programs. While PTEs play an important role in Oklahoma's MCSAP program, FTEs are the greatest asset in our MCSAP program. PTEs, as explained in Part 1 Section 3 of the CVSP, are assigned to Troop S on a part-time basis. PTEs report directly to a non-MCSAP Field Troop

commander in their day-to-day activities, patrolling a geographical location, usually a specific county. The assigned county may or may not have a high number of CMV traffic and/or a CMV high crash corridor. The Troop S commander cannot direct the PTE's day-to-day activities. FTEs report directly to the Troop S commander, assigned to 1 of 4 detachments in Oklahoma. The detachments divide Oklahoma into quarters. FTEs are authorized to work anywhere within their detachment and, with supervisor approval, work outside of their detachment. The ability to move around allows FTEs to focus on areas with high CMV traffic and CMV high crash corridors. The Troop S commander can direct the day-to-day activities of FTEs ensuring efforts focus on CMV enforcement activities and crash reduction strategies.

Projected Goals for FY 2022 - 2024:

Enter performance goal.

FY 2023 Updates This State Specific Objective was approved under a previous DPS & OHP administration. The current DPS & OHP administration provided additional personnel to Troop S once in office. Troop S is currently discussing this State Specific Objective with the current administration and may or may not utilize this objective in FFY 2023 or FFY 2024. Troop S will replenish and increase FTEs through funding 15 cadets/training slots for new Troopers during an Academy in FFY 2022. The goal is to increase Troop S FTEs, PTEs, and allow OHP Field Troops to sustain MTOEs personnel levels. The goal enhances Oklahoma's CMV crash reduction and enforcement activities through increasing the number of personnel trained in the North American Standard (NAS) inspections.

Program Activities for FY 2022 - 2024: Describe the activities that will be implemented including level of effort.

FY 2023 Updates This State Specific Objective was approved under a previous DPS & OHP administration. The current DPS & OHP administration provided additional personnel to Troop S once in office. Troop S is currently discussing this State Specific Objective with the current administration and may or may not utilize this objective in FFY 2023 or FFY 2024. Troop S must replenish and increase FTEs through funding 15 cadets/training slots for new Troopers during an Academy in FFY 2022. These 15 cadets/training slots will be above the legislative appropriations funded cadets/training slots, not used to supplant cadets/training slots. This objective is imperative to replenish and increase our diminishing FTEs in Troop S, keeping the MCSAP program successful. Once the 15 cadets/training slots have completed the Academy and Field Training, the 15 cadets/training slots will replace 15 PTEs in their current Field Troop. The 15 PTEs will be reassigned as FTEs within Troop S. This will increase the number of roadside inspector FTEs in Troop S. Troop S will conduct at least one (1) NAS inspection course during FFY 2022. This course will replenish and increase PTE positions within Troop S. There are several benefits to this specific objective goal and process. The greatest benefit is providing Oklahoma the ability to continue an effective and successful MCSAP program. It helps OHP sustain Field Troops MTOE personnel levels while replenishing Troop S FTE positions that would otherwise remain unfilled due to Field Troop MTOE levels. Replenishing and increasing Troop S FTEs provides Oklahoma the ability to spend all MCSAP allocated funds. The PTEs transferred to Troop S as FTEs reduce delays in training that a brand-new roadside inspector would need. It allows Troop S to offer a NAS inspection school for OHP Field Troopers, increasing PTEs, and enhancing our CMV crash reduction and enforcement activities. Based on the success of this objective in FFY 2022, Oklahoma will continue this objective in FFY 2023 and FFY 2024.

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.

PTE transfers into Troop S as FTEs will occur immediately after the 15 cadets/training slots have completed the academy and field training. Troop S will delay requesting reimbursement of the 15 cadets/training slots until their initial training is completed and the transfers into Troop S have occurred to protect against supplanting. Troop S will provide quarterly updates on this specific objective through the performance monitoring report. FMCSA will also be notified immediately if any problems arise during the academy and/or field training.

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 2023 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. The budget category tables use 95 percent in the federal share calculation.
- **State Share** means the portion of the total project costs paid by State funds. The budget category tables use 5 percent in the state share calculation. A State is only required to contribute 5 percent of the total project costs of all budget categories combined as State share. A State is NOT required to include a 5 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 a 95 percent Federal share and 5 percent State share automatically and populates these

values in each line. Federal share is the product of Total Project Costs x 95 percent. State share equals Total Project Costs minus Federal share. It is important to note, if Total Project Costs are updated based upon user edits to the input values, the share 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 ensure 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 15% of the MCSAP Award Amount.
- Planned MOE Costs equal or exceed the MOE Baseline amount.
- States' planned Federal and State share totals are each within \$5 of FMCSA's Federal and State share estimated amounts.
- Territories' planned Total Project Costs are within \$5 of the Federal share.

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	95% Federal Share	5% State Share	Total Estimated Funding
Total	\$8,539,468.00	\$449,446.00	\$8,988,914.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (15% of MCSAP Award Amount):	\$1,348,337.00
MOE Baseline:	\$1,077,371.67

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.

Salary and Overtime project costs must be separated when reporting to FMCSA, regardless of the Lead MCSAP Agency or Subrecipient pay structure.

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

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

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

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

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

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

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

Summary of MCSAP Funding Limitations

Allowable amount for Lead MCSAP Agency Overtime without written justification (15% of MCSAP Award Amount):	\$1,348,337.00
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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
MCSAP Data Analyst	1	100.0000	\$65,000.00	\$65,000.00	\$65,000.00	\$0.00	\$0.00
New Entrant Program Manager & Grant Writer	1	100.0000	\$73,875.00	\$73,875.00	\$73,875.00	\$0.00	\$0.00
MAJOR	1	80.0000	\$122,912.00	\$98,329.60	\$98,329.60	\$0.00	\$0.00
LIEUTENANT	6	90.0000	\$123,000.00	\$664,200.00	\$664,200.00	\$0.00	\$0.00
TROOPER	45	70.0000	\$95,914.00	\$3,021,291.00	\$3,021,291.00	\$0.00	\$0.00
CIVILIAN AUDITORS	5	100.0000	\$59,400.00	\$297,000.00	\$297,000.00	\$0.00	\$0.00
Administrative Program Officer IV	1	100.0000	\$68,000.00	\$68,000.00	\$68,000.00	\$0.00	\$0.00
Administrative Program Officer II	2	100.0000	\$51,000.00	\$102,000.00	\$102,000.00	\$0.00	\$0.00
Administrative Assistant II	1	100.0000	\$42,000.00	\$42,000.00	\$42,000.00	\$0.00	\$0.00
Administrative Assistant I	2	100.0000	\$37,000.00	\$74,000.00	\$74,000.00	\$0.00	\$0.00
Administrative Hearing Officer	1	100.0000	\$55,000.00	\$55,000.00	\$55,000.00	\$0.00	\$0.00
Port of Entry CMV Officers	16	100.0000	\$28,090.37	\$449,445.92	\$0.00	\$449,445.92	\$0.00
CVTEP/TTEP	37	100.0000	\$3,972.97	\$146,999.89	\$146,999.89	\$0.00	\$0.00
CAPTAIN	2	95.0000	\$123,000.00	\$233,700.00	\$233,700.00	\$0.00	\$0.00
Sr. Admin Hearing Officer III	1	100.0000	\$60,000.00	\$60,000.00	\$60,000.00	\$0.00	\$0.00
Administrative Assistant I	1	100.0000	\$37,000.00	\$37,000.00	\$37,000.00	\$0.00	\$0.00
Subtotal: Salary				\$5,487,841.41	\$5,038,395.49	\$449,445.92	\$0.00
Overtime Project Costs							
All MCSAP Staff	1	100.0000	\$766,855.95	\$766,855.95	\$766,855.95	\$0.00	\$0.00
Subtotal: Overtime				\$766,855.95	\$766,855.95	\$0.00	\$0.00
TOTAL: Personnel				\$6,254,697.36	\$5,805,251.44	\$449,445.92	\$0.00
Accounting Method:	Accrual						

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

The State will budget for 55 MCSAP Troopers that conduct MCSAP eligible activities. The 55 Troopers will consist of 1 Major, 2 Captains, 6 Lieutenants and 45 roadside Troopers. For budget purposes the personnel costs were figured using actual salary costs for the percentage of expected MCSAP eligible time. (ie. Major dedicates approximately 80% of his time, Captain dedicates approximately 95% of his time, Lieutenants 90% and Troopers 70%) For billing purposes, their actual MCSAP dedication will be calculated.

There are 5 civilian auditors that conduct Safety Audits and 100% of their personnel costs was planned based on actual salary costs.

Troop S added a new position which was filled with one person to manage the new entrant program and write the eCVSP and performance monitoring reports for the MCSAP grant with a title of New Entrant Program Manager.

The administrative staff are all 100% dedicated to supporting the MCSAP program. Administrative Program Officer IV provides full financial oversight of the grant and is also the Supervisor of the administrative staff. Administrative Program Officer II is responsible for managing the financial tracking of the grant day-to-day and preparing documents for voucher reimbursement and manages all travel needs with regard to hotel and airfare purchases. Another Administrative Program Officer II is our SafetyNet, Data Quality and DataQ admin. Administrative Assistant II serves as the Time and Accountability Manager and Troop Secretary. The Administrative Assistant I's serves as the Troop receptionist and administrative hearing clerk.

The MCSAP Data Research Analyst will be added to aid Troop S with crash statistics, coming up with creative ways to measure human trafficking activities and creating useful tools for Troop S leadership to deploy resources in the most effective and efficient ways. This position will work closely with the staff writing the CVSP and quarterly reports when reporting on outcomes of enforcement activities.

The (2) Administrative Hearing Officers are dedicated 100% to the MCSAP program conducting administrative hearings for civil penalties **for FMCSR violations only**, partners with the State's legal division and legislative liaison to introduce/support/oppose new legislation with respect to commercial vehicle laws and more as assigned by the Captain.

The Port of Entry (POE) CMV Officers are 100% dedicated to the MCSAP program and conduct NAS inspections at the ports throughout the State. The POE program consists of 16 employees with an average salary of \$75,059.68 each annually. That allows us up to \$900,716.16 in eligible match. With our current budget we will use their salary costs to meet our State's matching obligation of **\$449,445.92**.

The MCSAP overtime projects will consist of 1 quarterly project each quarter with a budget of about \$62,500 per quarter for a total of \$250,000. Each quarter the 55 Troop S Troopers will be assigned a project that will require emphasis on areas in and around work zones, turnpikes, hazardous materials or high crash corridors. The remaining **\$440,203.30** will be used for the following: human trafficking assignments in at-risk areas around the state, non-CMV traffic enforcement, CMV traffic enforcement with no inspection and SafeDrive partnerships. The non-CMV traffic enforcement and CMV traffic enforcement with no inspection will include non-MCSAP Troopers across the state to increase our resources and reach a higher number of impact. Troopers will have the opportunity to attend a special emphasis in each of the 13 state Troop areas. During the emphasis up to 8 Troopers will work for 4 hours addressing moving violations made by CMVs. Lieutenants may also conduct special emphasis with their sector to address similar issues in their respective areas. While overtime is voluntary, it will be highly encouraged amongst our 55 Troop S Troopers. Availability of other Troopers will depend on manpower needs of each Troop. We have set a benchmark of 50-60 hours of overtime per Trooper each quarter with around 20-30 hours of overtime for civilian staff to address administrative processing.

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. If using an approved rate by the applicant's Federal cognizant agency for indirect costs, a copy of the indirect cost rate agreement must be provided in the "My Documents" section in eCVSP and 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 rate, rate approved by HHS Statewide Cost Allocation or cognizant agency, or an aggregated rate). Include a description of the specific benefits that are charged to a project and the benefit percentage or total benefit cost.

Actual Fringe Rate: a fringe rate approved by your cognizant agency or a fixed rate applied uniformly to each position.

Aggregated Rate: a fringe rate based on actual costs and not a fixed rate (e.g. fringe costs may vary by employee position/classification).

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 more information on this item see the [Fringe Benefits Job Aid below](#).

Fringe costs method: Aggregated Rate - documentation added to 'My Documents' to describe rate calculation

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

Fringe Benefit Rate: 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.

Base Amount: The salary/wage costs within the proposed budget to which the fringe benefit rate will be applied.

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
CAPTAIN	25.2000	95.0000	\$116,850.00	\$27,973.89	\$27,973.89	\$0.00	\$0.00
Administrative Program Officer II	35.3000	100.0000	\$51,000.00	\$18,003.00	\$18,003.00	\$0.00	\$0.00
Administrative Assistant II	49.8300	100.0000	\$42,140.00	\$20,998.36	\$20,998.36	\$0.00	\$0.00
Sr. Administrative Hearing Officer III	41.0000	100.0000	\$60,000.00	\$24,600.00	\$24,600.00	\$0.00	\$0.00
MAJOR	44.7700	80.0000	\$98,329.60	\$35,217.72	\$35,217.72	\$0.00	\$0.00
MCSAP Data Research Analyst	46.1600	100.0000	\$65,000.00	\$30,004.00	\$30,004.00	\$0.00	\$0.00
New Entrant Program Manager & Grant Writer	41.7300	100.0000	\$64,250.00	\$26,811.52	\$26,811.52	\$0.00	\$0.00
CAPTAIN	25.2000	95.0000	\$116,850.00	\$27,973.89	\$27,973.89	\$0.00	\$0.00
LIEUTENANT	39.0000	90.0000	\$664,200.00	\$233,134.20	\$233,134.20	\$0.00	\$0.00
TROOPER	54.6500	70.0000	\$2,047,500.00	\$783,271.12	\$783,271.12	\$0.00	\$0.00
CIVILIAN AUDITOR	56.0000	100.0000	\$297,000.00	\$166,320.00	\$166,320.00	\$0.00	\$0.00
Administrative Program Officer IV	35.0000	100.0000	\$68,000.00	\$23,800.00	\$23,800.00	\$0.00	\$0.00
Administrative Program Officer II	30.0000	100.0000	\$51,000.00	\$15,300.00	\$15,300.00	\$0.00	\$0.00
Administrative Assistant I	45.9500	100.0000	\$37,000.00	\$17,001.50	\$17,001.50	\$0.00	\$0.00
Administrative Assistant I	45.9500	100.0000	\$37,000.00	\$17,001.50	\$17,001.50	\$0.00	\$0.00
Administrative Hearing Officer	44.7300	100.0000	\$55,000.00	\$24,601.50	\$24,601.50	\$0.00	\$0.00
POE CMV Officers	0.0000	100.0000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CVTEP/TTEP	29.3900	100.0000	\$146,999.89	\$43,203.26	\$43,203.26	\$0.00	\$0.00
Administrative Assistant I	45.9500	100.0000	\$37,000.00	\$17,001.50	\$17,001.50	\$0.00	\$0.00
TOTAL: Fringe Benefits				\$1,552,216.96	\$1,552,216.96	\$0.00	\$0.00

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

The State provides fringe benefits for all employees. The benefits above are figured on actual costs and the dollar amounts listed in the table are only the amounts we want to bill to MCSAP or MOE. **The fringe rate is calculated exactly the same for civilians and uniformed with a few exceptions: uniformed personnel have shift differential and uniform allowance and do not pay FICA.** Fringe consists of Excess Benefit Allowance, State FICA/MQFE, State Insurance, Retirement, State Share Annuities and Worker's Compensation. The following provides detail on how these benefits are figured:

Excess Benefit Allowance - The State provides employees with an allowance for insurance premiums for themselves and their family. If the employee selects medical, dental and vision options that do not require the entire allowance the remaining funds are added to regular paycheck.

State FICA/MQFE - FICA is a combination of Social Security (SS) and Medicare. The SS portion is 6.2% of only the civilian employee's Salary, Longevity, Uniform and Differential (if they receive those last 2). The Medicare portion is 1.45% of the civilian and trooper's Salary, Longevity, Uniform and Differential. So essentially, Troopers are exempt from the SS portion.

State Insurance - Insurance benefit allowance is a set amount allowed for employees. It increases based on family structure so the the lowest would be employee only and the highest would be employee, spouse and children. These figures differ widely among Troop S employees and is dependent on what type of coverage is chosen.

Retirement - Civilian (OPERS) – Salary, Longevity, Differential (if received) * 16.5%; Troopers (OLERS) – Salary, Longevity, Differential * 11%

State Share Annuities (SoonerSave) - This is a voluntary retirement add-on to the State's retirement system and offers an employer match contribution up to \$25. An employee has to contribute at least \$25 and can contribute more but the employer contribution is always \$25.

Worker's Compensation - Worker's Comp is calculated using a formula against employee's base pay. (ie. $0.051 \times 0.98 \times 0.67 \times 0.99$ for Uniformed Personnel and $0.0081 \times 0.98 \times 0.67 \times 0.99$ for Civilian Personnel) The first number is a high risk rate and a low risk rate. The second number is the experience modifier. The 3rd number calculates a 33% discount that was extended to the State, and the last number was a 1% prompt pay discount.

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 §200.475](#).

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
CVSA Data Quality Workshop	5	15	100.0000	\$12,000.00	\$12,000.00	\$0.00	\$0.00
COHMED	4	12	100.0000	\$9,000.00	\$9,000.00	\$0.00	\$0.00
CVSA Spring Workshop	8	32	100.0000	\$18,000.00	\$18,000.00	\$0.00	\$0.00
CVSA Fall Leadership Conference	8	32	100.0000	\$18,000.00	\$18,000.00	\$0.00	\$0.00
NAIC	2	14	100.0000	\$7,500.00	\$7,500.00	\$0.00	\$0.00
FMCSA Grant Planning Meeting	4	12	100.0000	\$7,500.00	\$7,500.00	\$0.00	\$0.00
National Road Check Week	92	276	100.0000	\$10,000.00	\$10,000.00	\$0.00	\$0.00
Travel Training	12	100	100.0000	\$30,000.00	\$30,000.00	\$0.00	\$0.00
SA/CR Quarterly Meetings	8	160	100.0000	\$12,000.00	\$12,000.00	\$0.00	\$0.00
SA/CR Program Travel	8	100	100.0000	\$8,000.00	\$8,000.00	\$0.00	\$0.00
TOTAL: Travel				\$132,000.00	\$132,000.00	\$0.00	\$0.00

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

Troop S conducts Safety Audits (SAs) and Compliance Investigations (CIs) on motor carriers that include property, passenger and hazardous material carriers. Currently Troop S has 2 Troopers certified to conduct CIs and 5 additional Troopers that just completed the course. It's anticipated we will add at least 1 more to the CI program. 6 civilians and 1 Trooper who are certified to conduct SAs. These activities will require travel across the state, some of which will require overnight travel resulting in lodging and per diem expenses. The cost will be approximately \$8,000.

Troop S is dedicated to ensuring that all MCSAP personnel are knowledgeable on regulation changes, staying in contact and communicating with other MCSAP state agencies and apply changes as they occur. Troop S attends various conference through the Commercial Vehicle Safety Alliance (CVSA). CVSA promotes commercial motor vehicle safety and security by providing leadership to enforcement, industry and policy makers. The cost budgeted in FFY22 for CVSA conferences is \$64,500. (COHMED, CVSA Spring Workshop, CVSA Fall Conference, NAIC and CVSA Data Quality Workshop)

The structure of the grant program within Troop S consists of a Major, Captain who serves as the MCSAP Coordinator, a MCSAP Grant and quarterly report writer and an Administrative Program Officer who serves as the Budget Analyst/Financial Manager. These 4 personnel will attend the annual FMCSA Grant Planning Meeting. This is estimated to cost \$7,500.

National Road Check week is a big special project the State participates in annually. This project requires some of our FTEs as well as some part-time inspection personnel to travel to designated Road Check checkpoints throughout the state. Troop S currently has 54 FTE and 36 part-time certified inspectors that can participate. Each year participation from our part-time inspectors depends on their local Troop Commander and coverage for their area. Historically we have around 75-100 inspectors working for a span of 3 days. For the sake of budgeting we plan for 92 inspectors at 3

days each for a total of "276 days". This results in lodging and per diem expenses for which we have budgeted \$10,000 based on previous years expenditures.

Training is an important part of keeping the MCSAP personnel educated in regulatory changes, best practices and updates. This may include local training for State personnel but also required training for our certified trainers to maintain certification. This line item is based on past travel needs and some examples of that is the CVSA/FMCSA unannounced training, General HM and North American classes instructed by our Trainers for inspectors needing certification, training for new civilian employees to visit port of entry stations and special interest training such as Truckers Against Trafficking. Calculation of days and number of people is difficult depending on the demand of a training and type but generally speaking, an average 12 people with 5-10 days each is a safe budget. The approximate cost for these training travel needs is \$30,000.

CI and SA personnel are required to attend quarterly meetings. This provides an opportunity for training, updates, best practice methods and address any issues. These meetings require per diem and lodging which is estimated to be \$12,000.

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
Vehicles	15	\$44,000.00	0	\$0.00	\$0.00	\$0.00	\$660,000.00
Vehicle for Civilian Safety Auditor	2	\$30,000.00	100	\$60,000.00	\$60,000.00	\$0.00	\$0.00
TOTAL: Equipment				\$60,000.00	\$60,000.00	\$0.00	\$660,000.00
Equipment threshold is greater than \$5,000.							

