



## **NEBRASKA**

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

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

**Fiscal Years 2023 - 2025  
Annual Update FY 2024**

**Date of Approval: July 30, 2024**

## **FINAL CVSP**



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

## Part 1 - MCSAP Overview

### Part 1 Section 1 - Introduction

The Federal Motor Carrier Safety Administration (FMCSA) 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 crashes and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of the MCSAP is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs.

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 FMCSA by the due date each year. For a State to receive funding, the CVSP needs to be complete and include all required documents. The State must submit a multi-year 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 2023 - 2025)
- Part 2: Crash Reduction and National Program Elements (FY 2023 - 2025)
- Part 3: National Emphasis Areas and State Specific Objectives (FY 2023 - 2025)
- Part 4: Financial Information (FY 2024)
- Part 5: Certifications and Documents (FY 2024)

All of the five eCVSP parts listed above contain subsections. Each subsection category will provide you with detailed explanation and instruction on what to do to complete 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 either a 3-year plan or an Annual Update. 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 2024:

**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 if any updates are needed for the upcoming fiscal year by answering the "Yes/No" question provided in each Section of Parts 1-3.

- If **"Yes"** is selected, the information provided for Year 1 will be editable and State users can make any necessary changes to their project plan. Answer carefully as there is only one opportunity to select "Yes" before the question is locked.
- If **"No"** is selected, the information in this section will not be editable and the user should move forward to the next section.
- Trend Analysis information that supports your current activities is not editable in Year 2 or 3 of an Annual Update plan.

All multi-year and annual update plans have been pre-populated with data and information from their FY 2023 plans. States must carefully review and update this information to reflect FY 2024 activities prior to submission to FMCSA. The financial information and certifications will be updated each fiscal year.

- Any information added should detail major programmatic changes.
- Add any updates to the narrative areas and indicate changes by preceding it with the heading **"FY 2024 Update"**. Below the heading, include descriptions of the changes to your program, including how any tables were modified.
- The Trend Analysis areas in each section can only be edited in Year 1 of a three-year plan. Trend Analysis data cannot be edited 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.

Nebraska's 5 year average for fatalities per 100 Million VMT is currently at .234. Nationally, there was an 2% increase in fatalities from 2018-2019. (2019 Annual Truck/Bus Crash Facts). At .234, Nebraska's 2021 results were slightly below the previous year, and Nebraska seeks to further reduce fatalities to rate not above the 5 year average. Some crash reporting in the state has been delayed due to technological difficulties in the Omaha area, which may skew the final results for 2021 and 2022. Based on the best data available, the fatality rate is significantly lower for 2021 compared to recent past data, however the number of fatalities has increased in 4 of the past 5 years, and early indicators for 2022 show the fatal trend increasing. Nebraska sets a goal of reducing the number of fatal crashes by 2 per year for the 3 year plan, compared to the current 5 year average of just over 48 crashes per year. For 2023, the goal will be 46, for 2024 the goal will be 44 and for 2025 the goal will be 42. Based on the 5 year high for VMT, 42 crashes would equate to .195 fatalities per 100M VMT.

The Nebraska State Patrol's goal is a reduction of an overall fatality rate involving Commercial Motor Vehicles (CMVs) by focusing on the Critical Emphasis Areas outlined in the State Highway Safety Plan. These critical emphasis areas are identified as being the primary causes of fatalities in crashes. The emphasis areas are increased seat belt use, reducing roadway departure crashes, reducing impaired driver crashes, and reducing intersection crashes. Additionally, the Nebraska State Patrol Carrier Enforcement Division will seek to impact crash causation factors such as following too close, speeding, distracted driving and right of way infringement. The Nebraska Strategic Highway Safety Plan has a stated goal of an overall fatality rate of 1 fatality per 100 million VMT by calendar end 2022, inclusive of CMV crashes. The current CMV rate is below the stated goal of 1.0 fatality/100M VMT in the State Highway Safety plan and contributes to lowering the overall rate each year.

### 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

#### Instructions:

Answer the questions about your CVSP initiatives and briefly describe the State's commercial motor vehicle (CMV) enforcement program funded by the MCSAP grant. For questions answered "Yes", describe your State's initiatives and indicate if more details are provided in other CVSP sections. Please do not include activities or expenses associated with any other FMCSA grant program.

Yes	No	CVSP Initiative Questions
<input checked="" type="radio"/>	<input type="radio"/>	Is the National Roadway Safety Strategy (NRSS) being used as a resource in developing the CVSP?
<input checked="" type="radio"/>	<input type="radio"/>	Are initiatives involving rural roads included in the CVSP?
<input type="radio"/>	<input checked="" type="radio"/>	Are activities regarding Migrant Worker Transportation in Rural Areas included in the CVSP?
<input checked="" type="radio"/>	<input type="radio"/>	Are initiatives regarding human trafficking/smuggling included in the CVSP?
<input checked="" type="radio"/>	<input type="radio"/>	Are activities regarding drug interdiction included in the CVSP?
<input checked="" type="radio"/>	<input type="radio"/>	Are initiatives regarding work zone safety included in the CVSP?
<input checked="" type="radio"/>	<input type="radio"/>	Is your State submitting an annual Training Plan to the National Training Center (NTC)?

The Governor of the State of Nebraska has designated the Nebraska State Patrol (NSP) as the "lead agency" of the Motor Carrier Safety Assistance Program (MCSAP) since the inception of MCSAP in 1987. The Carrier Enforcement Division within NSP administers the MCSAP and has an authorized strength of 86 Troopers that conduct Roadside Inspections (fixed and portable), Compliance Reviews, and Safety Audits. At the current time, the Division has several open positions, and has a current manpower allocation of approximately 80 persons. Additionally, approximately 200 Traffic Troopers conduct Level III roadside inspections. Total manpower for all divisions totals approximately 280 persons. In addition, nine civilians support the administration of MCSAP either in a full or part-time basis.

The Safety Audit and Compliance Review section began in 1989. The task of this section is to conduct in-depth reviews of Carrier Compliance with the applicable safety regulations, to include those involving hazardous material regulations. A Sergeant oversee the three investigators assigned to the Compliance Review program and four investigators assigned to the New Entrant Safety Audit program.

The Commercial Vehicle Enforcement (CVE) team was formed in 1997 and focuses on enforcement of moving violations committed by commercial motor vehicles and performing inspections on all CMV's stopped. Work efforts are concentrated in specific high crash counties which are determined by the Nebraska Department of Roads Accident Records Data Base.

## Part 1 Section 4 - MCSAP Structure

Please review your State's MCSAP structure information. Do changes need to be made on this page for the upcoming fiscal year? Note: 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

### 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 activity area.

- **Driver and Vehicle Inspections** includes the number of personnel conducting inspection activities.
- **Traffic enforcement activities** includes the number personnel conducting CMV and Non-CMV traffic enforcement activities.
- **Investigations** includes the number of personnel conducting Investigations, Compliance Reviews, and New Entrant Safety Audits.
- **Public Education and Awareness** includes the number of personnel conducting public education and awareness on CMV topics.
- **Data Collection and Reporting** includes the number of personnel responsible for collecting, processing, analyzing and reporting State data including inspections and crashes, uploading data via SafetyNet and SAFER, and monitoring the quality of data timeliness, accuracy, and completeness.

FMCSA recognizes that some staff may be involved in more than one area of activity.

Lead Agency Information	
Agency Name:	NEBRASKA STATE PATROL
Enter total number of personnel participating in MCSAP activities	80
<b>National Program Elements</b>	<b>Enter # personnel below</b>
Driver and Vehicle Inspections	280
Traffic Enforcement Activities	280
Investigations*	8
Public Education and Awareness	80
Data Collection and Reporting	9
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Subrecipient Information	
Agency Name:	TBD
Enter total number of personnel participating in MCSAP activities	10
<b>National Program Elements</b>	<b>Enter # personnel below</b>
Driver and Vehicle Inspections	0
Traffic Enforcement Activities	10
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 2023 - 2025 in the areas of crash reduction, roadside inspections, traffic enforcement, audits and investigations, safety technology and data quality, and public education and outreach.*

*For CVSP planning purposes, the State can access detailed counts of its core MCSAP performance measures from the **Analysis & Information Online** (A&I Online) website, <https://ai.fmcsa.dot.gov/Grants>. Portal credentials are required to access this website.*

- **MCSAP Performance Dashboard** – States can use this information to inform CVSPs and other activities with the goal of reducing crashes, injuries, and fatalities involving CMVs.

*It provides a snapshot of MCSAP performance in four areas: Crash Overview, National Program Element goals, Enforcement Measures, and Funding Utilization.*

- **Activity Dashboard** – This dashboard assists States in monitoring MCSAP activities identified in CVSPs and in preparing MCSAP quarterly reports. The reports are viewable by fiscal year and quarter. The most recent five fiscal years are available.

*Reports are available in three areas: Crash Reduction, Out-of-Service (OOS) report, and National Program Elements (which includes reports on Roadside Inspections, Investigations, State Safety DQ, Safety Audits, Border Enforcement, and Traffic Enforcement).*

- States can utilize other data reports available on A&I Online located in the Crash Statistics, Enforcement Programs, and Data Quality modules.
- States can also use internal State data sources.

*It is important to always reference data source information used in developing problem statements, baseline information, objectives, and performance goals within the CVSP.*



## Part 2 Section 2 - CMV Crash Reduction

Please review the description of your State's crash reduction problem statement, goals, program activities and monitoring. Do changes need to be made on this page for the upcoming fiscal year? Note: 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

FMCSA's primary mission is to reduce crashes, injuries and fatalities involving large trucks and buses. MCSAP partners also share the goal of reducing CMV-related crashes.

Performance data plays an important role in ensuring MCSAP-funded work across the country is actively and effectively promoting positive CMV safety outcomes. States can use the MCSAP Performance Dashboard to develop CVSPs, and to inform and inspire strategic conversations with FMCSA in the pursuit of our shared safety mission. Crash metrics are included in the Crash Overview section and represent the performance measures most commonly identified by the States.

States can use this data to identify State trends in key crash measures, and compare your State with nationwide and regional data.

### Trend Analysis for 2017 - 2021

#### 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 **Number of 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 **eCVSP Goal column**, enter the goal from the corresponding CVSP for the measurement period.
  - In the **Actual 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:** Large Truck Fatal Crashes per 100M VMT

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

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2021	12/31/2021	37	0.2280	0.1720
01/01/2020	12/31/2020	52	0.2280	0.2680
01/01/2019	12/31/2019	58	0.2280	0.2730
01/01/2018	12/31/2018	49	0.2280	0.2330
01/01/2017	12/31/2017	47	0.2280	0.2240

**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			
01/01/2021	12/31/2021	0	0	0
01/01/2020	12/31/2020	0	0	0
01/01/2019	12/31/2019	0	0	0
01/01/2018	12/31/2018	1	0	1
01/01/2017	12/31/2017	0	0	0

## Hazardous Materials (HM) CRASH INVOLVING HM RELEASE/SPILL

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

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

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

**Goal measurement as defined by your State:** 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			
01/01/2021	12/31/2021	0	0	0
01/01/2020	12/31/2020	4	0	4
01/01/2019	12/31/2019	2	0	2
01/01/2018	12/31/2018	0	0	0
01/01/2017	12/31/2017	2	0	2

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

Nebraska Office of Highway Safety (Motor Vehicles Traveled in Nebraska) and the Nebraska Department of Transportation Accidents and Records Division July 28, 2022 FMCSA A&I July 30, 2022

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

Crash prediction is difficult and involves many factors. Nebraska has generally seen an increase in million miles driven within our State, with a slight reduction in 2018 and 2020, presumed to be caused by COVID. In the past 5 years, 2017-2021, Nebraska has seen a general increase in fatalities, with a drop in 2021. Nebraska has set a goal of .195 fatalities/ 100 million VMT, for the grant period. The Nebraska State Safety Plan calls for a rate of .90 fatalities, and the goal of the Nebraska State Patrol Carrier Division help to achieve this goal.

Nebraska recognizes work zone crashes are proportionally more dangerous when CMV's are involved. Emphasis will be placed on High Accident Counties and work zone enforcement. The Nebraska State Patrol is working in cooperation with the Nebraska Department of Roads and the Nebraska Information and Analysis Center (NIAC) to leverage GIS mapping technologies that can be utilized to identify patterns of pre-accident identifiers as well as actual accident data that can be used to guide enforcement and awareness efforts.

Additionally, the Nebraska State Patrol has begun cooperative work with motor carriers in the state who are providing telematics data from their CMVs operated in the state where hard brake and evasive steering maneuvers take place. These events are compared to each other, to work zone information, and to roadway design features which may contribute to crash causation. This information is used to direct patrol efforts based on "near crash" events that have occurred over the last 12-18 months.

**Narrative Overview for FY 2023 - 2025****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.**

Nebraska has a total of 93 counties, with an over representation of CMV crashes in identified high crash counties (HCCs). For the calendar years 2018-2021, the top 10 HCCs represented 55.6% or an average of 681 CMV crashes. If the group is extended out to the top 16 HCCs, they represent 67% of all crashes. 13 of these 15 counties are also targeted in the current Nebraska Highway Safety Plan for various other concerns.

NSP Carrier Enforcement has determined the HCCs will be Douglas, Lancaster, Sarpy, Hall, York, Lincoln, Buffalo, Dawson, Seward, Dodge, Platte, Keith, Hamilton, Madison, Cass and Cheyenne counties due to their over-representation of CMV crashes/

Nebraska: Number of Large Trucks & Buses Involved in All Crashes (MCMIS) (Calendar Year 2018-2021)

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

FMCSA A&I Downloadable Crash Data, MCMIS 07/28/2022 Nebraska's Performance Based Strategic Traffic Safety Plan, October 2021-Sept 2022 - Nebraska Highway Safety Office

**Projected Goal for FY 2023 - 2025:**

**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 would be shown as 4 percent. If the crash reduction goal is 15 crashes per year, then each annual goal would be shown as 15.**

Fiscal Year	Annual Crash Reduction Goals
2023	2
2024	2
2025	2

Nebraska's 5 year average for fatalities per 100 Million VMT is currently at .234. Nationally, there was an 2% increase in fatalities from 2018-2019. (2019 Annual Truck/Bus Crash Facts). At .234, Nebraska's 2021 results were slightly below the previous year, and Nebraska seeks to further reduce fatalities to rate not above the 5 year average. Some crash reporting in the state has been delayed due to technological difficulties in the Omaha area, which may skew the final results for 2021 and 2022. Based on the best data available, the fatality rate is significantly lower for 2021 compared to recent past data, however the number of fatalities has increased in 4 of the past 5 years, and early indicators for 2022 show the fatal trend increasing. Nebraska sets a goal of reducing the number of fatal crashes by 2 per year for the 3 year plan, compared to the current 5 year average of just over 48 crashes per year. For 2023, the goal will be 46, for 2024 the goal will be 44 and for 2025 the goal will be 42. Based on the 5 year high for VMT, 42 crashes would equate to .195 fatalities per 100M VMT. This reduction represents a 12.5% decrease for the 3 fiscal years of the plan. Nebraska had a high of 5 fatality crashes in construction zones in FY2021. A decrease of one per year is a 20% decrease, contributing to the goal of a 15% reduction set by FMCSA. The Nebraska State Patrol's goal is a reduction of an overall fatality rate involving Commercial Motor Vehicles (CMVs) by focusing on the Critical Emphasis Areas outlined in the State Highway Safety Plan. These critical emphasis areas are identified as being the primary causes of fatalities in crashes. The emphasis areas are increased seat belt use, reducing roadway departure crashes, reducing impaired driver crashes, and reducing construction zone crashes. Additionally, the Nebraska State Patrol Carrier Enforcement Division will seek to impact crash causation factors such as following too close, speeding, distracted driving and right of way infringement. The Nebraska Strategic Highway Safety Plan has a stated goal of an overall fatality rate of 1 fatality per 100 million VMT by calendar end 2022, inclusive of CMV crashes. The current CMV rate is below the stated goal of 1.0 fatality/100M VMT in the State Highway Safety plan and contributes to lowering the overall rate each year.

***Program Activities for FY 2023 - 2025: 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.***

1. The Nebraska State Patrol will perform a minimum of 6800 Commercial Vehicle inspections (Level 1, 2 or 3) in 2023, a minimum of 6800 Commercial Vehicle inspections (Level 1, 2 or 3) in 2024 and a minimum of 6800 Commercial Vehicle inspections (Level 1, 2 or 3) in 2025 in HCCs with emphasis on data driven analysis of problem areas in these localities.

2. The CVE Team will conduct at least 1 selective enforcement with Level I, II, and III inspections in each HCC in 2023, at least 1 selective enforcement with Level I, II, and III inspections in each HCC in 2024 and at least 1 selective enforcement with Level I, II, and III inspections in each HCC in 2025, with emphasis on data driven analysis of problem areas, including truck stops and rest areas that host large commercial vehicles in these localities.

3. The state will continue to utilize the Metropolitan Aggressive Preventative Selective program and continue to conduct a minimum of 1 selective in each of the top 10 HCCs, and devote additional effort to the corridors that are generating the high crash counts for the state, for a total of 14 selectives in 2023, 14 selectives in 2024 and 14 selectives in 2025.

4. The state plans to participate in activity to support the R.O.U.T.E.S. initiative, as defined by the United States Department of Transportation. According to data provided by USDOT, 46% of fatalities occur on rural roadways. In Nebraska, nearly twice as many miles are travelled on rural roadways as on urban roadways, and rural roadways account for more than 70% of fatalities in crashes involving commercial motor vehicles.

In an effort to more fully participate in the R.O.U.T.E.S. initiative, the Nebraska State Patrol will perform 12 selective enforcement events throughout Nebraska on rural highways, emphasizing safe travel in construction zones. To effectively identify and take enforcement action on crash-causing driving behaviors in construction zones, the Nebraska State Patrol will utilize airborne assets to observe, document, and positively identify violations for enforcement by ground-based units. Each selective will utilize a pilot, a secondary observer, and at least 3 ground based patrol units per event as manpower allows. Field lieutenants will coordinate selectives and focus efforts on moving violations in or near workzones using all available resources. FARS data indicates that Nebraska has seen a statistically significant increase in fatal crashes in work zones in 2019 and 2020. The state plans 100 hours of Airwing Division resources to enhance enforcement efforts during these 12 selectives.

The state plans to enhance enforcement efforts using unmarked vehicles, equipped with speed detection equipment, radios and cameras. This model is being used successfully with a single unmarked vehicle by observing crash causing activities, including phone use, speed, following distance, lane departures, and other violations of traffic law; the success of the enforcement efforts dictate addition of a second unit equipped for this purpose.

***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.***

1. Perform 3,700 CMV Level I – III inspections in HCCs per year. Review and reporting on High Crash Corridor activity, as identified above, will be accomplished on a quarterly basis through a query of inspections conducted in those counties.

2. Perform 3100 Traffic Enforcement inspections in HCCs per year, conducted primarily by the CVE team in response to targeted enforcement as outlined in the activity plan. Review and reporting will be accomplished on a quarterly basis through a query of inspection activity by supervisory staff of members of the participating officers.

3. Conduct 14 MAPS selectives, including a MAPS event held in all of the top 10 HACs. Efforts will be focused on roadside inspections, traffic enforcement and identification of unsafe driving behaviors of both CMVs and passenger vehicles. Cell phone use, distracted driving and other pre-crash indicators will be the key focus issue for traffic enforcement efforts during MAPS events and enforcement activity in the High Accident Corridors per year. The MCSAP Sergeant will provide quarterly updates to the MCSAP Lieutenant on progress toward this goal which will be reported quarterly.

4. The R.O.U.T.E.S. initiative will be monitored by the MCSAP Lieutenant, with the goal of keeping CMV-involved crashes in construction zones below the 5 year running average for both number of fatality crashes. For 2016-2020, the yearly average is 3 fatalities in construction zones. The goal will be a reduction of the average to 2 fatalities per year for 2023, 2024, and 2025 by conducting a minimum of 12 enforcement events in construction zones with the assistance of Airwing Division. The MCSAP Lieutenant will utilize selective reporting to ensure progress toward this goal is made, which will be reported quarterly. FARS data lags behind activity so yearly averages will be calculated as data is made available from reporting resources at both the state and federal level.

## 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

In this section, provide a trend analysis, an overview of the State's roadside inspection program, and projected goals for FY 2023 - 2025. 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 2017 - 2021

Inspection Types	2017	2018	2019	2020	2021
Level 1: Full	7197	6385	6344	5928	6142
Level 2: Walk-Around	2533	2254	2156	1899	2299
Level 3: Driver-Only	20613	19562	19114	16954	21441
Level 4: Special Inspections	0	59	419	128	126
Level 5: Vehicle-Only	436	393	384	378	285
Level 6: Radioactive Materials	1	0	1	3	1
<b>Total</b>	<b>30780</b>	<b>28653</b>	<b>28418</b>	<b>25290</b>	<b>30294</b>

### Narrative Overview for FY 2023 - 2025

#### 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.

FY24 Update: The state has successfully migrated all commercial vehicle inspections conducted in the state to TraCS.

#### 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.

In 1987, NSP implemented the MCSAP program which implemented the conducting of roadside inspection program which examines the driver, the vehicle, and the load for 13 critical items including hazardous materials.

The NSP Carrier Division administers the roadside inspection program which operates thirty one (31) portable units and ten (10) stationary weigh stations. NSP utilizes six of these sites as weigh in motion (WIM) and PrePass sites which meet the CVISN Level 1 Core Compliance requirements. These sites are located at North Platte Eastbound I-80, North Platte Westbound I-80, Waverly Eastbound I-80, Waverly Westbound I-80 and Nebraska City both Eastbound and Westbound on Route 2.

Additional scale sites include two near Hebron, one near Fremont, Highway 30 near North Platte and Highway 6 near Waverly. The North Platte and Waverly sites are utilized to monitor carriers which are bypassing the interstate scale system. All Carrier Enforcement and Traffic Troopers are issued Mobile Data Computers which are equipped with ASPEN including



access to FMCSA's Portal. In addition, all Troopers record their citations in TraCs. Carrier Enforcement Troopers in the field conduct all Levels of roadside inspections. Traffic Troopers only conduct Level III inspections.

To improve the Safety Compliance and Performance of Commercial drivers and vehicles the goal of the Nebraska State Patrol is to conduct 28,563 Roadside Inspections. Of this goal approximately 6,400 Level III inspections will be conducted by Patrol Division personnel during roadside stops of commercial motor vehicles. The remaining 22,163 inspections will be completed by personnel assigned to the Carrier Enforcement Division and be inclusive of any overtime projects.

FMCSA encourages Nebraska to conduct 25% of these inspections as level 1 inspections. Due to winter weather, Troopers are not required to conduct Level 1 inspections due to extremely cold temperatures and the accumulation of snow and ice, making these inspections difficult and dangerous. Winter weather typically begins in November and lasts into March. During the winter months, crash causation is largely defined by driver activity, particularly with speeds too fast for conditions being a primary cause of crashes when the state has snow on the ground. During the winter months of 2020, the total number of all crashes related to "driving too fast for conditions" is 1062. During the remaining months of the year, the total is 380. To help focus efforts on driver activities during inclement weather, the Nebraska State Patrol focuses inspection and enforcement effort on Level 3 inspections and traffic enforcement on both CMV and non-CMV traffic during this time. (2020 Monthly Crash Data, Nebraska Department of Transportation).

Currently, Nebraska utilizes advanced prescreening technologies at the Waverly Westbound, North Platte Eastbound and Nebraska City scale sites, funded by HP/ITD grants. These sites are priority locations due to their location as the first site of screening for interstate traffic in the eastbound and westbound lanes of Interstate 80 and along Nebraska Highway 2, which is a feeder route to I-29 in Iowa for trafficking traveling to and from the southern United States. The weigh in motion and camera based system not only screens for weight and tire deficiencies, it identifies registration non-compliance and Out of Service carriers by DOT number. Nebraska utilizes prescreening practices at its highest volume scale sites in the state, and utilizes technology resources to maximize the number of vehicles required to exit the roadway, reducing fuel consumption due to idle time and unneeded deceleration/acceleration. Baseline information has been established, and monthly review of data will occur to ensure the new systems and equipment are used at maximum effectiveness in several metrics, including carrier compliance with authority and registration in support of the PRISM program in Nebraska. These technologies are expected to also be brought online at Waverly Eastbound and North Platte Westbound in late 2023, made possible by FMCSA ITD grant funding. It is also expected that this should help enhance the catch rate on Out of Service Carriers, and improve Nebraska's score to achieve a minimum of 85% as required.

Nebraska actively monitors DataQ inquiries as a daily duty of the MCSAP Sergeant, resulting from roadside inspections. Nebraska sets a goal of all DataQs receiving an initial response within 10 working days and resolving any question or concern identified in a DataQ as quickly as practical, based on circumstances involved like days off, vacation, holidays, training, etc. Outcomes of DataQ findings are routinely used as a training tool for submitting troopers.

Nebraska has not identified safety concerns regarding the transportation of seasonal and migrant farm workers. Therefore, special emphasis has not been instituted to develop or implement a targeted enforcement plan for recurring roadside enforcement in agricultural regions. Data shows Nebraska has 2 carriers that have selected Migrant Workers as part of their DOT registration. There have been no reported crashes involving these carriers.

Nebraska State Troopers all receive interdiction training as part of their initial training and are offered opportunities to enhance that training as opportunities arise to help assist in the detection of criminal activity, and specifically drug trafficking activity. Troopers rely on this training during every vehicle stop to evaluate the indicators that may be present.

Nebraska has an established partnership with Truckers Against Trafficking (TAT) and utilizes their resources for training and awareness of human trafficking. Wallet cards are provided during inspections, all CDL renewal information includes TAT awareness, roadside rest areas have awareness literature, and public presentations provide information about human trafficking as appropriate.

Nebraska has included an approved Title VI plan with the initial submission of this plan, which makes reference to established equitable enforcement practices in the state.

As a state with a vast majority of roadways designated as "rural", Nebraska is actively participating in the R.O.U.T.E.S. initiative to focus enforcement efforts on rural roadways, and specifically rural construction zones in the state.

## **Projected Goals for FY 2023 - 2025**

### **Instructions for Projected Goals:**

*Complete the following tables in this section indicating the number of inspections that the State anticipates conducting during Fiscal Years 2023 - 2025. For FY 2024, 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:** NEBRASKA STATE PATROL

**Enter the total number of certified personnel in the Lead agency:** 80

Projected Goals for FY 2024 - Roadside Inspections					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	4400	850	0	5250	18.38%
Level 2: Walk-Around	1250	0	0	1250	4.38%
Level 3: Driver-Only	21843	0	0	21843	76.47%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	219	219	0.77%
Level 6: Radioactive Materials	0	1	0	1	0.00%
<b>Sub-Total Lead Agency</b>	<b>27493</b>	<b>851</b>	<b>219</b>	<b>28563</b>	

### MCSAP subrecipient agency

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

**Subrecipient is:** TBD

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

Projected Goals for FY 2024 - Subrecipients					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full				0	%
Level 2: Walk-Around				0	%
Level 3: Driver-Only				0	%
Level 4: Special Inspections				0	%
Level 5: Vehicle-Only				0	%
Level 6: Radioactive Materials				0	%
<b>Sub-Total Subrecipients</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**Non-Funded Agencies**

Total number of agencies:	
Enter the total number of non-funded certified officers:	
Enter the total number of inspections projected for FY 2024:	

**Summary**

## Projected Goals for FY 2024 - Roadside Inspections Summary

Projected Goals for FY 2024 Summary for All Agencies					
<b>MCSAP Lead Agency: NEBRASKA STATE PATROL</b>					
<b># certified personnel: 80</b>					
<b>Subrecipient Agencies: TBD</b>					
<b># certified personnel: 0</b>					
<b>Number of Non-Funded Agencies:</b>					
<b># certified personnel:</b>					
<b># projected inspections:</b>					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	4400	850	0	5250	18.38%
Level 2: Walk-Around	1250	0	0	1250	4.38%
Level 3: Driver-Only	21843	0	0	21843	76.47%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	219	219	0.77%
Level 6: Radioactive Materials	0	1	0	1	0.00%
<b>Total MCSAP Lead Agency &amp; Subrecipients</b>	<b>27493</b>	<b>851</b>	<b>219</b>	<b>28563</b>	

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

Please note the FMCSA encourages Nebraska to conduct 25% of these inspections as level 1 inspections. Due to winter weather, Troopers are not required to conduct Level 1 inspections due to extremely cold temperatures and the accumulation of snow and ice, making these inspections difficult and dangerous. Winter weather typically begins in November and lasts into March.

**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 2024 Roadside Inspections	Lead Agency	Subrecipients	Non-Funded	Total
Enter total number of projected inspections	28533	0	0	28533
Enter total number of certified personnel	80	0	0	80
Projected Goals for FY 2025 Roadside Inspections				
Enter total number of projected inspections	28533	0	0	28533
Enter total number of certified personnel	80	0	0	80

## Part 2 Section 4 - Investigations

Please review your State's investigation goals, program activities and monitoring. Do changes need to be made on this page for the upcoming fiscal year? Note: 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

*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 2017 - 2021

Investigative Types - Interstate	2017	2018	2019	2020	2021
Compliance Investigations	2	0	0	0	0
Cargo Tank Facility Reviews	0	0	0	0	0
Non-Rated Reviews (Excludes CSA & SCR)	0	0	0	0	0
CSA Off-Site	0	0	0	0	0
CSA On-Site Focused/Focused CR	3	0	0	0	0
CSA On-Site Comprehensive	0	0	0	0	0
<b>Total Investigations</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Security Contact Reviews	0	0	0	0	0
Total Terminal Investigations	0	0	0	0	0

Investigative Types - Intrastate	2017	2018	2019	2020	2021
Compliance Investigations	0	0	0	0	0
Cargo Tank Facility Reviews	0	0	0	0	0
Non-Rated Reviews (Excludes CSA & SCR)	52	9	59	45	39
CSA Off-Site	0	0	0	0	0
CSA On-Site Focused/Focused CR	20	11	0	32	51
CSA On-Site Comprehensive	0	18	2	0	0
<b>Total Investigations</b>	<b>72</b>	<b>38</b>	<b>61</b>	<b>77</b>	<b>90</b>
Total Security Contact Reviews	0	0	0	0	2
Total Terminal Investigations					

**Narrative Overview for FY 2023 - 2025****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 2023 - 2025**

Complete the table below indicating the number of investigations that the State anticipates conducting during FY 2023 - 2025.

Projected Goals for FY 2023 - 2025 - Investigations						
Investigation Type	FY 2023		FY 2024		FY 2025	
	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	44	0	44	0	44
CSA Off-Site	0	0	0	0	0	0
CSA On-Site Focused/Focused CR	0	20	0	20	0	20
CSA On-Site Comprehensive	0	2	0	2	0	2
<b>Total Investigations</b>	<b>0</b>	<b>66</b>	<b>0</b>	<b>66</b>	<b>0</b>	<b>66</b>
Total Security Contact Reviews	0	0	0	0	0	0
Total Terminal Investigations	0	0	0	0	0	0

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

The State of Nebraska utilizes the intrastate non-HM prioritization list when making investigatory assignments and follows CSA policy/methodology for all assignments, inclusive of complaint-based investigations (internal and external) with the following exception: The State of Nebraska requires that carriers selected for review who have no prior review history have a comprehensive review conducted upon their operations. All CR personnel received training in Enhanced Investigative Techniques (EIT). EIT will be utilized to pursue, verify records with additional sources, and invest the requisite time to ensure the safe on-road performance of passenger and high-risk carriers is being investigated. The current inventory is 128 assigned carriers, with none scheduled for a comprehensive review.

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

Current staffing is three full-time investigators and one sergeant. Activities include the examination of a motor carrier's transportation and safety records, training requirements, controlled substance and alcohol program, commercial driver license records, financial responsibility, hours of service, and inspection and maintenance programs. The division's goal is to conduct 66 Intrastate Compliance Reviews and/or CSA Investigations with enforcement as warranted per the Field Operations Training Manual. The investigators will conduct Intrastate Compliance Reviews and/or CSA Investigations on motor carriers with BASICs above threshold and/or which have had non-frivolous complaints made against them with enforcement as warranted, per the Field Operations Training Manual. This investigative team will assist in conducting Safety Audits in 2024. Those activities will be represented in that section of the plan.

**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.**

Track and evaluate the number of Compliance Reviews and/or CSA Investigations conducted inclusive of the number of critical and acute violations discovered per investigation. The Compliance Review Investigative Sergeant will review Compliance Reviews conducted by Investigators to ensure consistency among investigators and adherence to the eFOTM.

Each Investigator will conduct 20 investigations per year, along with 6 investigations conducted by the sergeant for a total of 66 Intrastate Compliance Reviews and/or CSA Investigations as a unit per year. The State will monitor progress on a quarterly basis, with each full time investigator conducting a minimum of 5 investigations a quarter for four quarters. On a quarterly basis, the CR Sergeant will meet with each

investigator to monitor progress towards this goal and the CR Sergeant will meet with the investigators as a group to monitor their overall progress towards the goal as a unit. It is understood that FMCSA's goal is a 20% increase in this metric over historical performance, but a shortage of manpower, along with pooling of all available resources to address new entrant carriers, makes the likelihood of seeing a 20% increase unlikely.

## 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

*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 2017 - 2021

#### 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		
10/01/2020	09/30/2021	5639	6099
10/01/2019	09/30/2020	5403	5452
10/01/2018	09/30/2019	5172	6472
10/01/2017	09/30/2018	6884	8281
10/01/2016	09/30/2017	6492	5990

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

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



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		
01/01/2021	12/31/2021	554	828
01/01/2020	12/31/2020	458	627
01/01/2019	12/31/2019	556	848
01/01/2018	12/31/2018	758	883
01/01/2017	12/31/2017	516	628

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

Number of CMV Traffic Enforcement Stops with an Inspection: A&I Nebraska Traffic Enforcement Activity Summary 7/30/2022 Number of Non-CMV traffic stops TraCS Query 7/30/2022 Number of Stops/Citations/Warnings Non-CMV: TraCS Query 7/30/2022

### **Narrative Overview for FY 2023 - 2025**

#### **Instructions:**

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

The NSP has approximately 80 Troopers assigned to the Carrier Enforcement Division which are certified to conduct NAS Level 1 through 5 inspections. Approximately 200 Troopers are assigned to the Traffic Division which are certified to conduct NAS Level 3 inspections. All NSP Troopers are expected to enforce CMV traffic violations in conjunction with overall highway safety goals and the reduction of highway fatalities.

There is a need to focus on the "driver" aspects of the CMV safety program. There continue to be traffic enforcement violations discovered on both CMVs and non-CMV's that are likely to increase the likelihood of a motor vehicle crash. Concentrating on driver violations will assist in continuing to reduce the fatality rate to an ultimate State goal (all motor vehicles) of 1.0 fatalities per 100,000,000 vehicle miles traveled.

The NSP MCSAP Program Lieutenant will review data and provide field supervisory personnel with monthly reports as well as Quarterly Statistics on the number of Traffic Enforcement Inspections and selective being conducted. Additionally these statistics are reviewed during quarterly supervisor meetings.

All NSP Troopers enforce highway safety laws and regulations either on a full time or part time basis (traveling to and from the scale facility assigned). Additionally, the Commercial Vehicle Enforcement (CVE) team was formed in 1997 and will have seven Carrier Enforcement Troopers assigned. The CVE team is trained to address traffic enforcement laws in areas designated as High Crash Counties (HCC's). Currently, the most accurate reporting of non-CMV traffic enforcement contacts comes from this subgroup of officers, because of their unique role and coding. Non-CMV traffic enforcement goals are being set based on documented activity of the CVE team, and may be exceeded based on the success of newly implemented reporting mechanisms. Violations of commercial vehicle regulations are included on a roadside inspection form, and citations or warnings for violation of state law are issued to all drivers. These violations are compared to MCP 5.4.2 for inclusion as traffic enforcement.

Activity generated from routine traffic stops as described above is estimated at 1200 traffic stops per year on non commercial vehicles operating proximate to CMVs on roadways throughout the state. A goal of 6400 CMV inspections will be conducted on CMVs in traffic enforcement stops. Special selective enforcement will be conducted in each Lieutenant area. Each area will have a quarterly goal, for a total of 48 special selectives focused on moving violations. The state is also planning on utilizing the agency Airwing Division to conduct 12 specific selectives in construction zones that will focus on moving violations on both CMV and non-CMV traffic in support of the R.O.U.T.E.S. initiative. It is believed that in spite of staff vacancies, the additional activity focused in these areas should all the agency to meet or exceed the goal of 6400. The goal is based on historical activity and known staffing shortages. A stated goal of exceeding this goal by 10% is not viewed as a attainable goal, and should the stated goal of 6400 inspections be achieved, it would represent a 13% increase over the previous year.

Safetynet and/or A&I is utilized to gather the number of CMV Traffic Enforcement stops with an inspection. TraCS and other proprietary software used by the agency is utilized to gather the number of citations and warnings issued, both for CMV and non-CMV stops.

**Projected Goals for FY 2023 - 2025**

Using the radio buttons in the table below, indicate the traffic enforcement activities the State intends to conduct in FY 2023 - 2025. 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 2023	FY 2024	FY 2025
<input checked="" type="radio"/>	<input type="radio"/>	CMV with Inspection	6400	6400	6400
<input type="radio"/>	<input checked="" type="radio"/>	CMV without Inspection			
<input checked="" type="radio"/>	<input type="radio"/>	Non-CMV	1200	1200	1200
<input checked="" type="radio"/>	<input type="radio"/>	Comprehensive and high visibility in high risk locations and corridors (special enforcement details)	60	60	60

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 CVSP from the roadside inspections (including border inspections, if applicable), investigations, and new entrant safety audit sections. The sum of your planned activities must equal or exceed the average number of 2014/2015 activities to be eligible to utilize Federal funding for Non-CMV traffic enforcement.

FY 2024 Planned Safety Activities				
Inspections	Investigations	New Entrant Safety Audits	Sum of FY 2024 Activities	Average 2014/15 Activities
28563	66	740	29369	29169

**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.**

Safety activity is inclusive of all activity conducted in the form of inspections or investigatory work in Safety Audits or Compliance Reviews. Levels of activity are uploaded daily, and are available through Safetynet queries for review. Supervisors are provided access to updated reports on a monthly basis and are expected to manage work outcomes for subordinates based on stated goals for the division and job duty. Deficiencies are addressed by supervisors as they are observed.

The Nebraska State Patrol derives Traffic Enforcement statistics from Safetynet, TraCS (electronic citation program), and manual collection during enforcement efforts. The Nebraska State Patrol relies on coding in enforcement documents, and supervisors monitors that data on a monthly basis. Activity in this category is a stated goal for the agency, with contributions being made by the CVE team (12 selectives per year), ROUTES (12 selectives with Airwing) Covert operations (10 with unmarked vehicles), and the balance (26) being conducted based on emergent trends throughout the state.

Lieutenants will monitor activity toward goals in their area of responsibility and will provide that information to the MCSAP Lieutenant for review and adjustment of priorities and resources to meet stated goals. On a quarterly basis, the Nebraska State Patrol will provide progress toward stated goals in PPR documentation submitted to FMCSA.

## Part 2 Section 6 - Safety Technology

Please verify your State's safety technology compliance levels with the ITD and PRISM programs, responsible agencies, and narrative overview. Do changes need to be made on this page for the upcoming fiscal year? Note: 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

*This section covers two of FMCSA's safety technology programs:*

- Innovative Technology Deployment (ITD)
- Performance and Registration Information Systems Management (PRISM)

*Please complete the information below to indicate your State's participation level in each program, along with specific information about how MCSAP Operations and Maintenance (O&M) funding is used to support each of these safety technology programs. All O&M expenses for both ITD and PRISM must be included and described both in this section and in the appropriate section of Part 4, Financial Information.*

### **Innovative Technology Deployment (ITD)**

*The ITD program is a key component of the FMCSA's drive to improve commercial motor vehicle safety. The ITD program empowers States to apply cutting-edge technology to share data more effectively and improve roadway safety.*

*With the enhanced funding provided to each State as part of the Bipartisan Infrastructure Law (BIL), certain technologies may be funded by MCSAP if certain criteria outlined below are met.*

*The technology:*

- Is widely available not requiring any product development
- Can be fully deployed and operational within the period of performance
- Has a direct impact on CMV safety based on verified performance data
- Is outlined in a State's approved ITD Program Plan/Top Level Design (PP/TLD) if required

*If there is a need for any technology development as part of a MCSAP project, and if the time to fully implement the technology exceeds the MCSAP period of performance, then the HP-ITD grant would be the appropriate source for federal funding. All ITD technology projects proposed will be reviewed by the ITD Program Office for eligibility determination.*

*ITD O&M is defined as costs associated with deployment projects that maintain and repair real property, or a system, based on its current status and abilities. O&M costs may also include memberships, fees, dues, program travel, and other related program costs that maintain or support deployment activities, as defined previously in the MCSAP Comprehensive Policy (MCP) section 5.2.*

### **Performance and Registration Information Systems Management (PRISM)**

*FMCSA's PRISM program is a partnership with State CMV registration offices and law enforcement that improves highway safety by identifying and immobilizing commercial motor carriers that are prohibited from operating due to a Federal Out-of-Service (OOS) order. PRISM is a key component to FMCSA's mission to reduce the number of CMV crashes, injuries and fatalities in a rapidly expanding interstate motor carrier population. PRISM provides States a safety mechanism to identify and immobilize motor carriers with serious safety deficiencies and hold them accountable through registration and law enforcement sanctions. States may fund new PRISM system development, deployment, as well as Operations and Maintenance. Further information regarding full participation in PRISM can be found in the MCP Section 4.3.1.*

*PRISM O&M are costs associated with projects that improve CMV safety, maintain and/or advance PRISM levels. O&M costs may also include memberships, fees, dues, program travel, and other related program costs that maintain or support PRISM deployment activities. All PRISM technology projects proposed will be reviewed by the PRISM Program Manager for eligibility determination.*

## 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, specific details must be included both in this section and in your Part 4 Spending Plan.

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

Available data sources:

- The [Innovative Technology Deployment \(ITD\) website](#) is a centralized repository for information that States should utilize to plan and implement effective ITD programs. ITD users can log in to query information from SAFER and other FMCSA systems, as well as access resources including recordings of previous webinars, conference materials, and web infrastructure technical specifications.
- The [PRISM Data and Safety Hub \(DASH\)](#) is an online workspace where State partners can log in to access reports, submit data, get materials to help implement PRISM and obtain information on the Level Up initiative.

**Enter the agency name responsible for ITD in the State:** Nebraska State Patrol

**Enter the agency name responsible for PRISM in the State:** Nebraska State Patrol, Nebraska Department of Motor Vehicles, Motor Carrier Services Division

### Narrative Overview for FY 2023 - 2025

**Problem Statement Narrative and Projected Goal:** Describe any challenges encountered in implementing, maintaining, or improving your ITD and PRISM program compliance level (i.e., problems encountered, obstacles overcome, lessons learned, etc.).

Currently PRISM Compliant.

**Program Activities for FY 2023 - 2025:** Describe any activities that will be taken to implement, maintain or improve your ITD and PRISM programs. Include a description of O&M costs for ITD and PRISM.

Currently PRISM Compliant. ITD equipment installed at scale sites provides high levels of data and trend information. The data reporting features come at an annual cost of \$12,000 per site which is included as a budget item. This data will be analyzed for patterns of non-compliance by drivers and motor carriers at these sites, with the information being used to provide staffing decisions and enforcement plans.

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

Currently PRISM Compliant.

Quarterly PRISM reporting will be accomplished in compliance with MCSAP program requirements.

The Nebraska Department of Motor Vehicles, Motor Carrier Services Division contributes greatly to the success of the State of Nebraska's PRISM compliance.

## 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. Do changes need to be made on this page for the upcoming fiscal year? Note: 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

*A public education and outreach program is designed to provide information on a variety of traffic safety issues related to CMVs and non-CMVs 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 2017 - 2021

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

Public Education and Outreach Activities	2017	2018	2019	2020	2021
Carrier Safety Talks	39	61	60	76	98
CMV Safety Belt Education and Outreach					
State Trucking Association Meetings	14	14	14	14	14
State-Sponsored Outreach Events	7	14	13	1	2
Local Educational Safety Events	6	2	6	9	8
Teen Safety Events	5	1	0	0	2

### Narrative Overview for FY 2023 - 2025

**Performance Objective: 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 activities the State plans to conduct, including but not limited to passenger transportation, work zone safety, hazardous materials transportation, human trafficking/smuggling, and share the road safety initiatives. Include the number of personnel that will be participating in these efforts and any Public Education and Outreach activities that are not specifically listed in the Projected Goals table.**

Laws and regulations concerning the safe operation of commercial motor vehicles can be complicated and confusing to industry and allied agencies. The Nebraska State Patrol Carrier Enforcement Division serves as a resource to other agencies and industry in order to encourage voluntary compliance and promote highway safety. Community based policing is fundamental in maintaining the trust and support, as well as the confidence of those that we serve. The Division will maintain a proactive relationship with the general public and to always present an open line of communication.

The Nebraska State Patrol Carrier Enforcement Division will conduct 90 seminars annually for the Motor Carrier industry. Additionally Sworn and non-sworn personnel shall attend community functions, school events and other public gatherings while representing the Nebraska State Patrol. Engaging in interaction with community members and increasing the support, trust and confidence of the Agency. We will promote the use of the NSP Website and utilize webinars and recorded videos to educate the public on laws, regulations and safety. As a Division, the Carrier Enforcement will conduct 2,000 hours of community outreach (annually). Outreach at these events covers many topics, including familiarity with FMCSA regulations, weather awareness, work zone safety and awareness of criminal behaviors like transportation of contraband and trafficked humans.

Trend information listed above is provided with caveats. The Nebraska State Patrol does not categorize all of our public information and awareness in the categories listed above. The actual number of total programs is accurate, but the breakdown by interaction type is somewhat subjective to determine which of the categories the activity most closely matched. CMV seat belt education is not easily separated from other Carrier Safety Talks, so that category is left blank, and

totals for both criteria are combined in a single total listed on the Safety Talks line. State sponsored outreach used to involve several staff members from the Carrier Enforcement Division travelling throughout the state providing information in a "town hall" type setting. The cost effective nature of the internet and video streaming have seen these town hall outreach events converted to web based informational videos, with an apparent observed decline in activity. Current tracking systems do not provide us an accurate way to quantify internet usage of our videos and web-based outreach, but anecdotal feedback we receive indicates that industry uses the videos and finds them more convenient for the end user due to lack of time and location constraints. The Nebraska State Patrol has fostered a strong relationship with Truckers Against Trafficking (TAT), and will use that organization's promotional materials as awareness training during public events and as handouts at static displays. Awareness videos are played at scale sites throughout the state, posters are maintained at rest areas, and TAT awareness materials are provided during CDL transactions by the Nebraska Department of Motor Vehicles.

Nebraska plans to work cooperatively to host an annual Carrier Enforcement Citizen's Academy. The event is designed for safety officials from motor carriers to get a one-day exposure to the division's many resources as well as receive overview training on things such as drug and alcohol awareness, facets of investigations, basic understanding of roles of different agencies and divisions, and make personal connections with enforcement staff. Attendees are provided an opportunity to see a vehicle inspection, drone flight, and scale operation. Upon completion, attendees are authorized to request a ride-along with an officer if they choose. The multiplied effect of providing this information to safety department staff is a planned benefit of the effort. The first class was held in 2022, and was highly successful based on feedback from attendees.

### **Projected Goals for FY 2023 - 2025**

***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 2023	FY 2024	FY 2025
<input checked="" type="radio"/>	<input type="radio"/>	Carrier Safety Talks	64	64	64
<input checked="" type="radio"/>	<input type="radio"/>	CMV Safety Belt Education and Outreach	0		
<input checked="" type="radio"/>	<input type="radio"/>	State Trucking Association Meetings	14	14	14
<input checked="" type="radio"/>	<input type="radio"/>	State-Sponsored Outreach Events	2	2	2
<input checked="" type="radio"/>	<input type="radio"/>	Local Educational Safety Events	8	8	8
<input checked="" type="radio"/>	<input type="radio"/>	Teen Safety Events	2	2	2

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

1. Maintain the number of seminars at 64, which is inclusive of Safety Talks and Seat Belt Education and Outreach. Distribute Nebraska Truck Information Guide Books and educational materials regarding general compliance issues, ELDs, and hazardous materials.
2. Utilize seat belt convincer / rollover machine at State Fair and Husker Harvest days
3. A representative or representatives from the Carrier Division will be in attendance at the monthly Trucking Association Meetings in addition to other meetings as needed based on current events and issues.
4. Conduct an annual Carrier Enforcement Citizen's Academy directed at safety officials at motor carriers.
5. Troopers will attend local public education safety events as requested. (i.e. schools).
6. Cooperate with local schools to enhance CMV awareness through events like "Touch a Truck" at the State Fair.

Progress toward these goals will be reported in quarterly PPRs.



**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. Do changes need to be made on this page for the upcoming fiscal year? Note: 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

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). All O&M expenses for SSDQ must be included and described both in this section and in the appropriate section of the Financial Information in Part 4.