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

We are budgeting \$30,000 to purchase a new units for an additional civil New Entrant Safety Auditor. Audits are conducted all over the state and an issued vehicle is more cost effective than paying mileage expenses over time. The New Entrant list continues to grow exponentially and there is a need for more auditors.

MOE Expenditures

Troop S is budgeting for 15 new vehicles at \$44,000 each. These vehicles will replace high mileage vehicles in the fleet and fall within the planned vehicle replacement cycle.

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
Inspection Supplies	100 ea	\$1,550.00	100.0000	\$155,000.00	\$155,000.00	\$0.00	\$0.00
New Vehicle Police Package	15 ea	\$40,000.00	0.0000	\$0.00	\$0.00	\$0.00	\$600,000.00
Office Supplies	1 ea	\$30,000.08	100.0000	\$30,000.08	\$30,000.08	\$0.00	\$0.00
Laptop Computers	8 ea	\$2,000.00	100.0000	\$16,000.00	\$16,000.00	\$0.00	\$0.00
Office Furniture	1 ea	\$30,000.00	100.0000	\$30,000.00	\$30,000.00	\$0.00	\$0.00
TOTAL: Supplies				\$231,000.08	\$231,000.08	\$0.00	\$600,000.00

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

Supplies costs are figured through researching costs each year. Troop S uses a budget vs. actuals expenditure spreadsheet to track real-time spending and monitor the budget. The true expenses incurred each year are used to build the new year's budget. There can be some anomalies from year to year which are taken into account if known ahead of time. Using an average of all purchases made in a year we can budget within a reasonable amount of each line item.

Office Supplies - \$30,000 This will cover the required day-to-day supplies needed such as paper, pens, staples, postage, etc. in addition to some larger items (ie. shredder). After moving into our new headquarters we anticipate an increase in supply needs as we get settled.

Inspection Supplies - \$155,000 There are approximately 100 certified inspectors within the MCSAP program and expenses were calculated at about \$1,550 per inspector. These funds will go towards FMCSR and Hazmat regulation manuals, out-of-service criteria, uniforms, paper, creepers, chocks, gloves, and CVSA decals. Inflation and availability has driven costs up over the last year so we have planned a higher budget to compensate.

Laptop Computers - \$16,000 Troop S continues to grow with the addition of a receptionist, data analyst, a potential inventory/equipment specialist, and IT support which will require new computers. We will also purchase 2 for unforeseen replacement need.

Office Furniture - \$30,000 As we settle into the new headquarters space the addition of training tables & chairs for conference/training space is needed, as well as inventory storage. The office furniture cost was estimated from a quote from our statewide contract vendor for several different pieces of furniture for the Conference Room, Training Room and also includes desks for 8 Administrative offices, 1 Lieutenant office, and 2 cubicle stations for the Receptionist and one Admin staff.

MOE Expenditures

New Vehicle Police Package - \$600,000 Covers the cost of supplies to outfit a new unit which may include lights, sirens, radios, cameras, etc. These are the standard rotational replacement for high mileage vehicles.

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.

The Unique Entity Identifier (UEI) is the new, non-proprietary identifier that replaces the DUNS number. All contractors and subrecipients must be registered in the System for Award Management (SAM.gov). The UEI will be requested in and assigned by SAM.gov. Enter the UEI number of each entity in the space provided in the table.

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	UEI Number	Instrument Type	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
NTT, Inc	UEI	Contract	100.0000	\$24,000.00	\$24,000.00	\$0.00	\$0.00
Description of Services: Laptop Lease - Troopers							
ODOT	UEI	Contract	100.0000	\$98,500.00	\$98,500.00	\$0.00	\$0.00
Description of Services: Office lease							
AT&T, Pine Cellular & Verizon	UEI	Contract	100.0000	\$65,000.00	\$65,000.00	\$0.00	\$0.00
Description of Services: Cell phone & hotspot service							
NTT	UEI	Contract	100.0000	\$100,000.00	\$100,000.00	\$0.00	\$0.00
Description of Services: Services fees for IT support							
Standley Savin Copier	UEI	Contract	100.0000	\$10,000.00	\$10,000.00	\$0.00	\$0.00
Description of Services: Contractual Services							
RegScan	UEI	Contract	100.0000	\$35,000.00	\$35,000.00	\$0.00	\$0.00
Description of Services: Hazmat Enforcer software application							
Iiteris	UEI	Contract	100.0000	\$107,000.00	\$107,000.00	\$0.00	\$0.00
Description of Services: Maintenance and service for iNSPECT and Civil Assessment Program							
TOTAL: Contractual and Subaward				\$439,500.00	\$439,500.00	\$0.00	\$0.00

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

Standley Savin Copier - \$10,000 Contract with Standley Services to provide 2 machines with the ability to copy, fax and scan.

ODOT - \$98,500 The office lease is a fixed cost that includes office space, janitorial service and all utilities.

Communication Costs - \$65,000 These funds will cover expenses related to MCSAP personnel cell phone and hotspot usage.

Regscan - \$35,000 This company provides us with the Hazmat Enforcer software our Troopers use in the field when conduction an inspection with hazardous materials. This expense provides us with enough licenses for every certified inspector to have the software.

Laptop Lease - \$24,000 During FFY21 the Chief of the OHP made the decision to take the agency to a computer lease option. The average lease cost per laptop monthly is \$82.02. Troop S will gradually move all Troopers to this contract as a vehicle is replaced. During this grant year we will likely have an overlap of computer leases going into affect from last year and new leases going into affect toward the 3rd quarter of this year so we anticipate a little less than half of the Troop to have the new leased laptop. The math works out to $\$82.02 \times 23 \text{ laptops} \times 12 \text{ months} = \$22,637.52$ leaving a little room for the unexpected replacement of one or two laptops if needed.

OMES Service Fees - \$100,000 In lieu of paying the salary and fringe of a dedicated IT position the state entered into an agreement with the State's Office of Management and Enterprise Services to contract with NTT to provide a dedicated IT employee.

Iiteris - \$107,000 Iiteris provides us with our inspection program iNSPECT. They also create and maintain our program that processes our civil assessments for out-of-service violations which is tied into iNSPECT.

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
Vehicle parts, repairs, etc.	1 ea	\$15,000.00	100.0000	\$15,000.00	\$15,000.00	\$0.00	\$0.00
Miscellaneous	1 ea	\$10,000.00	100.0000	\$10,000.00	\$10,000.00	\$0.00	\$0.00
CVSA Membership Dues	1 yr	\$14,800.00	100.0000	\$14,800.00	\$14,800.00	\$0.00	\$0.00
COHMED Conference Registration Fees	4 ea	\$750.00	100.0000	\$3,000.00	\$3,000.00	\$0.00	\$0.00
CVSA Spring Workshop Registration	8 ea	\$700.00	100.0000	\$5,600.00	\$5,600.00	\$0.00	\$0.00
CVSA Fall Leadership Conference	8 ea	\$700.00	100.0000	\$5,600.00	\$5,600.00	\$0.00	\$0.00
Fuel & Maintenance Costs	60 ea	\$4,166.66	100.0000	\$249,999.60	\$249,999.60	\$0.00	\$0.00
Administrative Training	8 ea	\$875.00	100.0000	\$7,000.00	\$7,000.00	\$0.00	\$0.00
Other conference/training registration fees	1 ea	\$5,000.00	100.0000	\$5,000.00	\$5,000.00	\$0.00	\$0.00
CVSA Data Quality Conference	5 ea	\$700.00	100.0000	\$3,500.00	\$3,500.00	\$0.00	\$0.00
TOTAL: Other Costs				\$319,499.60	\$319,499.60	\$0.00	\$0.00

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

MCSAP Fuel & Maintenance Costs - \$250,000 Fuel and maintenance costs are necessary for the operation of the Troopers and civilian auditors on a daily basis. The State uses Comdata for fuel and general vehicle maintenance such as oil changes, windshield wiper replacement, car wash, new tires and various other minimal maintenance issues and will be billed with the respective level of effort to the MCSAP program.

Miscellaneous - \$10,000 There were various costs that were incurred last FFY that we expect could be incurred this year as well. This could include translator services for administrative hearings, Title VI publications, HM chemical testing, educational/outreach materials, etc.

CVSA Membership Fee - \$14,800 Troop S pays an annual membership fee to be a member of the CVSA.

CVSA Conference Registration Fees - \$17,700 The State encourages participation in the CVSA conferences as it has proven very beneficial over the years in increasing our knowledge of safety practices across the U.S. It also encourages uniformity in our state and allows the State to create partnerships with other states. Personnel are budgeted to attend COHMED, CVSA Spring/Fall Conferences and CVSA Data Quality Conference to ensure a valuable presences in the committees.

Administrative Training - \$7,000 Troop S will maintain the administrative training for staff to improve efficiencies and skills of current staff. The budget will be \$875 for each employee with a goal of 12 trainings per person throughout the year. These may include in-person seminars or online webinars.

Vehicle parts, repairs, etc - The last federal year Troop S incurred the repair costs for parts and labor on vehicles we purchase. Minor repairs are captured on the Comdata; however, certain expenses are not allowed such as transmission work, police light repairs/replacement, etc. The \$15,000 is the average we've spent over the last year to cover the unforeseen costs related to normal wear and tear.

Other conference/training registration fees - \$5,000 This line item will allow for the unexpected costs of registration fees to necessary training related to CMV safety activities.

Part 4 Section 9 - Comprehensive Spending Plan

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

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	95% Federal Share	5% State Share	Total Estimated Funding
Total	\$8,539,468.00	\$449,446.00	\$8,988,914.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (15% of MCSAP Award Amount):	\$1,348,337.00
MOE Baseline:	\$1,077,371.67

Estimated Expenditures				
Personnel				
	Federal Share	State Share	Total Project Costs (Federal + Share)	MOE
MCSAP Data Analyst	\$65,000.00	\$0.00	\$65,000.00	\$0.00
New Entrant Program Manager & Grant Writer	\$73,875.00	\$0.00	\$73,875.00	\$0.00
MAJOR	\$98,329.60	\$0.00	\$98,329.60	\$0.00
LIEUTENANT	\$664,200.00	\$0.00	\$664,200.00	\$0.00
TROOPER	\$3,021,291.00	\$0.00	\$3,021,291.00	\$0.00
CIVILIAN AUDITORS	\$297,000.00	\$0.00	\$297,000.00	\$0.00
Administrative Program Officer IV	\$68,000.00	\$0.00	\$68,000.00	\$0.00
Administrative Program Officer II	\$102,000.00	\$0.00	\$102,000.00	\$0.00
Administrative Assistant II	\$42,000.00	\$0.00	\$42,000.00	\$0.00
Administrative Assistant I	\$74,000.00	\$0.00	\$74,000.00	\$0.00
Administrative Hearing Officer	\$55,000.00	\$0.00	\$55,000.00	\$0.00
Port of Entry CMV Officers	\$0.00	\$449,445.92	\$449,445.92	\$0.00
CVTEP/TTEP	\$146,999.89	\$0.00	\$146,999.89	\$0.00
CAPTAIN	\$233,700.00	\$0.00	\$233,700.00	\$0.00
Sr. Admin Hearing Officer III	\$60,000.00	\$0.00	\$60,000.00	\$0.00
Administrative Assistant I	\$37,000.00	\$0.00	\$37,000.00	\$0.00
Salary Subtotal	\$5,038,395.49	\$449,445.92	\$5,487,841.41	\$0.00
All MCSAP Staff	\$766,855.95	\$0.00	\$766,855.95	\$0.00
Overtime subtotal	\$766,855.95	\$0.00	\$766,855.95	\$0.00
Personnel total	\$5,805,251.44	\$449,445.92	\$6,254,697.36	\$0.00

Fringe Benefits				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
CAPTAIN	\$27,973.89	\$0.00	\$27,973.89	\$0.00
Administrative Program Officer II	\$18,003.00	\$0.00	\$18,003.00	\$0.00
Administrative Assistant II	\$20,998.36	\$0.00	\$20,998.36	\$0.00
Sr. Administrative Hearing Officer III	\$24,600.00	\$0.00	\$24,600.00	\$0.00
MAJOR	\$35,217.72	\$0.00	\$35,217.72	\$0.00
MCSAP Data Research Analyst	\$30,004.00	\$0.00	\$30,004.00	\$0.00
New Entrant Program Manager & Grant Writer	\$26,811.52	\$0.00	\$26,811.52	\$0.00
CAPTAIN	\$27,973.89	\$0.00	\$27,973.89	\$0.00
LIEUTENANT	\$233,134.20	\$0.00	\$233,134.20	\$0.00
TROOPER	\$783,271.12	\$0.00	\$783,271.12	\$0.00
CIVILIAN AUDITOR	\$166,320.00	\$0.00	\$166,320.00	\$0.00
Administrative Program Officer IV	\$23,800.00	\$0.00	\$23,800.00	\$0.00
Administrative Program Officer II	\$15,300.00	\$0.00	\$15,300.00	\$0.00
Administrative Assistant I	\$17,001.50	\$0.00	\$17,001.50	\$0.00
Administrative Assistant I	\$17,001.50	\$0.00	\$17,001.50	\$0.00
Administrative Hearing Officer	\$24,601.50	\$0.00	\$24,601.50	\$0.00
POE CMV Officers	\$0.00	\$0.00	\$0.00	\$0.00
CVTEP/TTEP	\$43,203.26	\$0.00	\$43,203.26	\$0.00
Administrative Assistant I	\$17,001.50	\$0.00	\$17,001.50	\$0.00
Fringe Benefits total	\$1,552,216.96	\$0.00	\$1,552,216.96	\$0.00

Travel				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
CVSA Data Quality Workshop	\$12,000.00	\$0.00	\$12,000.00	\$0.00
COHMED	\$9,000.00	\$0.00	\$9,000.00	\$0.00
CVSA Spring Workshop	\$18,000.00	\$0.00	\$18,000.00	\$0.00
CVSA Fall Leadership Conference	\$18,000.00	\$0.00	\$18,000.00	\$0.00
NAIC	\$7,500.00	\$0.00	\$7,500.00	\$0.00
FMCSA Grant Planning Meeting	\$7,500.00	\$0.00	\$7,500.00	\$0.00
National Road Check Week	\$10,000.00	\$0.00	\$10,000.00	\$0.00
Travel Training	\$30,000.00	\$0.00	\$30,000.00	\$0.00
SA/CR Quarterly Meetings	\$12,000.00	\$0.00	\$12,000.00	\$0.00
SA/CR Program Travel	\$8,000.00	\$0.00	\$8,000.00	\$0.00
Travel total	\$132,000.00	\$0.00	\$132,000.00	\$0.00

Equipment				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Vehicles	\$0.00	\$0.00	\$0.00	\$660,000.00
Vehicle for Civilian Safety Auditor	\$60,000.00	\$0.00	\$60,000.00	\$0.00
Equipment total	\$60,000.00	\$0.00	\$60,000.00	\$660,000.00

Supplies				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Inspection Supplies	\$155,000.00	\$0.00	\$155,000.00	\$0.00
New Vehicle Police Package	\$0.00	\$0.00	\$0.00	\$600,000.00
Office Supplies	\$30,000.08	\$0.00	\$30,000.08	\$0.00
Laptop Computers	\$16,000.00	\$0.00	\$16,000.00	\$0.00
Office Furniture	\$30,000.00	\$0.00	\$30,000.00	\$0.00
Supplies total	\$231,000.08	\$0.00	\$231,000.08	\$600,000.00

Contractual and Subaward				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
NTT, Inc	\$24,000.00	\$0.00	\$24,000.00	\$0.00
ODOT	\$98,500.00	\$0.00	\$98,500.00	\$0.00
AT&T, Pine Cellular & Verizon	\$65,000.00	\$0.00	\$65,000.00	\$0.00
NTT	\$100,000.00	\$0.00	\$100,000.00	\$0.00
Standley Savin Copier	\$10,000.00	\$0.00	\$10,000.00	\$0.00
RegScan	\$35,000.00	\$0.00	\$35,000.00	\$0.00
Iteris	\$107,000.00	\$0.00	\$107,000.00	\$0.00
Contractual and Subaward total	\$439,500.00	\$0.00	\$439,500.00	\$0.00

Other Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Vehicle parts, repairs, etc.	\$15,000.00	\$0.00	\$15,000.00	\$0.00
Miscellaneous	\$10,000.00	\$0.00	\$10,000.00	\$0.00
CVSA Membership Dues	\$14,800.00	\$0.00	\$14,800.00	\$0.00
COHMED Conference Registration Fees	\$3,000.00	\$0.00	\$3,000.00	\$0.00
CVSA Spring Workshop Registration	\$5,600.00	\$0.00	\$5,600.00	\$0.00
CVSA Fall Leadership Conference	\$5,600.00	\$0.00	\$5,600.00	\$0.00
Fuel & Maintenance Costs	\$249,999.60	\$0.00	\$249,999.60	\$0.00
Administrative Training	\$7,000.00	\$0.00	\$7,000.00	\$0.00
Other conference/training registration fees	\$5,000.00	\$0.00	\$5,000.00	\$0.00
CVSA Data Quality Conference	\$3,500.00	\$0.00	\$3,500.00	\$0.00
Other Costs total	\$319,499.60	\$0.00	\$319,499.60	\$0.00

Total Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Subtotal for Direct Costs	\$8,539,468.08	\$449,445.92	\$8,988,914.00	\$1,260,000.00
Total Costs Budgeted	\$8,539,468.08	\$449,445.92	\$8,988,914.00	\$1,260,000.00

Part 4 Section 10 - Financial Summary

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

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

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	95% Federal Share	5% State Share	Total Estimated Funding
Total	\$8,539,468.00	\$449,446.00	\$8,988,914.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (15% of MCSAP Award Amount):	\$1,348,337.00
MOE Baseline:	\$1,077,371.67

Estimated Expenditures				
	Federal Share	State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Salary Subtotal	\$5,038,395.49	\$449,445.92	\$5,487,841.41	\$0.00
Overtime Subtotal	\$766,855.95	\$0.00	\$766,855.95	\$0.00
Personnel Total	\$5,805,251.44	\$449,445.92	\$6,254,697.36	\$0.00
Fringe Benefits Total	\$1,552,216.96	\$0.00	\$1,552,216.96	\$0.00
Travel Total	\$132,000.00	\$0.00	\$132,000.00	\$0.00
Equipment Total	\$60,000.00	\$0.00	\$60,000.00	\$660,000.00
Supplies Total	\$231,000.08	\$0.00	\$231,000.08	\$600,000.00
Contractual and Subaward Total	\$439,500.00	\$0.00	\$439,500.00	\$0.00
Other Costs Total	\$319,499.60	\$0.00	\$319,499.60	\$0.00
	95% Federal Share	5% State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Subtotal for Direct Costs	\$8,539,468.08	\$449,445.92	\$8,988,914.00	\$1,260,000.00
Indirect Costs	\$0.00	\$0.00	\$0.00	NA
Total Costs Budgeted	\$8,539,468.08	\$449,445.92	\$8,988,914.00	\$1,260,000.00

Part 5 - Certifications and Documents

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

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

Part 5 Section 1 - State Certification

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

1. What is the name of the person certifying the declaration for your State? Tim Tipton
2. What is this person's title? Department of Public Safety Commissioner
3. Who is your Governor's highway safety representative? Tim Tipton
4. What is this person's title? Department of Public Safety Commissioner

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

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

State Certification declaration:

I, Tim Tipton, Department of Public Safety Commissioner, on behalf of the State of OKLAHOMA, as requested by the Administrator as a condition of approval of a grant under the authority of [49 U.S.C. § 31102](#), as amended, certify that the State satisfies all the conditions required for MCSAP funding, as specifically detailed in [49 C.F.R. § 350.211](#).

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

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

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

1. What is the name of your certifying State official? Tim Tipton
2. What is the title of your certifying State official? Department of Public Safety Commissioner
3. What are the phone # and email address of your State official? 405-425-2001 Tim.Tipton@dps.ok.gov

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

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

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

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

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

In the table below, please provide the bill number and effective date of any new legislation. Include the code section which was changed because of the bill 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.

Legislative Adoption			
Bill Number	Effective Date	Code Section Changed	Summary of Changes
HB3501	11/01/2022	47 os 6-205.2	DPS to recognize convictions from Tribal Courts https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=440142
SB1116	11/01/2022	47 os 6-205.2	CDL disqualification for Human Trafficking violations https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=440142
SB1541	11/01/2022	47 os 6-102	Allows operation of fully autonomous vehicles https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=439993
SB0366	11/01/2022	48 os 6-205.1	Modifies revocation of driving privileges for driving while impaired https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=440141
HB3419	05/19/2022	Multiple	HB3419, by Rep. Dell Kerbs, R-Shawnee and Sen. Chuck Hall, R-Perry, creates Service Oklahoma by transferring the applicable powers, duties, responsibilities exercised by the Driver License Services Division of the Department of Public Safety and its employees, and the applicable powers, duties, and responsibilities exercised by the Motor Services Division of the Oklahoma Tax Commission and its employees to the Office of Management and Enterprise Services. It creates the Service Oklahoma Operator Board and establishes membership and meeting requirements. It establishes the duties and responsibilities of the board. It also establishes the Licensed Operator Advisory Committee and outlines its duties and responsibilities. It establishes membership and meeting requirements. https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=492195

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

☐ Yes ☒ No

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

OKLAHOMA *v.* CASTRO-HUERTACERTIORARI TO THE COURT OF CRIMINAL APPEALS OF
OKLAHOMA

No. 21–429. Argued April 27, 2022—Decided June 29, 2022

In 2015, respondent Victor Manuel Castro-Huerta was charged by the State of Oklahoma for child neglect. Castro-Huerta was convicted in state court and sentenced to 35 years of imprisonment. While Castro-Huerta’s state-court appeal was pending, this Court decided *McGirt v. Oklahoma*, 591 U. S. _____. There, the Court held that the Creek Nation’s reservation in eastern Oklahoma had never been properly disestablished and therefore remained “Indian country.” *Id.*, at _____. In light of *McGirt*, the eastern part of Oklahoma, including Tulsa, is recognized as Indian country. Following this development, Castro-Huerta argued that the Federal Government had exclusive jurisdiction to prosecute him (a non-Indian) for a crime committed against his stepdaughter (a Cherokee Indian) in Tulsa (Indian country), and that the State therefore lacked jurisdiction to prosecute him. The Oklahoma Court of Criminal Appeals agreed and vacated his conviction. This Court granted certiorari to determine the extent of a State’s jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country.

Held: The Federal Government and the State have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country. Pp. 4–25.

(a) The jurisdictional dispute in this case arises because Oklahoma’s territory includes Indian country. In the early Republic, the Federal Government sometimes treated Indian country as separate from state territory. See *Worcester v. Georgia*, 6 Pet. 515. But that view has long since been abandoned. *Organized Village of Kake v. Egan*, 369 U. S. 60, 72. And the Court has specifically held that States have jurisdiction to prosecute crimes committed by non-Indians against non-Indians in Indian country. *United States v. McBratney*, 104 U. S. 621; see

Syllabus

also *Draper v. United States*, 164 U. S. 240, 244–247. Accordingly, States have jurisdiction to prosecute crimes committed in Indian country unless preempted. Pp. 4–6.

(b) Under Court precedent, a State’s jurisdiction in Indian country may be preempted by federal law under ordinary principles of federal preemption, or when the exercise of state jurisdiction would unlawfully infringe on tribal self-government. Neither serves to preempt state jurisdiction in this case. Pp. 6–20.

(1) Castro-Huerta points to two federal laws—the General Crimes Act and Public Law 280—that, in his view, preempt Oklahoma’s authority to prosecute crimes committed by non-Indians against Indians in Indian country. Neither statute, however, preempts the State’s jurisdiction. Pp. 7–18.

(i) The General Crimes Act does not preempt state authority to prosecute Castro-Huerta’s crime. It provides that “the general laws of the United States as to the punishment of offenses committed . . . within the sole and exclusive jurisdiction of the United States . . . shall extend to the Indian country.” 18 U. S. C. §1152. By its terms, the Act simply “extend[s]” the federal laws that apply on federal enclaves to Indian country. The Act does not say that Indian country is equivalent to a federal enclave for jurisdictional purposes, that federal jurisdiction is exclusive in Indian country, or that state jurisdiction is preempted in Indian country.

Castro-Huerta claims that the General Crimes Act does indeed make Indian country the jurisdictional equivalent of a federal enclave. Castro-Huerta is wrong as a matter of text and precedent.

Pointing to the history of territorial separation and Congress’s reenactment of the General Crimes Act after this Court suggested in dicta in *Williams v. United States*, 327 U. S. 711, 714, that States lack jurisdiction over crimes committed by non-Indians against Indians in Indian country, Castro-Huerta argues that Congress *implicitly intended* for the Act to provide the Federal Government with exclusive jurisdiction over crimes committed by non-Indians against Indians in Indian country. But the text of the Act says no such thing; the idea of territorial separation has long since been abandoned; and the reenactment canon cannot be invoked to override clear statutory language of the kind present in the General Crimes Act. Castro-Huerta notes that the Court has repeated the *Williams* dicta on subsequent occasions, but even repeated dicta does not constitute precedent and does not alter the plain text of the General Crimes Act. Pp. 7–16.

(ii) Castro-Huerta’s attempt to invoke Public Law 280, 67 Stat. 588, is also unpersuasive. That law affirmatively grants certain States (and allows other States to acquire) broad jurisdiction to prosecute state-law offenses committed by or against Indians in Indian country.

Syllabus

18 U. S. C. §1162; 25 U. S. C. §1321. Castro-Huerta contends that the law’s enactment in 1953 would have been pointless surplusage if States already had concurrent jurisdiction over crimes committed by non-Indians against Indians in Indian country. But Public Law 280 contains no language preempting state jurisdiction. And Public Law 280 encompasses far more than just non-Indian on Indian crimes. Thus, resolution of the narrow jurisdictional issue here does not negate the significance of Public Law 280. Pp. 16–18.

(2) The test articulated in *White Mountain Apache Tribe v. Bracker*, 448 U. S. 136, does not bar the State from prosecuting crimes committed by non-Indians against Indians in Indian country. There, the Court held that even when federal law does not preempt state jurisdiction under ordinary preemption analysis, preemption may still occur if the exercise of state jurisdiction would unlawfully infringe upon tribal self-government. *Id.*, at 142–143. Under *Bracker*’s balancing test, the Court considers tribal interests, federal interests, and state interests. *Id.*, at 145. Here, the exercise of state jurisdiction would not infringe on tribal self-government. And because a State’s jurisdiction is concurrent with federal jurisdiction, a state prosecution would not preclude an earlier or later federal prosecution. Finally, the State has a strong sovereign interest in ensuring public safety and criminal justice within its territory, including an interest in protecting both Indian and non-Indian crime victims. Pp. 18–20.

(c) This Court has long held that Indian country is part of a State, not separate from it. Under the Constitution, States have jurisdiction to prosecute crimes within their territory except when preempted by federal law or by principles of tribal self-government. The default is that States have criminal jurisdiction in Indian country unless that jurisdiction is preempted. And that jurisdiction has not been preempted here. Pp. 21–25.

Reversed and remanded.

KAVANAUGH, J., delivered the opinion of the Court, in which ROBERTS, C. J., and THOMAS, ALITO, and BARRETT, JJ., joined. GORSUCH, J., filed a dissenting opinion, in which BREYER, SOTOMAYOR, and KAGAN, JJ., joined.

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 21–429

OKLAHOMA, PETITIONER *v.* VICTOR MANUEL
CASTRO-HUERTAON WRIT OF CERTIORARI TO THE COURT OF CRIMINAL
APPEALS OF OKLAHOMA

[June 29, 2022]

JUSTICE KAVANAUGH delivered the opinion of the Court.

This case presents a jurisdictional question about the prosecution of crimes committed by non-Indians against Indians in Indian country: Under current federal law, does the Federal Government have *exclusive* jurisdiction to prosecute those crimes? Or do the Federal Government and the State have *concurrent* jurisdiction to prosecute those crimes? We conclude that the Federal Government and the State have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country.

I

In 2015, Victor Manuel Castro-Huerta lived in Tulsa, Oklahoma, with his wife and their several children, including Castro-Huerta’s then-5-year-old stepdaughter, who is a Cherokee Indian. The stepdaughter has cerebral palsy and is legally blind. One day in 2015, Castro-Huerta’s sister-in-law was in the house and noticed that the young girl was sick. After a 911 call, the girl was rushed to a Tulsa hospital in critical condition. Dehydrated, emaciated, and covered in lice and excrement, she weighed only 19 pounds. Investigators later found her bed filled with bedbugs and

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cockroaches.

When questioned, Castro-Huerta admitted that he had severely undernourished his stepdaughter during the preceding month. The State of Oklahoma criminally charged both Castro-Huerta and his wife for child neglect. Both were convicted. Castro-Huerta was sentenced to 35 years of imprisonment, with the possibility of parole. This case concerns the State’s prosecution of Castro-Huerta.

After Castro-Huerta was convicted and while his appeal was pending in state court, this Court decided *McGirt v. Oklahoma*, 591 U. S. ____ (2020). In *McGirt*, the Court held that Congress had never properly disestablished the Creek Nation’s reservation in eastern Oklahoma. As a result, the Court concluded that the Creek Reservation remained “Indian country.” *Id.*, at ____–____, ___, ___ (slip op., at 1–3, 17, 28). The status of that part of Oklahoma as Indian country meant that different jurisdictional rules might apply for the prosecution of criminal offenses in that area. See 18 U. S. C. §§1151–1153. Based on *McGirt*’s reasoning, the Oklahoma Court of Criminal Appeals later recognized that several other Indian reservations in Oklahoma had likewise never been properly disestablished. See, e.g., *State ex rel. Matloff v. Wallace*, 2021 OK CR 21, ¶15, 497 P. 3d 686, 689 (reaffirming recognition of the Cherokee, Choctaw, and Chickasaw Reservations); *Grayson v. State*, 2021 OK CR 8, ¶10, 485 P. 3d 250, 254 (Seminole Reservation).

In light of *McGirt* and the follow-on cases, the eastern part of Oklahoma, including Tulsa, is now recognized as Indian country. About two million people live there, and the vast majority are not Indians.

The classification of eastern Oklahoma as Indian country has raised urgent questions about which government or governments have jurisdiction to prosecute crimes committed there. This case is an example: a crime committed in what is now recognized as Indian country (Tulsa) by a non-

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Indian (Castro-Huerta) against an Indian (his stepdaughter). All agree that the Federal Government has jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country. The question is whether the Federal Government's jurisdiction is exclusive, or whether the State also has concurrent jurisdiction with the Federal Government.

In the wake of *McGirt*, Castro-Huerta argued that the Federal Government's jurisdiction to prosecute crimes committed by a non-Indian against an Indian in Indian country is exclusive and that the State therefore lacked jurisdiction to prosecute him. The Oklahoma Court of Criminal Appeals agreed with Castro-Huerta. Relying on an earlier Oklahoma decision holding that the federal General Crimes Act grants the Federal Government exclusive jurisdiction, the court ruled that the State did not have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country. The court therefore vacated Castro-Huerta's conviction. No. F-2017-1203 (Apr. 29, 2021); see also *Bosse v. State*, 2021 OK CR 3, 484 P. 3d 286; *Roth v. State*, 2021 OK CR 27, 499 P. 3d 23.

While Castro-Huerta's state appellate proceedings were ongoing, a federal grand jury in Oklahoma indicted Castro-Huerta for the same conduct. Castro-Huerta accepted a plea agreement for a 7-year sentence followed by removal from the United States. (Castro-Huerta is not a U. S. citizen and is unlawfully in the United States.) In other words, putting aside parole possibilities, Castro-Huerta in effect received a 28-year reduction of his sentence as a result of *McGirt*.

Castro-Huerta's case exemplifies a now-familiar pattern in Oklahoma in the wake of *McGirt*. The Oklahoma courts have reversed numerous state convictions on that same jurisdictional ground. After having their state convictions reversed, some non-Indian criminals have received lighter

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sentences in plea deals negotiated with the Federal Government. Others have simply gone free. Going forward, the State estimates that it will have to transfer prosecutorial responsibility for more than 18,000 cases per year to the Federal and Tribal Governments. All of this has created a significant challenge for the Federal Government and for the people of Oklahoma. At the end of fiscal year 2021, the U. S. Department of Justice was opening only 22% and 31% of all felony referrals in the Eastern and Northern Districts of Oklahoma. Dept. of Justice, U. S. Attorneys, Fiscal Year 2023 Congressional Justification 46. And the Department recently acknowledged that “many people may not be held accountable for their criminal conduct due to resource constraints.” *Ibid.*

In light of the sudden significance of this jurisdictional question for public safety and the criminal justice system in Oklahoma, this Court granted certiorari to decide whether a State has concurrent jurisdiction with the Federal Government to prosecute crimes committed by non-Indians against Indians in Indian country. 595 U. S. ____ (2022).¹

II

The jurisdictional dispute in this case arises because Oklahoma’s territory includes Indian country. Federal law defines “Indian country” to include, among other things, “all land within the limits of any Indian reservation under the jurisdiction of the United States Government.” 18 U. S. C. §1151.

To begin with, the Constitution allows a State to exercise jurisdiction in Indian country. Indian country is part of the State, not separate from the State. To be sure, under this Court’s precedents, federal law may preempt that state jurisdiction in certain circumstances. But otherwise, as a

¹ Both the United States and the Cherokee Nation, along with several other Tribes, filed *amicus* briefs in this case articulating their views on the legal questions before the Court.

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matter of state sovereignty, a State has jurisdiction over all of its territory, including Indian country. See U. S. Const., Amdt. 10. As this Court has phrased it, a State is generally “entitled to the sovereignty and jurisdiction over all the territory within her limits.” *Lessee of Pollard v. Hagan*, 3 How. 212, 228 (1845).

In the early years of the Republic, the Federal Government sometimes treated Indian country as separate from state territory—in the same way that, for example, New Jersey is separate from New York. Most prominently, in the 1832 decision in *Worcester v. Georgia*, 6 Pet. 515, 561, this Court held that Georgia state law had no force in the Cherokee Nation because the Cherokee Nation “is a distinct community occupying its own territory.”

But the “general notion drawn from Chief Justice Marshall’s opinion in *Worcester v. Georgia*” “has yielded to closer analysis.” *Organized Village of Kake v. Egan*, 369 U. S. 60, 72 (1962). “By 1880 the Court no longer viewed reservations as distinct nations.” *Ibid.* Since the latter half of the 1800s, the Court has consistently and explicitly held that Indian reservations are “part of the surrounding State” and subject to the State’s jurisdiction “except as forbidden by federal law.” *Ibid.*

To take a few examples: In 1859, the Court stated: States retain “the power of a sovereign over their persons and property, so far as” “necessary to preserve the peace of the Commonwealth.” *New York ex rel. Cutler v. Dibble*, 21 How. 366, 370 (1859).

In 1930: “[R]eservations are part of the State within which they lie and her laws, civil and criminal, have the same force therein as elsewhere within her limits, save that they can have only restricted application to the Indian wards.” *Surplus Trading Co. v. Cook*, 281 U. S. 647, 651 (1930).

In 1946: “[I]n the absence of a limiting treaty obligation

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or Congressional enactment each state ha[s] a right to exercise jurisdiction over Indian reservations within its boundaries.” *New York ex rel. Ray v. Martin*, 326 U. S. 496, 499 (1946).

In 1992: “This Court’s more recent cases have recognized the rights of States, absent a congressional prohibition, to exercise criminal (and, implicitly, civil) jurisdiction over non-Indians located on reservation lands.” *County of Yakima v. Confederated Tribes and Bands of Yakima Nation*, 502 U. S. 251, 257–258 (1992).

And as recently as 2001: “State sovereignty does not end at a reservation’s border.” *Nevada v. Hicks*, 533 U. S. 353, 361 (2001).

In accord with that overarching jurisdictional principle dating back to the 1800s, States have jurisdiction to prosecute crimes committed in Indian country unless preempted. In the leading case in the criminal context—the *McBratney* case from 1882—this Court held that States have jurisdiction to prosecute crimes committed by non-Indians against non-Indians in Indian country. *United States v. McBratney*, 104 U. S. 621, 623–624 (1882). The Court stated that Colorado had “criminal jurisdiction” over crimes by non-Indians against non-Indians “throughout the whole of the territory within its limits, including the Ute Reservation.” *Id.*, at 624. Several years later, the Court similarly decided that Montana had criminal jurisdiction over crimes by non-Indians against non-Indians in Indian country within that State. *Draper v. United States*, 164 U. S. 240, 244–247 (1896). The *McBratney* principle remains good law.

In short, the Court’s precedents establish that Indian country is part of a State’s territory and that, unless preempted, States have jurisdiction over crimes committed in Indian country.

III

The central question that we must decide, therefore, is

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whether the State’s authority to prosecute crimes committed by non-Indians against Indians in Indian country has been preempted. U. S. Const., Art. VI.

Under the Court’s precedents, as we will explain, a State’s jurisdiction in Indian country may be preempted (i) by federal law under ordinary principles of federal preemption, or (ii) when the exercise of state jurisdiction would unlawfully infringe on tribal self-government.

In Part III–A, we consider whether state authority to prosecute crimes committed by non-Indians against Indians in Indian country is preempted by federal law under ordinary principles of preemption. In Part III–B, we consider whether principles of tribal self-government preclude the exercise of state jurisdiction over crimes committed by non-Indians against Indians in Indian country.

A

Castro-Huerta points to two federal laws that, in his view, preempt Oklahoma’s authority to prosecute crimes committed by non-Indians against Indians in Indian country: (i) the General Crimes Act, which grants the Federal Government jurisdiction to prosecute crimes in Indian country, 18 U. S. C. §1152; and (ii) Public Law 280, which grants States, or authorizes States to acquire, certain additional jurisdiction over crimes committed in Indian country, 67 Stat. 588; see 18 U. S. C. §1162; 25 U. S. C. §1321. Neither statute preempts preexisting or otherwise lawfully assumed state authority to prosecute crimes committed by non-Indians against Indians in Indian country.

1

As relevant here, the General Crimes Act provides: “Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive juris-

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diction of the United States, except the District of Columbia, shall extend to the Indian country.” 18 U. S. C. §1152.

By its terms, the Act does not preempt the State’s authority to prosecute non-Indians who commit crimes against Indians in Indian country. The text of the Act simply “extend[s]” federal law to Indian country, leaving untouched the background principle of state jurisdiction over crimes committed within the State, including in Indian country. *Ibid.*

The Act also specifies the body of federal criminal law that extends to Indian country—namely, “the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States.” *Ibid.* Those cross-referenced “general laws” are the federal laws that apply in federal enclaves such as military bases and national parks. *Ibid.*

Importantly, however, the General Crimes Act does not say that Indian country is equivalent to a federal enclave for jurisdictional purposes. Nor does the Act say that federal jurisdiction is exclusive in Indian country, or that state jurisdiction is preempted in Indian country.

Under the General Crimes Act, therefore, both the Federal Government and the State have concurrent jurisdiction to prosecute crimes committed in Indian country.² The General Crimes Act does not preempt state authority to prosecute Castro-Huerta’s crime.

To overcome the text, Castro-Huerta offers several counterarguments. None is persuasive.

²To the extent that a State lacks prosecutorial authority over crimes committed by Indians in Indian country (a question not before us), that would not be a result of the General Crimes Act. Instead, it would be the result of a separate principle of federal law that, as discussed below, precludes state interference with tribal self-government. See Part III–B, *infra*; *White Mountain Apache Tribe v. Bracker*, 448 U. S. 136, 142–143, 145 (1980); *McClanahan v. Arizona Tax Comm’n*, 411 U. S. 164, 171–172 (1973).

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First, Castro-Huerta advances what he describes as a textual argument. He contends that the text of the General Crimes Act makes Indian country the jurisdictional equivalent of a federal enclave. To begin, he points out that the Federal Government has exclusive jurisdiction to prosecute crimes committed in federal enclaves such as military bases and national parks. And then Castro-Huerta asserts that the General Crimes Act in effect equates federal enclaves and Indian country. Therefore, according to Castro-Huerta, it follows that the Federal Government also has exclusive jurisdiction to prosecute crimes committed in Indian country.

Castro-Huerta's syllogism is wrong as a textual matter. The Act simply borrows the body of federal criminal law that applies in federal enclaves and extends it to Indian country. The Act does not purport to equate Indian country and federal enclaves for jurisdictional purposes. Moreover, it is not enough to speculate, as Castro-Huerta does, that Congress might have implicitly intended a jurisdictional parallel between Indian country and federal enclaves.

Castro-Huerta's argument also directly contradicts this Court's precedents. As far back as 1891, the Court stated that the phrase "sole and exclusive jurisdiction" in the General Crimes Act is "only used in the description of the laws which are extended" to Indian country, not "to the jurisdiction extended over the Indian country." *In re Wilson*, 140 U. S. 575, 578 (1891). The Court repeated that analysis in 1913, concluding that the phrase "sole and exclusive jurisdiction" is "used in order to describe the laws of the United States which by that section are extended to the Indian country." *Donnelly v. United States*, 228 U. S. 243, 268 (1913).

Stated otherwise, the General Crimes Act provides that the federal criminal laws that apply to federal enclaves also apply in Indian country. But the extension of those federal laws to Indian country does not silently erase preexisting

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or otherwise lawfully assumed state jurisdiction to prosecute crimes committed by non-Indians in Indian country.

Moreover, if Castro-Huerta’s interpretation of the General Crimes Act were correct, then the Act would preclude States from prosecuting *any* crimes in Indian country—presumably even those crimes committed by non-Indians against non-Indians—just as States ordinarily cannot prosecute crimes committed in federal enclaves. But this Court has long held that States may prosecute crimes committed by non-Indians against non-Indians in Indian country. See *McBratney*, 104 U. S., at 623–624; *Draper*, 164 U. S., at 242–246. Those holdings, too, contravene Castro-Huerta’s argument regarding the General Crimes Act.