**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:** Nebraska State Patrol

**Enter the agency or agencies name responsible for DataQs:** Nebraska State Patrol

**Enter the agency name responsible for the Crash Data Repository:** Nebraska Department of Transportation

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 2023 - 2025.

SSDQ Measure	Current SSDQ Rating	Goal for FY 2023	Goal for FY 2024	Goal for FY 2025
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

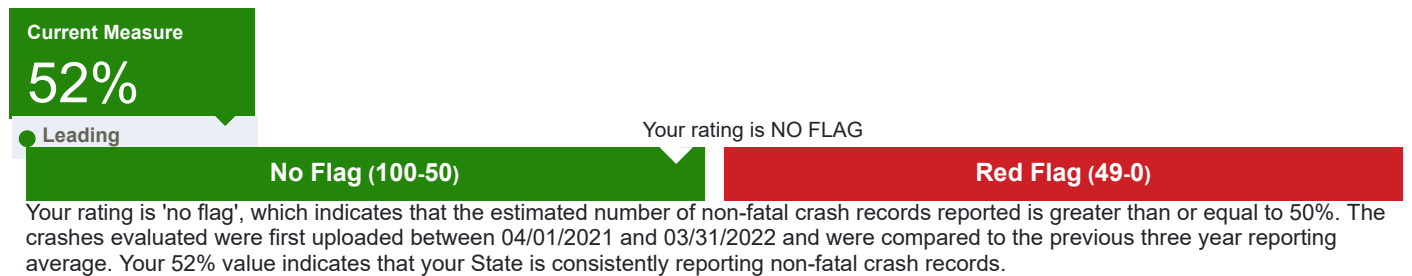
**Enter the date of the A & I Online data snapshot used for the "Current SSDQ Rating" column.**

A&I Online, July 30, 2022.

**Narrative Overview for FY 2023 - 2025**

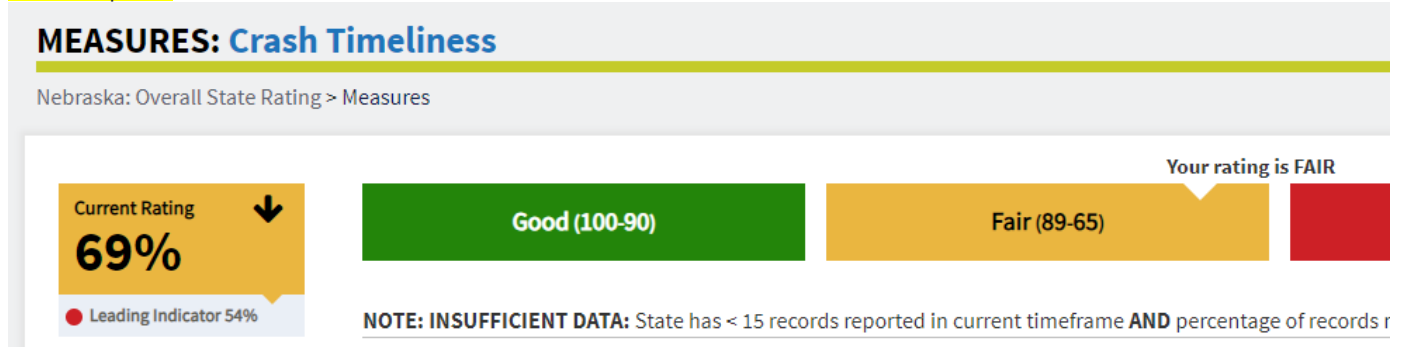
**Problem Statement Narrative:** Describe any issues encountered for all SSDQ measures not rated as "Good/Green" in the Current SSDQ Rating category column above (i.e., problems encountered, obstacles overcome, lessons learned, etc.).

Per the SSDQ Report:



Crash Timeliness is currently rated at "Fair" due to a known, and ongoing issue with crash records being delayed out of the state's largest metro area due to the use of paper reports than must be converted to electronic files. Late records have adversely affected this rating, and efforts to correct the situation are ongoing. The metro agencies are transitioning to electronic reporting in the fall of 2022, and while we do expect a continued impact as all of the old forms make their way through the import process, the use of the new software should eliminate this low score by mid-2023 if all current implementation goals are met.

**FY2024 Update:**



The Crash Timeliness Measure continues to suffer from the documented concern noted above. A CAP has been instituted to track progress toward getting this measure back into the "Good" rating. The goal noted in the CAP is November of 2023.

**Program Activities FY 2023 - 2025: Describe activities that will be taken to achieve or maintain a "Good" (Green) rating in all measures including the overall SSDQ rating. Include a description of all O&M costs for SSDQ. Also, describe how your State provides resources to conduct DataQs operations within your State, and how elevated/appeals requests are handled.**

According to the SSDQ report, "No flag" indicates that our performance is at an approved performance level.

**FY 2024 Update:** The Crash Timeliness indicator is being addressed by the CAP that was instituted during the Program Review.

**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.**

The Nebraska State Patrol reviews SSDQ information on a monthly basis in an effort to identify deficiencies that may appear after monthly updates. The Nebraska State Patrol utilizes resources available from FMCSA, including the State Data Quality Specialist as well as data analysis within individual rating categories, to pinpoint problem areas and work cooperatively with FMCSA to assure improvements as necessary.

The State manages DataQs on a daily basis, and keeps DataQs within the 10 day limit for response. 3 sworn staff are trained and available as needed to make sure responses are timely and accurate. If the initial DataQ request is denied, the carrier can ask that it be reviewed. The secondary request is reviewed by the MCSAP Lieutenant, who provides a response. If the company wishes to appeal the secondary decision, a review board is formed, and includes at a minimum the division commander, the MCSAP Lieutenant, and 3 industry partners chosen by the state trucking association who are responsible to render a final verdict.

A software upgrade issue is having an impact on crash timeliness at the time of this update, and has been impacting scores for the past 2 years. The Nebraska Department of Transportation assures the Nebraska State Patrol that the issue is almost completely corrected, and should result in stable scores in 2023. In addition to Quarterly PPRs which reflect the most current status of this area, timely communication with the Division Office, as well as with stakeholders assure regular awareness of ongoing issues..



**FY2024 Update:** Nebraska participated in a National Program Review in FY2023, where the issue of Crash Record Timeliness was identified as a Finding in the review. A Corrective Action Plan has been put in place to assure the state is monitoring and reporting activity toward eliminating this data concern. Regular monitoring and bi-weekly reporting will occur until the metric is at an acceptable rating, with the goal date of November 2023.

## 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. Do changes need to be made on this page for the upcoming fiscal year? Note: 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

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 2017 - 2021

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

New Entrant Safety Audits	2017	2018	2019	2020	2021
Interstate	614	582	590	504	332
Intrastate	0	0	0	0	0
<b>Total Audits</b>	<b>614</b>	<b>582</b>	<b>590</b>	<b>504</b>	<b>332</b>

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

### Narrative Overview for FY 2023 - 2025

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

**Please complete the information below by entering data from the NEWS Dashboard regarding Safety Audits in your State. Data Source: [New Entrant website \(NEWS\)](#)**

Date information retrieved from NEWS Dashboard to complete eCVSP	07/20/2023
Total Number of New Entrant Carriers in NEWS (Unassigned and Assigned)	947
Current Number of Past Dues	152

**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 2023 - 2025**

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

Projected Goals for FY 2023 - 2025 - New Entrant Safety Audits						
	FY 2023		FY 2024		FY 2025	
Number of Safety Audits/Non-Audit Resolutions	Interstate	Intrastate	Interstate	Intrastate	Interstate	Intrastate
# of Safety Audits (Onsite)	40	0	40	0	40	0
# of Safety Audits (Offsite)	700	0	700	0	700	0
# Group Audits	0	0	0	0	0	0
<b>TOTAL Safety Audits</b>	<b>740</b>	<b>0</b>	<b>740</b>	<b>0</b>	<b>740</b>	<b>0</b>
# of Non-Audit Resolutions	160	0	160	0	160	0

**Strategies:** Describe the strategies that will be utilized to meet the program objective above. Describe how the State will reduce past due Safety Audits. Provide any challenges or impediments foreseen that may prevent successful completion of the objective.

New motor carriers / New Entrant carriers are required to complete a safety monitoring period of 18 months with an allowance of 12 months to complete / pass a safety audit. FMCSA request the safety audit be completed after 90 days of operation but within 6 months of operation and not to exceed 12 months.

Investigators provide New Entrant motor carriers with the knowledge and resources to reduce the number and severity of crashes, injuries and fatalities within the statutory limits. New Entrant Investigators utilize the safety audit program to provide a setting for the motor carrier to understand and implement safety regulations, pinpoint safety management needs and review other areas that need improvement. In Nebraska, all Investigators are sworn officers, as mandated by state statute.

Recent history has seen a flood of new entrant carriers in the system, and Nebraska shares a common problem of overdue carriers. A 4th investigator was added in FY22, and the next phase in addressing the overdue carriers is to reassign duties to our Compliance Review Investigators to assist in completing additional audits until the overdue pool is eliminated. Nebraska will work aggressively in partnership with our local division office to address this ongoing concern and assure we are putting all available resources to work in this area.

Nebraska will be changing goals of Investigators in the unit, which includes Compliance Review Investigations and Safety Audits. Due to lower inventory in Compliance Reviews, these investigators will be given a goal of New Entrant Audits to complete each month until the New Entrant pool is at a manageable level based on overdue carriers, new carriers entering the pool, and trends in both of those metrics. It is the goal of the Division to have the overdue carriers reduced to 0 by the end of the 2023 fiscal year by employing this tactic.

**FY 2024 Update:** Nebraska is currently using 5 investigators to complete Safety Audits. Overdues and overall pool numbers are generally on the decline, but the pace of closing the gap indicates it may take 12-18 more months to be on pace to stay caught up. Once the pool is caught up with no overdues and workload at a manageable level, some investigators will be moved to Compliance Reviews.

***Activity Plan for FY 2023 - 2025: 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.***

The New Entrant program will utilize 4 full-time investigators and 3 CR Investigators on a part time basis to conduct approximately 740 new entrant safety audits and 160 non-audit resolutions for new entrant interstate motor carriers. Priority will be given to carriers of passengers to ensure safety audits are conducted within 120 days. Approximately 95 percent (95%) of the safety audits will be conducted offsite reducing travel time and cost. Approximately 5 percent (5%) of the safety audits will be conducted onsite at the carrier's principal place of business.

To maximize efficiency of the program, offsite eligible carriers will be contacted as soon as possible after the required documents are uploaded to the NEWS website. Auditors will adhere to the New Entrant Safety Audit Process Document for procedures and timelines when conducting offsite safety audits. Assistance with uploading documents will be provided only as needed.

The New Entrant office will monitor the number of safety audits completed to ensure requirements are met. The MCSAP Staff Assistant will complete weekly reports to reflect any carriers within 90 days of the due date to send to the New Entrant Investigators and New Entrant Sergeant. The MCSAP Staff Assistant will compile data monthly to track safety audits completed, passed, or failed. The data compiled will be placed on a tracking documents to be utilized for monthly, quarterly, and annual reports.

**FY 2024 Update:** The stated goal is based on annual goals for each Investigator, as well as a stretch goal utilizing overtime to keep moving our inventory toward no overdues.

***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.***

The New Entrant Sergeant will review all safety audits for quality, completeness, and accuracy. The New Entrant Sergeant will monitor activity throughout the quarter to guide the program to the established goals. The New Entrant Sergeant will ensure the MCSAP Staff Assistant is assigning and scheduling passenger carrier's audits as soon as practical. Scheduling and assignments will be given/monitored to ensure the most efficient use of time and travel.

The MCSAP Staff Assistant will review the new entrant inventory on a monthly basis and make assignments based on due dates. Priority will be given to past due carriers, passenger carriers, and hazardous material carriers. Assignments will be planned to maximize audit completion for onsite audits when travel is required to ensure program efficiency. The New Entrant office will strive to have all safety audits completed within 9 months of the company's entry date. Investigators and the MCSAP Staff Assistant will work together to ensure all attempts are exhausted before the 12 month due date or the carrier will be placed out of service for non-compliance.

Progress toward the annual goal will be provided in the quarterly PPR, or as requested to maintain awareness of the overdue pool.

**Part 3 - National Emphasis Areas and State Specific Objectives****Part 3 Section 1 - Overview**

*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 national emphasis areas and priorities outlined in the MCSAP Planning Memorandum that do not fit well within any section in Part 2 – Crash Reduction.*

*States may include any State-specific objectives. For example, create an objective to provide refresher training to MCSAP funded personnel on detecting human trafficking and human smuggling in Section 5.*

*Specific goals and activities must be projected for the three fiscal year period (FYs 2023 - 2025).*

### Part 3 Section 2 - 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. Do changes need to be made on this page for the upcoming fiscal year? Note: 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

#### Instructions:

FMCSA has established an Out-of-Service (OOS) catch rate of at least 85 percent for carriers operating while under a Federal **Imminent Hazard (IH) and unsatisfactory/unfit (UNSAT/UNFIT) OOS** order. If your catch rate is below 85 percent, States must develop performance goals and activities to meet the FMCSA threshold of at least 85 percent.

The OOS Catch Rate report is located on the [A&I Online website](#) in the Grants module. Select the OOS report from the Activity Dashboard to view your catch rate. Portal credentials are required to access this website.

**Your State's FY 2022 Federal IH and UNSAT/UNFIT OOS Catch Rate percentage: 100.00%**

Data Source: Last completed fiscal year, FMCSA Motor Carrier Management Information System (MCMIS) and the Safety and Fitness Electronic Records (SAFER) as of 04/28/2023

#### 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 3 - Passenger Carrier Enforcement

Please review your State's passenger carrier transportation goals, problem statement narrative, program activities and monitoring. Do changes need to be made on this page for the upcoming fiscal year? Note: 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

#### Instructions:

FMCSA requests that States conduct enhanced investigations for motor carriers of passengers and other high-risk carriers. 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.

#### Narrative Overview for FY 2023 - 2025

**Problem Statement Narrative: Describe the problem as identified by performance data and include the baseline data.**

Nebraska has not historically seen significant crashes with passenger vehicle carriers. Knowing that any crash involving passenger transportation, the state will prioritize limited resources to help assure this metric is maintained.

**Projected Goals for FY 2023 - 2025: Enter the performance goal for the three-year CVSP period for the State's passenger carrier enforcement initiative. Annual passenger carrier enforcement benchmarks for FY 2023, 2024 and 2025 must also be included.**

The state will endeavor to conduct 55 passenger vehicle inspections and 3 compliance reviews of passenger carrier companies.

**Program Activities for FY 2023 - 2025: Provide additional information regarding how these activities will be implemented.**

The state will work with passenger vehicle carriers to arrange for terminal inspection of at least 55 passenger vehicles each fiscal year. Additionally, 3 passenger carriers will be prioritized for compliance reviews in each fiscal year.

**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.**

Monitoring of inspections and compliance reviews will be conducted by the MCSAP Lieutenant and reported quarterly in the state's PPR.

### Part 3 Section 4 - State Specific Objectives – Past

No updates are required for this section.

#### Instructions:

Describe any State-specific CMV problems that were addressed with FY 2022 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 2022 CVSP.

#### Progress Report on State Specific Objectives(s) from the FY 2022 CVSP

Please enter information to describe the year-to-date progress on any State-specific objective(s) identified in the State's FY 2022 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.**

Provide Awareness and Enforcement Training for HOS/ELD.

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

Awareness and enforcement training for division personnel was provided in annual update training conducted at the Nebraska State Patrol Academy.

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

Awareness and enforcement training for division personnel was provided in annual update training conducted at the Nebraska State Fairgrounds in July of 2022. The training was recorded and can be provided on demand for future training needs. All sworn staff received updated training on HOS and violation coding at the State Patrol annual in-service during the spring of 2022.

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

Data Q analysis indicates that the technical environment of ELD and HOS regulations/exemptions continue to be a challenge, especially for those who conduct infrequent inspections. Subject matter experts within the division have developed a resource document that we believe will be useful, and which was provided to all road officers with the agency.

#### Activity #2

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

Trooper in a Truck program. Statistics tell us that a majority of the time, poor driving behaviors of passenger vehicle drivers are the root cause of most crashes involving CMVs. Proactive enforcement of poor and distracted driving, conducted in areas prone to commercial vehicle accidents, will help alleviate the activities of drivers in both passenger and commercial vehicles. Troopers, working from the vantage point of a commercial vehicle, will radio observed violations to waiting nearby troopers who can conduct a traffic stop and take enforcement action on the violations.

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

The Trooper In a Truck program will conduct a selective, weather permitting, 6 times in FY2022 which will include multiple troopers, a trained and Certified observer as well as a vehicle and driver provided through a partnership with the Nebraska Trucking Association and member companies.

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

The state was able to complete most planned Trooper in a Truck events, with the exception of some events that could not be conducted due to Covid protocols.



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

The program relies on cooperation with trucking companies who assist by providing a driver and equipment for use during the enforcement selective. It takes considerable effort to coordinate the event in a way that does not overextend the gratuity of the company. Clearly explaining the expectations of the driver, the route and logistics of the stops helps companies understand the high level of dedication while the selective is active.

### Part 3 Section 5 - State Specific Objectives – Future

Please review your State specific objectives and narrative overview. Do changes need to be made on this page for the upcoming fiscal year? Note: 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. I understand that I must include the heading "Update for FY 2024" before adding my changes in the narrative section and then click "Save" to save the changes.
- ☐ No, the information in this section remains valid for the upcoming fiscal year and no updates are necessary. If no is selected, this section will not be open for editing.

#### Instructions:

*The State may include additional objectives from the national priorities or emphasis areas identified in the NOFO as applicable. In addition, the State may include any State-specific CMV problems identified in the State that will be addressed with MCSAP funding. Some examples may include human trafficking/smuggling initiatives, work zone safety details, 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 2023 - 2025. 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.**

Local Agency Participation

#### **Narrative Overview for FY 2023 - 2025**

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

CMVs operate in local jurisdictions, which may not be regularly patrolled by the Nebraska State Patrol. Local agency partners can actively patrol their own jurisdictions, with emphasis being placed on moving violations involving CMV and non-CMV drivers. Local jurisdictions are not authorized by state statute to conduct inspections, but can take enforcement as needed on all motor vehicles in their jurisdiction.

**Projected Goals for FY 2023 - 2025:**

**Enter performance goal.**

The state will seek to partner with at least 1 local agency per year through a sub-recipient agreement for CMV and non-CMV enforcement around CMVs.

**Program Activities for FY 2023 - 2025: Describe the activities that will be implemented including level of effort.**

Local agencies will be offered overtime funding to conduct up to 50 hours of selective enforcement. Activity (number of citations and warnings) level will be tracked and included in the state's traffic enforcement efforts.

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

The Nebraska State Patrol will require sub-recipients to report hours used and activity level on a monthly basis, with quarterly reporting in the state's PPR. The Nebraska Division Office will provide support in reporting and management of subrecipients as needed to ensure compliance with grant requirements.

## 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 justify 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 2024 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	\$5,235,056.00	\$275,529.00	\$5,510,585.00

Summary of MCSAP Funding Limitations	
Allowable amount for Lead MCSAP Agency Overtime without prior approval (15% of MCSAP Award Amount):	\$826,588.00
MOE Baseline:	\$24,416.75

## Part 4 Section 2 - Personnel

Personnel costs are salaries for employees working directly on a project. Only salaries for employees of the lead MCSAP agency should be applied to personnel costs. Salaries for employees of subrecipients should be placed in Contractual and Subaward.

**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 prior approval (15% of MCSAP Award Amount):	\$826,588.00
---	--------------

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
Central Area Major	1	25.0000	\$168,000.00	\$42,000.00	\$39,900.00	\$2,100.00	\$0.00
Division Commander	1	50.0000	\$146,000.00	\$73,000.00	\$69,350.00	\$3,650.00	\$0.00
Field Lieutenant	3	25.0000	\$130,000.00	\$97,500.00	\$92,625.00	\$4,875.00	\$0.00
MCSAP Lieutenant	1	100.0000	\$130,000.00	\$130,000.00	\$123,500.00	\$6,500.00	\$0.00
CR/SA Sergeant	1	100.0000	\$119,000.00	\$119,000.00	\$113,050.00	\$5,950.00	\$0.00
CR/SA Investigator	7	100.0000	\$107,000.00	\$749,000.00	\$711,550.00	\$37,450.00	\$0.00
Field Sergeant	11	25.0000	\$102,000.00	\$280,500.00	\$266,475.00	\$14,025.00	\$0.00
HM Coordinator	1	50.0000	\$115,000.00	\$57,500.00	\$54,625.00	\$2,875.00	\$0.00
MCSAP Staff Sergeant	1	100.0000	\$102,000.00	\$102,000.00	\$96,900.00	\$5,100.00	\$0.00
CVE Trooper	7	75.0000	\$85,000.00	\$446,250.00	\$423,937.50	\$22,312.50	\$0.00
CE Troopers	39	30.0000	\$85,000.00	\$994,500.00	\$944,775.00	\$49,725.00	\$0.00
IT Business Systems Analyst	1	100.0000	\$77,000.00	\$77,000.00	\$73,150.00	\$3,850.00	\$0.00
Accountant I	2	25.0000	\$50,000.00	\$25,000.00	\$23,750.00	\$1,250.00	\$0.00
Office Specialist	1	25.0000	\$32,000.00	\$8,000.00	\$7,600.00	\$400.00	\$0.00
MCSAP Office Specialist	2	100.0000	\$40,500.00	\$81,000.00	\$76,950.00	\$4,050.00	\$0.00
Administrative Assistant II	1	50.0000	\$51,000.00	\$25,500.00	\$24,225.00	\$1,275.00	\$0.00
MCSAP Research Analyst	1	100.0000	\$44,000.00	\$44,000.00	\$41,800.00	\$2,200.00	\$0.00
Pilot	2	100.0000	\$4,000.00	\$8,000.00	\$7,600.00	\$400.00	\$0.00
Traffic Division Trooper	200	100.0000	\$640.00	\$128,000.00	\$121,600.00	\$6,400.00	\$0.00
<b>Subtotal: Salary</b>				<b>\$3,487,750.00</b>	<b>\$3,313,362.50</b>	<b>\$174,387.50</b>	<b>\$0.00</b>
Overtime Project Costs							
HM Overtime	40	100.0000	\$3,400.00	\$136,000.00	\$129,200.00	\$6,800.00	\$0.00
Incidental Overtime	80	100.0000	\$510.00	\$40,800.00	\$38,760.00	\$2,040.00	\$0.00
Planned Overtime	40	100.0000	\$5,270.00	\$210,800.00	\$200,260.00	\$10,540.00	\$0.00
<b>Subtotal: Overtime</b>				<b>\$387,600.00</b>	<b>\$368,220.00</b>	<b>\$19,380.00</b>	<b>\$0.00</b>
<b>TOTAL: Personnel</b>				<b>\$3,875,350.00</b>	<b>\$3,681,582.50</b>	<b>\$193,767.50</b>	<b>\$0.00</b>
<b>Accounting Method:</b>	<b>Cash</b>						

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

The Central Area Major provides executive oversight to the entire division, including MCSAP compliance and safety programs. The percentage estimates the amount of time spent in this role. All activity will be coded on timesheets for actual reimbursement.

The Division Commander provides general administrative oversight to the entire division. The commander provides direction and makes final decisions on all matters related to MCSAP compliance for the division. The percentage estimates the amount of time spent in this role. All activity will be coded on timesheets for actual reimbursement.

The Field Lieutenants provide administrative oversight to all CE personnel in a geographic section of the state, including all facets of MCSAP enforcement conducted by their staff. The percentage estimates amount of time spent in this role. All activity will be coded on timesheets for actual reimbursement.

One (1) MCSAP Lieutenant is dedicated to MCSAP Administrative activities. Duties include the application, administration and monitoring of all MCSAP related grants and activities. Appropriate percentage of time is listed on the line item budget.

The CR/SA Sergeant is dedicated 100 percent to oversight and compliance within this division. All activity will be coded on timesheets for actual reimbursement.

Three MCSAP CR Investigators are dedicated one hundred (100) percent to Compliance Reviews (40 hours per week each), as listed on the line item budget. Four MCSAP SA Investigators are dedicated to one hundred (100) percent to Safety Audits (40 hours per week each), as listed on the line item budget. Some staff are cross-trained, and may work on CRs or SAs in spite of being a New Entrant Investigator or Compliance Review Investigator. Due to continued inventory concerns in the Safety Audit program, all staff except one Compliance Review Investigator are working on Safety Audits at the time of this writing.

Field sergeants provide first line supervision to troopers, and routinely answer questions and provide support to troopers conducting MCSAP enforcement by checking for timesheet compliance and complete reports as well as answering questions about regulatory issues. The percentage represents the estimated amount of time spent in this role.