In advancing his enclave argument, Castro-Huerta also tries to analogize the text of the General Crimes Act to the text of the Major Crimes Act. He asserts that the Major Crimes Act grants the Federal Government exclusive jurisdiction to prosecute certain major crimes committed by Indians in Indian country. But the Major Crimes Act contains substantially different language than the General Crimes Act. Unlike the General Crimes Act, the Major Crimes Act says that defendants in Indian country “shall be subject to the same law” as defendants in federal enclaves. See 18 U. S. C. §1153 (“Any Indian who commits against the person or property of another Indian or other person any of” certain major offenses “shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States”). So even assuming that the text of the Major Crimes Act provides for exclusive federal jurisdiction over major crimes committed by Indians in Indian country, see, e.g., *United States v. John*, 437 U. S. 634, 651, and n. 22 (1978); *Negonsott v. Samuels*, 507 U. S. 99, 103 (1993), that conclusion does not translate to the differently worded General Crimes Act.

In short, the General Crimes Act does not treat Indian

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country as the equivalent of a federal enclave for jurisdictional purposes. Nor does the Act make federal jurisdiction exclusive or preempt state law in Indian country.

Second, Castro-Huerta contends that, regardless of the statutory text, Congress *implicitly intended* for the General Crimes Act to provide the Federal Government with exclusive jurisdiction over crimes committed by non-Indians against Indians in Indian country.

The fundamental problem with Castro-Huerta’s implicit intent argument is that the text of the General Crimes Act says no such thing. Congress expresses its intentions through statutory text passed by both Houses and signed by the President (or passed over a Presidential veto). As this Court has repeatedly stated, the text of a law controls over purported legislative intentions unmoored from any statutory text. The Court may not “replace the actual text with speculation as to Congress’ intent.” *Magwood v. Patterson*, 561 U. S. 320, 334 (2010). Rather, the Court “will presume more modestly” that “the legislature says what it means and means what it says.” *Henson v. Santander Consumer USA Inc.*, 582 U. S. 79, ____ (2017) (slip op., at 10) (internal quotation marks and alterations omitted); see, e.g., *McGirt*, 591 U. S., at ____ (slip op., at 12) (“[W]ishes are not laws”); *Virginia Uranium, Inc. v. Warren*, 587 U. S. ____, ____ (2019) (lead opinion) (slip op., at 14) (The Supremacy Clause cannot “be deployed” “to elevate abstract and unenacted legislative desires above state law”); *Alexander v. Sandoval*, 532 U. S. 275, 287–288 (2001) (The Court does not give “dispositive weight to the expectations that the enacting Congress had formed in light of the contemporary legal context,” because we “begin (and find that we can end) our search for Congress’s intent with . . . text and structure” (internal quotation marks omitted)); *Central Bank of Denver, N. A. v. First Interstate Bank of Denver, N. A.*, 511 U. S. 164, 173 (1994) (“[T]he text of the statute controls our decision”).

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To buttress his implicit intent argument, Castro-Huerta seizes on the history of the General Crimes Act. At the time of the Act’s earliest iterations in 1817 and 1834, Indian country was separate from the States. Therefore, at that time, state law did not apply in Indian country—in the same way that New York law would not ordinarily have applied in New Jersey. But territorial separation—*not* jurisdictional preemption by the General Crimes Act—was the reason that state authority did not extend to Indian country at that time.

Because Congress operated under a different territorial paradigm in 1817 and 1834, it had no reason at that time to consider whether to preempt preexisting or lawfully assumed state criminal authority in Indian country. For present purposes, the fundamental point is that the text of the General Crimes Act does not preempt state law. And this Court does not “rewrite a constitutionally valid statutory text under the banner of speculation about what Congress might have done had it faced a question that . . . it never faced.” *Henson*, 582 U. S., at ___ (slip op., at 9). The history of territorial separation during the early years of the Republic is not a license or excuse to rewrite the text of the General Crimes Act.

As noted above, the *Worcester*-era understanding of Indian country as separate from the State was abandoned later in the 1800s. After that change, Indian country in each State became part of that State’s territory. But Congress did not alter the General Crimes Act to make federal criminal jurisdiction exclusive in Indian country. To this day, the text of the General Crimes Act still does not make federal jurisdiction exclusive or preempt state jurisdiction.

In 1882, in *McBratney*, moreover, this Court held that States have jurisdiction to prosecute at least some crimes committed in Indian country. Since 1882, therefore, Congress has been specifically aware that state criminal laws apply to some extent in Indian country. Yet since then,

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Congress has never enacted new legislation that would render federal jurisdiction exclusive or preempt state jurisdiction over crimes committed by non-Indians in Indian country. Additionally, in 1979, the Office of Legal Counsel stated that this Court had not resolved the specific issue of state jurisdiction over crimes committed by non-Indians against Indians in Indian country, and that the issue was not settled. 3 Op. OLC 111, 117–119 (1979). Yet Congress still did not act to make federal jurisdiction exclusive or to preempt state jurisdiction.

On a different tack, Castro-Huerta invokes the reenactment canon. Castro-Huerta points out that, in 1948, Congress recodified the General Crimes Act. Two years before that recodification, this Court suggested in dicta that States lack jurisdiction over crimes committed by non-Indians against Indians in Indian country. See *Williams v. United States*, 327 U. S. 711, 714 (1946). Castro-Huerta contends that the 1948 Congress therefore intended to ratify the *Williams* dicta.

Castro-Huerta’s reenactment-canon argument is misplaced. First of all, the reenactment canon does not override clear statutory language of the kind present in the General Crimes Act. See *BP p.l.c. v. Mayor and City Council of Baltimore*, 593 U. S. ___, ___ (2021) (slip op., at 11). In addition, the canon does not apply to dicta. See *Jama v. Immigration and Customs Enforcement*, 543 U. S. 335, 349, 351, n. 12 (2005). The Court’s statements in *Williams* were pure dicta. Indeed, the *Williams* dicta did not even purport to interpret the text of the General Crimes Act. Dicta that does not analyze the relevant statutory provision cannot be said to have resolved the statute’s meaning. Moreover, any inference from Congress’s 1948 recodification is especially weak because that recodification was not specific to the General Crimes Act, but instead was simply a general recodification of all federal criminal laws. This Court has pre-

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viously explained that “the function” of the 1948 recodification “was generally limited to that of consolidation and codification.” *Muniz v. Hoffman*, 422 U. S. 454, 474 (1975) (internal quotation marks omitted). This Court does not infer that Congress, “in revising and consolidating the laws, intended to change their policy, unless such an intention be clearly expressed.” *Id.*, at 470 (internal quotation marks omitted).

For many reasons, then, we cannot conclude that Congress, by recodifying the entire Federal Criminal Code in 1948, silently ratified a few sentences of dicta from *Williams*. The reenactment canon does not apply in this case.

Third, Castro-Huerta contends that the Court has repeated the 1946 *Williams* dicta on several subsequent occasions. But the Court’s dicta, even if repeated, does not constitute precedent and does not alter the plain text of the General Crimes Act, which was the law passed by Congress and signed by the President. See *National Collegiate Athletic Assn. v. Alston*, 594 U. S. ___, ___ (2021) (slip op., at 21).³

³In addition to citing *Williams* and later cases, Castro-Huerta also cites the earlier 1913 decision in *Donnelly v. United States*, 228 U. S. 243. According to Castro-Huerta, *Donnelly* determined that States may not exercise jurisdiction in Indian country over crimes by or against Indians. Castro-Huerta is wrong. In *Donnelly*, the Court simply concluded that although States have exclusive jurisdiction over crimes committed by non-Indians against non-Indians in Indian country, States do not have similarly “undivided authority” over crimes committed by or against Indians in Indian country. *Id.*, at 271–272 (emphasis added). In other words, the Federal Government also maintains jurisdiction under the General Crimes Act over crimes by or against Indians in Indian country because of the Federal Government’s interest in protecting and defending tribes. See *ibid.* (citing *United States v. Kagama*, 118 U. S. 375 (1886)). *Donnelly* did not address the distinct question we confront here: whether States have concurrent jurisdiction with the Federal Government over non-Indians who commit crimes against Indians in Indian country. If anything, *Donnelly*’s rejection of the argument that the State had “undivided” authority, without the Court’s saying more, suggests

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Moreover, there is a good explanation for why the Court’s previous comments on this issue came only in the form of tangential dicta. The question of whether States have concurrent jurisdiction over crimes committed by non-Indians against Indians in Indian country did not previously matter all that much and did not warrant this Court’s review. Through congressional grants of authority in Public Law 280 or state-specific statutes, some States with substantial Indian populations have long possessed broad jurisdiction to prosecute a vast array of crimes in Indian country (including crimes *by Indians*). See Brief for National Congress of American Indians as *Amicus Curiae* 20, and n. 2. Indeed, Castro-Huerta notes that “21 States have jurisdiction over crimes ‘by or against’ Indians in some Indian country.” Brief for Respondent 7. So the General Crimes Act question—namely, whether that Act preempts inherent state prosecutorial authority in Indian country—was not relevant in those States.

In any event, this Court never considered the General Crimes Act preemption question. As the Office of Legal Counsel put it, “many courts, without carefully considering the question, have assumed that Federal jurisdictio[n] whenever it obtains is exclusive. We nevertheless believe that it is a matter that should not be regarded as settled before it has been fully explored by the courts.” 3 Op. OLC, at 117. This case is the first time that the matter has been fully explored by this Court.

Until the Court’s decision in *McGirt* two years ago, this

that the Court thought that the State had concurrent authority with the Federal Government in Indian country, unless otherwise preempted.

The Court’s subsequent decision in *United States v. Ramsey*, 271 U. S. 467 (1926), likewise considered whether the Federal Government’s “authority” to prosecute crimes committed by or against Indians “was ended by the grant of statehood.” *Id.*, at 469. The Court held that federal authority was not “ended” by statehood. *Ibid.* But the Court did not say that States lacked concurrent jurisdiction.

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question likewise did not matter much in Oklahoma. Most everyone in Oklahoma previously understood that the State included almost no Indian country. *McGirt*, 590 U. S., at ____–____ (ROBERTS, C. J., dissenting) (slip op., at 31–32). But after *McGirt*, about 43% of Oklahoma—including Tulsa—is now considered Indian country. Therefore, the question of whether the State of Oklahoma retains concurrent jurisdiction to prosecute non-Indian on Indian crimes in Indian country has suddenly assumed immense importance. The jurisdictional question has now been called. In light of the newfound significance of the question, it is necessary and appropriate for this Court to take its first hard look at the text and structure of the General Crimes Act, rather than relying on scattered dicta about a question that, until now, was relatively insignificant in the real world.

After independently examining the question, we have concluded that the General Crimes Act does not preempt state jurisdiction over crimes committed by non-Indians against Indians in Indian country.

2

Castro-Huerta next invokes Public Law 280 as a source of preemption. That argument is similarly unpersuasive.

Public Law 280 affirmatively grants certain States broad jurisdiction to prosecute state-law offenses committed by or against Indians in Indian country. See 18 U. S. C. §1162. (Other States may opt in, with tribal consent. 25 U. S. C. §1321.) But Public Law 280 does not preempt any preexisting or otherwise lawfully assumed jurisdiction that States possess to prosecute crimes in Indian country. Indeed, the Court has already concluded as much: “Nothing in the language or legislative history of Pub. L. 280 indicates that it was meant to divest States of pre-existing and otherwise lawfully assumed jurisdiction.” *Three Affiliated Tribes of Fort Berthold Reservation v. Wold Engineering, P. C.*, 467

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U. S. 138, 150 (1984). The Court’s definitive statement in *Three Affiliated Tribes* about Public Law 280 applies to both civil and criminal jurisdiction. And the Court’s statement follows ineluctably from the statutory text: Public Law 280 contains no language that preempts States’ civil or criminal jurisdiction.

Castro-Huerta separately contends that the enactment of Public Law 280 in 1953 would have been pointless surplusage if States already had concurrent jurisdiction over crimes committed by non-Indians against Indians in Indian country. So he says that, as of 1953, Congress must have assumed that States did not already have concurrent jurisdiction over those crimes. To begin with, assumptions are not laws, and the fact remains that Public Law 280 contains no language preempting state jurisdiction, as the Court already held in *Three Affiliated Tribes*. Apart from that, Public Law 280 encompasses far more than just non-Indian on Indian crimes (the issue here). Public Law 280 also grants States jurisdiction over crimes committed *by Indians*. See Conference of Western Attorneys General, American Indian Law Deskbook §4.6, p. 250–251 (2021 ed.); cf. *Negonsott*, 507 U. S., at 105–107. Absent Public Law 280, state jurisdiction over those Indian-defendant crimes could implicate principles of tribal self-government. See *White Mountain Apache Tribe v. Bracker*, 448 U. S. 136, 142–143 (1980); Part III–B, *infra*. So our resolution of the narrow jurisdictional issue in this case does not negate the significance of Public Law 280 in affording States broad criminal jurisdiction over other crimes committed in Indian country, such as crimes committed by Indians.⁴

⁴ Castro-Huerta also points to several state-specific grants of jurisdiction from 1940 through 1948. See Act of July 2, 1948, ch. 809, 62 Stat. 1224 (New York); Act of June 30, 1948, ch. 759, 62 Stat. 1161 (Iowa); Act of May 31, 1946, ch. 279, 60 Stat. 229 (North Dakota); Act of June 8, 1940, ch. 276, 54 Stat. 249 (Kansas). Those statutes operate similarly to Public Law 280.

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In any event, to the extent that there is any overlap (or even complete overlap) between Public Law 280’s jurisdictional grant and some of the States’ preexisting jurisdiction with respect to crimes committed in Indian country, it made good sense for Congress in 1953 to explicitly grant such authority in Public Law 280. The scope of the States’ authority had not previously been resolved by this Court, except in cases such as *McBratney* and *Draper* with respect to non-Indian on non-Indian crimes. Congressional action in the face of such legal uncertainty cannot reasonably be characterized as unnecessary surplusage. See *Nielsen v. Preap*, 586 U. S. ___, ___–___ (2019) (slip op., at 20–21). And finally, even if there is some surplusage, the Court has stated that “[r]edundancy is not a silver bullet” when interpreting statutes. *Rimini Street, Inc. v. Oracle USA, Inc.*, 586 U. S. ___, ___ (2019) (slip op., at 11).

In sum, Public Law 280 does not preempt state authority to prosecute crimes committed by non-Indians against Indians in Indian country.

B

Applying what has been referred to as the *Bracker* balancing test, this Court has recognized that even when federal law does not preempt state jurisdiction under ordinary preemption analysis, preemption may still occur if the exercise of state jurisdiction would unlawfully infringe upon tribal self-government. See *Bracker*, 448 U. S., at 142–143; see also *New Mexico v. Mescalero Apache Tribe*, 462 U. S. 324, 333–335 (1983). Under the *Bracker* balancing test, the Court considers tribal interests, federal interests, and state interests. 448 U. S., at 145.⁵

⁵The dissent suggests that we should not reach *Bracker* because Congress has already spoken to the issue and preempted state jurisdiction. *Post*, at 30–32 (opinion of GORSUCH, J.). As already discussed, Congress did not preempt the State’s jurisdiction over crimes committed by non-Indians against Indians in Indian country. Therefore, we proceed to

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Here, *Bracker* does not bar the State from prosecuting crimes committed by non-Indians against Indians in Indian country.

First, the exercise of state jurisdiction here would not infringe on tribal self-government. In particular, a state prosecution of a crime committed by a non-Indian against an Indian would not deprive the tribe of any of its prosecutorial authority. That is because, with exceptions not invoked here, Indian tribes lack criminal jurisdiction to prosecute crimes committed by non-Indians such as Castro-Huerta, even when non-Indians commit crimes against Indians in Indian country. See *Oliphant v. Suquamish Tribe*, 435 U. S. 191, 195 (1978).

Moreover, a state prosecution of a non-Indian does not involve the exercise of state power over any Indian or over any tribe. The only parties to the criminal case are the State and the non-Indian defendant. Therefore, as has been recognized, any tribal self-government “justification for preemption of state jurisdiction” would be “problematic.” American Indian Law Deskbook §4.8, at 260; see *Three Affiliated Tribes*, 467 U. S., at 148; see also *Hicks*, 533 U. S., at 364; *McBratney*, 104 U. S., at 623–624; *Draper*, 164 U. S., at 242–243.⁶

Second, a state prosecution of a non-Indian likewise would not harm the federal interest in protecting Indian victims. State prosecution would supplement federal authority, not supplant federal authority. As the United

Bracker balancing to determine whether the exercise of state jurisdiction would unlawfully infringe on tribal self-government.

⁶To the extent that some tribes might have a policy preference for federal jurisdiction or tribal jurisdiction, but not state jurisdiction, over crimes committed by non-Indians in Indian country, that policy preference does not factor into the *Bracker* analysis.

Furthermore, this case does not involve the converse situation of a State’s prosecution of crimes committed by an Indian against a non-Indian in Indian country. We express no view on state jurisdiction over a criminal case of that kind.

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States has explained in the past, “recognition of concurrent state jurisdiction” could “facilitate effective law enforcement on the Reservation, and thereby further the federal and tribal interests in protecting Indians and their property against the actions of non-Indians.” Brief for United States as *Amicus Curiae* in *Arizona v. Flint*, O. T. 1988, No. 603, p. 6. The situation might be different if state jurisdiction ousted federal jurisdiction. But because the State’s jurisdiction would be concurrent with federal jurisdiction, a state prosecution would not preclude an earlier or later federal prosecution and would not harm the federal interest in protecting Indian victims.

Third, the State has a strong sovereign interest in ensuring public safety and criminal justice within its territory, and in protecting all crime victims. See *Dibble*, 21 How., at 370. The State also has a strong interest in ensuring that criminal offenders—especially violent offenders—are appropriately punished and do not harm others in the State.

The State’s interest in protecting crime victims includes both Indian and non-Indian victims. If his victim were a non-Indian, Castro-Huerta could be prosecuted by the State, as he acknowledges. But because his victim is an Indian, Castro-Huerta says that he is free from state prosecution. Castro-Huerta’s argument would require this Court to treat Indian victims as second-class citizens. We decline to do so.⁷

⁷ Castro-Huerta notes that many tribes were enemies of States in the 1700s and 1800s. The theory appears to be that States (unlike the Federal Government) cannot be trusted to fairly and aggressively prosecute crimes committed by non-Indians against Indians in 2022. That theory is misplaced for at least two reasons. *First*, the State’s jurisdiction would simply be concurrent with, not exclusive of, the Federal Government’s. If concurrent state jurisdiction somehow poses a problem, Congress can seek to alter it. *Second*, many tribes were also opposed to the *Federal Government* at least as late as the Civil War. Indeed, some of those tribes, including the Cherokees, held black slaves and entered into treaties with the Confederate government. A. Gibson, Native Americans and

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IV

The dissent emphasizes the history of mistreatment of American Indians. But that history does not resolve the legal questions presented in this case. Those questions are: (i) whether Indian country is part of a State or instead is separate and independent from a State; and (ii) if Indian country is part of a State, whether the State has concurrent jurisdiction with the Federal Government to prosecute crimes committed by non-Indians against Indians in Indian country.

The answers to those questions are straightforward. On the first question, as explained above, this Court has repeatedly ruled that Indian country is part of a State, not separate from a State. By contrast, the dissent lifts up the 1832 decision in *Worcester v. Georgia* as a proper exposition of Indian law. But this Court long ago made clear that *Worcester* rested on a mistaken understanding of the relationship between Indian country and the States. The Court has stated that the “general notion drawn from Chief Justice Marshall’s opinion in *Worcester v. Georgia*” “has yielded to closer analysis”: “By 1880 the Court no longer viewed reservations as distinct nations. On the contrary, it was said that a reservation was in many cases a part of the surrounding State or Territory, and subject to its jurisdiction except as forbidden by federal law.” *Organized Village of Kake*, 369 U. S., at 72.

Because Indian country is part of a State, not separate

the Civil War, 9 Am. Indian Q. 4, 385, 388 (1985); 1 F. Cohen, Handbook of Federal Indian Law §4.07(1)(a), p. 289 (2012); see *McGirt v. Oklahoma*, 591 U. S. ___, ___–___ (2020) (ROBERTS, C. J., dissenting) (slip op., at 3–4); *Cherokee Nation v. Nash*, 267 F. Supp. 3d 86, 89–90 (DC 2017). In any event, it is not evident why the pre-Civil War history of tribal discord with States—unconnected from any statutory text—should disable States from exercising jurisdiction in 2022 to ensure that crime victims in state territory are protected under the State’s laws.

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from a State, the second question here—the question regarding the State’s jurisdiction to prosecute Castro-Huerta—is also straightforward. Under the Constitution, States have jurisdiction to prosecute crimes within their territory except when preempted (in a manner consistent with the Constitution) by federal law or by principles of tribal self-government. As we have explained, no federal law preempts the State’s exercise of jurisdiction over crimes committed by non-Indians against Indians in Indian country. And principles of tribal self-government likewise do not preempt state jurisdiction here.

As a corollary to its argument that Indian country is inherently separate from States, the dissent contends that Congress must affirmatively authorize States to exercise jurisdiction in Indian country, even jurisdiction to prosecute crimes committed by non-Indians. But under the Constitution and this Court’s precedents, the default is that States may exercise criminal jurisdiction within their territory. See Amdt. 10. States do not need a permission slip from Congress to exercise their sovereign authority. In other words, the default is that States have criminal jurisdiction in Indian country unless that jurisdiction is *preempted*. In the dissent’s view, by contrast, the default is that States do *not* have criminal jurisdiction in Indian country unless Congress specifically *provides* it. The dissent’s view is inconsistent with the Constitution’s structure, the States’ inherent sovereignty, and the Court’s precedents.

Straying further afield, the dissent seizes on treaties from the 1800s. *Post*, at 18–20, and n. 4 (opinion of GORSUCH, J.).⁸ But those treaties do not preclude state jurisdiction here. The dissent relies heavily on the 1835 Treaty of New Echota, which stated that Indian country

⁸Congress “abolished treaty-making with the Indian nations in 1871 and has itself subjected the tribes to substantial bodies of state and federal law.” *County of Yakima v. Confederated Tribes and Bands of Yakima Nation*, 502 U. S. 251, 257 (1992) (citation omitted).

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was separate from States, and which the dissent says was preserved in relevant part by the 1866 Treaty. See Treaty with the Cherokee (New Echota), Art. 5, Dec. 29, 1835, 7 Stat. 481; Treaty with the Cherokee, July 19, 1866, 14 Stat. 709. But history and legal development did not end in 1866. Some early treaties may have been consistent with the *Worcester*-era theory of separateness. But as relevant here, those treaties have been supplanted: Specific to Oklahoma, those treaties, in relevant part, were formally supplanted no later than the 1906 Act enabling Oklahoma’s statehood. See Oklahoma Enabling Act, ch. 3335, 34 Stat. 267. As this Court has previously concluded, “admission of a State into the Union” “necessarily repeals the provisions of any prior statute, or of any existing treaty” that is inconsistent with the State’s exercise of criminal jurisdiction “throughout the whole of the territory within its limits,” including Indian country, unless the enabling act says otherwise “by express words.” *McBratney*, 104 U. S., at 623–624; see *Draper*, 164 U. S., at 242–246. The Oklahoma Enabling Act contains no such express exception. Therefore, at least since Oklahoma’s statehood in the early 1900s, Indian country has been part of the territory of Oklahoma.

The dissent responds that the language of the 1906 statute enabling Oklahoma’s statehood itself established a jurisdictional division between the State and Indian country. See *post*, at 20–22 (discussing the Oklahoma Enabling Act). That argument is mistaken. This Court long ago explained that interpreting a statehood act to divest a State of jurisdiction over Indian country “wholly situated within [its] geographical boundaries” would undermine “the very nature of the equality conferred on the State by virtue of its admission into the Union.” *Draper*, 164 U. S., at 242–243. So the Court requires clear statutory language “to create an exception” to that “rule.” *Id.*, at 244. To reiterate, the Oklahoma Enabling Act contains no such clear language. Indeed, the Court has interpreted similar statutory language in other

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state enabling acts not to displace state jurisdiction. See *id.*, at 243–247; *Organized Village of Kake*, 369 U. S., at 67–71. In *Organized Village of Kake*, the Court specifically addressed several state enabling acts, including the Oklahoma Enabling Act, and stated that statutory language reserving jurisdiction and control to the United States was meant to preserve federal jurisdiction to the extent that it existed before statehood, not to make federal jurisdiction exclusive. *Id.*, at 67–70. Consistent with that precedent, today’s decision recognizes that the Federal Government and the State have concurrent jurisdiction over crimes committed by non-Indians against Indians in Indian country.⁹

The dissent incorrectly seeks to characterize various aspects of the Court’s decision as dicta. To be clear, the Court today holds that Indian country within a State’s territory is part of a State, not separate from a State. Therefore, a State has jurisdiction to prosecute crimes committed in Indian country unless state jurisdiction is preempted. With respect to crimes committed by non-Indians against Indians in Indian country, the Court today further holds that the General Crimes Act does not preempt the State’s authority to prosecute; that Public Law 280 does not preempt

⁹The dissent characterizes the Court’s opinion in several ways that are not accurate. *Post*, at 38–41. For example, the dissent suggests that States may not exercise jurisdiction over crimes committed by Indians against non-Indians in Indian country—the reverse of the scenario in this case. To reiterate, we do not take a position on that question. See *supra*, at 19, n. 6.

The dissent also hints that the jurisdictional holding of the Court in this case may apply only in Oklahoma. That is incorrect. The Court’s holding is an interpretation of federal law, which applies throughout the United States: Unless preempted, States may exercise jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country.

Finally, the statutory definition of Indian country includes “all Indian allotments, the Indian titles to which have not been extinguished.” See 18 U. S. C. §1151. Therefore, States may prosecute crimes committed by non-Indians against Indians in those allotments.

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the State’s authority to prosecute; that no principle of tribal self-government preempts the State’s authority to prosecute; that the cited treaties do not preempt Oklahoma’s authority to prosecute; and that the Oklahoma Enabling Act does not preempt Oklahoma’s authority to prosecute (indeed, it solidifies the State’s presumptive sovereign authority to prosecute). Comments in the dissenting opinion suggesting anything otherwise “are just that: comments in a dissenting opinion.” *Railroad Retirement Bd. v. Fritz*, 449 U. S. 166, 177, n. 10 (1980).

From start to finish, the dissent employs extraordinary rhetoric in articulating its deeply held policy views about what Indian law should be. The dissent goes so far as to draft a proposed statute for Congress. But this Court’s proper role under Article III of the Constitution is to declare what the law is, not what we think the law should be. The dissent’s views about the jurisdictional question presented in this case are contrary to this Court’s precedents and to the laws enacted by Congress.

* * *

We conclude that the Federal Government and the State have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country. We therefore reverse the judgment of the Oklahoma Court of Criminal Appeals and remand the case for further proceedings not inconsistent with this opinion.

It is so ordered.

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SUPREME COURT OF THE UNITED STATES

No. 21–429

OKLAHOMA, PETITIONER *v.* VICTOR MANUEL
CASTRO-HUERTA

ON WRIT OF CERTIORARI TO THE COURT OF CRIMINAL
APPEALS OF OKLAHOMA

[June 29, 2022]

JUSTICE GORSUCH, with whom JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN join, dissenting.

In 1831, Georgia arrested Samuel Worcester, a white missionary, for preaching to the Cherokee on tribal lands without a license. Really, the prosecution was a show of force—an attempt by the State to demonstrate its authority over tribal lands. Speaking for this Court, Chief Justice Marshall refused to endorse Georgia’s ploy because the State enjoyed no lawful right to govern the territory of a separate sovereign. See *Worcester v. Georgia*, 6 Pet. 515, 561 (1832). The Court’s decision was deeply unpopular, and both Georgia and President Jackson flouted it. But in time, *Worcester* came to be recognized as one of this Court’s finer hours. The decision established a foundational rule that would persist for over 200 years: Native American Tribes retain their sovereignty unless and until Congress ordains otherwise. *Worcester* proved that, even in the “[c]ourts of the conqueror,” the rule of law meant something. *Johnson’s Lessee v. McIntosh*, 8 Wheat. 543, 588 (1823).

Where this Court once stood firm, today it wilts. After the Cherokee’s exile to what became Oklahoma, the federal government promised the Tribe that it would remain forever free from interference by state authorities. Only the Tribe or the federal government could punish crimes by or against tribal members on tribal lands. At various points

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in its history, Oklahoma has chafed at this limitation. Now, the State seeks to claim for itself the power to try crimes by non-Indians against tribal members within the Cherokee Reservation. Where our predecessors refused to participate in one State’s unlawful power grab at the expense of the Cherokee, today’s Court accedes to another’s. Respectfully, I dissent.

I A

Long before our Republic, the Cherokee controlled much of what is now Georgia, North Carolina, South Carolina, and Tennessee. See 1 G. Litton, *History of Oklahoma at the Golden Anniversary of Statehood* 91 (1957) (Litton). The Cherokee were a “distinct, independent political community,” who “retain[ed] their original” sovereign right to “regulat[e] their internal and social relations.” *Santa Clara Pueblo v. Martinez*, 436 U. S. 49, 55 (1978) (internal quotation marks omitted).

As colonists settled coastal areas near Cherokee territory, the Tribe proved a valuable trading partner—and a military threat. See W. Echo-Hawk, *In the Court of the Conqueror* 89 (2010). Recognizing this, Great Britain signed a treaty with the Cherokee in 1730. See 1 Litton 92. As was true of “tributary” and “feudatory states” in Europe, the Cherokee did not cease to be “sovereign and independent” under this arrangement, but retained the right to govern their internal affairs. E. de Vattel, *Law of Nations* 60–61 (1805); see *Worcester*, 6 Pet., at 561. Meanwhile, under British law the crown possessed “centraliz[ed]” authority over diplomacy with Tribes to the exclusion of colonial governments. See C. Berkey, *United States–Indian Relations: The Constitutional Basis*, in *Exiled in the Land of the Free* 192 (H. Lyons ed. 1992).

Ultimately, the American Revolution replaced that legal framework with a similar one. When the delegates drafted

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the Articles of Confederation, they debated whether the national or state authorities should manage Indian affairs. See 6 Journals of the Continental Congress, 1774–1789, pp. 1077–1079 (W. Ford ed. 1906). The resulting compromise proved unworkable. The Articles granted Congress the “sole and exclusive right and power of . . . regulating the trade and managing all affairs with the Indians.” Art. IX. But the Articles undermined that assignment by further providing that “the legislative right of any state[,] within its own limits,” could not be “infringed or violated.” *Ibid.* Together, these provisions led to battles between national and state governments over who could oversee relations with various Tribes. See G. Ablavsky, Beyond the Indian Commerce Clause, 124 Yale L. J. 1012, 1033–1035 (2015) (Ablavsky). James Madison later complained that the Articles’ division of authority over Indian affairs had “endeavored to accomplish [an] impossibilit[y]; to reconcile a partial sovereignty in the Union, with complete sovereignty in the States.” The Federalist No. 42, p. 269 (C. Rossiter ed. 1961).

When the framers convened to draft a new Constitution, this problem was among those they sought to resolve. To that end, they gave the federal government “broad general powers” over Indian affairs. *United States v. Lara*, 541 U. S. 193, 200 (2004). The Constitution afforded Congress authority to make war and negotiate treaties with the Tribes. See Art. I, § 8; Art. VI, cl. 2. It barred States from doing either of these things. See Art. I, § 10. And the Constitution granted Congress the power to “regulate Commerce . . . with the Indian Tribes.” Art. I, § 8, cl. 3. Nor did the Constitution replicate the Articles’ carveout for state power over Tribes within their borders. Madison praised this change, contending that the new federal government would be “very properly unfettered” from this prior “limitatio[n].” The Federalist No. 42, at 268. Antifederalist Abraham Yates agreed (but bemoaned) that the Constitution “totally surrender[ed] into the hands of Congress the

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management and regulation of the Indian affairs.” Letter to the Citizens of the State of New York (June 13–14, 1788), in 20 Documentary History of the Ratification of the Constitution 1153, 1158 (J. Kaminski et al. eds. 2004).

Consistent with that view, “the Washington Administration insisted that the federal government enjoyed exclusive constitutional authority” over tribal relations. Ablavsky 1019. The new Administration understood, too, that Tribes remained otherwise free to govern their internal affairs without state interference. See *id.*, at 1041–1042, 1065–1067. In a letter to the Governor of Pennsylvania, President Washington stated curtly that “the United States . . . posses[es] the only authority of regulating an intercourse with [the Indians], and redressing their grievances.” Letter to T. Mifflin (Sept. 4, 1790), in 6 Papers of George Washington: Presidential Series 396 (D. Twohig ed. 1996). Even Thomas Jefferson, the great defender of the States’ powers, agreed that “under the present Constitution” no “State [has] a right to Treat with the Indians without the consent of the General Government.” Letter to H. Knox (Aug. 10, 1791), in 22 Papers of Thomas Jefferson 27 (C. Cullen, E. Sheridan, & R Lester eds. 1986).

Nor was this view confined to the Executive Branch. Congress quickly exercised its new constitutional authority. In 1790, it enacted the first Indian Trade and Intercourse Act, which pervasively regulated commercial and social exchanges among Indians and non-Indians. Ch. 33, 1 Stat. 137. Congress also provided for federal jurisdiction over crimes by non-Indians against Indians on tribal lands. §§ 5–6, *id.*, at 138. States, too, recognized their lack of authority. See Ablavsky 1019, 1043. In 1789, South Carolina Governor Charles Pinckney acknowledged to Washington that “the sole management of India[n] affairs is now committed” to “the general Government.” Letter to G. Washington (Dec. 14), in 4 Papers of George Washington: Presidential Series 401, 404 (D. Twohig ed. 1993). Initially, even

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Georgia took the same view. See Letter from Georgia House of Representatives to Governor Edward Telfair (June 10, 1790), in 3 Documentary History of the Ratification of the Constitution: Delaware, New Jersey, Georgia, and Connecticut 178 (M. Jensen ed. 1978) (Microform Supp. Doc. No. 50).

It was against this background that Chief Justice Marshall faced *Worcester*. After gold was discovered in Cherokee territory in the 1820s, Georgia’s Legislature enacted laws designed to “seize [the] whole Cherokee country, parcel it out among the neighboring counties of the state . . . abolish [the Tribe’s] institutions and its laws, and annihilate its political existence.” *Worcester*, 6 Pet., at 542. Like Oklahoma today, Georgia also purported to extend its criminal laws to Cherokee lands. See *ibid.*; see also S. Breyer, The Cherokee Indians and the Supreme Court, 87 The Georgia Historical Q. 408, 416–418 (2003) (Breyer). In refusing to sanction Georgia’s power grab, this Court explained that the State’s “assertion of jurisdiction over the Cherokee nation” was “void,” because under our Constitution only the federal government possessed the power to manage relations with the Tribe. *Worcester*, 6 Pet., at 542, 561–562.

B

Two years later, and exercising its authority to regulate tribal affairs in the shadow of *Worcester*, Congress adopted the General Crimes Act of 1834 (GCA). That law extended federal criminal jurisdiction to tribal lands for certain crimes and, in doing so, served two apparent purposes. First, as a “courtesy” to the Tribes, the law represented a promise by the federal government “to punish crimes . . . committed . . . by and against our own [non-Indian] citizens.” H. Rep. No. 474, 23d Cong., 1st Sess., 13 (1834) (H. Rep. No. 474). That jurisdictional arrangement was also

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consistent with, and even seemingly compelled by, the federal government's treaties with various Tribes. See F. Cohen, Handbook of Federal Indian Law 731 (N. Newton et al. eds. 2005) (Cohen); R. Clinton, Development of Criminal Jurisdiction Over Indian Lands: The Historical Perspective, 17 Ariz. L. Rev. 951, 958–962 (1975) (Clinton). Second, because *Worcester* held that States lacked criminal jurisdiction on tribal lands, Congress sought to ensure a federal forum for crimes committed by and against non-Indians. See H. Rep. No. 474, at 13. Otherwise, Congress understood, non-Indian settlers would be subject to tribal jurisdiction alone. See *id.*, at 13, 18; R. Barsh & J. Henderson, The Betrayal, *Oliphant v. Suquamish Indian Tribe* and the Hunting of the Snark, 63 Minn. L. Rev. 609, 625–626 (1979). Congress reenacted the GCA in 1948 with minor amendments, but it remains in force today more or less in its original form. See 18 U. S. C. § 1152 (1946 ed., Supp. II).

Shortly after it adopted the GCA, the Senate ratified the Treaty of New Echota with the Cherokee in 1836. After the Tribe's removal from Georgia, the United States promised the Cherokee that they would enjoy a new home in the West where they could “establish . . . a government of their choice.” Treaty with the Cherokee, Preamble, Dec. 29, 1835, 7 Stat. 478. Acknowledging the Tribe's past “difficulties . . . under the jurisdiction and laws of the State Governments,” the treaty also pledged that the Tribe would remain forever free from “State sovereignties.” *Ibid.*; see Art. 5, *id.*, at 481. These promises constituted an “indemnity,” guaranteed by “*the faith of the nation*,” that “[t]he United States and the Indian tribes [would be] the sole parties” with power on new western reservations like the Cherokee's. H. Rep. No. 474, at 18 (emphasis in original).

Over time, Congress revised some of these arrangements. In 1885, dissatisfied with how the Sioux Tribe responded to the murder of a tribal member, Congress adopted the Major

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Crimes Act (MCA). See R. Anderson, S. Krakoff, & B. Berger, *American Indian Law: Cases and Commentary* 90–96 (4th ed. 2008) (Anderson). There, Congress directed that, moving forward, only the federal government, not the Tribes, could prosecute certain serious offenses by tribal members on tribal lands. See 18 U. S. C. § 1153(a). On its own initiative, this Court then went a step further. Relying on language in certain laws admitting specific States to the Union, the Court held that States were now entitled to prosecute crimes by non-Indians against non-Indians on tribal lands. See *United States v. McBratney*, 104 U. S. 621, 623 (1882); *Draper v. United States*, 164 U. S. 240, 243, 247 (1896). Through all these developments, however, at least one promise remained: States could play no role in the prosecution of crimes by or against Native Americans on tribal lands. See *Williams v. Lee*, 358 U. S. 217, 220 (1959).

In 1906, Congress reaffirmed this promise to the Cherokee in Oklahoma. As a condition of its admission to the Union, Congress required Oklahoma to “declare that [it] forever disclaim[s] all right and title in or to . . . all lands lying within [the State’s] limits owned or held by any Indian, tribe, or nation.” 34 Stat. 270. Instead, Congress provided that tribal lands would “remain subject to the jurisdiction, disposal, and control of the United States.” *Ibid.* As if the point wasn’t clear enough, Congress further provided that “nothing contained in the [new Oklahoma state] constitution shall be construed to . . . limit or affect the authority of the Government of the United States . . . respecting [the State’s] Indians . . . which it would have been competent to make if this Act had never been passed.” *Id.*, at 267–268. The following year, Oklahoma adopted a State Constitution consistent with Congress’s instructions. Art. I, § 3; see also Clinton 961.

In the years that followed, certain States sought arrangements different from Oklahoma’s. And once more, Congress intervened. In 1940, Kansas asked for and received

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permission from Congress to exercise jurisdiction over crimes “by or against Indians” on tribal lands. 18 U. S. C. § 3243. Through the rest of the decade, Congress experimented with similar laws for New York, Iowa, and North Dakota.¹ Then, in 1953, Congress adopted Public Law 280. That statute granted five additional States criminal “jurisdiction over offenses . . . by or against Indians” and established procedures by which further States could secure the same authority. See ch. 505, § 2, 67 Stat. 588. Ultimately, however, some of these arrangements proved unpopular. Not only with affected Tribes. See C. Goldberg-Ambrose, Public Law 280 and the Problem of Lawlessness in California Indian Country, 44 UCLA L. Rev. 1405, 1406–1407 (1997) (Goldberg-Ambrose). These arrangements also proved unpopular with certain States that viewed their new law enforcement responsibilities on tribal lands as unfunded federal mandates. See Anderson 436. A few States even renounced their Public Law 280 jurisdiction. See Cohen 579.

By 1968, the federal government came to conclude that, “as a matter of justice and as a matter of enlightened social policy,” the “time ha[d] come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.” Richard M. Nixon, Special Message on Indian Affairs (July 8, 1970). Consistent with that vision, Congress amended Public Law 280 to require tribal consent before any State could assume jurisdiction over crimes by or against Indians on tribal lands. Act of Apr. 11, 1968, § 401, 82 Stat. 78, § 406, *id.*, at 80 (25 U. S. C. §§ 1321(a), 1326). Recognizing that certain States’ enabling acts barred state

¹ See Act of July 2, 1948, ch. 809, 62 Stat. 1224 (25 U. S. C. § 232) (New York); Act of June 30, 1948, ch. 759, 62 Stat. 1161 (Iowa), repealed, Act of Dec. 11, 2018, Pub. L. 115–301, 132 Stat. 4395; Act of May 31, 1946, ch. 279, 60 Stat. 229 (North Dakota).

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authority on tribal lands and required States to adopt constitutional provisions guaranteeing as much, Congress also authorized States to “amend, where necessary, their State constitution or . . . statutes.” § 404, 82 Stat. 79 (25 U. S. C. § 1324). In doing so, however, Congress emphasized that affected States could not assume jurisdiction to prosecute offenses by or against tribal members on tribal lands until they “appropriately amended their State constitution or statutes.” *Ibid.* To date, Oklahoma has not amended its state constitutional provisions disclaiming jurisdiction over tribal lands. Nor has Oklahoma sought or obtained tribal consent to the exercise of its jurisdiction. See *The Honorable E. Kelly Haney*, 22 Okla. Op. Atty. Gen. No. 90–32, 72, 1991 WL 567868, *1 (Mar. 1, 1991) (*Haney*). Thus, Oklahoma has remained, in Congress’s words, a State “not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within” its borders. 25 U. S. C. § 1321(a).