The HM Coordinator dedicates 50 percent of time to oversight and compliance, as well as education, of all HM certified officers in the state who are conducting MCSAP funded HM inspections. All activity will be coded on timesheets for actual reimbursement.

The MCSAP Staff Sergeant is dedicated one hundred (100) percent to MCSAP Staff duties such as DataQs, answering phone calls, serves as coordinator and supervisor of the Metropolitan Aggressive and Preventive Selectives (MAPS Team) (40 Hours per week), as listed on the line item budget. All activity will be coded on timesheets for actual reimbursement.

The seven (7) Carrier Enforcement Troopers designated as MCSAP Commercial Vehicle Enforcement (CVE) team, are dedicated to work full time on MCSAP eligible enforcement activities. Other non-eligible activity is necessary in their roles at State Troopers, to efforts are estimated at 75% of their on-duty time. All activity will be coded on timesheets for review and reimbursement based on allocability.

The state's estimate at this time is a PARS rate of approximately 30% based on recent monthly calculations in 2023. All activity will be coded on timesheets for actual reimbursement, and PARS will be adjusted based on these ongoing reviews. 39 FTEs are the full time equivalent enforcement positions in the Carrier Enforcement Division that are not specifically identified elsewhere in the personnel budget, and are not supervisory.

The one (1) IT Business Systems Analyst/Coordinator is dedicated one hundred (100) percent to Information Systems (40 hours per week each) Information Systems support includes all MCSAP related issues for the Carrier Enforcement Division. All activity will be coded on timesheets for actual reimbursement.

2 Accountant I staff members code approximately 25% of their time to managing grant fiscal needs, including payroll, payments of expenses, reporting and monitoring of grant activity.

Office Specialists are responsible for daily management of inspection upload/download, verification of inspection data, certification management and DataQ inputs. They also return of validated inspection reports from carriers, provides clerical support for communications and helps manage incoming phone calls. These staff also provide support to the CR/SA program by managing files, completing calls, preparing and mailing correspondence and supporting administrative needs of the CR/SA Sergeant.

MCSAP Office Specialist is dedicated to producing outputs for the investigative team based on needs generated from Safety Audits and Compliance Reviews. Position produces quarterly reports of the division's activity toward ECVSP goals. Assists with generation of reports, helps manage incoming phone calls, conducts a review of safety activity and assists with travel and training management.

Administration Assistant II is dedicated to report generation, validation of timesheet entries, internal reporting for the division to management staff, travel and training management, answers incoming phone calls, coordinates management and reporting of safety activities to external stakeholders, and assists in special duties as assigned by the division commander in furtherance of specific divisional needs as they are identified.

MCSAP Research Analyst - Verifies, validates and corrects crash data transfers and inspection data. Produces research products for use by field staff and managers based on data available from downloaded reports. Does predictive analysis based on trend research to guide selective enforcement campaigns, and works directly with the MCSAP Sergeant to produce reports and information for training and education.

Pilot time is based on 100 hours of flight time for 2 pilots at \$35/hour in support of flight missions for MCSAP traffic enforcement efforts.

Traffic Division Troopers is 200 officers in the traffic division that are required to conduct at least 32 Level 3 inspections annually as part of their job requirements. The salary computation in the budget table is a placeholder value based on known total expenses associated with this activity in previous years. Actual costs will be conveyed in reimbursement requests based on actual time coded on timesheets for inspections and associated enforcement activity.

NSP will continue planned overtime only if there is sufficient funding available. Supervisors will schedule and monitor overtime hours earned. Planned overtime allows NSP to conduct roadside MCSAP inspections to enhance our goal of reducing CMV crashes and fatalities. Additional overtime will be dedicated to non-CMV enforcement efforts as available resources are available. Overtime estimated in this portion of the budget is for Salaries and Benefits.

Overtime expenditures will fall into 3 main categories for the Nebraska State Patrol related to the MCSAP Budget.

Planned Inspection Overtime – 40 Officers x \$85 wage x 62 hours annually= \$210,800 (Grant 0256)

Hazardous Materials Inspections – 40 officers x \$85 wage x 40 hours annually = \$129,200.00 (Grant 1397)

Incidental Overtime - 80 officers x \$85 x 6 hours annually = \$40,800 (Grant 9308)

Total Overtime expenditure is \$767,188.80.

Planned (0256) Overtime is only available to qualified Troopers and Sergeants who are current on their required number of inspections. Supervisors will monitor overtime hours earned. This is a planned overtime category which will enhance our goal of reducing CMV crashes and fatalities through the regular inspection of drivers, vehicles and motor carriers in the state. Planned overtime is prioritized by the state for use to conduct inspections, traffic enforcement, safety audits and investigations. Hours are estimated based on previous participation rates in these categories.

Hazardous Materials (1397) overtime is only available to qualified Carrier Enforcement Troopers and Sergeants who are current on their required number of inspections. Supervisors will monitor overtime hours earned. This category enhances our goal of reducing CMV crashes and fatalities and reducing HM incidents through the regular inspection of HM carriers in the state. Hours are estimated based on previous participation rates in these categories.

Incidental Overtime (9308) is reimbursed for eligible activity, as provided by the Fair Labor Standards Act for hours worked over 40 hours in a workweek and are not part of a planned overtime project and are necessary to fulfill responsibilities that are in addition to regular eligible work. The estimated hours reflect 1/2 hour per month for employees who conduct eligible activity.



### 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: Actual Fringe Rate

**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
Central Area Major	40.0000	25.0000	\$168,000.00	\$16,800.00	\$15,960.00	\$840.00	\$0.00
Division Commander	40.0000	50.0000	\$146,000.00	\$29,200.00	\$27,740.00	\$1,460.00	\$0.00
Field Lieutenants	40.0000	25.0000	\$390,000.00	\$39,000.00	\$37,050.00	\$1,950.00	\$0.00
MCSAP Lieutenant	40.0000	100.0000	\$130,000.00	\$52,000.00	\$49,400.00	\$2,600.00	\$0.00
CR/SA Sergeant	40.0000	100.0000	\$119,000.00	\$47,600.00	\$45,220.00	\$2,380.00	\$0.00
CR/SA Investigators	40.0000	100.0000	\$749,000.00	\$299,600.00	\$284,620.00	\$14,980.00	\$0.00
Field Sergeants	40.0000	25.0000	\$1,122,000.00	\$112,200.00	\$106,590.00	\$5,610.00	\$0.00
HM Coordinator	40.0000	50.0000	\$115,000.00	\$23,000.00	\$21,850.00	\$1,150.00	\$0.00
MCSAP Staff Sergeant	40.0000	100.0000	\$102,000.00	\$40,800.00	\$38,760.00	\$2,040.00	\$0.00
CVE Trooper	40.0000	75.0000	\$595,000.00	\$178,500.00	\$169,575.00	\$8,925.00	\$0.00
CE Troopers	40.0000	30.0000	\$3,315,000.00	\$397,800.00	\$377,910.00	\$19,890.00	\$0.00
IT Business Systems Analyst	40.0000	100.0000	\$77,000.00	\$30,800.00	\$29,260.00	\$1,540.00	\$0.00
Accountant I	40.0000	25.0000	\$100,000.00	\$10,000.00	\$9,500.00	\$500.00	\$0.00
Office Specialist	40.0000	25.0000	\$32,000.00	\$3,200.00	\$3,040.00	\$160.00	\$0.00
MCSAP Office Specialist	40.0000	100.0000	\$81,000.00	\$32,400.00	\$30,780.00	\$1,620.00	\$0.00
Administrative Asst II	40.0000	50.0000	\$51,000.00	\$10,200.00	\$9,690.00	\$510.00	\$0.00
MCSAP Research Analyst	40.0000	100.0000	\$44,000.00	\$17,600.00	\$16,720.00	\$880.00	\$0.00
Pilots	40.0000	100.0000	\$8,000.00	\$3,200.00	\$3,040.00	\$160.00	\$0.00
Traffic Division Trooper	40.0000	0.0000	\$128,000.00	\$0.00	\$0.00	\$0.00	\$51,200.00
<b>TOTAL: Fringe Benefits</b>				<b>\$1,343,900.00</b>	<b>\$1,276,705.00</b>	<b>\$67,195.00</b>	<b>\$51,200.00</b>

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

The Nebraska State Patrol is collecting fringe benefit reimbursements at actual costs for the individuals who are paid for from the MCSAP grant. Fringe benefits are a summation of the actual fringe benefits per employee, which includes mandatory retirement, health insurance, statutory expense allowance, state provided life insurance, and unemployment. The State of Nebraska Department of Administrative Services utilizes the Labor and Distribution System where the system separates electronically the individual employee by percentage of how many hours worked in a labor unit, such as MCSAP. The Labor and Distribution Report then calculates the percentage time to each benefit for each individual grant. If the employee works two different grants then the appropriate percentage is calculated to each grant. For an example if an employee works 70 hours (87.5%) in a 2-week time frame for MCSAP, and worked 10 hours (12.5%) in a DOJ grant for a total of 80 hours. Then 87.5% of the 40% Fringe Benefit would be collected out of the MCSAP and 12.5% of the 38% Fringe Benefit would be collected out of the DOJ grant.

When an employee codes their time to the grant, NSP catalogs the actual hours worked to the grant, so the individual's salary would be paid correctly. Retirement is broken out by 16%, Medicare is broken out 1.456%, and if they have Social Security, 6.0% on the dollar amount is coded to the grant. Depending on the employee's health, Dental, Life and LTD the same percentage is used for salary to determine the benefit percentage. Due to fluctuations in base salary and deductions, we use a base rate of 40% for budgeting purposes.

**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
HM In Service	10	2	100.0000	\$3,200.00	\$3,040.00	\$160.00	\$0.00
Investigator Training	1	5	100.0000	\$2,000.00	\$1,900.00	\$100.00	\$0.00
NAS Part A Training	2	5	100.0000	\$700.00	\$665.00	\$35.00	\$0.00
NAS Part B Training	5	5	100.0000	\$8,500.00	\$8,075.00	\$425.00	\$0.00
CVSA Fall Conference	4	5	100.0000	\$12,000.00	\$11,400.00	\$600.00	\$0.00
Post Crash Course	4	5	100.0000	\$3,200.00	\$3,040.00	\$160.00	\$0.00
MCSAP Preplanning Conference	2	5	100.0000	\$4,000.00	\$3,800.00	\$200.00	\$0.00
MCSAP Inservice	5	2	100.0000	\$700.00	\$665.00	\$35.00	\$0.00
NAIC	1	6	100.0000	\$2,300.00	\$2,185.00	\$115.00	\$0.00
CVSA COHMED Conference	2	6	100.0000	\$6,000.00	\$5,700.00	\$300.00	\$0.00
CVSA Spring Conference	4	5	100.0000	\$12,000.00	\$11,400.00	\$600.00	\$0.00
Routine Travel	135	1	100.0000	\$20,925.00	\$19,878.75	\$1,046.25	\$0.00
Haz Mat Training (Basic, Bulk/Non-Bulk, OBP	10	5	100.0000	\$8,000.00	\$7,600.00	\$400.00	\$0.00
Nebraska Inspector's Championship	12	3	100.0000	\$8,160.00	\$7,752.00	\$408.00	\$0.00
CVSA Instructor In-Service	5	3	100.0000	\$10,000.00	\$9,500.00	\$500.00	\$0.00
FMCSA/CVSA Data Quality Conference	2	3	100.0000	\$4,000.00	\$3,800.00	\$200.00	\$0.00
<b>TOTAL: Travel</b>				<b>\$105,685.00</b>	<b>\$100,400.75</b>	<b>\$5,284.25</b>	<b>\$0.00</b>

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

State of Nebraska Travel Policy states:

State Wide Overnight Travel - Pursuant to §81-1174, employees traveling on State business may claim 100% of GSA per diem for their travel location.

Maximum per diem to be claimed per GSA guidelines are to be verified prior to submission of reimbursement requests, with information available at [www.gsa.gov](http://www.gsa.gov).

Program travel encompasses costs associated with MCSAP Selective Enforcement activities, Public Relations, Public Education, Special Projects, Compliance Review Program, Monitoring of Inspections, North American Inspector Championships, MCSAP, CVSA Conferences and meetings, Information Systems, Hazardous Materials meetings, COHMED, IT workshop, HM Basic Training, HM Cargo Tank Training, North American Standard Part A Training, North American Standard Part B training, MCSAP In-Service and FMCSA's Phase III Training.

HM in-service:

HM in-service is conducted annually for all HM qualified sworn staff. The annual in-service training provides updates on HM enforcement and inspections. HM in-service is usually held in Lincoln, and costs are for approximately 10 officers, based on hotel at \$100 and per diem and incidentals of \$60 a day. (10\*\$160/day)\*2 days=\$3200

**Investigator Training:** This training is identified for training of investigators to receive training in either New Entrant Safety Audits or Compliance Reviews. The state is budgeting for 1 investigator to receive necessary training, which could include training for new investigators or retraining of an existing investigator into a new discipline. Cost is based on 500 airfare, \$1000 hotel, \$350 per diem and \$150 incidental expense per person, for a total of \$2000.

**Certification Part A North American Standard Training:**

Costs represent necessary travel for NSP Instructors to travel to provide Part A Training to recruit camp. Meals and lodging are at the Training Academy and are approximately \$70 for food and lodging per day.

**Certification Part B North American Standard Training:**

Costs represent necessary travel for NSP Trooper (recruits) to attend the North American Standard Part B Inspection Course. All officers assigned to the Carrier Enforcement Division are required to attend the Part B Course. The number of staff to attend the training is based on retirement, transfers, and resignation within the Carrier Division. The average number of recruits for Part B on an annual basis is 5. This training is usually held at the Nebraska Law Enforcement Training Academy and all recruits are required to stay at the academy. Meals and lodging are below per diem rates. If a class is not available in-state, students will attend out of state. Budget is for out of state travel as a worst case scenario. Costs are based on airfare of \$500, hotels for a week at \$700, per diem of \$350 and incidentals of \$150 for a total of \$1700 per student if out of state travel is required.

**CVSA Fall Conference:**

Costs represent necessary travel for 4 NSP Personnel to attend the Commercial Vehicle Safety Alliance (CVSA) fall conference. The attendees are either in current leadership roles with CVSA, or are part of our MCSAP leadership or training cadre for the state. Exposure at CVSA assures that Nebraska is both well represented and at the forefront of commercial vehicle enforcement practices. The expenses are estimated based on conference fees of \$700, airfare of \$500, hotels at \$1300, per diem at \$350, and incidentals at \$150 per person.

**Post Crash**

Costs represent travel and training costs associated with 4 NSP officers attending at the annual Post Crash Inspector Training that require lodging. Cost is estimated at, \$500 hotel, \$250 per diem, and \$50 incidental expenses (4\* (500+250+50)). Depending on available instructors and needs of students, the actual number of involved personnel may vary from this estimate.

**MCSAP Pre-planning Conference:**

Costs represent necessary travel for NSP Personnel attend the FMCSA Pre-planning conference. The MCSAP Lieutenant and one additional representative will attend this conference. The expenses are estimated based on airfare of \$500, hotels at \$1000, per diem meals at \$350 and incidentals (transportation, luggage, etc) at \$150 per person.

**MCSAP in-service**

Training is conducted annually for all sworn Carrier Enforcement staff. The annual in-service training provides updates on FMCSA Regulations and Out-Of-Service Criteria. Training is one day and all officers are required to attend. However, since it is only 1 day training only a few officers (estimated at 5) will require meals and lodging due to travel distance. Daily rates are approximately \$70 per day for food (\$35) and lodging (\$35) at the NSPTA for MCSAP Inservice. Officers arrive the night before training and may elect to stay a second night to reduce overtime expenses after training, so the budget allows for up to 2 nights per officer.  $(5 \times 2) \times (\$70) = \$700$ .

**North American Inspector Championships (NAIC):**

Costs represent necessary travel for Carrier Enforcement personnel to attend the CVSA North American Inspection Championships. The competition recognizes the roadside inspector for demonstrated excellence in the competition. One officer will be selected to attend the Championships based on state a competition that consists of a written test, hazardous material table top inspection. Cargo Tank Inspections, Motor Coach Inspections, and a Level I inspections. Various training modules are also included in the Championship. The expenses are estimated at \$500 airfare, \$1250 hotel, \$400 per diem and \$150 incidentals.

**CVSA COHMED Conference:**

Costs represents necessary travel for Carrier Enforcement personnel to attend the Commercial Vehicle Safety Alliance (CVSA) Cooperative Hazardous Materials Enforcement and Development (COHMED) Conference. COHMED is an outreach activity to foster coordination, corporations, and communication between federal, state, and local jurisdictions having regulatory and enforcement responsibilities for safety transportation of hazardous materials and the industry that they regulate. The MCSAP Hazardous Material Coordinator and 1 officer will attend this conference. The expenses estimated at \$700 conference fee, \$500 airfare, \$1250 hotel, \$400 per diem, and \$150 for incidental expenses per person.

**CVSA Spring Conference:**

Costs represent necessary travel for 4 NSP personnel to attend the Commercial Vehicle Safety Alliance (CVSA) spring conference. The MCSAP Lieutenant, and 3 additional representative(s) will attend these conferences. Currently, the agency has leadership or voting roles several committees and regional responsibilities. The attendees are either in current leadership roles with CVSA, or are part of our

MCSAP leadership or training cadre for the state. Exposure at CVSA assures that Nebraska is both well represented and at the forefront of commercial vehicle enforcement practices. That information is shared across the state based on responsibilities with the Nebraska State Patrol. The expenses are estimated based on conference fees of \$700, airfare of \$500, hotels at \$1300, per diem at \$350, and incidentals at \$150 per person.

Routine travel for Selective Enforcement / Public Relations / Special Projects/Monitoring of Inspections and in-state training: Costs represent necessary travel funds for Carrier Enforcement personnel to provide adequate coverage within the state. Travel is necessary to perform Compliance Reviews, Patrols, Selective Operations--including high crash corridors, MCSAP Programs, program supervision, training, and other industry meetings within the state. These expenses are inclusive of per Diem and lodging. The total is based on approximately 135 overnight travel days at \$155 per day which includes hotels at \$110/night, meals at \$40 per day and \$5 for incidental expenses.

#### Haz Mat Training (Basic, Bulk/Non-Bulk, OBP:

Costs represent the necessary travel for Carrier Enforcement Troopers to attend the Hazardous Material Basic Training, Hazardous Material Cargo Tank Training, and the other Bulk Packaging Training conducted needed for certification. The number of staff to attend the training is based on refresher training, retirement, transfers, and resignation from the CE Division. Expenses are estimated at \$500 hotel, and \$300 for per diem and incidentals.

Costs for Nebraska Inspector's Championship is for lodging and hotel costs for staff to participate in the state's inspector championship to identify the state champion who competes at the national. Staff level is for competitors and judges. The total personnel is based on estimates, and may vary depending on the number of competitors. Costs are estimated at \$500 for hotel, and per diem of \$180.

#### CVSA Instructor Inservice

A line item is included for 5 staff members to attend CVSA's Instructor In-service, conducted in conjunction with the FMCSA/CVSA Data Quality conference on March 5-7, 2024. These staff members are certified instructors or provide oversight to the state's training program for CVSA certifications. The expenses are estimated based on airfare of \$500, hotels at \$1000, per diem meals at \$350 and incidentals (transportation, luggage, etc) at \$150 per person. In cases of Nebraska-based training utilizing CVSA authorized courses and trainers, the Nebraska State Patrol Carrier Enforcement Division will post all training opportunities with CVSA on a voluntary basis.

FMCSA/CVSA Data Quality Conference will be attended by 2 staff members who are integral to data quality management for the state's MCSAP program. The expenses are estimated based on airfare of \$500, hotels at \$1000, per diem meals at \$350 and incidentals (transportation, luggage, etc) at \$150 per person.

## 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 equipment threshold amount. To refer to Capital assets, Computing devices, General purpose equipment, Information technology systems, Special purpose equipment, and Supplies see [2 CFR § 200.1](#) Definitions.

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 how many of each item, the full cost of each item, and the percentage of time this item will be dedicated to MCSAP activities.

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
Unmarked Patrol Unit	1	\$35,660.80	100	\$35,660.80	\$33,877.76	\$1,783.04	\$0.00
<b>TOTAL: Equipment</b>				<b>\$35,660.80</b>	<b>\$33,877.76</b>	<b>\$1,783.04</b>	<b>\$0.00</b>
<b>Equipment threshold is \$1,500</b>							

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

Unmarked patrol units are assigned to Compliance Review and Safety Audit Investigators for official use while on duty. 1 unit is budgeted for replacement of a unit that has reached then end of its useful life, as determined by mileage, age, and/or maintenance and repair costs that exceed remaining value in the vehicle. Cost includes acquisition of the vehilce and required emergency equipment installed in the vehicle.

**Part 4 Section 6 - Supplies**

*Supplies means all tangible property other than that described in Equipment in [2 CFR §200.1](#) Definitions. 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.*

*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
CDR Software	2 Each	\$1,250.00	100.0000	\$2,500.00	\$2,375.00	\$125.00	\$0.00
IT systems and machines	1 Each	\$9,500.00	100.0000	\$9,500.00	\$9,025.00	\$475.00	\$0.00
Uniforms and Protective gear	1 Each	\$5,000.00	100.0000	\$5,000.00	\$4,750.00	\$250.00	\$0.00
MCSAP Inspection Tools	1 Each	\$6,694.00	100.0000	\$6,694.00	\$6,359.30	\$334.70	\$0.00
Regulation books	1 each	\$6,000.00	100.0000	\$6,000.00	\$5,700.00	\$300.00	\$0.00
Office supplies	1 Each	\$5,000.00	100.0000	\$5,000.00	\$4,750.00	\$250.00	\$0.00
<b>TOTAL: Supplies</b>				<b>\$34,694.00</b>	<b>\$32,959.30</b>	<b>\$1,734.70</b>	<b>\$0.00</b>

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

CDR Software is to be utilized by 2 post crash-trained inspectors to download ECM data in crash events on involved passenger vehicles. Data captured by ECM computers adds credibility and value to information gathered during crashes, and since a large majority of CMV crashes are caused by passenger vehicles, it is critical to thorough crash investigation to include as much information from passenger vehicles as possible.

IT systems and machines is inclusive of computers, printers, toner cartridges, peripherals, and service required to keep currently deployed systems functional or provide for replacement of unrepairable failed units. In part, expenses are expected for attrition of 2-3 printers currently deployed for 100% MCSAP use. The estimated cost per unit is \$2500 for purchase and installation of these printers, with additional costs for consumable supplies like high volume toner cartridges. Cost per cartridge is approximately \$200 per unit. Additionally, laptop computers are replaced as needed, with full replacement costs of approximately \$1500 per unit. Many units are repairable, and the most cost effective method will be employed to keep units servicable. Additional supplies are purchased as needed, with annualized cost estimates identified in this line item. IT services are provided as needed by the Nebraska Office of the Chief Information Officer (OCIO) and are billed as required.

Uniforms and Protective gear are MCSAP vest carriers, BDU uniforms, belts, and associated equipment. Uniforms costs are approximately \$250 per set, depending on configuration. Balistic vests are replaced on a 3 year cycle and cost approximately \$740 per officer. Additional protective gear such as hats (\$20), gloves (\$14), hard hats (\$15) and safety glasses (\$10) are replaced as necessary. Specialty duty gear is issued and replaced as necessary and includes the duty belt (\$45) holster (\$95) mag pouch (\$15), flashlight (\$125) as well as other incidental items. Costs for this category are estimated based on attrition of gear, expected transfers into the division and cyclical replacement of outdated gear.

MCSAP Inspection Tools includes items like creepers, chock blocks, flashlights, brake measurement tools and other associated items identified with performing MCSAP eligible inspections and functions. The budget is inclusive of new

items needed for planned attrition of existing gear and for outfitting of new officers who transfer into the division.

Regulation book and supplies expenses are for annual replacement of FMCSR, as well as CVSA OOS Criteria books, for all NAS-certified personnel and any associated supplies needed for the FMCSRs. Approximately 120 FMCSR full sized inspection books, 200 glove-box sized inspection books. 30 Haz Mat regulation books, as well as 100 CVSA OOS books are purchased annually.

Office supplies include items needed to reasonably operate office space utilized by MCSAP funded employees, which may include pens, paper, wall calendars, desks, chairs, computer or monitor stands, office machines, or other items needed to operate and produce work products in an office environment.

## 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 §200.1 Definitions](#)). All contracts issued under a Federal award must comply with the procurement standards described in [2 CFR §200.317](#), [2 CFR §200.318](#), and [Appendix II to Part 200](#).

**Note:** Contracts are separate and distinct from subawards; see [2 CFR §200.331](#) 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 §200.1 Definitions](#) and [2 CFR §200.331](#)).