C

Rather than seek tribal consent pursuant to Public Law 280 or persuade Congress to adopt a state-specific statute authorizing it to prosecute crimes by or against tribal members on tribal lands, Oklahoma has chosen a different path. In the decades following statehood, many settlers engaged in schemes to seize Indian lands and mineral rights by subterfuge. See *A. Debo, And Still the Waters Run* 92–125 (1940) (*Debo*). These schemes resulted in “the bulk of the landed wealth of the Indians” ending up in the hands of the new settlers. See *ibid.*; see also *id.*, at 181–202. State officials and courts were sometimes complicit in the process. See *id.*, at 182–183, 185, 195–196. For years, too, Oklahoma courts asserted the power to hear criminal cases involving Native Americans on lands allotted to and owned by tribal members despite the contrary commands of the Oklahoma Enabling Act and the State’s own constitution.

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The State only disavowed that practice in 1991, after defeats in state and federal court. See *Haney*, 1991 WL 567868, *1–*3; see also *State v. Klindt*, 782 P. 2d 401, 404 (Okla. Crim. App. 1989); *Ross v. Neff*, 905 F. 2d 1349, 1353 (CA10 1990).

Still, it seems old habits die slowly. Even after renouncing the power to try criminal cases involving Native Americans on *allotted* tribal lands, Oklahoma continued to claim the power to prosecute crimes by or against Native Americans within tribal *reservations*. The State did so on the theory that at some (unspecified) point in the past, Congress had disestablished those reservations. In *McGirt v. Oklahoma*, this Court rejected that argument in a case involving the Muscogee (Creek) Tribe. 591 U. S. ___, ___ (2020) (slip op., at 1). We explained that Congress had never disestablished the Creek Reservation. Nor were we willing to usurp Congress’s authority and disestablish that reservation by a lawless act of judicial fiat. See *id.*, at ___ (slip op., at 42). Accordingly, only federal and tribal authorities were lawfully entitled to try crimes by or against Native Americans within the Tribe’s reservation. *Ibid.* Following *McGirt*, Oklahoma’s courts recognized that what held true for the Creek also held true for the Cherokee: Congress had never disestablished its reservation and, accordingly, the State lacked authority to try offenses by or against tribal members within the Cherokee Reservation. See *Spears v. State*, 2021 OK CR 7, ¶¶ 10–14, 485 P. 3d 873, 876–877.

Once more, Oklahoma could have responded to this development by asking Congress for state-specific legislation authorizing it to exercise criminal jurisdiction on tribal lands, as Kansas and various other States have done. The State could have employed the procedures of Public Law 280 to amend its own laws and obtain tribal consent. Instead, Oklahoma responded with a media and litigation campaign seeking to portray reservations within its State—where federal and tribal authorities may prosecute crimes

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by and against tribal members and Oklahoma can pursue cases involving only non-Indians—as lawless dystopias. See Brief for Cherokee Nation et al. as *Amici Curiae* 18 (Cherokee Brief) (“The State’s tale of a criminal dystopia in eastern Oklahoma is just that: A tale”).

That effort culminated in this case. In it, Oklahoma has pursued alternative lines of argument. First, the State has asked this Court to revisit *McGirt* and unilaterally eliminate all reservations in Oklahoma. Second, the State has argued that it enjoys a previously unrecognized “inherent” authority to try crimes within reservation boundaries by non-Indians against tribal members—a claim Oklahoma’s own courts have rejected. See *Bosse v. State*, 2021 OK CR 3, 484 P. 3d 286, 294–295.

Ultimately, this Court declined to entertain the State’s first argument but agreed to review the second. Nominally, the question comes to us in a case involving Victor Castro-Huerta, a non-Indian who abused his Cherokee stepdaughter within the Tribe’s reservation. Initially, a state court convicted him for a state crime. After *McGirt*, the Oklahoma Court of Criminal Appeals determined that his conviction was invalid because only federal and tribal officials possess authority to prosecute crimes by or against Native Americans on the Cherokee Reservation. See App. to Pet. for Cert. 4a. The federal government swiftly reindicted Mr. Castro-Huerta, and a federal court again found him guilty. Now before us, Oklahoma seeks to undo Mr. Castro-Huerta’s federal conviction and have him transferred from federal prison to a state facility to resume his state sentence.

Really, though, this case has less to do with where Mr. Castro-Huerta serves his time and much more to do with Oklahoma’s effort to gain a legal foothold for its wish to exercise jurisdiction over crimes involving tribal members on tribal lands. To succeed, Oklahoma must disavow adverse rulings from its own courts; disregard its 1991 recognition

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that it lacks legal authority to try cases of this sort; and ignore fundamental principles of tribal sovereignty, a treaty, the Oklahoma Enabling Act, its own state constitution, and Public Law 280. Oklahoma must pursue a proposition so novel and so unlikely that in over two centuries not a single State has successfully attempted it in this Court. Incredibly, too, the defense of tribal interests against the State’s gambit falls to a non-Indian criminal defendant. The real party in interest here isn’t Mr. Castro-Huerta but the Cherokee, a Tribe of 400,000 members with its own government. Yet the Cherokee have no voice as parties in these proceedings; they and other Tribes are relegated to the filing of *amicus* briefs.

II

A

Today the Court rules for Oklahoma. In doing so, the Court announces that, when it comes to crimes by non-Indians against tribal members within tribal reservations, Oklahoma may “exercise jurisdiction.” *Ante*, at 4. But this declaration comes as if by oracle, without any sense of the history recounted above and unattached to any colorable legal authority. Truly, a more ahistorical and mistaken statement of Indian law would be hard to fathom.

The source of the Court’s error is foundational. Through most of its opinion, the Court proceeds on the premise that Oklahoma possesses “inherent” sovereign power to prosecute crimes on tribal reservations until and unless Congress “preempt[s]” that authority. *Ante*, at 5–18. The Court emphasizes that States normally wield broad police powers within their borders absent some preemptive federal law. See *ante*, at 4–6; see also *Virginia Uranium, Inc. v. Warren*, 587 U. S. ___, ___ (2019) (lead opinion) (slip op., at 12).

But the effort to wedge Tribes into that paradigm is a category error. Tribes are not private organizations within

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state boundaries. Their reservations are not glorified private campgrounds. Tribes are sovereigns. And the preemption rule applicable to them is exactly the opposite of the normal rule. Tribal sovereignty means that the criminal laws of the States “can have no force” on tribal members within tribal bounds unless and until Congress clearly ordains otherwise. *Worcester*, 6 Pet., at 561. After all, the power to punish crimes by or against one’s own citizens within one’s own territory to the exclusion of other authorities is and has always been among the most essential attributes of sovereignty. See, e.g., *Wilson v. Girard*, 354 U. S. 524, 529 (1957) (*per curiam*) (“A sovereign nation has exclusive jurisdiction to punish offenses against its laws committed within its borders”); see also *Schooner Exchange v. McFaddon*, 7 Cranch 116, 136 (1812); E. de Vattel, *Law of Nations* 81–82 (1835 ed.).

Nor is this “‘notion,’” *ante*, at 5, some discarded artifact of a bygone era. To be sure, Washington, Jefferson, Marshall, and so many others at the Nation’s founding appreciated the sovereign status of Native American Tribes. See Part I–A, *supra*. But this Court’s own cases have consistently reaffirmed the point. Just weeks ago, the Court held that federal prosecutors did not violate the Double Jeopardy Clause based on the essential premise that tribal criminal law is the product of a “separate sovereig[n]” exercising its own “retained sovereignty.” *Denezpi v. United States*, 596 U. S. ___, ___ (2022) (slip op., at 6) (internal quotation marks omitted). Recently, too, this Court confirmed that Tribes enjoy sovereign immunity from suit. See *Michigan v. Bay Mills Indian Community*, 572 U. S. 782, 788–789 (2014). Throughout our history, “the basic policy of *Worcester*” that Tribes are separate sovereigns “has remained.” *Williams v. Lee*, 358 U. S., at 219.²

²See also *Ysleta del Sur Pueblo v. Texas*, 596 U. S. ___, ___ (2022) (slip

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Because Tribes are sovereigns, this Court has consistently recognized that the usual “standards of pre-emption” are “unhelpful.” *White Mountain Apache Tribe v. Bracker*, 448 U. S. 136, 143 (1980); see also *Cotton Petroleum Corp. v. New Mexico*, 490 U. S. 163, 176 (1989); *Moe v. Confederated Salish and Kootenai Tribes of Flathead Reservation*, 425 U. S. 463, 475–476 (1976); *McClanahan v. Arizona Tax Comm’n*, 411 U. S. 164, 170–172 (1973). In typical preemption cases, courts “start with the assumption” that Congress has not displaced state authority. *Rice v. Santa Fe Elevator Corp.*, 331 U. S. 218, 230 (1947). But when a State tries to regulate tribal affairs, the same “backdrop” does not apply because Tribes have a “claim to sovereignty [that] long pre-dates that of our own Government.” *McClanahan*, 411 U. S., at 172; see also *Bracker*, 448 U. S., at 143. So instead of searching for an Act of Congress *displacing* state authority, our cases require a search for federal legislation *confer-ring* state authority: “[U]nless and until Congress acts, the tribes retain their historic sovereign authority.” *Bay Mills Indian Community*, 572 U. S., at 788 (internal quotation marks omitted); see *United States v. Cooley*, 593 U. S. ___, ___–___ (2021) (slip op., at 3–4) (instructing courts to ask if a “treaty or statute has explicitly divested Indian tribes of the . . . authority at issue”); Anderson 317. What is more, courts must “tread lightly” before concluding Congress has abrogated tribal sovereignty in favor of state authority. *Santa Clara Pueblo*, 436 U. S., at 60. Any ambiguities in

op., at 1); *United States v. Cooley*, 593 U. S. ___, ___–___ (2021) (slip op., at 3–4); *Oklahoma Tax Comm’n v. Citizen Band Potawatomi Tribe of Okla.*, 498 U. S. 505, 509 (1991); *United States v. Wheeler*, 435 U. S. 313, 322–323 (1978); *Santa Clara Pueblo v. Martinez*, 436 U. S. 49, 56 (1978); *United States v. Mazurie*, 419 U. S. 544, 557 (1975); *Talton v. Mayes*, 163 U. S. 376, 383–384 (1896); *United States v. Kagama*, 118 U. S. 375, 381–382 (1886); *Cherokee Nation v. Georgia*, 5 Pet. 1, 17 (1831).

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Congress’s work must be resolved in favor of tribal sovereignty and against state power. See *ibid.*; see also *Cotton Petroleum*, 490 U. S., at 177. And, if anything, these rules bear special force in the criminal context, which lies at the heart of tribal sovereignty and in which Congress “has provided a nearly comprehensive set of statutes allocating criminal jurisdiction” among federal, tribal, and state authorities. *Cohen* 527.³

B

From 1834 to 1968, Congress adopted a series of laws governing criminal jurisdiction on tribal lands. Those laws are many, detailed, and clear. Each operates against the backdrop understanding that Tribes are sovereign and that in our constitutional order only Congress may displace their authority. Nor does anything in Congress’s work begin to confer on Oklahoma the authority it seeks.

1

Start with the GCA, first adopted by Congress in 1834

³In the *civil* context, Congress has not always provided comprehensive rules allocating jurisdiction. See *Cohen* 527. In light of that fact, this Court has, in “exception[al]” cases, *id.*, at 524, allowed certain state laws to apply on tribal lands without express congressional approval, see, *e.g.*, *Washington v. Confederated Tribes of Colville Reservation*, 447 U. S. 134, 154–159 (1980). But even in the civil context this Court has proceeded against the backdrop of tribal sovereignty, followed the presumption against state authority, sought to abide its own repeated admonitions to tread cautiously, and generally refused to consider competing state interests. See, *e.g.*, *White Mountain Apache Tribe v. Bracker*, 448 U. S. 136, 143–144 (1980); *Cohen* 520–525. So, for example, in *Confederated Tribes*, this Court allowed the application of a state civil law only on a showing that the State sought to regulate market activities with primarily off-reservation effects and “in which the Tribes ha[d no] significant interest.” 447 U. S., at 152. Meanwhile, in *Bracker* this Court refused to permit a State to apply its civil tax laws on tribal lands even though Congress had not expressly prohibited the State from doing so. 448 U. S., at 143.

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and most recently reenacted in 1948. The GCA provides:

“Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to Indian Country.

This section shall not extend to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.” 18 U. S. C. § 1152.

As recounted above, Congress adopted the GCA in the aftermath of *Worcester*’s holding that the federal government alone may regulate tribal affairs and States do not possess inherent authority to apply their criminal laws on tribal lands. Responding to that decision, Congress did not choose to exercise its authority to allow state jurisdiction on tribal lands. Far from it. Congress chose only to extend *federal* law to tribal lands—and even then only for certain crimes involving non-Indian settlers. Otherwise, Congress recognized, those settlers might be subject to *tribal* criminal jurisdiction alone. See Part I–B, *supra*. Several features of the law confirm this understanding. Take just three.

First, the GCA compares “Indian country” to “place[s] within the sole and exclusive jurisdiction of the United States.” § 1152. The latter category refers to federal enclaves like national parks and military bases that the Constitution places under exclusive federal control. See Art. I, § 8, cl. 17; *United States v. Cowboy*, 694 F. 2d 1228, 1234 (CA10 1982); see also *Ex parte Crow Dog*, 109 U. S. 556, 567

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(1883). And state laws generally do not apply in federal enclaves. See, e.g., *Fort Leavenworth R. Co. v. Lowe*, 114 U. S. 525, 532–533 (1885). Rather than unambiguously endow States with any sort of prosecutorial authority on tribal lands, the GCA thus makes plain that tribal lands are to be treated like federal enclaves subject to federal, not state, control.

Second, the GCA provides that the “general laws of the United States as to the punishment of offenses” shall apply on tribal lands. § 1152. Again, nothing here purports to extend state criminal laws to tribal lands. Quite the contrary. It would hardly make sense to apply federal general criminal law—to address all crimes ranging from murder to jaywalking—if state general criminal law already did the job. Traditionally, this Court does not assume multiple “sets of [general] criminal laws” apply to those subject to federal protection. *Lewis v. United States*, 523 U. S. 155, 163 (1998). Instead, when Congress converts an area into a federal enclave, we usually presume later-enacted state law “does not apply.” *Parker Drilling Management Services, Ltd. v. Newton*, 587 U. S. ___, ___ (2019) (slip op., at 9).

Third, after applying the federal government’s general criminal laws to tribal lands, the GCA carves out some exceptions. It provides that federal law “shall not extend” to crimes involving only Indians, crimes by Indians where the perpetrator “has been punished by the local law of the tribe,” or where a treaty grants a Tribe exclusive jurisdiction. § 1152. These exceptions ensure that the federal government does not meddle in cases most likely to implicate tribal sovereignty. And it defies the imagination to think Congress would have taken such care to limit federal authority over these most sensitive cases while (somewhere, somehow) leaving States, so often the Tribes’ “deadliest enemies,” to enjoy free rein. *United States v. Kagama*, 118 U. S. 375, 384 (1886).

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2

When Congress enacted the MCA in 1885, it proceeded once more against the “backdrop” rule that only tribal criminal law applies on tribal lands, that States enjoy no inherent authority to prosecute cases on tribal lands, and that only Congress may displace tribal power. Nor, once more, did Congress’s new legislation purport to allow States to prosecute crimes on tribal lands. In response to concerns with how tribal authorities were handling major crimes committed by tribal members, in the MCA Congress took a step beyond the GCA and instructed that, in the future, the *federal* government would have “exclusive jurisdiction” to prosecute certain crimes by Indian defendants on tribal lands. 18 U. S. C. § 1153(a); see also Part I–B, *supra*. Here again, Congress’s work hardly would have been necessary or made sense if States already possessed jurisdiction to try crimes by or against Indians on tribal reservations. Plainly, Congress’s “purpose” in adopting the MCA was to answer the “objection” that major crimes by tribal members on tribal lands would otherwise be subject to prosecution by tribal authorities alone. See *Kagama*, 118 U. S., at 383–385.

3

Consider next the Treaty of New Echota and the Oklahoma Enabling Act. In 1835, the United States entered into a treaty with the Cherokee. In that treaty, the Nation promised that, within a new reservation in what was to become Oklahoma, the Tribe would enjoy the right to govern itself and remain forever free from “State sovereignties” and “the jurisdiction of any State.” Treaty with the Cherokee, Preamble, 7 Stat. 478. This Court has instructed that tribal treaties must be interpreted as they “would naturally be understood by the Indians” at ratification. *Herrera v. Wyoming*, 587 U. S. ___, ___ (2019) (slip op., at 19) (internal

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quotation marks omitted). And having just lost their traditional homelands to Georgia, who can doubt that the Cherokee understood this promise as a guarantee that they would retain their sovereign authority over crimes by or against tribal members subject only to federal, not state, law? That was certainly the contemporaneous understanding of the House Committee on Indian Affairs, which observed that “[t]he United States and the Indian tribes [would be] the sole parties” with power over new reservations in the West. H. Rep. No. 474, at 18; see also Part I–B, *supra*. This Court has long shared the same view. “By treaties and statutes,” the Court has said, “the right of the Cherokee [N]ation to exist as an autonomous body, subject always to the paramount authority of the United States, has been recognized.” *Talton v. Mayes*, 163 U. S. 376, 379–380 (1896).⁴

⁴In a fleeting aside, the Court suggests that the treaty was “supplanted” by the Oklahoma Enabling Act in 1906, which endowed the State with “inherent” authority to try crimes by or against tribal members on tribal lands. *Ante*, at 22–23. But the Court cites no proof for its *ipse dixit*, nor could it. As we shall see, Congress took pains to abide its treaty promises when it adopted the Oklahoma Enabling Act and has never revoked them. Nor may this Court abrogate treaties or statutes by wishing them away in passing remarks. In a Nation governed by the rule of law, not men (or willful judges), only Congress may withdraw this Nation’s treaty promises or revise its written laws. See *McGirt v. Oklahoma*, 591 U. S. ___, ___ (2020) (slip op., at 7). Even on its own terms, too, the Court’s discussion of the treaty turns out to be dicta. In the end, the Court abandons any suggestion that, with its admission to the Union, the Cherokee’s treaties somehow evaporated and Oklahoma gained an “inherent” right to prosecute crimes by or against tribal members on tribal lands. Instead, the Court resorts to a case-specific “balancing test” that acknowledges state law may not apply on tribal lands even in the absence of a preemptive statute. See Part III–A, *infra*.

In the course of its dicta on the treaty, the Court highlights still two other irrelevant facts—that the Cherokee engaged in treaties with the Confederacy during the Civil War and that “Congress abolished treaty-making with the Indian nations in 1871.” *Ante*, at 21, n. 7, 22, n. 8

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In 1906, Congress sought to deliver on its treaty promises when it adopted the Oklahoma Enabling Act. That law paved the way for the new State’s admission to the Union. But in doing so, Congress took care to require Oklahoma to “agree and declare” that it would “forever disclaim all right and title in or to . . . all lands lying within [the State’s] limits owned or held by any Indian, tribe, or nation.” 34 Stat. 270. Instead of granting the State some new power to prosecute crimes by or against tribal members, Congress insisted that tribal lands “shall be and remain subject to the jurisdiction, disposal, and control of the United States.” *Ibid.* Oklahoma complied with Congress’s instructions by adopting both of these commitments verbatim in its Constitution. Art. I, § 3.

Underscoring the nature of this arrangement, the Enabling Act further provided that “nothing contained in the

(internal quotation marks omitted). In truth, while some members of the Tribe did side with the Confederacy, others fought for the Union. See 1 Litton 222, 224, 239. Regardless, after the Civil War the federal government punished the entire Tribe by stripping some of its lands in the 1866 Treaty of Washington. See *id.*, at 245. But that pact did not terminate the government’s other existing treaty promises. To the contrary, the new treaty expressly confirmed that “[a]ll provisions of treaties, heretofore ratified . . . and not inconsistent with the provisions of this treaty, are hereby reaffirmed.” Treaty with the Cherokee, Art. XXXI, 14 Stat. 806. As for the 1871 statute the Court cites, it makes plain that “nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any . . . Indian nation or tribe.” 16 Stat. 566. Recognizing as much, this Court in 1896 expressly recognized that the Tribe’s “guarantee of self-government” in the Treaty of New Echota remained in force. *Talton*, 163 U. S., at 380. In the years since, this Court and others have recognized the continuing vitality of various aspects of the treaty too. See, e.g., *Choctaw Nation v. Oklahoma*, 397 U. S. 620, 628 (1970); *EEOC v. Cherokee Nation*, 871 F. 2d 937, 938 (CA10 1989). And in this very case, the federal government has confirmed that the Nation’s treaties continue to “protect” the Tribe. See Tr. of Oral Arg. 121.

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[Oklahoma] constitution shall be construed . . . to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make *if this Act had never been passed*.” 34 Stat. 267–268 (emphasis added). Prior to statehood, too, no one could have questioned Congress’s exclusive authority to regulate tribal lands and affairs in the Oklahoma territory. See, e.g., U. S. Const., Art. IV; *Kagama*, 118 U. S., at 380 (citing federal government’s “exclusive sovereignty” over federal territories); *Simms v. Simms*, 175 U. S. 162, 168 (1899) (“In the Territories of the United States, Congress has the entire dominion and sovereignty, . . . Federal and state”); *Harjo v. Kleppe*, 420 F. Supp. 1110, 1121 (DC 1976) (federal courts had pre-statehood jurisdiction); Clinton 960–962. The Oklahoma Enabling Act and the commitments it demanded in the new Oklahoma Constitution sought to maintain this status quo.

Recognizing the point, this Court has explained that, “[i]n passing the enabling act for the admission of the State of Oklahoma . . . Congress was careful to preserve the authority of the Government of the United States over the Indians, their lands and property, *which it had prior to the passage of the act*.” *Tiger v. Western Investment Co.*, 221 U. S. 286, 309 (1911) (emphasis added). This Court has explained, too, that the “grant of statehood” to Oklahoma did nothing to disturb “the long-settled rule” that the “guardianship of the United States” over Native American Tribes in Oklahoma “has not been abandoned.” *United States v. Ramsey*, 271 U. S. 467, 469 (1926). Instead, this Court has acknowledged, the federal government’s “authority in respect of crimes committed by or against Indians continued after the admission of the state as it was before.” *Ibid.* In fact, the Court has long interpreted nearly identical language in the

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Arizona Enabling Act—enacted close in time to its Oklahoma counterpart—as reinforcing the traditional rule “that the States lac[k] jurisdiction” on tribal lands over crimes by or against Native Americans. *McClanahan*, 411 U. S., at 175; see also *Warren Trading Post Co. v. Arizona Tax Comm’n*, 380 U. S. 685, 687, n. 3 (1965).⁵

4

The few occasions on which Congress has even arguably authorized the application of state criminal law on tribal reservations still do not come anywhere near granting Oklahoma the power it seeks. In the late 1800s, this Court in

⁵In places, the Court seems to suggest that the Oklahoma Enabling Act endowed the State with “inherent” jurisdiction to try any crime committed within its borders. See *ante*, at 22–23. But in the end the Court abandons any suggestion that with statehood Oklahoma gained an inherent right to try cases involving tribal members within tribal bounds. See Part III–A, *infra*. So, once more, the Court’s discussion of the Oklahoma Enabling Act turns out to be dicta future litigants are free to correct. Much correction is warranted. Not only does the Court fail to quote, let alone offer any analysis of, the relevant statutory text. Its suggestion that the Oklahoma Enabling Act granted the State criminal jurisdiction over tribal lands would require us to suppose that Congress abrogated two treaties with the Cherokee without ever saying so—an interpretation that would grossly defy our Nation’s promises and this Court’s obligation to read congressional work as a harmonious whole. Reading the Oklahoma Enabling Act in line with the Court’s ill-considered dicta would also defy this Court’s longstanding precedents in *Tiger*, *Ramsey*, and *McClanahan*. Of course, the Court tries to invoke *McBratney* and *Draper* as contrary authority. But as we will see in a moment, both cases carefully reiterated the rule that statehood does not imply the right to try crimes on tribal lands by or against tribal members. The Court also cites *Organized Village of Kake v. Egan*, 369 U. S. 60 (1962). But that case involved Alaska’s Anti-Fish-Trap Conservation Law, not the Oklahoma Enabling Act. Admittedly, *Egan* quotes comments from a 1954 legislative committee hearing about the Alaska Enabling Act in which a few participants also happened to express views on the meaning of the Oklahoma Enabling Act, passed almost 50 years earlier. See *id.*, at 71. But surely this Court cannot think a few stray post-enactment legislative comments, “unmoored from any statutory text,” *ante*, at 11, control over the statutory terms or our more specific precedents.

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McBratney and *Draper* held that federal statutes admitting certain States to the Union effectively meant those States could now prosecute crimes on tribal lands involving only non-Indians. Yet, as aggressive as these decisions were, they took care to safeguard the rule that a State’s admission to the Union does not convey with it the power to punish “crimes committed by or against Indians.” *McBratney*, 104 U. S., at 624; *Draper*, 164 U. S., at 247. Indeed, soon after Oklahoma became a State, this Court explained that the “grant of statehood” may have endowed Oklahoma with authority to try crimes “not committed by or against Indians,” but with statehood did not come any authority to try “crimes by or against Indians” on tribal lands. *Ramsey*, 271 U. S., at 469; see also n. 5, *supra*; *Donnelly v. United States*, 228 U. S. 243, 271 (1913); *Williams v. Lee*, 358 U. S., at 220; Cohen 506–509. The decision whether and when this arrangement should “cease” “rest[ed] with Congress alone.” *Ramsey*, 271 U. S., at 469.

The truth is, Congress has authorized the application of state criminal law on tribal lands for offenses committed by or against Native Americans only in very limited circumstances. The most notable examples can be found in Public Law 280 and related statutes. In 1940, Kansas successfully lobbied Congress for criminal jurisdiction in Indian country. Nearly identical laws for North Dakota, Iowa, and New York followed close behind. Then in 1953, Congress adopted Public Law 280 in which it authorized five States to exercise criminal jurisdiction on tribal lands and established procedures for additional States to assume similar authority. In 1968, Congress amended Public Law 280. Now, before a State like Oklahoma may try crimes by or against Native Americans arising on tribal lands, it must take action to amend any state law disclaiming that authority; then, the State must seek and obtain tribal consent to any extension of state jurisdiction. See Part I–B, *supra*; Clinton 958–962. Unless a State takes these steps, it does

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“not hav[e] jurisdiction.” 25 U. S. C. §§ 1321(a), 1323(b).⁶

5

The Court’s suggestion that Oklahoma enjoys “inherent” authority to try crimes against Native Americans within the Cherokee Reservation makes a mockery of all of Congress’s work from 1834 to 1968. The GCA and MCA? On the Court’s account, Congress foolishly extended federal criminal law to tribal lands on a mistaken assumption that only tribal law would otherwise apply. Unknown to anyone until today, state law applied all along. The treaty, the Oklahoma Enabling Act, and the provision in Oklahoma’s constitution that Congress insisted upon as a condition of statehood? The Court effectively ignores them. The Kansas Act and its sibling statutes? On the Court’s account, they were needless too. Congress’s instruction in Public Law 280 that States may not exercise jurisdiction over crimes by or against tribal members on tribal lands until they amend contrary state law and obtain tribal consent? Once more, it seems the Court thinks Congress was hopelessly misguided.

Through it all, the Court makes no effort to grapple with the backdrop rule of tribal sovereignty. The Court proceeds oblivious to the rule that only a clear act of Congress may impose constraints on tribal sovereignty. The Court ignores the fact that Congress has never come close to subjecting the Cherokee to state criminal jurisdiction over crimes against tribal members within the Tribe’s reservation. The Court even disregards our precedents recognizing that the

⁶The Court observes that Public Law 280 and related statutes did more than just grant States jurisdiction over crimes by non-Indians against Indians on tribal lands—“the issue here.” *Ante*, at 17. Congress also granted “States . . . jurisdiction over crimes committed *by Indians*.” *Ibid.* (emphasis in original). But that observation fails to answer the fact that, under the Court’s view, a major portion of all these laws is surplusage—and none of them was necessary if States really enjoyed “inherent” criminal jurisdiction on tribal lands from the start.

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“grant of statehood” to Oklahoma did not endow the State with any power to try “crimes committed by or against Indians” on tribal lands but reserved that authority to the federal government and Tribes alone. *Ramsey*, 271 U. S., at 469; see also *Tiger*, 221 U. S., at 309. From start to finish, the Court defies our duty to interpret Congress’s laws and our own prior work “harmoniously” as “part of an entire *corpus juris*.” A. Scalia & B. Garner, *Reading Law* 252 (2012); see also *Goodyear Atomic Corp. v. Miller*, 486 U. S. 174, 184–185 (1988).

C

Putting aside these astonishing errors, Congress’s work and this Court’s precedents yield three clear principles that firmly resolve this case. First, tribal sovereign authority excludes the operation of other sovereigns’ criminal laws unless and until Congress ordains otherwise. Second, while Congress has extended a good deal of federal criminal law to tribal lands, in Oklahoma it has authorized the State to prosecute crimes by or against Native Americans within tribal boundaries only if it satisfies certain requirements. Under Public Law 280, the State must remove state-law barriers to jurisdiction and obtain tribal consent. Third, because Oklahoma has done neither of these things, it lacks the authority it seeks to try crimes against tribal members within a tribal reservation. Until today, all this settled law was well appreciated by this Court, the Executive Branch, and even Oklahoma.

Consider first our own precedents and those of other courts. In 1946 in *Williams v. United States*, this Court recognized that, while States “may have jurisdiction over offenses committed on th[e] reservation between persons who are not Indians, the laws and courts of the United States, rather than those of [the States], have jurisdiction over offenses committed there . . . by one who is not an Indian against one who is an Indian.” 327 U. S. 711, 714 (footnote

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omitted). In *Williams v. Lee*, issued in 1959, this Court was clear again: “[I]f the crime was by or against an Indian, tribal jurisdiction or that expressly conferred on other courts by Congress has remained exclusive.” 358 U. S., at 220. As early as 1926, this Court made the same point while speaking directly to Oklahoma. *Ramsey*, 271 U. S., at 469–470. It is a point our cases have continued to make in recent years.⁷ It is a point a host of other courts—including state courts issuing decisions contrary to their own interests—have acknowledged too.⁸

The Executive Branch has likewise understood the States to lack authority to try crimes by or against Indians in Indian country absent congressional authorization. Not only did the Washington Administration recognize as much. See Part I–A, *supra*. The same view has persisted throughout the Nation’s history. In 1940, the Acting Secretary of the Interior advised Congress that state criminal jurisdiction extends “only to situations where both the offender and the victim” are non-Indians. S. Rep. No. 1523, 76th Cong., 3d Sess., 2 (Vol. 2). A few decades later, the Solicitor General made a similar representation to this Court. See Brief for United States as *Amicus Curiae* in *Arizona v. Flint*, O. T.

⁷ See, e.g., *United States v. Bryant*, 579 U. S. 140, 146 (2016); *Nevada v. Hicks*, 533 U. S. 353, 365 (2001); *Solem v. Bartlett*, 465 U. S. 463, 465, n. 2 (1984); *Washington v. Confederated Bands and Tribes of Yakima Nation*, 439 U. S. 463, 470–471 (1979); *McClanahan v. Arizona Tax Comm’n*, 411 U. S. 164, 170–171 (1973).

⁸ See, e.g., *State v. Cungtion*, 969 N. W. 2d 501, 504–505 (Iowa 2022); *State v. Sebastian*, 243 Conn. 115, 128, and n. 21, 701 A. 2d 13, 22, and n. 21 (1997); *State v. Larson*, 455 N. W. 2d 600, 600–601 (S. D. 1990); *State v. Flint*, 157 Ariz. 227, 228, 756 P. 2d 324, 324–325 (App. 1988); *State v. Greenwalt*, 204 Mont. 196, 204–205, 663 P. 2d 1178, 1182–1183 (1983); *State v. Warner*, 71 N. M. 418, 421–422, 379 P. 2d 66, 68–69 (1963); *State v. Kuntz*, 66 N. W. 2d 531, 532 (N. D. 1954); *State v. Jackson*, 218 Minn. 429, 430, 16 N. W. 2d 752, 754–755 (1944); see also *United States v. Langford*, 641 F. 3d 1195, 1199 (CA10 2011); *United States v. Bruce*, 394 F. 3d 1215, 1221 (CA9 2005).

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1988, No. 88–603, p. 3 (*Flint Amicus* Brief). In *McGirt*, the federal government once more acknowledged that States cannot prosecute crimes by or against tribal members within still-extant tribal reservations. See Brief for United States as *Amicus Curiae* in *McGirt v. Oklahoma*, O. T. 2019, No. 18–9526, p. 38. In this case, the government has espoused the same view yet again. See Brief for United States as *Amicus Curiae* 4; see also Dept. of Justice, Criminal Resource Manual 685 (updated Jan. 22, 2020).⁹

In the past, even Oklahoma has more or less conceded the point. The last time Oklahoma was before us, it asked this Court to usurp congressional authority and disestablish the Creek Reservation because, otherwise, the State “would not have jurisdiction over” “crimes committed against Indians” within its boundaries. See Tr. of Oral Arg. in *McGirt v. Oklahoma*, No. 18–9526, O. T. 2019, p. 54; see also *McGirt*, 591 U. S., at ____–____ (slip op., at 37–38). In 1991, Oklahoma’s attorney general formally resolved that major “[c]rimes committed by or against Indians . . . are under the exclusive province of the United States,” while Tribes retain exclusive jurisdiction over “minor crimes committed by Indians.” *Haney*, 22 Okla. Opp. Atty. Gen. 71, 1991 WL 567868, *3. And Oklahoma’s own courts have recently taken the same position even in the face of vehement opposition from the State’s executive branch. See, e.g., *Spears*, 485 P. 3d, at 875, 877.

⁹As sometimes happens when the government considers a legal question over centuries, differing views have occasionally popped up. In 1979, the Office of Legal Counsel opined—with little analysis—that States might be able to exercise concurrent criminal jurisdiction on tribal lands, though it conceded the question was “exceedingly difficult.” 3 Op. OLC 111, 117, 120. This kind of surface-level, hedged analysis is hardly robust evidence. In any event, the Executive Branch reverted to its traditional position in short order. That makes the Court’s repeated reliance on this isolated opinion—and its failure to acknowledge the mountain of contradictory evidence—especially bewildering. See *ante*, at 12–16.

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D

Against all this evidence, what is the Court’s reply? It acknowledges that, at the Nation’s founding, tribal sovereignty precluded States from prosecuting crimes on tribal lands by or against tribal members without congressional authorization. See *ante*, at 5. But the Court suggests this traditional “notion” flipped 180 degrees sometime in “the latter half of the 1800s.” *Ante*, at 5, 21. Since then, the Court says, Oklahoma has enjoyed the “inherent” power to try at least crimes by non-Indians against tribal members on tribal reservations until and unless Congress preempts state authority.

But exactly when and how did this change happen? The Court never explains. Instead, the Court seeks to cast blame for its ruling on a grab bag of decisions issued by our predecessors. But the failure of that effort is transparent. Start with *McBratney*, which the Court describes as our “leading case in the criminal context.” *Ante*, at 6. There, as we have seen, the Court said that States admitted to the Union may gain the right to prosecute cases involving only non-Indians on tribal lands, but they do *not* gain any inherent right to punish “crimes committed by or against Indians” on tribal lands. *McBratney*, 104 U. S., at 624. The Court’s reliance on *Draper* fares no better, for that case issued a similar disclaimer. See 164 U. S., at 247. Tellingly, not even Oklahoma thinks *McBratney* and *Draper* compel a ruling in its favor. See Brief for Petitioner 12. And if anything, the Court’s invocation of *Donnelly*, 228 U. S. 243, is more baffling still. *Ante*, at 14, n. 3. There, the Court once more reaffirmed the rule that “offenses committed by or against Indians” on tribal lands remain subject to federal, not state, jurisdiction. *Donnelly*, 228 U. S., at 271; see also *Ramsey*, 271 U. S., at 469.

That leaves the Court to assemble a string of carefully curated snippets—a clause here, a sentence there—from six

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decisions out of the galaxy of this Court’s Indian law jurisprudence. *Ante*, at 5–6. But this collection of cases is no more at fault for the Court’s decision than the last. *Organized Village of Kake v. Egan*—which the Court seems to think is some magic bullet, see *ante*, at 5, 14, n. 2, 21, 22–24—addressed the prosaic question whether Alaska could apply its fishing laws on lands owned by a native Alaska tribal corporation. 369 U. S. 60, 61–63 (1962); see also n. 5, *supra*. Subsequently, the Court cabined that case to circumstances “dealing with Indians who have left or never inhabited reservations set aside for their exclusive use or who do not possess the usual accoutrements of tribal self-government.” *McClanahan*, 411 U. S., at 167–168. Meanwhile, *New York ex rel. Cutler v. Dibble* allowed New York to use civil proceedings to eject non-Indian trespassers on Indian lands. 21 How. 366, 369–371 (1859). In *Surplus Trading Co. v. Cook*, the crime at issue did not take place on tribal lands but on a “supply station of the United States” sold by Arkansas to the federal government. 281 U. S. 647, 649 (1930). In *New York ex rel. Ray v. Martin*, this Court merely reaffirmed *McBratney* and held that States could exercise jurisdiction over crimes involving only non-Indians. 326 U. S. 496, 499–500 (1946). Both *County of Yakima v. Confederated Tribes and Bands of Yakima Nation* and *Nevada v. Hicks* issued holdings about state civil jurisdiction, not criminal jurisdiction striking at the heart of tribal sovereignty. See 502 U. S. 251, 256–258, 270 (1992); 533 U. S. 353, 361, 363, 374 (2001).

In the end, the Court cannot fault our predecessors for today’s decision. The blame belongs only with this Court here and now. Standing before us is a mountain of statutes and precedents making plain that Oklahoma possesses no authority to prosecute crimes against tribal members on tribal reservations until it amends its laws and wins tribal consent. This Court may choose to ignore Congress’s statutes and the Nation’s treaties, but it has no power to negate

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them. The Court may choose to disregard our precedents, but it does not purport to overrule a single one. As a result, today’s decision surely marks an embarrassing new entry into the anticanon of Indian law. But its mistakes need not—and should not—be repeated.

III

Doubtless for some of these reasons, even the Court ultimately abandons its suggestion that Oklahoma is “*inherent[ly]*” free to prosecute crimes by non-Indians against tribal members on a tribal reservation absent a federal statute “preempt[ing]” its authority. *Ante*, at 15. In the end, the Court admits that tribal sovereignty *can* require the exclusion of state authority even absent a preemptive federal statute. *Ante*, at 18. But then, after correcting course, the Court veers off once more. To determine whether tribal sovereignty displaces state authority in a case involving a non-Indian defendant and an Indian victim on a reservation in Oklahoma, the Court resorts to a “*Bracker* balancing” test. *Ibid.* Applying that test, the Court concludes that Oklahoma’s interests in this case outweigh those of the Cherokee. All this, too, is mistaken root and branch.

A

Begin with the most fundamental problem. The Court invokes what it calls the “*Bracker* balancing” test with no more appreciation of that decision’s history and context than it displays in its initial suggestion that the usual rules of preemption apply to Tribes. The Court tells us nothing about *Bracker* itself, its reasoning, or its limits. Perhaps understandably so, for *Bracker* never purported to claim for this Court the raw power to “balance” away tribal sovereignty in favor of state criminal jurisdiction over crimes by or against tribal members—let alone ordain a wholly different set of jurisdictional rules than Congress

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already has.

Bracker involved a relatively minor civil dispute. Arizona sought to tax vehicles used by the White Mountain Apache Tribe in logging operations on tribal lands. See *Bracker*, 448 U. S., at 138–140. The Tribe opposed the effort, pointing to a federal law that regulated tribal logging but did not say anything about preempting the State’s vehicle tax. See *id.*, at 141, 145. The Court began by recognizing that the usual rules of preemption are not “properly applied” to Tribes. *Id.*, at 143. Instead, the Court started with the traditional “backdrop” presumption that States lack jurisdiction in Indian country. *Ibid.* And the Court explained that any ambiguities about the scope of federal law must be “construed generously” in favor of the Tribes as sovereigns. *Id.*, at 143–144. With these rules in mind, the Court proceeded to turn back the State’s tax based on a “particularized inquiry into the nature of the state, federal, and tribal interests at stake.” *Id.*, at 145. The Court judged that “traditional notions of [tribal] sovereignty,” the federal government’s “policy of promoting tribal self-sufficiency,” and the rule requiring it to resolve “[a]mbiguities” in favor of the Tribe trumped any competing state interest. *Id.*, at 143–144, 151.

Nothing in any of this gets the Court close to where it wishes to go. If Arizona had to proceed against the traditional “backdrop” rule excluding state jurisdiction, Oklahoma must. And if Arizona could not overcome that backdrop rule because it could not point to clear federal statutory language authorizing its comparatively minor civil tax, it is unfathomable how Oklahoma might overcome that rule here. The State has pointed—and can point—to nothing in Congress’s work granting it the power to try crimes against tribal members on a tribal reservation. In *Bracker*, the Court found it instructive that Congress had “comprehensive[ly]” regulated “the harvesting of Indian timber,” even if it had not spoken directly to the question of

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vehicle taxes. *Id.*, at 145–146, 148. Here, Congress has not only pervasively regulated criminal jurisdiction in Indian country, it has spoken to the very situation we face: States like Oklahoma may exercise jurisdiction over crimes within tribal boundaries by or against tribal members only with tribal consent.

The simple truth is *Bracker* supplies zero authority for this Court’s course today. If Congress has not always “been specific about the allocation of civil jurisdiction in Indian country,” the same can hardly be said about the allocation of criminal authority. *Cohen* 527. Congress “has provided a nearly comprehensive set of statutes allocating criminal jurisdiction.” *Ibid.* In doing so, Congress has *already* “balanced” competing tribal, state, and federal interests—and its balance demands tribal consent. Exactly nothing in *Bracker* permits us to ignore Congress’s directive.