**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 §200.1 Definitions](#)).

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 non-proprietary identifier that replaced 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
International Road Dynamics	123456	Contract	100.0000	\$36,000.00	\$34,200.00	\$1,800.00	\$0.00
Description of Services: Annual maintenance and reporting from ITD systems at 6 scale facilities							
TBD Local	000000	Subrecipient	100.0000	\$10,000.00	\$9,500.00	\$500.00	\$0.00
Description of Services: CMV Enforcement - Local							
IPTM	123456	Contract	100.0000	\$16,500.00	\$15,675.00	\$825.00	\$0.00
Description of Services: Commercial Vehicle Crash Reconstruction Training							
<b>TOTAL: Contractual and Subaward</b>				<b>\$62,500.00</b>	<b>\$59,375.00</b>	<b>\$3,125.00</b>	<b>\$0.00</b>

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

Nebraska utilizes IRD's IROC system at 6 scale sites in the state. Maintenance and reporting of data from these systems are \$6000 per year, per site. The IROC system is the centralized operations system that manages the state's preclearance systems, including License Plate readers, DOT readers, Weigh in Motion scales, and Tire Anomaly systems, working in concert with the state's preclearance providers PrePass and Drivewyze. This equipment supports Nebraska's current PP-TLD.



Nebraska has added a placeholder to explore utilizing local agencies to do traffic enforcement on commercial vehicles, and non-commercial vehicles committing moving violations near commercial vehicles in their jurisdictions, supporting the state's Traffic Enforcement plans and goals. Nebraska seeks to contract with IPTM (Institute of Police Technology and Management) for a Commercial Vehicle Crash Investigation course to be held in Nebraska during the fiscal year. The course is designed to provide training to crash reconstructionists on commercial vehicle crash analysis, including vehicle and driver analysis, as well as training on heavy vehicle event data recorders (HVEDRs). The state currently has software to download heavy vehicle ECMs, and this training provides needed analysis tools to maximize the information gathered during download events. The \$16,500 cost is to bring a course to Nebraska to train all reconstructionists in the state, currently 19 individuals. The course is normally \$895 per person, plus all travel expenses. Bringing the training to the state will save an estimated \$25,000, and fast-track all reconstructionists in the use of the HVEDR software and crash investigation techniques unique to commercial vehicles.

## 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 §200.1](#) Definitions) 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. For more information, please see [2 CFR § 200.414](#) Indirect (F&A) costs.

- **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
Room Rent - Training/Outreach	1 Each	\$300.00	100.0000	\$300.00	\$285.00	\$15.00	\$0.00
CVSA Decals	800 sheet	\$5.00	100.0000	\$4,000.00	\$3,800.00	\$200.00	\$0.00
Cell Phone Lines	72 annual	\$472.00	30.0000	\$10,195.20	\$9,685.44	\$509.76	\$0.00
CVSA Annual Membership	1 membersip	\$12,900.00	100.0000	\$12,900.00	\$12,255.00	\$645.00	\$0.00
HELP Inc Dues	1 annual	\$7,500.00	100.0000	\$7,500.00	\$7,125.00	\$375.00	\$0.00
Aircraft time	100 Hour	\$179.00	100.0000	\$17,900.00	\$17,005.00	\$895.00	\$0.00
<b>TOTAL: Other Costs</b>				<b>\$52,795.20</b>	<b>\$50,155.44</b>	<b>\$2,639.76</b>	<b>\$0.00</b>

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

A budget line item is included for room rental for training and outreach. Room availability at facilities with no cost to the agency are limited, and a line item is included to assure we can rent space as needed for planned events.

Cell phone lines:Cost represent cell phone lines used by division staff, based on PARS prorated costs.

CVSA Decals/CVSA Annual Membership-Cost represent expenses for CVSA Decals and CVSA Annual Membership Dues.

HELP Inc. Dues-Cost represent expenses related to HELP Inc Dues. The FAST Act, beginning in FY2017 provides flexibility for Nebraska to utilize a portion of our MCSAP funding towards operation and maintenance costs. Operations and maintenance is defined as the combination of all technical and administrative actions intended to enable a CMV information system, communication network and or hardware and software application to perform its required functions and address necessary adaptation to changes in external conditions. This fee is for one representative from the Nebraska State Patrol.

Aircraft time is costs associated for the operation of fixed wing aircraft for 100 horus of flight time. These flights are planned for construction zones, in support of the R.O.U.T.E.S. initiative and Traffic Enforcement selective goals.

All items listed as budget estimates and are placeholders; actual costs will be billed for reimbursement.

**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	\$5,235,056.00	\$275,529.00	\$5,510,585.00

Summary of MCSAP Funding Limitations	
Allowable amount for Lead MCSAP Agency Overtime without prior approval (15% of MCSAP Award Amount):	\$826,588.00
MOE Baseline:	\$24,416.75

Estimated Expenditures				
Personnel				
	Federal Share	State Share	Total Project Costs (Federal + Share)	MOE
Central Area Major	\$39,900.00	\$2,100.00	\$42,000.00	\$0.00
Division Commander	\$69,350.00	\$3,650.00	\$73,000.00	\$0.00
Field Lieutenant	\$92,625.00	\$4,875.00	\$97,500.00	\$0.00
MCSAP Lieutenant	\$123,500.00	\$6,500.00	\$130,000.00	\$0.00
CR/SA Sergeant	\$113,050.00	\$5,950.00	\$119,000.00	\$0.00
CR/SA Investigator	\$711,550.00	\$37,450.00	\$749,000.00	\$0.00
Field Sergeant	\$266,475.00	\$14,025.00	\$280,500.00	\$0.00
HM Coordinator	\$54,625.00	\$2,875.00	\$57,500.00	\$0.00
MCSAP Staff Sergeant	\$96,900.00	\$5,100.00	\$102,000.00	\$0.00
CVE Trooper	\$423,937.50	\$22,312.50	\$446,250.00	\$0.00
CE Troopers	\$944,775.00	\$49,725.00	\$994,500.00	\$0.00
IT Business Systems Analyst	\$73,150.00	\$3,850.00	\$77,000.00	\$0.00
Accountant I	\$23,750.00	\$1,250.00	\$25,000.00	\$0.00
Office Specialist	\$7,600.00	\$400.00	\$8,000.00	\$0.00
MCSAP Office Specialist	\$76,950.00	\$4,050.00	\$81,000.00	\$0.00
Administrative Assistant II	\$24,225.00	\$1,275.00	\$25,500.00	\$0.00
MCSAP Research Analyst	\$41,800.00	\$2,200.00	\$44,000.00	\$0.00
Pilot	\$7,600.00	\$400.00	\$8,000.00	\$0.00
Traffic Division Trooper	\$121,600.00	\$6,400.00	\$128,000.00	\$0.00
<b>Salary Subtotal</b>	<b>\$3,313,362.50</b>	<b>\$174,387.50</b>	<b>\$3,487,750.00</b>	<b>\$0.00</b>
HM Overtime	\$129,200.00	\$6,800.00	\$136,000.00	\$0.00
Incidental Overtime	\$38,760.00	\$2,040.00	\$40,800.00	\$0.00
Planned Overtime	\$200,260.00	\$10,540.00	\$210,800.00	\$0.00
<b>Overtime subtotal</b>	<b>\$368,220.00</b>	<b>\$19,380.00</b>	<b>\$387,600.00</b>	<b>\$0.00</b>
<b>Personnel total</b>	<b>\$3,681,582.50</b>	<b>\$193,767.50</b>	<b>\$3,875,350.00</b>	<b>\$0.00</b>

Fringe Benefits				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Central Area Major	\$15,960.00	\$840.00	\$16,800.00	\$0.00
Division Commander	\$27,740.00	\$1,460.00	\$29,200.00	\$0.00
Field Lieutenants	\$37,050.00	\$1,950.00	\$39,000.00	\$0.00
MCSAP Lieutenant	\$49,400.00	\$2,600.00	\$52,000.00	\$0.00
CR/SA Sergeant	\$45,220.00	\$2,380.00	\$47,600.00	\$0.00
CR/SA Investigators	\$284,620.00	\$14,980.00	\$299,600.00	\$0.00
Field Sergeants	\$106,590.00	\$5,610.00	\$112,200.00	\$0.00
HM Coordinator	\$21,850.00	\$1,150.00	\$23,000.00	\$0.00
MCSAP Staff Sergeant	\$38,760.00	\$2,040.00	\$40,800.00	\$0.00
CVE TRooper	\$169,575.00	\$8,925.00	\$178,500.00	\$0.00
CE Troopers	\$377,910.00	\$19,890.00	\$397,800.00	\$0.00
IT Business Systems Analyst	\$29,260.00	\$1,540.00	\$30,800.00	\$0.00
Accountant I	\$9,500.00	\$500.00	\$10,000.00	\$0.00
Office Specialist	\$3,040.00	\$160.00	\$3,200.00	\$0.00
MCSAP Office Specialist	\$30,780.00	\$1,620.00	\$32,400.00	\$0.00
Administrative Asst II	\$9,690.00	\$510.00	\$10,200.00	\$0.00
MCSAP Research Analyst	\$16,720.00	\$880.00	\$17,600.00	\$0.00
Pilots	\$3,040.00	\$160.00	\$3,200.00	\$0.00
Traffic Division Trooper	\$0.00	\$0.00	\$0.00	\$51,200.00
<b>Fringe Benefits total</b>	<b>\$1,276,705.00</b>	<b>\$67,195.00</b>	<b>\$1,343,900.00</b>	<b>\$51,200.00</b>

Travel				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
HM In Service	\$3,040.00	\$160.00	\$3,200.00	\$0.00
Investigator Training	\$1,900.00	\$100.00	\$2,000.00	\$0.00
NAS Part A Training	\$665.00	\$35.00	\$700.00	\$0.00
NAS Part B Training	\$8,075.00	\$425.00	\$8,500.00	\$0.00
CVSA Fall Conference	\$11,400.00	\$600.00	\$12,000.00	\$0.00
Post Crash Course	\$3,040.00	\$160.00	\$3,200.00	\$0.00
MCSAP Preplanning Conference	\$3,800.00	\$200.00	\$4,000.00	\$0.00
MCSAP Inservice	\$665.00	\$35.00	\$700.00	\$0.00
NAIC	\$2,185.00	\$115.00	\$2,300.00	\$0.00
CVSA COHMED Conference	\$5,700.00	\$300.00	\$6,000.00	\$0.00
CVSA Spring Conference	\$11,400.00	\$600.00	\$12,000.00	\$0.00
Routine Travel	\$19,878.75	\$1,046.25	\$20,925.00	\$0.00
Haz Mat Training (Basic, Bulk/Non-Bulk, OBP	\$7,600.00	\$400.00	\$8,000.00	\$0.00
Nebraska Inspector's Championship	\$7,752.00	\$408.00	\$8,160.00	\$0.00
CVSA Instructor In-Service	\$9,500.00	\$500.00	\$10,000.00	\$0.00
FMCSA/CVSA Data Quality Conference	\$3,800.00	\$200.00	\$4,000.00	\$0.00
<b>Travel total</b>	<b>\$100,400.75</b>	<b>\$5,284.25</b>	<b>\$105,685.00</b>	<b>\$0.00</b>

Equipment				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Unmarked Patrol Unit	\$33,877.76	\$1,783.04	\$35,660.80	\$0.00
<b>Equipment total</b>	<b>\$33,877.76</b>	<b>\$1,783.04</b>	<b>\$35,660.80</b>	<b>\$0.00</b>

Supplies				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
CDR Software	\$2,375.00	\$125.00	\$2,500.00	\$0.00
IT systems and machines	\$9,025.00	\$475.00	\$9,500.00	\$0.00
Uniforms and Protective gear	\$4,750.00	\$250.00	\$5,000.00	\$0.00
MCSAP Inspection Tools	\$6,359.30	\$334.70	\$6,694.00	\$0.00
Regulation books	\$5,700.00	\$300.00	\$6,000.00	\$0.00
Office supplies	\$4,750.00	\$250.00	\$5,000.00	\$0.00
<b>Supplies total</b>	<b>\$32,959.30</b>	<b>\$1,734.70</b>	<b>\$34,694.00</b>	<b>\$0.00</b>

Contractual and Subaward				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
International Road Dynamics	\$34,200.00	\$1,800.00	\$36,000.00	\$0.00
TBD Local	\$9,500.00	\$500.00	\$10,000.00	\$0.00
IPTM	\$15,675.00	\$825.00	\$16,500.00	\$0.00
<b>Contractual and Subaward total</b>	<b>\$59,375.00</b>	<b>\$3,125.00</b>	<b>\$62,500.00</b>	<b>\$0.00</b>

Other Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Room Rent - Training/Outreach	\$285.00	\$15.00	\$300.00	\$0.00
CVSA Decals	\$3,800.00	\$200.00	\$4,000.00	\$0.00
Cell Phone Lines	\$9,685.44	\$509.76	\$10,195.20	\$0.00
CVSA Annual Membership	\$12,255.00	\$645.00	\$12,900.00	\$0.00
HELP Inc Dues	\$7,125.00	\$375.00	\$7,500.00	\$0.00
Aircraft time	\$17,005.00	\$895.00	\$17,900.00	\$0.00
<b>Other Costs total</b>	<b>\$50,155.44</b>	<b>\$2,639.76</b>	<b>\$52,795.20</b>	<b>\$0.00</b>

Total Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
<b>Subtotal for Direct Costs</b>	<b>\$5,235,055.75</b>	<b>\$275,529.25</b>	<b>\$5,510,585.00</b>	<b>\$51,200.00</b>
<b>Total Costs Budgeted</b>	<b>\$5,235,055.75</b>	<b>\$275,529.25</b>	<b>\$5,510,585.00</b>	<b>\$51,200.00</b>

## Part 4 Section 10 - Financial Summary

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

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

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	95% Federal Share	5% State Share	Total Estimated Funding
Total	\$5,235,056.00	\$275,529.00	\$5,510,585.00

Summary of MCSAP Funding Limitations	
Allowable amount for Lead MCSAP Agency Overtime without prior approval (15% of MCSAP Award Amount):	\$826,588.00
MOE Baseline:	\$24,416.75

Estimated Expenditures				
	Federal Share	State Share	Total Project Costs (Federal + State)	Planned MOE Costs
;;;Salary Subtotal	\$3,313,362.50	\$174,387.50	\$3,487,750.00	\$0.00
;;;Overtime Subtotal	\$368,220.00	\$19,380.00	\$387,600.00	\$0.00
Personnel Total	\$3,681,582.50	\$193,767.50	\$3,875,350.00	\$0.00
Fringe Benefits Total	\$1,276,705.00	\$67,195.00	\$1,343,900.00	\$51,200.00
Travel Total	\$100,400.75	\$5,284.25	\$105,685.00	\$0.00
Equipment Total	\$33,877.76	\$1,783.04	\$35,660.80	\$0.00
Supplies Total	\$32,959.30	\$1,734.70	\$34,694.00	\$0.00
Contractual and Subaward Total	\$59,375.00	\$3,125.00	\$62,500.00	\$0.00
Other Costs Total	\$50,155.44	\$2,639.76	\$52,795.20	\$0.00
	95% Federal Share	5% State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Subtotal for Direct Costs	\$5,235,055.75	\$275,529.25	\$5,510,585.00	\$51,200.00
Indirect Costs	\$0.00	\$0.00	\$0.00	NA
<b>Total Costs Budgeted</b>	<b>\$5,235,055.75</b>	<b>\$275,529.25</b>	<b>\$5,510,585.00</b>	<b>\$51,200.00</b>



**Part 5 - Certifications and Documents****Part 5 Section 1 - Overview**

*Part 5 includes electronic versions of specific requirements, certifications and documents that a State must agree to and abide by 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.*

*These certifications must be completed and signed on an annual basis.*

**Part 5 Section 2 - 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? John Bolduc
2. What is this person's title? Colonel, Nebraska State Patrol
3. Who is your Governor's highway safety representative? William Kovarik
4. What is this person's title? Highway Safety Administrator

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

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

**State Certification declaration:**

I, John Bolduc, Colonel, Nebraska State Patrol, on behalf of the State of NEBRASKA, 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 3 - 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? Mark Boyer
2. What is the title of your certifying State official? Assistant General Counsel
3. What are the phone # and email address of your State official? 402-471-4545

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

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

I, Mark Boyer, certify that NEBRASKA 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 4 - 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
LB138	06/01/2023	75-363, 75-364, 75-366, 75-369.03	codify annual updates to FMCSRs and update civil penalties.

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

☐ Yes ☒ No

## Maytum, Mike

---

**From:** Finkle, Lester (FMCSA) <Lester.Finkle@dot.gov>  
**Sent:** Tuesday, July 18, 2023 10:37 AM  
**To:** Maytum, Mike  
**Cc:** Dugger, Jeremy; Jennifer Bell; Denton, Martin  
**Subject:** FMCSA Approval Of Nebraska State Patrol's Final Title VI Program Compliance Plan For 2024

You are welcome, Lieutenant.

Thank you. I appreciate it.

I have reviewed NSP's final Title VI Program Compliance Plan for FY 2024 and find all elements identified in the FY 2024 FMCSA Title VI Program Compliance Plan Checklist. Therefore, NSP's final Title VI Program Compliance Plan for FY 2024 is hereby approved.

Thanks again, Lieutenant.

Lester

Lester Finkle  
FMCSA National Title VI Program Manager

---

**From:** Maytum, Mike <Mike.Maytum@nebraska.gov>  
**Sent:** Tuesday, July 18, 2023 11:12 AM  
**To:** Finkle, Lester (FMCSA) <Lester.Finkle@dot.gov>  
**Cc:** Dugger, Jeremy (FMCSA) <jeremy.dugger@dot.gov>; Bell, Jennifer (FMCSA) <jennifer.bell@dot.gov>; Denton, Martin <Martin.Denton@nebraska.gov>  
**Subject:** RE: FMCSA Comments RE: Nebraska Updated Title VI Program Compliance Plan For 2024

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Finkle,  
Thank you for the feedback. In an effort to address your concern, we have moved the Notice to be the first page of the document and re-posted it. The updated link is:

[https://statepatrol.nebraska.gov/sites/default/files/title\\_vi\\_program\\_compliance\\_plan\\_july\\_2023\\_2\\_0.pdf](https://statepatrol.nebraska.gov/sites/default/files/title_vi_program_compliance_plan_july_2023_2_0.pdf)

**Mike Maytum**  
Lieutenant | Carrier Enforcement Division

**Nebraska State Patrol**  
P.O. Box 94907  
Lincoln, Nebraska 68509  
4600 Innovation Drive  
Lincoln, Nebraska 68521

OFFICE 402-471-0105 / CELL 402-480-8036

[mike.maytum@nebraska.gov](mailto:mike.maytum@nebraska.gov)  
[statepatrol.nebraska.gov](http://statepatrol.nebraska.gov)

**Confidentiality Notice:** This e-mail including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited unless specifically provided under the Nebraska Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

---

**From:** Finkle, Lester (FMCSA) <[Lester.Finkle@dot.gov](mailto:Lester.Finkle@dot.gov)>  
**Sent:** Monday, July 17, 2023 3:46 PM  
**To:** Maytum, Mike <[Mike.Maytum@nebraska.gov](mailto:Mike.Maytum@nebraska.gov)>  
**Cc:** Dugger, Jeremy <[jeremy.dugger@dot.gov](mailto:jeremy.dugger@dot.gov)>; Jennifer Bell <[jennifer.bell@dot.gov](mailto:jennifer.bell@dot.gov)>; Denton, Martin <[Martin.Denton@nebraska.gov](mailto:Martin.Denton@nebraska.gov)>  
**Subject:** RE: FMCSA Comments RE: Nebraska Updated Title VI Program Compliance Plan For 2024

Good Afternoon, Lieutenant. So, I periodically check for the electronically-posted Public Notice of Title VI Program Rights. The weblink which you provided to me in the July 13, 2023 e-mail is as follows:

The link to our posted Title VI plan is at:  
[https://statepatrol.nebraska.gov/sites/default/files/title\\_vi\\_program\\_compliance\\_plan\\_july\\_2023\\_2.pdf](https://statepatrol.nebraska.gov/sites/default/files/title_vi_program_compliance_plan_july_2023_2.pdf)

This link takes me to the entire Title VI Program Compliance Plan. Thinking about it from the member of the Public's perspective, I am requesting a weblink which will take me directly to the Public Notice of Title VI Program Rights (which is page #16 of the Plan). Thanks, Lieutenant.

Lester

Lester Finkle  
FMCSA National Title VI Program Manager

---

**From:** Maytum, Mike <[Mike.Maytum@nebraska.gov](mailto:Mike.Maytum@nebraska.gov)>  
**Sent:** Monday, July 17, 2023 8:49 AM  
**To:** Finkle, Lester (FMCSA) <[Lester.Finkle@dot.gov](mailto:Lester.Finkle@dot.gov)>  
**Cc:** Dugger, Jeremy (FMCSA) <[jeremy.dugger@dot.gov](mailto:jeremy.dugger@dot.gov)>; Bell, Jennifer (FMCSA) <[jennifer.bell@dot.gov](mailto:jennifer.bell@dot.gov)>; Denton, Martin <[Martin.Denton@nebraska.gov](mailto:Martin.Denton@nebraska.gov)>  
**Subject:** RE: FMCSA Comments RE: Nebraska Updated Title VI Program Compliance Plan For 2024

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Finkle,  
This is page 16/16, at the link from our website I shared below, which is publicly available. If this is deficient in some way, perhaps I am misunderstanding the requirement. We have gained approval in previous years for posting it in this format, so I presumed it was appropriate again this year.



## **Your Rights under the Title VI Program**

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) and related Nondiscrimination authorities, prohibits discrimination on the basis of race, color, national origin, sex, age or disability, including income-level and Limited English Proficiency (LEP) in programs, activities and services receiving federal financial assistance.

Any person who desires more information regarding the Nebraska State Patrol's Title VI Program can contact its Title VI Coordinator – Captain Denton – at the address noted below.

Any person who believes that he or she has been subjected to discrimination prohibited under the Department's Title VI Program, may file a discrimination complaint within 180 days of the date of alleged occurrence.

### **Submit Inquiries or Complaints to:**

Captain Martin Denton, Carrier Enforcement Commander  
PO Box 94907  
Lincoln, NE 68509  
4600 Innovation Drive  
Lincoln, NE 68521  
Phone: 308.535.8047  
Email: [martin.denton@nebraska.gov](mailto:martin.denton@nebraska.gov)

**Complaints can also be filed electronically on the Nebraska State Patrol  
Website: <https://statepatrol.nebraska.gov/contact/file-complaint>**

### **Mike Maytum**

Lieutenant | Carrier Enforcement Division

### **Nebraska State Patrol**

P.O. Box 94907  
Lincoln, Nebraska 68509

4600 Innovation Drive  
Lincoln, Nebraska 68521

OFFICE 402-471-0105 / CELL 402-480-8036  
[mike.maytum@nebraska.gov](mailto:mike.maytum@nebraska.gov)  
[statepatrol.nebraska.gov](http://statepatrol.nebraska.gov)

**Confidentiality Notice:** This e-mail including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited unless specifically provided under the Nebraska Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

---

**From:** Finkle, Lester (FMCSA) <[Lester.Finkle@dot.gov](mailto:Lester.Finkle@dot.gov)>  
**Sent:** Friday, July 14, 2023 2:25 PM  
**To:** Maytum, Mike <[Mike.Maytum@nebraska.gov](mailto:Mike.Maytum@nebraska.gov)>  
**Cc:** Dugger, Jeremy <[jeremy.dugger@dot.gov](mailto:jeremy.dugger@dot.gov)>; Jennifer Bell <[jennifer.bell@dot.gov](mailto:jennifer.bell@dot.gov)>; Flohr, David <[David.Flohr@nebraska.gov](mailto:David.Flohr@nebraska.gov)>  
**Subject:** RE: FMCSA Comments RE: Nebraska Updated Title VI Program Compliance Plan For 2024

Thanks, Lieutenant. Regarding the Public Notice of Title VI Program Rights, I just want to make certain we are of the same understanding. Posting of the Title VI Program Compliance Plan, while not required, is for the reference and use of NSP personnel. For members of the Public, a Public Notice of Title VI Program Rights is the primary notice. The last page of the Plan is the Public Notice of Title VI Program Rights. Where is this posted on NSP's website? This is the weblink I was requesting.

Lester

Lester Finkle  
FMCSA National Title VI Program Manager

---

**From:** Maytum, Mike <[Mike.Maytum@nebraska.gov](mailto:Mike.Maytum@nebraska.gov)>  
**Sent:** Thursday, July 13, 2023 10:08 AM  
**To:** Finkle, Lester (FMCSA) <[Lester.Finkle@dot.gov](mailto:Lester.Finkle@dot.gov)>  
**Cc:** Dugger, Jeremy (FMCSA) <[jeremy.dugger@dot.gov](mailto:jeremy.dugger@dot.gov)>; Bell, Jennifer (FMCSA) <[jennifer.bell@dot.gov](mailto:jennifer.bell@dot.gov)>; Flohr, David <[David.Flohr@nebraska.gov](mailto:David.Flohr@nebraska.gov)>  
**Subject:** RE: FMCSA Comments RE: Nebraska Updated Title VI Program Compliance Plan For 2024

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Finkle,  
The link to our posted Title VI plan is at:  
[https://statepatrol.nebraska.gov/sites/default/files/title\\_vi\\_program\\_compliance\\_plan\\_july\\_2023\\_2.pdf](https://statepatrol.nebraska.gov/sites/default/files/title_vi_program_compliance_plan_july_2023_2.pdf)

We have provided updated training in 2023, so the training section did reflect historic information. My apologies on that oversight, and the newest attached copy has been updated. Nebraska law now requires 2 hours of annual anti-bias training, as specified by §81-1414.07. <https://nebraskalegislature.gov/laws/statutes.php?statute=81-1414.07>

I included 01-18 for reference, since it is the basis of our Biased Based Policing protocol. That document stands independently of any federal requirement related to grant funding. As the base document, I wanted you to see the language which mirrors, and becomes the basis of, 03-27, training, and compliance.



Thank you!

**Mike Maytum**

Lieutenant | Carrier Enforcement Division

**Nebraska State Patrol**

P.O. Box 94907

Lincoln, Nebraska 68509

4600 Innovation Drive

Lincoln, Nebraska 68521

OFFICE 402-471-0105 / CELL 402-480-8036

[mike.maytum@nebraska.gov](mailto:mike.maytum@nebraska.gov)

[statepatrol.nebraska.gov](http://statepatrol.nebraska.gov)

**Confidentiality Notice:** This e-mail including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited unless specifically provided under the Nebraska Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

---

**From:** Finkle, Lester (FMCSA) <[Lester.Finkle@dot.gov](mailto:Lester.Finkle@dot.gov)>

**Sent:** Tuesday, June 27, 2023 8:49 AM

**To:** Maytum, Mike <[Mike.Maytum@nebraska.gov](mailto:Mike.Maytum@nebraska.gov)>

**Subject:** FMCSA Comments RE: Nebraska Updated Title VI Program Compliance Plan For 2024

Thanks, Lieutenant. After reviewing the updated Plan for FY 2024, I have the following comments:

- Notification to Beneficiaries/Participants (Page #18) – What is the specific weblink to the Public Notice of Title VI Program Rights? I am not able to locate the Public Notice when I access the NSP's primary webpage;
- Training (Page #19) – I see FY 2023 is referenced. Are there any updates to this section for FY 2024?

Thank you for the update regarding Policy 01-18. However, I do not remember this document being previously updated to include Title VI Program requirements. I understood that SOP 41-2 #24-01-01 and #03-27-01 were developed/updated to collectively meet the CMV Inspection Selection & Unbiased Enforcement Policies section of the Plan. Is it possible to add a reference to Policy 01-18 to SOP 41-2 #24-01-01 and #03-27-01? If not, is it possible to ensure that the three documents are grouped together when being referenced during personnel training opportunities or when being periodically re-issued? My concern is that there is no reference to any of the Title VI Program requirements in Policy 01-18.

Lester

Lester Finkle

FMCSA National Title VI Program Manager

---

**From:** Maytum, Mike <[Mike.Maytum@nebraska.gov](mailto:Mike.Maytum@nebraska.gov)>

**Sent:** Tuesday, June 27, 2023 9:10 AM

**To:** Finkle, Lester (FMCSA) <[Lester.Finkle@dot.gov](mailto:Lester.Finkle@dot.gov)>

**Subject:** Nebraska Title VI Plan 2023

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Sir,

Please find attached our current Title VI Plan document. I have also included reference copies of our applicable Policy. Of note, our Policy 01-18 did have a couple of updates to meet CALEA standards, but I believe we were able to maintain applicable verbiage for your office. This document was sent to our staff on June 6, 2023 for awareness, with an effective date of July 5, 2023.

Respectfully,

**Mike Maytum**

Lieutenant | Carrier Enforcement Division

**Nebraska State Patrol**

P.O. Box 94907

Lincoln, Nebraska 68509

4600 Innovation Drive

Lincoln, Nebraska 68521

OFFICE 402-471-0105 / CELL 402-480-8036

[mike.maytum@nebraska.gov](mailto:mike.maytum@nebraska.gov)

[statepatrol.nebraska.gov](http://statepatrol.nebraska.gov)

**Confidentiality Notice:** This e-mail including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited unless specifically provided under the Nebraska Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

# LEGISLATIVE BILL 138

Approved by the Governor June 1, 2023

Introduced by Bosn, 25; Geist, 25; Raybould, 28; Brewer, 43; DeKay, 40.

A BILL FOR AN ACT relating to transportation; to amend sections 3-107, 13-1205, 29-431, 39-1348, 60-484.05, 60-484.06, 60-4,120, 60-4,142, 60-4,144, 60-4,172, 60-4,181, 60-601, 60-605, 60-611, 60-640, 60-678, 60-6,279, 60-6,282, and 66-4,100, Reissue Revised Statutes of Nebraska, and sections 39-847, 39-1351, 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462, 60-462.01, 60-479.01, 60-4,111.01, 60-4,115, 60-4,122, 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative Supplement, 2022; to provide for the use of the Highway Cash Fund for administrative costs of the Division of Aeronautics of the Department of Transportation; to provide powers and duties; to change the required county contribution for bridge replacement; to provide for adjustments to threshold amounts for road construction contracts; to adopt updates to federal law and update certain federal references; to change provisions of the Motor Vehicle Operator's License Act as prescribed; to define and redefine terms; to provide for the regulation of electric bicycles as prescribed; to change and provide for certain penalties; to change provisions relating to helmets and eye protection as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 3-107, Reissue Revised Statutes of Nebraska, is amended to read:

3-107 (1) The division shall have general supervision over aeronautics within this state. It is empowered and directed to encourage, foster, and assist in the development of aeronautics in this state and encourage the establishment of airports and other air navigation facilities.

(2) The Department of Transportation may budget for and pay any of the costs related to the administration of the division, including, but not limited to, employee salaries and benefits, out of the Highway Cash Fund, as the Director-State Engineer determines, in his or her sole discretion, to be in the best interest of transportation in Nebraska. Such costs do not include costs related to the construction, reconstruction, repair, operation, or maintenance of airport infrastructure, including runways, concrete surfacing, hangers or capital improvements, buildings, and structures.

(3) No state funds for the acquisition, engineering, construction, improvement, or maintenance of airports shall be expended upon any project or for any work upon any such project which is not done under the supervision of the division. When any airport which has received state grant funds pursuant to the State Aeronautics Act ceases to be an airport or a privately owned public use airport, the division shall, consistent with all other provisions of state and federal law, seek to recover so much of the state funds provided to the airport as it may and shall deposit any such funds so recovered into the Aeronautics Cash Fund.

Sec. 2. Section 13-1205, Reissue Revised Statutes of Nebraska, is amended to read:

13-1205 The department shall have the following powers, duties, and responsibilities:

(1) To collect and maintain data on the level of public transportation services and needs in the state and identify areas not being adequately served by existing public or private transportation services;

(2) To assess the regional and statewide effect of changes, improvement, and route abandonments in the state's public transportation system;

(3) To develop a six-year statewide transit plan and programs for public transportation in coordination with local plans and programs developed by municipalities, counties, transit authorities, and regional metropolitan transit authorities;

(4) To provide planning and technical assistance to agencies of the state, political subdivisions, or groups seeking to improve public transportation;

(5) To advise, consult, and cooperate with agencies of the state, the federal government, and other states, interstate agencies, political subdivisions, and groups concerned with public transportation;

(6) To cooperate with the Public Service Commission by providing periodic assessments to the commission when determining the effect of proposed regulatory decisions on public transportation;

(7) To administer federal and state programs providing financial assistance to public transportation, except those federal and state programs in which a municipality, county, transit authority, regional metropolitan transit authority, or other state agency is designated as the administrator; ~~and~~

(8) To develop and administer a safety oversight program to oversee rail transit systems operated by the state, an interstate agency, or any political

subdivision; and

(9) ~~(8)~~ To exercise all other powers necessary and proper for the discharge of its duties, including the adoption and promulgation of reasonable rules and regulations to carry out the Nebraska Public Transportation Act.

Sec. 3. Section 29-431, Reissue Revised Statutes of Nebraska, is amended to read:

29-431 As used in sections 28-416, 29-422, 29-424, 29-425, 29-431 to 29-434, 48-1231, and 53-173, unless the context otherwise requires, infraction means the violation of any law, ordinance, order, rule, or regulation, not including those related to traffic, which is not otherwise declared to be a misdemeanor or a felony. Infraction includes violations of section 60-6,267 and beginning January 1, 2024, section 60-6,279.

Sec. 4. Section 39-847, Revised Statutes Cumulative Supplement, 2022, is amended to read:

39-847 (1) Any county board may apply, in writing, to the Department of Transportation for state aid in the replacement of any bridge under the jurisdiction of such board. The application shall contain a description of the bridge, with a preliminary estimate of the cost of replacement thereof, and a certified copy of the resolution of such board, pledging such county to furnish up to twenty fifty percent of the cost of replacement of such bridge. The county's share of replacement cost may be from any source except the State Aid Bridge Fund, except that where there is any bridge which is the responsibility of two counties, either county may make application to the department and, if the application is approved by the department, such county and the department may replace such bridge and recover, by suit, one-half of the county's cost of such bridge from the county failing or refusing to join in such application. All requests for bridge replacement under sections 39-846 to 39-847.01 shall be forwarded by the department to the Board of Public Roads Classifications and Standards. Such board shall establish priorities for bridge replacement based on critical needs. The board shall consider such applications and establish priorities for a period of time consistent with sections 39-2115 to 39-2119. The board shall return the applications to the department with the established priorities.

(2) The plans and specifications for each bridge shall be furnished by the department and replacement shall be under the supervision of the department and the county board.

(3) Any contract for the replacement of any such bridge shall be made by the department consistent with procedures for contracts for state highways and federal-aid secondary roads.

(4) After the replacement of any such bridge and the acceptance thereof by the department, any county having jurisdiction over it shall have sole responsibility for maintenance.

Sec. 5. Section 39-1348, Reissue Revised Statutes of Nebraska, is amended to read:

39-1348 (1) Except as otherwise provided in sections 39-2808 to 39-2823, when letting contracts for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances, the department shall solicit bids as follows:

(a) ~~(1)~~ For contracts with an estimated cost, as determined by the department, of greater than two hundred fifty one hundred thousand dollars, the department shall advertise for sealed bids for not less than twenty days by publication of a notice thereof once a week for three consecutive weeks in the official county newspaper designated by the county board in the county where the work is to be done and in such additional newspaper or newspapers as may appear necessary to the department in order to give notice of the receiving of bids. Such advertisement shall state the place where the plans and specifications for the work may be inspected and shall designate the time when the bids shall be filed and opened. If through no fault of the department publication of such notice fails to appear in any newspaper or newspapers in the manner provided in this subdivision, the department shall be deemed to have fulfilled the requirements of this subdivision; and

(b) ~~(2)~~ For contracts with an estimated cost, as determined by the department, of two hundred fifty one hundred thousand dollars or less, the department, in its sole discretion, shall either:

(i) ~~(a)~~ Follow the procedures given in subdivision (a) ~~(1)~~ of this subsection ~~section~~; or

(ii) ~~(b)~~ Request bids from at least three potential bidders for such work. If the department requests bids under this subdivision, it shall designate a time when the bids shall be opened. The department may award a contract pursuant to this subdivision if it receives at least one responsive bid.

(2) The Department of Transportation may adjust the amounts in subdivisions (1)(a) and (b) of this section annually on October 1 by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor, Bureau of Labor Statistics, at the close of the twelve-month period ending on August 31 of such year. The amounts shall be rounded to the next highest one-thousand-dollar amount.

Sec. 6. Section 39-1351, Revised Statutes Cumulative Supplement, 2022, is amended to read:

39-1351 (1) Except as provided in subsection (2) of this section, any person desiring to submit to the department a bid for the performance of any contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances, which the department proposes to let, shall apply to the department for prequalification. Such

application shall be made not later than five days before the letting of the contract unless fewer than five days is specified by the department. The department shall determine the extent of any applicant's qualifications by a full and appropriate evaluation of the applicant's experience, bonding capacity as determined by a bonding agency licensed to do business in the State of Nebraska or other sufficient financial showing deemed satisfactory by the department, and performance record. In determining the qualification of an applicant to bid on any particular contract, the department shall consider the resources available for the particular contract contemplated.

(2) The department may, in its sole discretion, grant an exemption from all prequalification requirements for (a) any contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances if the estimate of the department for such work is two hundred fifty one hundred thousand dollars or less or (b) any contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances if such work is of an emergency nature.

Sec. 7. Section 60-107, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-107 Cabin trailer means a trailer or a semitrailer, which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, whether used for such purposes or instead permanently or temporarily for the advertising, sale, display, or promotion of merchandise or services or for any other commercial purpose except transportation of property for hire or transportation of property for distribution by a private carrier. Cabin trailer does not mean a trailer or semitrailer which is permanently attached to real estate. There are four classes of cabin trailers:

(1) Camping trailer which includes cabin trailers one hundred two inches or less in width and forty feet or less in length and adjusted mechanically smaller for towing;

(2) Mobile home which includes cabin trailers more than one hundred two inches in width or more than forty feet in length;

(3) Travel trailer which includes cabin trailers not more than one hundred two inches in width nor more than forty feet in length from front hitch to rear bumper, except as provided in subdivision (2)(k) of section 60-6,288; and

(4) Manufactured home means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length or when erected on site is three hundred twenty or more square feet and which is built on a permanent frame and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure, except that manufactured home includes any structure that meets all of the requirements of this subdivision other than the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, as such act existed on January 1, 2023 ~~2022~~, 42 U.S.C. 5401 et seq.

Sec. 8. Section 60-119.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2023 ~~2022~~, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle.

Sec. 9. Section 60-169, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-169 (1)(a) Except as otherwise provided in subdivision (c) of this subsection, each owner of a vehicle and each person mentioned as owner in the last certificate of title, when the vehicle is dismantled, destroyed, or changed in such a manner that it loses its character as a vehicle or changed in such a manner that it is not the vehicle described in the certificate of title, shall surrender his or her certificate of title to any county treasurer or to the department. If the certificate of title is surrendered to a county treasurer, he or she shall, with the consent of any holders of any liens noted thereon, enter a cancellation upon the records and shall notify the department of such cancellation. Beginning on the implementation date designated by the director pursuant to subsection (3) of section 60-1508, a wrecker or salvage dealer shall report electronically to the department using the electronic reporting system. If the certificate is surrendered to the department, it shall, with the consent of any holder of any lien noted thereon, enter a cancellation upon its records.

(b) This subdivision applies to all licensed wrecker or salvage dealers and, except as otherwise provided in this subdivision, to each vehicle located on the premises of such dealer. For each vehicle required to be reported under 28 C.F.R. 25.56, as such regulation existed on January 1, 2023 ~~2022~~, the information obtained by the department under this section may be reported to the National Motor Vehicle Title Information System in a format that will

satisfy the requirement for reporting under 28 C.F.R. 25.56, as such regulation existed on January 1, ~~2023~~ 2022. Such report shall include:

- (i) The name, address, and contact information for the reporting entity;
- (ii) The vehicle identification number;
- (iii) The date the reporting entity obtained such motor vehicle;
- (iv) The name of the person from whom such motor vehicle was obtained, for use only by a law enforcement or other appropriate government agency;
- (v) A statement of whether the motor vehicle was or will be crushed, disposed of, offered for sale, or used for another purpose; and
- (vi) Whether the motor vehicle is intended for export outside of the United States.

The department may set and collect a fee, not to exceed the cost of reporting to the National Motor Vehicle Title Information System, from wrecker or salvage dealers for electronic reporting to the National Motor Vehicle Title Information System, which shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. This subdivision does not apply to any vehicle reported by a wrecker or salvage dealer to the National Motor Vehicle Title Information System as required under 28 C.F.R. 25.56, as such regulation existed on January 1, ~~2023~~ 2022.

(c)(i) In the case of a mobile home or manufactured home for which a certificate of title has been issued, if such mobile home or manufactured home is affixed to real property in which each owner of the mobile home or manufactured home has any ownership interest, the certificate of title may be surrendered for cancellation to the county treasurer of the county where such mobile home or manufactured home is affixed to real property if at the time of surrender the owner submits to the county treasurer an affidavit of affixture on a form provided by the department that contains all of the following, as applicable:

(A) The names and addresses of all of the owners of record of the mobile home or manufactured home;

(B) A description of the mobile home or manufactured home that includes the name of the manufacturer, the year of manufacture, the model, and the manufacturer's serial number;

(C) The legal description of the real property upon which the mobile home or manufactured home is affixed and the names of all of the owners of record of the real property;

(D) A statement that the mobile home or manufactured home is affixed to the real property;

(E) The written consent of each holder of a lien duly noted on the certificate of title to the release of such lien and the cancellation of the certificate of title;

(F) A copy of the certificate of title surrendered for cancellation; and

(G) The name and address of an owner, a financial institution, or another entity to which notice of cancellation of the certificate of title may be delivered.

(ii) The person submitting an affidavit of affixture pursuant to subdivision (c)(i) of this subsection shall swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement in the affidavit may subject the person to penalties relating to perjury under section 28-915.

(2) If a certificate of title of a mobile home or manufactured home is surrendered to the county treasurer, along with the affidavit required by subdivision (1)(c) of this section, he or she shall enter a cancellation upon his or her records, notify the department of such cancellation, forward a duplicate original of the affidavit to the department, and deliver a duplicate original of the executed affidavit under subdivision (1)(c) of this section to the register of deeds for the county in which the real property is located to be filed by the register of deeds. The county treasurer shall be entitled to collect fees from the person submitting the affidavit in accordance with section 33-109 to cover the costs of filing such affidavit. Following the cancellation of a certificate of title for a mobile home or manufactured home, the county treasurer or designated county official shall not issue a certificate of title for such mobile home or manufactured home, except as provided in subsection (5) of this section.

(3) If a mobile home or manufactured home is affixed to real estate before June 1, 2006, a person who is the holder of a lien or security interest in both the mobile home or manufactured home and the real estate to which it is affixed on such date may enforce its liens or security interests by accepting a deed in lieu of foreclosure or in the manner provided by law for enforcing liens on the real estate.

(4) A mobile home or manufactured home for which the certificate of title has been canceled and for which an affidavit of affixture has been duly recorded pursuant to subsection (2) of this section shall be treated as part of the real estate upon which such mobile home or manufactured home is located. Any lien thereon shall be perfected and enforced in the same manner as a lien on real estate. The owner of such mobile home or manufactured home may convey ownership of the mobile home or manufactured home only as a part of the real estate to which it is affixed.

(5)(a) If each owner of both the mobile home or manufactured home and the real estate described in subdivision (1)(c) of this section intends to detach the mobile home or manufactured home from the real estate, the owner shall do both of the following: (i) Before detaching the mobile home or manufactured home, record an affidavit of detachment in the office of the register of deeds

in the county in which the affidavit is recorded under subdivision (1)(c) of this section; and (ii) apply for a certificate of title for the mobile home or manufactured home pursuant to section 60-147.

(b) The affidavit of detachment shall contain all of the following:

(i) The names and addresses of all of the owners of record of the mobile home or manufactured home;

(ii) A description of the mobile home or manufactured home that includes the name of the manufacturer, the year of manufacture, the model, and the manufacturer's serial number;

(iii) The legal description of the real estate from which the mobile home or manufactured home is to be detached and the names of all of the owners of record of the real estate;

(iv) A statement that the mobile home or manufactured home is to be detached from the real property;

(v) A statement that the certificate of title of the mobile home or manufactured home has previously been canceled;

(vi) The name of each holder of a lien of record against the real estate from which the mobile home or manufactured home is to be detached, with the written consent of each holder to the detachment; and

(vii) The name and address of an owner, a financial institution, or another entity to which the certificate of title may be delivered.

(6) An owner of an affixed mobile home or manufactured home for which the certificate of title has previously been canceled pursuant to subsection (2) of this section shall not detach the mobile home or manufactured home from the real estate before a certificate of title for the mobile home or manufactured home is issued by the county treasurer or department. If a certificate of title is issued by the county treasurer or department, the mobile home or manufactured home is no longer considered part of the real property. Any lien thereon shall be perfected pursuant to section 60-164. The owner of such mobile home or manufactured home may convey ownership of the mobile home or manufactured home only by way of a certificate of title.

(7) For purposes of this section:

(a) A mobile home or manufactured home is affixed to real estate if the wheels, towing hitches, and running gear are removed and it is permanently attached to a foundation or other support system; and

(b) Ownership interest means the fee simple interest in real estate or an interest as the lessee under a lease of the real property that has a term that continues for at least twenty years after the recording of the affidavit under subsection (2) of this section.

(8) Upon cancellation of a certificate of title in the manner prescribed by this section, the county treasurer and the department may cancel and destroy all certificates and all memorandum certificates in that chain of title.

Sec. 10. Section 60-302.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-302.01 Access aisle means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal regulations adopted in response to the act, as the act and the regulations existed on January 1, 2023 ~~2022~~.

Sec. 11. Section 60-336.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2023 ~~2022~~, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle.

Sec. 12. Section 60-386, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-386 (1) Each new application shall contain, in addition to other information as may be required by the department, the name and residential and mailing address of the applicant and a description of the motor vehicle or trailer, including the color, the manufacturer, the identification number, the United States Department of Transportation number if required by 49 C.F.R. 390.5 through 390.21, as such regulations existed on January 1, 2023 ~~2022~~, and the weight of the motor vehicle or trailer required by the Motor Vehicle Registration Act. For trailers which are not required to have a certificate of title under section 60-137 and which have no identification number, the assignment of an identification number shall be required and the identification number shall be issued by the county treasurer or department. With the application the applicant shall pay the proper registration fee and shall state whether the motor vehicle is propelled by alternative fuel and, if alternative fuel, the type of fuel. The application shall also contain a notification that bulk fuel purchasers may be subject to federal excise tax liability. The department shall include such notification in the notices required by section 60-3,186.

(2) In addition to the information required under subsection (1) of this section, the application for registration shall contain (a)(i) the full legal name as defined in section 60-468.01 of each owner or (ii) the name of each

owner as such name appears on the owner's motor vehicle operator's license or state identification card and (b)(i) the motor vehicle operator's license number or state identification card number of each owner, if applicable, and one or more of the identification elements as listed in section 60-484 of each owner, if applicable, and (ii) if any owner is a business entity, a nonprofit organization, an estate, a trust, or a church-controlled organization, its tax identification number.

Sec. 13. Section 60-3,113.04, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-3,113.04 (1) A handicapped or disabled parking permit shall be of a design, size, configuration, color, and construction and contain such information as specified in the regulations adopted by the United States Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on January 1, 2023 2022.

(2) No handicapped or disabled parking permit shall be issued to any person or for any motor vehicle if any permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to section 18-1741.02. At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in sections 60-3,113.02, 60-3,113.03, and 60-3,113.05.

(3) A duplicate handicapped or disabled parking permit may be provided up to two times during any single permit period if a permit is destroyed, lost, or stolen. Such duplicate permit shall be issued as provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable, except that a new certification by a physician, a physician assistant, or an advanced practice registered nurse need not be provided. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. If a person has been issued two duplicate permits under this subsection and needs another permit, such person shall reapply for a new permit under section 60-3,113.02 or 60-3,113.03, whichever is applicable.

Sec. 14. Section 60-3,193.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-3,193.01 For purposes of the Motor Vehicle Registration Act, the International Registration Plan is adopted and incorporated by reference as the plan existed on January 1, 2023 2022.

Sec. 15. Section 60-462, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-462 Sections 60-462 to 60-4,189 and section 20 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 16. Section 60-462.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-462.01 For purposes of the Motor Vehicle Operator's License Act, the following federal regulations are adopted as Nebraska law as they existed on January 1, 2023 2022:

The parts, subparts, and sections of Title 49 of the Code of Federal Regulations, as referenced in the Motor Vehicle Operator's License Act.

Sec. 17. Section 60-479.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-479.01 (1) All persons handling source documents or engaged in the issuance of new, renewed, or reissued operators' licenses or state identification cards shall have periodic fraudulent document recognition training.