B

Plainly, the Court’s balancing-test game is not one we should be playing in this case. But what if we did? Suppose this Court could (somehow) ignore Congress’s decision to allow States like Oklahoma to exercise criminal jurisdiction in cases like ours only with tribal consent. Suppose we could (somehow) replace that rule with one of our own creation. Even proceeding on that stunning premise, it is far from obvious how the Court arrives at its preferred result.

In reweighing competing state and tribal interests for itself, the Court stresses two points. First, the Court suggests that its balance is designed to “help” Native Americans. *Ante*, at 20 (suggesting that Indians would be “second-class citizens” without this Court’s intervention); Tr. of Oral Arg. 66 (suggesting state jurisdiction is designed to “help” tribal members). Second, the Court says state jurisdiction is needed on the Cherokee Reservation today because “in the wake of *McGirt*” some defendants “have

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simply gone free.” *Ante*, at 3–4. On both counts, however, the Court conspicuously loads the dice.

1

Start with the assertion that allowing state prosecutions in cases like ours will “help” Indians. The old paternalist overtones are hard to ignore. Yes, under the laws Congress has ordained Oklahoma may acquire jurisdiction over crimes by or against tribal members only with tribal consent. But to date, the Cherokee have misguidedly shown no interest in state jurisdiction. Thanks to their misjudgment, they have rendered themselves “second-class citizens.” *Ante*, at 20. So, the argument goes, five unelected judges in Washington must now make the “right” choice for the Tribe. To state the Court’s staggering argument should be enough to refute it.

Nor does the Court even pause to consider some of the reasons why the Cherokee might not be so eager to invite state prosecutions in cases like ours. Maybe the Cherokee have so far withheld their consent because, throughout the Nation’s history, state governments have sometimes proven less than reliable sources of justice for Indian victims. As early as 1795, George Washington observed that “a Jury on the frontiers” considering a crime by a non-Indian against an Indian could “hardly be got to listen to a charge, much less to convict a culprit.” Letter to E. Pendleton (Jan. 22), in 17 Papers of George Washington: Presidential Series 424, 426 (D. Hoth & C. Ebel eds. 2013). Undoubtedly, too, Georgia once proved among the Cherokee’s “deadliest enemies.” *Kagama*, 118 U. S., at 384.

Maybe the Cherokee also have in mind experiences particular to Oklahoma. Following statehood, settlers embarked on elaborate schemes to deprive Indians of their lands, rents, and mineral rights. “Many young allottees were virtually kidnaped just before they reached their majority”; some were “induced to sign deeds at midnight on

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the morning they became of age.” Debo 197–198. Others were subjected to predatory guardianships; state judges even “reward[ed] their supporters [with] guardianship appointments.” *Id.*, at 183. Oklahoma’s courts also sometimes sanctioned the “legalized robbery” of these Native American children “through the probate courts.” *Id.*, at 182. Even almost a century on, the federal government warned of “the possibility of prejudice [against Native Americans] in state courts.” *Flint Amicus* Brief 5.

Whatever may have happened in the past, it seems the Court can imagine only a bright new day ahead. Moving forward, the Court cheerily promises, more prosecuting authorities can only “help.” Three sets of prosecutors—federal, tribal, and state—are sure to prove better than two. But again it’s not hard to imagine reasons why the Cherokee might see things differently. If more sets of prosecutors are always better, why not allow Texas to enforce its laws in California? Few sovereigns or their citizens would see that as an improvement. Yet it seems the Court cannot grasp why the Tribe may not.

The Court also neglects to consider actual experience with concurrent state jurisdiction on tribal lands. According to a group of former United States Attorneys, in practice concurrent jurisdiction has sometimes “create[d] a pass-the-buck dynamic . . . with the end result being fewer police and more crime.” Brief for Former United States Attorneys et al. as *Amici Curiae* 13; see also C. Goldberg, Public Law 280: The Limits of State Jurisdiction Over Reservation Indians, 22 UCLA L. Rev. 535, 552, and n. 92 (1975); Goldberg-Ambrose 1423. Federal authorities may reduce their involvement when state authorities are present. In turn, some States may not wish to devote the resources required and may view the responsibility as an unfunded federal mandate. Thanks to realities like these, “[a]lmost as soon as Congress began granting States [criminal] jurisdiction” through Public Law 280, “affected

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Tribal Nations began seeking retrocession and repeal.” Brief for National Indigenous Women’s Resource Center et al. as *Amici Curiae* 12. Recently, a bipartisan congressional commission agreed that more state criminal jurisdiction in Indian country is often not a good policy choice. See Indian Law and Order Commission, *A Roadmap for Making Native America Safer: Report to the President and Congress of the United States* xi, xiv, 11–15 (Nov. 2013). Still, none of this finds its way into the Court’s cost-benefit analysis.

2

Instead, the Court marches on. The second “factor” it weighs in its “balance”—and the only history it seems interested in consulting—concerns Oklahoma’s account of its experiences in the last two years since *McGirt*. Adopting the State’s representations wholesale, the Court says that decision has posed Oklahoma with law-and-order “challenge[s].” *Ante*, at 4. To support its thesis, the Court cites the State’s unsubstantiated “estimat[e]” that *McGirt* has forced it to “transfer prosecutorial responsibility for more than 18,000 cases per year to” federal and tribal authorities. *Ibid*. Apparently on the belief that the transfer of cases from state to federal prosecutors equates to an eruption of chaos and criminality, the Court remarks casually that traditional limitations on state prosecutorial authority on tribal lands were “insignificant in the real world” before *McGirt*. *Ante*, at 16.

But what does this prove? Put aside for the moment questions about the accuracy of Oklahoma’s statistics and what the number of cases transferred from state to federal prosecutors may or may not mean for law and order. See Tr. of Oral Arg. 26 (questioning whether the State’s “figures” might be “grossly exaggerated”). Taking the Court’s account at face value, it might amount to a reason for Oklahoma to lobby the Cherokee to consent to state jurisdiction. It might be a reason for the State to petition

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Congress to revise criminal jurisdictional arrangements in the State even without tribal consent. But it is no act of statutory or constitutional interpretation. It is a policy argument through and through.

Nor is the Court’s policy argument exactly complete in its assessment of the costs and benefits. When this Court issued *McGirt*, it expressly acknowledged that cases involving crimes by or against tribal members within reservation boundaries would have to be transferred from state to tribal or federal authorities. 591 U. S., at ____–____ (slip op., at 36–42). This Court anticipated, too, that this process would require a period of readjustment. But, the Court recognized, all this was necessary only because Oklahoma had long overreached its authority on tribal reservations and defied legally binding congressional promises. See *ibid.*

Notably, too, neither the tribal nor the federal authorities on the receiving end of this new workload think the “costs” of this period of readjustment begin to justify the Court’s course. For their part, Tribes in Oklahoma have hired more police officers, prosecutors, and judges. See Cherokee Brief 10–11. Based on that investment, Oklahoma’s Tribes have begun to prosecute substantially more cases than they once did. See *id.*, at 12–13. And they have also shown a willingness to work with Oklahoma, having signed hundreds of cross-deputization agreements allowing local law enforcement to collaborate with tribal police. *Id.*, at 15–16, and n. 39. Even Oklahoma’s *amici* concede these agreements have proved “an important tool” for law enforcement. Brief for Oklahoma District Attorneys Association et al. as *Amici Curiae* 14.

Both of the federal government’s elected branches have also responded, if not in the way this Court happens to prefer. Instead of forcing state criminal jurisdiction onto Tribes, Congress has chosen to allocate additional funds for law enforcement in Oklahoma. See, e.g., Consolidated

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Appropriations Act, H. R. 2471, 117th Cong., 2d Sess., 78 (2022). Meanwhile, the Solicitor General has offered the Executive Branch’s judgment that *McGirt*’s “practical consequences” do not justify this Court’s intervention, explaining that the Department of Justice is “working diligently with tribal and State partners” in Oklahoma. See Brief for United States as *Amicus Curiae* 32.

There is even more evidence cutting against the Court’s dystopian tale. According to a recent United States Attorney in Oklahoma, “the sky isn’t falling” and “partnerships between tribal law enforcement and state law enforcement” are strong. A. Herrera, Trent Shores Reflects on His Time as U. S. Attorney, Remains Committed to Justice for Indian Country, KOSU-NPR (Feb. 24, 2021), www.kosu.org/politics/2021-02-24/trent-shores-reflects-on-his-time-as-u-s-attorney-remains-committed-to-justice-for-indian-country. A Federal Bureau of Investigation special agent in charge of Oklahoma has stated that violent crimes “‘are being pursued as heavily as they were in the past, and in some cases, maybe even stronger.’” A. Brothers, Oklahoma Special Agent Says FBI Faces Challenges in 3 Categories, News on 6 (Feb. 14, 2022), <https://www.newson6.com/story/620b261bf8cd4a07e5cb845b/oklahoma-special-agent-says-fbi-faces-challenges-in-3-categories>. And the Tribes—those most affected by all this supposed lawlessness within their reservations—tell us that, after a period of adjustment, federal prosecutors are now pursuing lower level offenses vigorously too. See Brief for Muscogee (Creek) Nation as *Amicus Curiae* on Pet. for Cert. 11–12, and nn. 21–22 (collecting indictments). The federal government has made a similar representation to this Court. Tr. of Oral Arg. 118. Nor is it any secret that those convicted of federal crimes generally receive longer sentences than individuals convicted of similar state offenses. See, e.g., Bureau of Justice Statistics, Felony Sentences in State Courts, 2006—Statistical Tables 9

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(2009) (Table 1.6).

In recounting all this, I do not profess certainty about the optimal law enforcement arrangements in Oklahoma. I do not pretend to know all the relevant facts, let alone how to balance each of them in this complex picture. Nor do I claim to know what weight to give historical wrongs or future hopes. I offer the preceding observations only to illustrate the one thing I am sure of: This Court has no business usurping congressional decisions about the appropriate balance between federal, tribal, and state interests. If the Court's ruling today sounds like a legislative committee report touting the benefits of some newly proposed bill, that's because it is exactly that. And given that a nine-member court is a poor substitute for the people's elected representatives, it is no surprise that the Court's cost-benefit analysis is radically incomplete. The Court's decision is not a judicial interpretation of the law's meaning; it is the pastiche of a legislative process.

C

As unsound as the Court's decision is, it would be a mistake to overlook its limits. In the end, the Court admits that tribal sovereignty *can* displace state authority even without a preemptive statute. See Part III–A, *supra*. To be sure, the Court proceeds to disparage a federal statute requiring Oklahoma to obtain tribal consent before trying any crime involving an Indian victim within the Cherokee Reservation. But look at what the Court leaves unresolved. The Court does not pass on Public Law 280's provision that States "shall not" be entitled to assume jurisdiction on tribal lands until they "appropriately amen[d]" state laws disclaiming authority over tribal reservations. 25 U. S. C. § 1324. The Court gestures toward the Cherokee's treaties and the Oklahoma Enabling Act, but ultimately abandons any argument that those treaties were lawfully abrogated or that the Oklahoma Enabling Act endowed Oklahoma

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with inherent authority to try cases involving Native Americans within tribal bounds. See *ante*, at 18. Nor does the Court address the relevant text of those treaties or the Enabling Act—let alone come to terms with our precedents holding that Oklahoma’s “grant of statehood” did not include the power to try “crimes committed by or against Indians” on tribal lands. *Ramsey*, 271 U. S., at 469; see also *Tiger*, 221 U. S., at 309. Nothing in today’s decision could or does begin to preclude the Cherokee or other Tribes from pressing arguments along any of these lines in future cases. The unamended Oklahoma Constitution and other state statutes and judicial decisions may stand as independent barriers to the assumption of state jurisdiction as a matter of state law too.

The Court’s decision is limited in still other important ways. Most significantly, the Court leaves undisturbed the ancient rule that States cannot prosecute crimes by Native Americans on tribal lands without clear congressional authorization—for that would touch the heart of “tribal self-government.” *Ante*, at 17. At least that rule (and maybe others) can never be balanced away. Indeed, the Court’s ruling today rests in significant part on the fact that Tribes currently lack criminal jurisdiction over non-Indians who commit crimes on tribal lands—a factor that obviously does not apply to cases involving Native American defendants. *Ante*, at 19.

Additionally, nothing in the “*Bracker* balancing” test the Court employs foreordains today’s grim result for different Tribes in different States. *Bracker* instructs courts to focus on the “specific context” at issue, taking cognizance of the particular circumstances of the Tribe in question, including all relevant treaties and statutes. 448 U. S., at 145. Nor are Tribes and their treaties “fungible.” S. Prakash, *Against Tribal Fungibility*, 89 Cornell L. Rev. 1069, 1071–1072 (2004). There are nearly 600 federally recognized Indian Tribes across the country. See Anderson 3. Some of

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their treaties appear to promise tribal freedom from state criminal jurisdiction in express terms. See, e.g., Treaty with the Navajo, Art. I, June 1868, 15 Stat. 667 (guaranteeing that those who commit crimes against tribal members will be “arrested and punished according to the laws of the United States”). Any analysis true to *Bracker* must take cognizance of all of this. Any such analysis must recognize, too, that the standards of preemption applicable “in other areas of the law” are “unhelpful” when it comes to Tribes. *Bracker*, 448 U. S., at 143. Instead, courts must proceed against the “backdrop” of tribal sovereignty, *ibid.*, with an “assumption that the States have no power to regulate the affairs of Indians on a reservation” or other tribal lands, *Williams*, 358 U. S., at 219–220. To overcome that backdrop assumption, a clear congressional statement is required and any ambiguities must be “construed generously” in favor of the Tribes. *Bracker*, 448 U. S., at 143–144; see also *Cotton Petroleum*, 490 U. S., at 177–178.

The Court today may ignore a clear jurisdictional rule prescribed by statute and choose to apply its own balancing test instead. The Court may misapply that balancing test in an effort to address one State’s professed “law and order” concerns. In the process, the Court may even risk unsettling longstanding and clear jurisdictional rules nationwide. But in the end, any faithful application of *Bracker* to other Tribes in other States should only confirm the soundness of the traditional rule that state authorities may not try crimes like this one absent congressional authorization.¹⁰

¹⁰In a final drive-by flourish, the Court asserts that its “jurisdictional holding[s]” today apply “throughout the United States.” For emphasis, the Court repeats the point in a footnote. *Ante*, at 24, n. 8, 25. But not only does the Court acknowledge that Congress may preempt state jurisdiction over crimes like this one. See *ante*, at 6. The truth is, in this case involving one Tribe in one State the Court does not purport to evaluate

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Nor must Congress stand by as this Court sows needless confusion across the country. Even the Court acknowledges that Congress can undo its decision and preempt state authority at any time. *Ante*, at 6. And Congress could do exactly that with a simple amendment to Public Law 280. It might say: A State lacks criminal jurisdiction over crimes by or against Indians in Indian Country, unless the State complies with the procedures to obtain tribal consent outlined in 25 U. S. C. § 1321, and, where necessary, amends its constitution or statutes pursuant to 25 U. S. C. § 1324. Of course, that reminder of the obvious should hardly be necessary. But thanks to this Court’s egregious misappropriation of legislative authority, “the ball is back in Congress’ court.” *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U. S. 618, 661 (2007) (Ginsburg, J., dissenting).



*

In the 1830s, this Court struggled to keep our Nation’s promises to the Cherokee. Justice Story celebrated the

the (many) treaties, federal statutes, precedents, and state laws that may preclude state jurisdiction on specific tribal lands around the country. Nor are we legislators entitled to pass new laws of general applicability, but a court charged with resolving cases and controversies involving particular parties who are entitled to make their own arguments in their own cases. The very precedent the Court invokes as authority to reach its decision today recognizes as much—and demands future courts conduct any analysis sensitive to the “specific context” of each Tribe, its treaties, and relevant laws. *Bracker*, 448 U. S., at 145. For that matter, even when it comes to the Cherokee the Court leaves much unanswered. The Court does not confront the relevant text of the Cherokee’s treaties, the Oklahoma Enabling Act, or the relevant portions of our precedents interpreting both. And the Court does not mention the terms of Public Law 280 that require Oklahoma to amend its laws before asserting jurisdiction. Even more than all that, the Court ultimately retreats from its claim that statehood confers an “inherent” right to prosecute crimes by non-Indians against tribal members on tribal lands. It rests instead on a “balancing test” that makes anything it does say about the “inherent” right of States to try cases within Indian country dicta through and through.

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decision in *Worcester*: “[T]hanks be to God, the Court can wash [its] hands clean of the iniquity of oppressing the Indians and disregarding their rights.” Breyer 420. “The Court had done its duty,” even if Georgia refused to do its own. *Ibid.* Today, the tables turn. Oklahoma’s courts exercised the fortitude to stand athwart their own State’s lawless disregard of the Cherokee’s sovereignty. Now, at the bidding of Oklahoma’s executive branch, this Court unravels those lower-court decisions, defies Congress’s statutes requiring tribal consent, offers its own consent in place of the Tribe’s, and allows Oklahoma to intrude on a feature of tribal sovereignty recognized since the founding. One can only hope the political branches and future courts will do their duty to honor this Nation’s promises even as we have failed today to do our own.

	OKLAHOMA HIGHWAY PATROL WRITTEN DIRECTIVE		
<i>Directive Type:</i>	Chief's Directive	<i>Number:</i> 2022-03	
<i>Subject:</i>	Commercial Motor Vehicle Enforcement Program	<i>Effective Date</i> 07/15/22	<i>Date Revised</i> --
<i>Signature:</i>	 CHIEF [Signature] #3		
<i>Related Forms or Directives:</i>			
<i>Instructions:</i>	This directive shall be regarded as an order from the Chief of Patrol and retained as a temporary addendum to the OHP Operations Manual for a period of one (1) year until permanent policy can be established.		

I. Purpose: To establish commercial motor vehicle traffic enforcement guidelines to enhance traffic safety and reduce commercial motor vehicle collisions on all Oklahoma roadways.

II. Definitions

A. Commercial Motor Vehicle- Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—

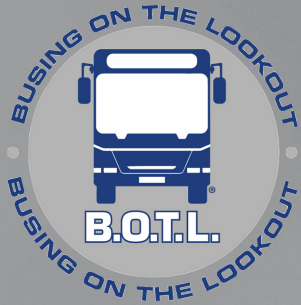
1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
2. Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
4. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

III. Policy – Troopers assigned to field troops A-M and turnpike troops shall take probable cause enforcement action on no less than sixteen (16) commercial motor vehicles during any 28-day cycle.

- A.** Enforcement action taken pursuant to those stops will be based on the circumstances of the law enforcement encounter, as there are often a number of acceptable and effective ways of accomplishing the purpose of the law.
- B.** It is recognized that extended leave, training, additional duty assignments, etc. may affect a trooper's ability to perform traffic enforcement functions during any part of a 28-day cycle. Supervisory personnel shall take such leave and assignments into consideration when determining adherence to this directive.
- C.** The commercial motor vehicle's vehicle identification number (VIN) and US Department of Transportation (USDOT) number shall be included on any issued citation or warning.
- D.** Troopers shall document their daily number of commercial motor vehicle citations and warnings in the comments section of the timesheet.

THIS CHIEF'S DIRECTIVE SHALL BE EFFECTIVE FOR ONE (1) YEAR OR UNTIL A PERMANENT DEPARTMENT POLICY IS ESTABLISHED. VIOLATIONS OF THE PROVISIONS PRESCRIBED IN THIS DIRECTIVE MAY RESULT IN DISCIPLINARY ACTION, INCLUDING DISCHARGE FROM EMPLOYMENT.

END OF DIRECTIVE



IOWA MVE MODEL

Based on the groundbreaking work with TAT materials done by the Iowa Motor Vehicle Enforcement (Iowa MVE) agency, the Iowa MVE Model organizes law enforcement and state agencies to utilize entry points into the trucking and bus industries (BOTL) to spread the TAT anti-trafficking message. Help us by activating the appropriate government agencies in outreach work to both industries by adopting the following guidelines:

- Train MVE/CVE and/or law enforcement officers with TAT LE training DVD.
- Stock weigh stations, ports of entry and rest areas with TAT materials.
- Ensure that every CDL issued (or renewed) is accompanied with a TAT or BOTL wallet card.
- Visit truck stops with TAT materials, urging them to train employees and distribute.
- Visit bus terminals with BOTL materials, urging them to train employees and display signage.
- Implement TAT training as part of mandatory safety meetings for truck and bus companies.

In addition, states may also:

- Introduce BOTL materials to pupil transportation leadership (state DOE, school districts).
- Incorporate BOTL into statewide school bus driver curriculum.
- Use asset forfeiture funds to pay for TAT materials.
- Begin collecting data of interdiction stops that lead to human-trafficking investigations.
- Mandate anti-trafficking training for CDL schools.

Help us mobilize the trucking industry to combat human trafficking. Send an email to tat.truckers@gmail.com for more information.

MAKE THE CALL. SAVE LIVES. 1-888-3737-888

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