(2) All persons and agents of the department involved in the recording of verified application information or verified operator's license and state identification card information, involved in the manufacture or production of licenses or cards, or who have the ability to affect information on such licenses or cards shall be subject to a criminal history record information check, including a check of prior employment references, and a lawful status check as required by 6 C.F.R. part 37, as such part existed on January 1, 2023 2022. Such persons and agents shall provide fingerprints which shall be submitted to the Federal Bureau of Investigation. The bureau shall use its records for the criminal history record information check.

(3) Upon receipt of a request pursuant to subsection (2) of this section, the Nebraska State Patrol shall undertake a search for criminal history record information relating to such applicant, including transmittal of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal history record information check. The criminal history record information check shall include information concerning the applicant from federal repositories of such information and repositories of such information in other states, if authorized by federal law. The Nebraska State Patrol shall issue a report to the employing public agency that shall include the criminal history record information concerning the applicant. The cost of any background check shall be borne by the employer of the person or agent.

(4) Any person convicted of any disqualifying offense as provided in 6 C.F.R. part 37, as such part existed on January 1, 2023 2022, shall not be involved in the recording of verified application information or verified operator's license and state identification card information, involved in the manufacture or production of licenses or cards, or involved in any capacity in which such person would have the ability to affect information on such licenses or cards. Any employee or prospective employee of the department shall be provided notice that he or she will undergo such criminal history record information check prior to employment or prior to any involvement with the



issuance of operators' licenses or state identification cards.

Sec. 18. Section 60-484.05, Reissue Revised Statutes of Nebraska, is amended to read:

60-484.05 (1) The department shall only issue an operator's license or a state identification card that is temporary to any applicant who presents documentation under sections 60-484 and 60-484.04 and section 20 of this act that shows his or her authorized stay in the United States is temporary. An operator's license or a state identification card that is temporary shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

(2) An operator's license or state identification card that is temporary shall clearly indicate that it is temporary with a special notation on the front of the license or card and shall state the date on which it expires. An operator's license or state identification card issued pursuant to section 20 of this act shall clearly indicate that it is not acceptable for official federal purposes.

(3) An operator's license or state identification card that is temporary may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the operator's license or state identification card that is temporary has been extended by the United States Department of Homeland Security.

(4) If an individual has an operator's license or a state identification card issued under section 20 of this act or based on approved lawful status granted under section 202(c)(2)(B)(i) through (x) of the federal REAL ID Act of 2005, Public Law 109-13, and the basis for the approved lawful status is terminated, the individual shall return the operator's license or state identification card to the Department of Motor Vehicles.

Sec. 19. Section 60-484.06, Reissue Revised Statutes of Nebraska, is amended to read:

60-484.06 Before issuing any operator's license or state identification card under the Motor Vehicle Operator's License Act, the department may verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by a person pursuant to sections 60-484, 60-484.04, and 60-4,144 and section 20 of this act.

Sec. 20. (1) On a date determined by the director but not later than November 1, 2023, any person assigned a parolee immigration status by the United States Department of Homeland Security may apply for and be issued an operator's license or a state identification card that is not in compliance with the federal REAL ID Act of 2005, Public Law 109-13, if the person:

(a) Possessed an unexpired foreign passport issued to such person at the time of such person's entry into the United States of America; and

(b) Fulfills the requirements of subsection (3) of section 60-484 and such requirements are verified pursuant to section 60-484.06.

(2) Any operator's license or state identification card issued under this section is otherwise subject to all laws relating to operators' licenses and state identification cards.

Sec. 21. Section 60-4,111.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-4,111.01 (1) The Department of Motor Vehicles, the courts, or law enforcement agencies may store or compile information acquired from an operator's license or a state identification card for their statutorily authorized purposes.

(2) Except as otherwise provided in subsection (3) or (4) of this section, no person having use of or access to machine-readable information encoded on an operator's license or a state identification card shall compile, store, preserve, trade, sell, or share such information. Any person who trades, sells, or shares such information shall be guilty of a Class IV felony. Any person who compiles, stores, or preserves such information except as authorized in subsection (3) or (4) of this section shall be guilty of a Class IV felony.

(3)(a) For purposes of compliance with and enforcement of restrictions on the purchase of alcohol, lottery tickets, and tobacco products, a retailer who sells any of such items pursuant to a license issued or a contract under the applicable statutory provision may scan machine-readable information encoded on an operator's license or a state identification card presented for the purpose of such a sale. The retailer may store only the following information obtained from the license or card: Age and license or card identification number. The retailer shall post a sign at the point of sale of any of such items stating that the license or card will be scanned and that the age and identification number will be stored. The stored information may only be used by a law enforcement agency for purposes of enforcement of the restrictions on the purchase of alcohol, lottery tickets, and tobacco products and may not be shared with any other person or entity.

(b) For purposes of compliance with the provisions of sections 28-458 to 28-462, a seller who sells methamphetamine precursors pursuant to such sections may scan machine-readable information encoded on an operator's license or a state identification card presented for the purpose of such a sale. The seller may store only the following information obtained from the license or card: Name, age, address, type of identification presented by the customer, the governmental entity that issued the identification, and the number on the identification. The seller shall post a sign at the point of sale stating that the license or card will be scanned and stating what information will be stored. The stored information may only be used by law enforcement agencies,

regulatory agencies, and the exchange for purposes of enforcement of the restrictions on the sale or purchase of methamphetamine precursors pursuant to sections 28-458 to 28-462 and may not be shared with any other person or entity. For purposes of this subsection, the terms exchange, methamphetamine precursor, and seller have the same meanings as in section 28-458.

(c) The retailer or seller shall utilize software that stores only the information allowed by this subsection. A programmer for computer software designed to store such information shall certify to the retailer that the software stores only the information allowed by this subsection. Intentional or grossly negligent programming by the programmer which allows for the storage of more than the age and identification number or wrongfully certifying the software shall be a Class IV felony.

(d) A retailer or seller who knowingly stores more information than authorized under this subsection from the operator's license or state identification card shall be guilty of a Class IV felony.

(e) Information scanned, compiled, stored, or preserved pursuant to subdivision (a) of this subsection may not be retained longer than eighteen months unless required by state or federal law.

(4) In order to approve a negotiable instrument, an electronic funds transfer, or a similar method of payment, a person having use of or access to machine-readable information encoded on an operator's license or a state identification card may:

(a) Scan, compile, store, or preserve such information in order to provide the information to a check services company subject to and in compliance with the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., as such act existed on January 1, ~~2023~~ 2022, for the purpose of effecting, administering, or enforcing a transaction requested by the holder of the license or card or preventing fraud or other criminal activity; or

(b) Scan and store such information only as necessary to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability or to resolve a dispute or inquiry by the holder of the license or card.

(5) Except as provided in subdivision (4)(a) of this section, information scanned, compiled, stored, or preserved pursuant to this section may not be traded or sold to or shared with a third party; used for any marketing or sales purpose by any person, including the retailer who obtained the information; or, unless pursuant to a court order, reported to or shared with any third party. A person who violates this subsection shall be guilty of a Class IV felony.

Sec. 22. Section 60-4,115, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-4,115 (1) Fees for operators' licenses and state identification cards shall be collected by department personnel or the county treasurer and distributed according to the table in subsection (2) of this section, except for the ignition interlock permit and associated fees as outlined in subsection (4) of this section and the 24/7 sobriety program permit and associated fees as outlined in subsection (5) of this section. County officials shall remit the county portion of the fees collected to the county treasurer for placement in the county general fund. All other fees collected shall be remitted to the State Treasurer for credit to the appropriate fund.

(2) The fees provided in this subsection in the following dollar amounts apply for operators' licenses and state identification cards.

Document	Department			
	County		of Motor	State
	General	Fund	Vehicles	General
	Fee	Fund	Cash Fund	Fund
State identification card:				
<u>Valid for 1 year or less</u>	<u>5.00</u>	<u>2.75</u>	<u>2.25</u>	
<del>Valid for 1 year or less</del>	<del>5.00</del>	<del>2.75</del>	<del>1.25</del>	<del>1.00</del>
Valid for more than 1 year				
<u>but not more than 2 years</u>	<u>10.00</u>	<u>2.75</u>	<u>7.25</u>	
<del>but not more than 2 years</del>	<del>10.00</del>	<del>2.75</del>	<del>4.00</del>	<del>3.25</del>
Valid for more than 2 years				
<u>but not more than 3 years</u>	<u>14.00</u>	<u>2.75</u>	<u>11.25</u>	
<del>but not more than 3 years</del>	<del>14.00</del>	<del>2.75</del>	<del>5.25</del>	<del>6.00</del>
Valid for more than 3 years				
<u>but not more than 4 years</u>	<u>19.00</u>	<u>2.75</u>	<u>16.25</u>	

LB138 2023				LB138 2023
<del>but not more than 4 years</del>	<del>19.00</del>	<del>2.75</del>	<del>8.00</del>	<del>8.25</del>
Valid for more than 4 years				
<u>for a person under 21</u>	<u>24.00</u>	<u>2.75</u>	<u>21.25</u>	
<del>for person under 21</del>	<del>24.00</del>	<del>2.75</del>	<del>10.25</del>	<del>11.00</del>
<u>Valid for 5 years</u>	<u>24.00</u>	<u>3.50</u>	<u>20.50</u>	
<del>Valid for 5 years</del>	<del>24.00</del>	<del>3.50</del>	<del>13.25</del>	<del>7.25</del>
<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
Replacement	11.00	2.75	6.00	2.25
Class 0 or M operator's license:				
<u>Valid for 1 year or less</u>	<u>5.00</u>	<u>2.75</u>	<u>2.25</u>	
<del>Valid for 1 year or less</del>	<del>5.00</del>	<del>2.75</del>	<del>1.25</del>	<del>1.00</del>
Valid for more than 1 year				
<u>but not more than 2 years</u>	<u>10.00</u>	<u>2.75</u>	<u>7.25</u>	
<del>but not more than 2 years</del>	<del>10.00</del>	<del>2.75</del>	<del>4.00</del>	<del>3.25</del>
Valid for more than 2 years				
<u>but not more than 3 years</u>	<u>14.00</u>	<u>2.75</u>	<u>11.25</u>	
<del>but not more than 3 years</del>	<del>14.00</del>	<del>2.75</del>	<del>5.25</del>	<del>6.00</del>
Valid for more than 3 years				
<u>but not more than 4 years</u>	<u>19.00</u>	<u>2.75</u>	<u>16.25</u>	
<del>but not more than 4 years</del>	<del>19.00</del>	<del>2.75</del>	<del>8.00</del>	<del>8.25</del>
<u>Valid for 5 years</u>	<u>24.00</u>	<u>3.50</u>	<u>20.50</u>	
<del>Valid for 5 years</del>	<del>24.00</del>	<del>3.50</del>	<del>13.25</del>	<del>7.25</del>
Bioptic or telescopic lens restriction:				
Valid for 1 year or less	5.00	0	5.00	0
Valid for more than 1 year				
<u>but not more than 2 years</u>	<u>10.00</u>	<u>2.75</u>	<u>7.25</u>	
<del>but not more than 2 years</del>	<del>10.00</del>	<del>2.75</del>	<del>4.00</del>	<del>3.25</del>
<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
Provisional operator's permit:				
Original	15.00	2.75	12.25	0
Bioptic or telescopic lens restriction:				
Valid for 1 year or less	5.00	0	5.00	0
Valid for more than 1 year				
but not more than 2 years	15.00	2.75	12.25	0

LB138 2023				LB138 2023
<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
LPD-learner's permit:				
<u>Original</u>	<u>8.00</u>	<u>.25</u>	<u>7.75</u>	
Original	8.00	.25	5.00	2.75
<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
LPE-learner's permit:				
<u>Original</u>	<u>8.00</u>	<u>.25</u>	<u>7.75</u>	
Original	8.00	.25	5.00	2.75
<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
School permit:				
<u>Original</u>	<u>8.00</u>	<u>.25</u>	<u>7.75</u>	
Original	8.00	.25	5.00	2.75
<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
Farm permit:				
<u>Original or renewal</u>	<u>5.00</u>	<u>.25</u>	<u>4.75</u>	
Original or renewal	5.00	.25	0	4.75
<u>Replacement</u>	<u>5.00</u>	<u>.25</u>	<u>4.75</u>	
Replacement	5.00	.25	0	4.75
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
Driving permits:				
<u>Employment</u>	<u>45.00</u>	<u>0</u>	<u>45.00</u>	
Employment	45.00	0	5.00	40.00
<u>Medical hardship</u>	<u>45.00</u>	<u>0</u>	<u>45.00</u>	
Medical hardship	45.00	0	5.00	40.00
<u>Replacement</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
Replacement	10.00	.25	5.00	4.75

Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
Commercial driver's license:				
<u>Valid for 1 year or less</u>	<u>11.00</u>	<u>1.75</u>	<u>9.25</u>	
<del>Valid for 1 year or less</del>	<del>11.00</del>	<del>1.75</del>	<del>5.00</del>	<del>4.25</del>
Valid for more than 1 year				
<u>but not more than 2 years</u>	<u>22.00</u>	<u>1.75</u>	<u>20.25</u>	
<del>but not more than 2 years</del>	<del>22.00</del>	<del>1.75</del>	<del>5.00</del>	<del>15.25</del>
Valid for more than 2 years				
<u>but not more than 3 years</u>	<u>33.00</u>	<u>1.75</u>	<u>31.25</u>	
<del>but not more than 3 years</del>	<del>33.00</del>	<del>1.75</del>	<del>5.00</del>	<del>26.25</del>
Valid for more than 3 years				
<u>but not more than 4 years</u>	<u>44.00</u>	<u>1.75</u>	<u>42.25</u>	
<del>but not more than 4 years</del>	<del>44.00</del>	<del>1.75</del>	<del>5.00</del>	<del>37.25</del>
<u>Valid for 5 years</u>	<u>55.00</u>	<u>1.75</u>	<u>53.25</u>	
<del>Valid for 5 years</del>	<del>55.00</del>	<del>1.75</del>	<del>5.00</del>	<del>48.25</del>
Bioptic or telescopic lens restriction:				
<u>Valid for one year or less</u>	<u>11.00</u>	<u>1.75</u>	<u>9.25</u>	
<del>Valid for one year or less</del>	<del>11.00</del>	<del>1.75</del>	<del>5.00</del>	<del>4.25</del>
Valid for more than 1 year				
<u>but not more than 2 years</u>	<u>22.00</u>	<u>1.75</u>	<u>20.25</u>	
<del>but not more than 2 years</del>	<del>22.00</del>	<del>1.75</del>	<del>5.00</del>	<del>15.25</del>
<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
<del>Replacement</del>	<del>11.00</del>	<del>2.75</del>	<del>6.00</del>	<del>2.25</del>
Add, change, or remove class, endorsement, or restriction	10.00	1.75	8.25	
<del>endorsement, or restriction</del>	<del>10.00</del>	<del>1.75</del>	<del>5.00</del>	<del>3.25</del>
CLP-commercial learner's permit:				
<u>Original or renewal</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
<del>Original or renewal</del>	<del>10.00</del>	<del>.25</del>	<del>5.00</del>	<del>4.75</del>
<u>Replacement</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
<del>Replacement</del>	<del>10.00</del>	<del>.25</del>	<del>5.00</del>	<del>4.75</del>
Add, change, or remove class, endorsement, or restriction	10.00	.25	9.75	
<del>endorsement, or restriction</del>	<del>10.00</del>	<del>.25</del>	<del>5.00</del>	<del>4.75</del>
Seasonal permit:				
<u>Original or renewal</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
<del>Original or renewal</del>	<del>10.00</del>	<del>.25</del>	<del>5.00</del>	<del>4.75</del>

<u>Replacement</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
Replacement	10.00	-.25	5.00	4.75
Add, change, or remove class,				
<u>endorsement, or restriction</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
<del>endorsement, or restriction</del>	<del>10.00</del>	<del>-.25</del>	<del>5.00</del>	<del>4.75</del>

(3) If the department issues an operator's license or a state identification card and collects the fees, the department shall remit the county portion of the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(4)(a) The fee for an ignition interlock permit shall be forty-five dollars. Five dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Forty dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Ignition Interlock Fund.

(b) The fee for a replacement ignition interlock permit shall be eleven dollars. Two dollars and seventy-five cents of the fee shall be remitted to the county treasurer for credit to the county general fund. Eight Six dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. ~~Two dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the General Fund.~~

(c) The fee for adding, changing, or removing a class, endorsement, or restriction on an ignition interlock permit shall be five dollars. The fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(5)(a) The fee for a 24/7 sobriety program permit shall be forty-five dollars. Forty Twenty-five dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. ~~Fifteen dollars of the fee shall be remitted to the State Treasurer for credit to the General Fund.~~ Five dollars of the fee shall be remitted to the county treasurer for credit to the county general fund.

(b) The fee for a replacement 24/7 sobriety program permit shall be eleven dollars. Two dollars and seventy-five cents of the fee shall be remitted to the county treasurer for credit to the county general fund. Eight Six dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. ~~Two dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the General Fund.~~

(c) The fee for adding, changing, or removing a class, endorsement, or restriction on a 24/7 sobriety program permit shall be five dollars. The fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(6) The department and its agents may collect an identity security surcharge to cover the cost of security and technology practices used to protect the identity of applicants for and holders of operators' licenses and state identification cards and to reduce identity theft, fraud, and forgery and counterfeiting of such licenses and cards to the maximum extent possible. The surcharge shall be in addition to all other required fees for operators' licenses and state identification cards. The amount of the surcharge shall be determined by the department. The surcharge shall not exceed eight dollars. The surcharge shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 23. Section 60-4,120, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,120 (1) Any person duly licensed or holding a valid state identification card issued under the Motor Vehicle Operator's License Act who loses his or her operator's license or card may make application to the department for a replacement license or card.

(2) If any person changes his or her name because of marriage or divorce or by court order or a common-law name change, he or she shall apply to the department for a replacement operator's license or state identification card and furnish proof of identification in accordance with section 60-484. If any person changes his or her address, the person shall apply to the department for a replacement operator's license or state identification card and furnish satisfactory evidence of such change. The application shall be made within sixty days after the change of name or address.

(3) In the event a mutilated or unreadable operator's license is held by any person duly licensed under the act or a mutilated or unreadable state identification card which was issued under the act is held by a person, such person may obtain a replacement license or card. Upon report of the mutilated or unreadable license or card and application for a replacement license or card, a replacement license or card may be issued if the department is satisfied that the original license or card is mutilated or unreadable.

(4) If any person duly licensed under the act loses his or her operator's license or if any holder of a state identification card loses his or her card while temporarily out of the state, he or she may make application to the department for a replacement operator's license or card by applying to the

department and reporting such loss. Upon receipt of a correctly completed application, the department shall cause to be issued a replacement operator's license or card.

(5) Any person who holds a valid operator's license or state identification card without a digital image shall surrender such license or card to the department within thirty days after resuming residency in this state. After the thirty-day period, such license or card shall be considered invalid and no license or card shall be issued until the individual has made application for replacement or renewal.

(6) Application for a replacement operator's license or state identification card shall include the information required under sections 60-484 and 60-484.04 and section 20 of this act.

(7) An applicant may obtain a replacement operator's license or state identification card pursuant to subsection (1) or (3) of this section by electronic means in a manner prescribed by the department. No replacement license or card shall be issued unless the applicant has a digital image and digital signature preserved in the digital system.

(8) Each replacement operator's license or state identification card shall be issued with the same expiration date as the license or card for which the replacement is issued. The replacement license or card shall also state the new issuance date. Upon issuance of any replacement license or card, the license or card for which the replacement is issued shall be void.

(9) A replacement operator's license or state identification card issued under this section shall be delivered to the applicant as provided in section 60-4,113 after the county treasurer or department collects the fee and surcharge prescribed in section 60-4,115 and issues the applicant a receipt with driving privileges which is valid for up to thirty days.

Sec. 24. Section 60-4,122, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-4,122 (1) Except as otherwise provided in subsections (2), (3), and (8) of this section, no original or renewal operator's license shall be issued to any person until such person has demonstrated his or her ability to operate a motor vehicle safely as provided in section 60-4,114.

(2) Except as otherwise provided in this section and section 60-4,127, any person who renews his or her Class O or Class M license shall demonstrate his or her ability to drive and maneuver a motor vehicle safely as provided in subdivision (3)(b) of section 60-4,114 only at the discretion of department personnel, except that a person required to use bioptic or telescopic lenses shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle safely each time he or she renews his or her license.

(3) Any person who renews his or her Class O or Class M license prior to or within one year after its expiration may not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3)(c) of section 60-4,114 if his or her driving record abstract maintained in the computerized records of the department shows that such person's license is not impounded, suspended, revoked, or canceled.

(4) Except for operators' licenses issued to persons required to use bioptic or telescopic lenses, any person who renews his or her operator's license which has been valid for fifteen months or less shall not be required to take any examination required under section 60-4,114.

(5) Any person who renews a state identification card shall appear before department personnel and present his or her current state identification card or shall follow the procedure for electronic renewal in subsection (9) of this section. Proof of identification shall be required as prescribed in sections 60-484 and 60-4,181 and the information and documentation required by section 60-484.04 and section 20 of this act.

(6)(a) If a nonresident who applies for an initial operator's license in this state presents a physical or mobile valid operator's license from the individual's state of residence, the department may choose not to require such individual to demonstrate knowledge of the motor vehicle laws of this state.

(b) A physical operator's license described in subdivision (a) of this subsection shall be surrendered to the department.

(c) Upon issuing an initial operator's license described in subdivision (a) of this subsection, the department shall notify the state that issued the valid operator's license described in subdivision (a) of this subsection to invalidate such license.

(7) An applicant for an original operator's license may not be required to demonstrate his or her knowledge of the motor vehicle laws of this state if he or she has been issued a Nebraska LPD-learner's permit that is valid or has been expired for no more than one year. The written examination shall not be waived if the original operator's license being applied for contains a class or endorsement which is different from the class or endorsement of the Nebraska LPD-learner's permit.

(8)(a) A qualified licensee as determined by the department who is twenty-one years of age or older, whose license expires prior to his or her seventy-second birthday, and who has a digital image and digital signature preserved in the digital system may renew his or her Class O or Class M license twice by electronic means in a manner prescribed by the department using the preserved digital image and digital signature without taking any examination required under section 60-4,114 if such renewal is prior to or within one year after the expiration of the license, if his or her driving record abstract maintained in the records of the department shows that such person's license is not impounded, suspended, revoked, or canceled, and if his or her driving record

indicates that he or she is otherwise eligible. Every licensee, including a licensee who is out of the state at the time of renewal, must apply for renewal in person at least once every sixteen years and have a new digital image and digital signature captured.

(b) In order to allow for an orderly progression through the various types of operators' licenses issued to persons under twenty-one years of age, a qualified holder of an operator's license who is under twenty-one years of age and who has a digital image and digital signature preserved in the digital system may apply for an operator's license by electronic means in a manner prescribed by the department using the preserved digital image and digital signature if the applicant has passed any required examinations prior to application, if his or her driving record abstract maintained in the records of the department shows that such person's operator's license is not impounded, suspended, revoked, or canceled, and if his or her driving record indicates that he or she is otherwise eligible.

(9) Any person who is twenty-one years of age or older and who has been issued a state identification card with a digital image and digital signature may electronically renew his or her state identification card by electronic means in a manner prescribed by the department using the preserved digital image and digital signature. Every person renewing a state identification card under this subsection, including a person who is out of the state at the time of renewal, must apply for renewal in person at least once every sixteen years and have a new digital image and digital signature captured.

(10) In addition to services available at driver license offices, the department may develop requirements for using electronic means for online issuance of operators' licenses and state identification cards to qualified holders as determined by the department.

Sec. 25. Section 60-4,132, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-4,132 The purposes of sections 60-462.01, 60-4,133, and 60-4,137 to 60-4,172 are to implement the requirements mandated by the federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq., the federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, 49 U.S.C. 101 et seq., section 1012 of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal regulations as such acts and regulations existed on January 1, 2023 2022, and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by: (1) Permitting drivers to hold only one operator's license; (2) disqualifying drivers for specified offenses and serious traffic violations; and (3) strengthening licensing and testing standards.

Sec. 26. Section 60-4,134, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-4,134 In conformance with section 7208 of the federal Fixing America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such section and regulation existed on January 1, 2023 2022, no hazardous materials endorsement authorizing the holder of a Class A commercial driver's license to operate a commercial motor vehicle transporting diesel fuel shall be required if such driver is (1) operating within the state and acting within the scope of his or her employment as an employee of a custom harvester operation, an agrichemical business, a farm retail outlet and supplier, or a livestock feeder and (2) operating a service vehicle that is (a) transporting diesel in a quantity of one thousand gallons or less and (b) clearly marked with a flammable or combustible placard, as appropriate.

Sec. 27. Section 60-4,138, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-4,138 (1) Commercial drivers' licenses and restricted commercial drivers' licenses shall be issued by the department in compliance with 49 C.F.R. parts 380, 382, 383, 384, ~~and 391~~, and 392, shall be classified as provided in subsection (2) of this section, and shall bear such endorsements and restrictions as are provided in subsections (3) and (4) of this section.

(2) Commercial motor vehicle classifications for purposes of commercial drivers' licenses shall be as follows:

(a) Class A Combination Vehicle – Any combination of motor vehicles and towed vehicles with a gross vehicle weight rating of more than twenty-six thousand pounds if the gross vehicle weight rating of the vehicles being towed are in excess of ten thousand pounds;

(b) Class B Heavy Straight Vehicle – Any single commercial motor vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more or any such commercial motor vehicle towing a vehicle with a gross vehicle weight rating not exceeding ten thousand pounds; and

(c) Class C Small Vehicle – Any single commercial motor vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds or any such commercial motor vehicle towing a vehicle with a gross vehicle weight rating not exceeding ten thousand pounds comprising:

(i) Motor vehicles designed to transport sixteen or more passengers, including the driver; and

(ii) Motor vehicles used in the transportation of hazardous materials and required to be placarded pursuant to section 75-364.

(3) The endorsements to a commercial driver's license shall be as follows:

(a) T – Double/triple trailers;

(b) P – Passenger;

(c) N – Tank vehicle;



- (d) H – Hazardous materials;
- (e) X – Combination tank vehicle and hazardous materials; and
- (f) S – School bus.
- (4) The restrictions to a commercial driver's license shall be as follows:
  - (a) E – No manual transmission equipped commercial motor vehicle;
  - (b) K – Operation of a commercial motor vehicle only in intrastate commerce;
  - (c) L – Operation of only a commercial motor vehicle which is not equipped with air brakes;
  - (d) M – Operation of a commercial motor vehicle which is not a Class A passenger vehicle;
  - (e) N – Operation of a commercial motor vehicle which is not a Class A or Class B passenger vehicle;
  - (f) O – No tractor-trailer commercial motor vehicle;
  - (g) V – Operation of a commercial motor vehicle for drivers with medical variance documentation. The documentation shall be required to be carried on the driver's person while operating a commercial motor vehicle; and
  - (h) Z – No full air brake equipped commercial motor vehicle.

Sec. 28. Section 60-4,142, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,142 Any resident or nondomiciled applicant may obtain a CLP-commercial learner's permit from the department by making application to licensing staff of the department. An applicant shall present proof to licensing staff that he or she holds a valid Class O license or commercial driver's license or a foreign nondomiciled applicant shall successfully complete the requirements for the Class O license before a CLP-commercial learner's permit is issued. An applicant shall also successfully complete the commercial driver's license general knowledge examination under section 60-4,155 and examinations for all previously issued endorsements as provided in 49 C.F.R. 383.25(a)(3) and 49 C.F.R. 383.153(b)(2)(vii). Upon application, the examination may be waived if the applicant presents (1) a Nebraska commercial driver's license which is valid or has been expired for less than one year or (2) ~~present~~s a valid commercial driver's license from another state, ~~or is renewing a CLP-commercial learner's permit.~~ The CLP-commercial learner's permit shall be valid for one year from the date of issuance ~~a period of one hundred eighty days.~~ ~~The CLP-commercial learner's permit holder may renew the CLP-commercial learner's permit for an additional one hundred eighty days without retaking the general and endorsement knowledge tests.~~ The successful applicant shall pay the fee prescribed in section 60-4,115 for the issuance or renewal of a CLP-commercial learner's permit.

Sec. 29. Section 60-4,144, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,144 (1) An applicant for issuance of any original or renewal commercial driver's license or an applicant for a change of class of commercial motor vehicle, endorsement, or restriction shall demonstrate his or her knowledge and skills for operating a commercial motor vehicle as prescribed in the Motor Vehicle Operator's License Act. An applicant for a commercial driver's license shall provide the information and documentation required by this section and section 60-4,144.01. Such information and documentation shall include any additional information required by 49 C.F.R. parts 383 and 391 and also include:

- (a) Certification that the commercial motor vehicle in which the applicant takes any driving skills examination is representative of the class of commercial motor vehicle that the applicant operates or expects to operate; and
- (b) The names of all states where the applicant has been licensed to operate any type of motor vehicle in the ten years prior to the date of application.

(2)(a) Before being issued a CLP-commercial learner's permit or commercial driver's license, the applicant shall provide (i) his or her full legal name, date of birth, mailing address, gender, race or ethnicity, and social security number, (ii) two forms of proof of address of his or her principal residence unless the applicant is a program participant under the Address Confidentiality Act, except that a nondomiciled applicant for a CLP-commercial learner's permit or nondomiciled commercial driver's license holder does not have to provide proof of residence in Nebraska, (iii) evidence of identity as required by this section, and (iv) a brief physical description of himself or herself.

(b) The applicant's social security number shall not be printed on the CLP-commercial learner's permit or commercial driver's license and shall be used only (i) to furnish information to the United States Selective Service System under section 60-483, (ii) with the permission of the director in connection with the certification of the status of an individual's driving record in this state or any other state, (iii) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06, (iv) to furnish information regarding an applicant for or holder of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent, (v) to furnish information to the Department of Revenue under section 77-362.02, or (vi) to furnish information to the Secretary of State for purposes of the Election Act.

(c) No person shall be a holder of a CLP-commercial learner's permit or commercial driver's license and a state identification card at the same time.

(3) Before being issued a CLP-commercial learner's permit or commercial driver's license, an applicant, except a nondomiciled applicant, shall provide

proof that this state is his or her state of residence. Acceptable proof of residence is a document with the person's name and residential address within this state.

(4)(a) Before being issued a CLP-commercial learner's permit or commercial driver's license, an applicant shall provide proof of identity.

(b) The following are acceptable as proof of identity:

(i) A valid, unexpired United States passport;

(ii) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth;

(iii) A Consular Report of Birth Abroad issued by the United States Department of State;

(iv) A valid, unexpired permanent resident card issued by the United States Department of Homeland Security or United States Citizenship and Immigration Services;

(v) An unexpired employment authorization document issued by the United States Department of Homeland Security;

(vi) An unexpired foreign passport with a valid, unexpired United States visa affixed accompanied by the approved form documenting the applicant's most recent admittance into the United States;

(vii) A Certificate of Naturalization issued by the United States Department of Homeland Security;

(viii) A Certificate of Citizenship issued by the United States Department of Homeland Security;

(ix) A driver's license or identification card issued in compliance with the standards established by the federal REAL ID Act of 2005, Public Law 109-13, division B, section 1, 119 Stat. 302; or

(x) Such other documents as the director may approve.

(c) If an applicant presents one of the documents listed under subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this subsection, the verification of the applicant's identity will also provide satisfactory evidence of lawful status.

(d) If the applicant presents one of the identity documents listed under subdivision (b)(v), (vi), or (ix) of this subsection, the verification of the identity documents does not provide satisfactory evidence of lawful status. The applicant must also present a second document from subdivision (4)(b) of this section, a document from subsection (5) of this section, or documentation issued by the United States Department of Homeland Security or other federal agencies demonstrating lawful status as determined by the United States Citizenship and Immigration Services.

(e) An applicant may present other documents as designated by the director as proof of identity. Any documents accepted shall be recorded according to a written exceptions process established by the director.

(f)(i) On a date determined by the director but not later than November 1, 2023, any person assigned a parolee immigration status by the United States Department of Homeland Security may apply for and be issued a CLP-commercial learner's permit or commercial driver's license that is not in compliance with the federal REAL ID Act of 2005, Public Law 109-13, if the person:

(A) Possessed an unexpired foreign passport issued to such person at the time of such person's entry into the United States of America; and

(B) Fulfills the requirements of subdivision (2)(a) of this section and such requirements are verified pursuant to section 60-484.06.

(ii) Any CLP-commercial learner's permit or commercial driver's license issued under this subsection is otherwise subject to all laws relating to CLP-commercial learner's permits or commercial driver's licenses.

(5)(a) Whenever a person is renewing, replacing, upgrading, transferring, or applying as a nondomiciled individual to this state for a CLP-commercial learner's permit or commercial driver's license, the Department of Motor Vehicles shall verify the citizenship in the United States of the person or the lawful status in the United States of the person.

(b) The following are acceptable as proof of citizenship or lawful status:

(i) A valid, unexpired United States passport;

(ii) A certified copy of a birth certificate filed with a state office of vital statistics or equivalent agency in the individual's state of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands;

(iii) A Consular Report of Birth Abroad issued by the United States Department of State;

(iv) A Certificate of Naturalization issued by the United States Department of Homeland Security;

(v) A Certificate of Citizenship issued by the United States Department of Homeland Security; or

(vi) A valid, unexpired Permanent Resident Card issued by the United States Department of Homeland Security or United States Citizenship and Immigration Services.

(6) An applicant may present other documents as designated by the director as proof of lawful status. Any documents accepted shall be recorded according to a written exceptions process established by the director.

(7)(a) An applicant shall obtain a nondomiciled CLP-commercial driver's license or nondomiciled CLP-commercial learner's permit:

(i) If the applicant is domiciled in a foreign jurisdiction and the Federal Motor Carrier Safety Administrator has not determined that the commercial motor vehicle operator testing and licensing standards of that jurisdiction meet the standards contained in subparts G and H of 49 C.F.R. part

383; or

(ii) If the applicant is domiciled in a state that is prohibited from issuing commercial learners' permits and commercial drivers' licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to obtain a nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license from Nebraska that complies with the testing and licensing standards contained in subparts F, G, and H of 49 C.F.R. part 383.

(b) An applicant for a nondomiciled CLP-commercial learner's permit and nondomiciled commercial driver's license must do the following:

(i) Complete the requirements to obtain a CLP-commercial learner's permit or a commercial driver's license under the Motor Vehicle Operator's License Act, except that an applicant domiciled in a foreign jurisdiction must provide an unexpired employment authorization document issued by the United States Citizenship and Immigration Services or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States. No proof of domicile is required;

(ii) After receipt of the nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license and, for as long as the permit or license is valid, notify the Department of Motor Vehicles of any adverse action taken by any jurisdiction or governmental agency, foreign or domestic, against his or her driving privileges. Such adverse actions include, but are not limited to, license disqualification or disqualification from operating a commercial motor vehicle for the convictions described in 49 C.F.R. 383.51. Notifications must be made within the time periods specified in 49 C.F.R. 383.33; and

(iii) Provide a mailing address to the Department of Motor Vehicles. If the applicant is applying for a foreign nondomiciled CLP-commercial learner's permit or foreign nondomiciled commercial driver's license, he or she must provide a Nebraska mailing address and his or her employer's mailing address to the Department of Motor Vehicles.

(c) An applicant for a nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license who holds a foreign operator's license is not required to surrender his or her foreign operator's license.

(8) Any person applying for a CLP-commercial learner's permit or commercial driver's license may answer the following:

(a) Do you wish to register to vote as part of this application process?

(b) Do you wish to have a veteran designation displayed on the front of your operator's license to show that you served in the armed forces of the United States? (To be eligible you must register with the Nebraska Department of Veterans' Affairs registry.)

(c) Do you wish to include your name in the Donor Registry of Nebraska and donate your organs and tissues at the time of your death?

(d) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?

(e) Do you wish to donate \$1 to promote the Organ and Tissue Donor Awareness and Education Fund?

(9) Application for a CLP-commercial learner's permit or commercial driver's license shall include a signed oath, affirmation, or declaration of the applicant that the information provided on the application for the permit or license is true and correct.

(10) Any person applying for a CLP-commercial learner's permit or commercial driver's license must make one of the certifications in section 60-4,144.01 and any certification required under section 60-4,146 and must provide such certifications to the Department of Motor Vehicles in order to be issued a CLP-commercial learner's permit or a commercial driver's license.

(11) Every person who holds any commercial driver's license must provide to the department medical certification as required by section 60-4,144.01. The department may provide notice and prescribe medical certification compliance requirements for all holders of commercial drivers' licenses. Holders of commercial drivers' licenses who fail to meet the prescribed medical certification compliance requirements may be subject to downgrade.

Sec. 30. Section 60-4,147.02, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-4,147.02 No endorsement authorizing the driver to operate a commercial motor vehicle transporting hazardous materials shall be issued, renewed, or transferred by the Department of Motor Vehicles unless the endorsement is issued, renewed, or transferred in conformance with the requirements of section 1012 of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, including all amendments and federal regulations adopted pursuant thereto as of January 1, ~~2023~~ 2022, for the issuance of licenses to operate commercial motor vehicles transporting hazardous materials.

Sec. 31. Section 60-4,168, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-4,168 (1) Except as provided in subsections (2) and (3) of this section, a person shall be disqualified from operating a commercial motor vehicle for one year upon his or her first conviction, after April 1, 1992, in this or any other state for:

(a) Operating a commercial motor vehicle in violation of section 60-6,196 or 60-6,197 or under the influence of a controlled substance or, beginning September 30, 2005, operating any motor vehicle in violation of section 60-6,196 or 60-6,197 or under the influence of a controlled substance;

(b) Operating a commercial motor vehicle in violation of section 60-4,163

or 60-4,164;

(c) Leaving the scene of an accident involving a commercial motor vehicle operated by the person or, beginning September 30, 2005, leaving the scene of an accident involving any motor vehicle operated by the person;

(d) Using a commercial motor vehicle in the commission of a felony other than a felony described in subdivision (3)(b) of this section or, beginning September 30, 2005, using any motor vehicle in the commission of a felony other than a felony described in subdivision (3)(b) of this section;

(e) Beginning September 30, 2005, operating a commercial motor vehicle after his or her commercial driver's license has been suspended, revoked, or canceled or the driver is disqualified from operating a commercial motor vehicle; or

(f) Beginning September 30, 2005, causing a fatality through the negligent or criminal operation of a commercial motor vehicle.

(2) Except as provided in subsection (3) of this section, if any of the offenses described in subsection (1) of this section occurred while a person was transporting hazardous material in a commercial motor vehicle which required placarding pursuant to section 75-364, the person shall, upon conviction or administrative determination, be disqualified from operating a commercial motor vehicle for three years.

(3) A person shall be disqualified from operating a commercial motor vehicle for life if, after April 1, 1992, he or she:

(a) Is convicted of or administratively determined to have committed a second or subsequent violation of any of the offenses described in subsection (1) of this section or any combination of those offenses arising from two or more separate incidents;

(b) Beginning September 30, 2005, used a ~~commercial~~ motor vehicle in the commission of a felony involving the manufacturing, distributing, or dispensing of a controlled substance; or

(c) Used a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of trafficking in persons, as defined and described in 22 U.S.C. 7102(11), as such section existed on January 1, ~~2023~~ 2022.

(4)(a) A person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations, or not less than one hundred twenty days if he or she is convicted in this or any other state of three serious traffic violations, arising from separate incidents occurring within a three-year period while operating a commercial motor vehicle.

(b) A person is disqualified from operating a commercial motor vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations, or not less than one hundred twenty days if he or she is convicted in this or any other state of three serious traffic violations, arising from separate incidents occurring within a three-year period while operating a motor vehicle other than a commercial motor vehicle if the convictions have resulted in the revocation, cancellation, or suspension of the person's operator's license or driving privileges.

(5)(a) A person who is convicted of operating a commercial motor vehicle in violation of a federal, state, or local law or regulation pertaining to one of the following six offenses at a highway-rail grade crossing shall be disqualified for the period of time specified in subdivision (5)(b) of this section:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(b)(i) A person shall be disqualified for not less than sixty days if the person is convicted of a first violation described in this subsection.

(ii) A person shall be disqualified for not less than one hundred twenty days if, during any three-year period, the person is convicted of a second violation described in this subsection in separate incidents.

(iii) A person shall be disqualified for not less than one year if, during any three-year period, the person is convicted of a third or subsequent violation described in this subsection in separate incidents.

(6) A person shall be disqualified from operating a commercial motor vehicle for at least one year if, on or after July 8, 2015, the person has been convicted of fraud related to the issuance of his or her CLP-commercial learner's permit or commercial driver's license.

(7) If the department receives credible information that a CLP-commercial learner's permit holder or a commercial driver's license holder is suspected, but has not been convicted, on or after July 8, 2015, of fraud related to the issuance of his or her CLP-commercial learner's permit or commercial driver's license, the department must require the driver to retake the skills and knowledge tests. Within thirty days after receiving notification from the department that retesting is necessary, the affected CLP-commercial learner's

permit holder or commercial driver's license holder must make an appointment or otherwise schedule to take the next available test. If the CLP-commercial learner's permit holder or commercial driver's license holder fails to make an appointment within thirty days, the department must disqualify his or her CLP-commercial learner's permit or commercial driver's license. If the driver fails either the knowledge or skills test or does not take the test, the department must disqualify his or her CLP-commercial learner's permit or commercial driver's license. If the holder of a CLP-commercial learner's permit or commercial driver's license has had his or her CLP-commercial learner's permit or commercial driver's license disqualified, he or she must reapply for a CLP-commercial learner's permit or commercial driver's license under department procedures applicable to all applicants for a CLP-commercial learner's permit or commercial driver's license.

(8) For purposes of this section, controlled substance has the same meaning as in section 28-401.

(9) For purposes of this section, conviction means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law, in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs, or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(10) For purposes of this section, serious traffic violation means:

(a) Speeding at or in excess of fifteen miles per hour over the legally posted speed limit;

(b) Willful reckless driving as described in section 60-6,214 or reckless driving as described in section 60-6,213;

(c) Improper lane change as described in section 60-6,139;

(d) Following the vehicle ahead too closely as described in section 60-6,140;

(e) A violation of any law or ordinance related to motor vehicle traffic control, other than parking violations or overweight or vehicle defect violations, arising in connection with an accident or collision resulting in death to any person;

(f) Beginning September 30, 2005, operating a commercial motor vehicle without a commercial driver's license;

(g) Beginning September 30, 2005, operating a commercial motor vehicle without a commercial driver's license in the operator's possession;

(h) Beginning September 30, 2005, operating a commercial motor vehicle without the proper class of commercial driver's license and any endorsements, if required, for the specific vehicle group being operated or for the passengers or type of cargo being transported on the vehicle;

(i) Beginning October 27, 2013, texting while driving as described in section 60-6,179.02; and

(j) Using a handheld mobile telephone as described in section 60-6,179.02.

(11) Each period of disqualification imposed under this section shall be served consecutively and separately.

Sec. 32. Section 60-4,172, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,172 (1) Within ten days after a ~~receiving an abstract of~~ conviction of any nonresident who holds a commercial learner's permit or commercial driver's license for any violation of state law or local ordinance related to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle operated in this state, the director shall notify the driver licensing authority which licensed the nonresident who holds a commercial learner's permit or commercial driver's license and the Commercial Driver License Information System of such conviction.

(2)(a) Within ten days after disqualifying a nonresident who holds a commercial learner's permit or commercial driver's license or canceling, revoking, or suspending the commercial learner's permit or commercial driver's license held by a nonresident, for a period of at least sixty days, the department shall notify the driver licensing authority which licensed the nonresident and the Commercial Driver License Information System of such action.

(b) The notification shall include both the disqualification and the violation that resulted in the disqualification, cancellation, revocation, or suspension. The notification and the information it provides shall be recorded on the driver's record.

(3) Within ten days after a ~~receiving an abstract of~~ conviction of any nonresident who holds a commercial learner's permit or commercial driver's license for any violation of state law or local ordinance related to motor vehicle traffic control, other than parking violations, committed in any type of motor vehicle operated in this state, the director shall notify the driver licensing authority which licensed the nonresident and the Commercial Driver License Information System of such conviction.

(4) Within ten days after a ~~receiving an abstract of~~ conviction of any nonresident who holds a driver's license for any violation of state law or local ordinance related to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle operated in this state, the director shall notify the driver licensing authority which licensed the nonresident.

Sec. 33. Section 60-4,181, Reissue Revised Statutes of Nebraska, is

amended to read:

60-4,181 (1) Each applicant for a state identification card shall provide the information and documentation required by sections 60-484 and 60-484.04 and section 20 of this act. The form of the state identification card shall comply with section 60-4,117. The applicant shall present an issuance certificate to the county treasurer for a state identification card. Department personnel or the county treasurer shall collect the fee and surcharge as prescribed in section 60-4,115 and issue a receipt to the applicant which is valid up to thirty days. The state identification card shall be delivered to the applicant as provided in section 60-4,113.

(2) The director may summarily cancel any state identification card, and any judge or magistrate may order a state identification card canceled in a judgment of conviction, if the application or information presented by the applicant contains any false or fraudulent statements which were deliberately and knowingly made as to any matter material to the issuance of the card or if the application or information presented by the applicant does not contain required or correct information. Any state identification card so obtained shall be void from the date of issuance. Any judgment of conviction ordering cancellation of a state identification card shall be transmitted to the director who shall cancel the card.

(3) No person shall be a holder of a state identification card and an operator's license at the same time.

Sec. 34. Section 60-501, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-501 For purposes of the Motor Vehicle Safety Responsibility Act, unless the context otherwise requires:

(1) Department means Department of Motor Vehicles;

(2) Former military vehicle means a motor vehicle that was manufactured for use in any country's military forces and is maintained to accurately represent its military design and markings, regardless of the vehicle's size or weight, but is no longer used, or never was used, by a military force;

(3) Golf car vehicle means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes;

(4) Judgment means any judgment which shall have become final by the expiration of the time within which an appeal might have been perfected without being appealed, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, (a) upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle for damages, including damages for care and loss of services, because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use thereof, or (b) upon a cause of action on an agreement of settlement for such damages;

(5) License means any license issued to any person under the laws of this state pertaining to operation of a motor vehicle within this state;

(6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (ii) whose gross vehicle weight rating is less than three thousand pounds, and (iii) that complies with 49 C.F.R. part 571, as such part existed on January 1, ~~2023~~ 2022, or (b) three-wheeled motor vehicle (i) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (ii) whose gross vehicle weight rating is less than three thousand pounds, and (iii) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle;

(7) Minitruck means a foreign-manufactured import vehicle or domestic-manufactured vehicle which (a) is powered by an internal combustion engine with a piston or rotor displacement of one thousand five hundred cubic centimeters or less, (b) is sixty-seven inches or less in width, (c) has a dry weight of four thousand two hundred pounds or less, (d) travels on four or more tires, (e) has a top speed of approximately fifty-five miles per hour, (f) is equipped with a bed or compartment for hauling, (g) has an enclosed passenger cab, (h) is equipped with headlights, taillights, turnsignals, windshield wipers, a rearview mirror, and an occupant protection system, and (i) has a four-speed, five-speed, or automatic transmission;

(8) Motor vehicle means any self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles, minitrucks, and low-speed vehicles. Motor vehicle includes a former military vehicle. Motor vehicle does not include (a) mopeds as defined in section 60-637, (b) traction engines, (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers, (h) every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails, (i) electric personal assistive mobility devices as defined in section 60-618.02, (j) off-road designed vehicles, including, but not limited to, golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles and utility-type vehicles as defined in section 60-6,355, minibikes as defined in section 60-636, and snowmobiles as defined in section 60-663, and (k) bicycles as defined in section 60-611;

(9) Nonresident means every person who is not a resident of this state;

(10) Nonresident's operating privilege means the privilege conferred upon

a nonresident by the laws of this state pertaining to the operation by him or her of a motor vehicle or the use of a motor vehicle owned by him or her in this state;

(11) Operator means every person who is in actual physical control of a motor vehicle;

(12) Owner means a person who holds the legal title of a motor vehicle, or in the event (a) a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or (b) a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of the act;

(13) Person means every natural person, firm, partnership, limited liability company, association, or corporation;

(14) Proof of financial responsibility means evidence of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a motor vehicle, (a) in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, (b) subject to such limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (c) in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident;

(15) Registration means registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;

(16) State means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada; and

(17) The forfeiture of bail, not vacated, or of collateral deposited to secure an appearance for trial shall be regarded as equivalent to conviction of the offense charged.

Sec. 35. Section 60-601, Reissue Revised Statutes of Nebraska, is amended to read:

60-601 Sections 60-601 to 60-6,383 and sections 38, 39, 40, and 41 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 36. Section 60-605, Reissue Revised Statutes of Nebraska, is amended to read:

60-605 For purposes of the Nebraska Rules of the Road, the definitions found in sections 60-606 to 60-676 and sections 38, 39, 40, and 41 of this act shall be used.

Sec. 37. Section 60-611, Reissue Revised Statutes of Nebraska, is amended to read:

60-611 Bicycle shall mean:

(1) Every every device propelled solely by human power, upon which any person may ride, and having two, three, or four wheels any one or more of which being tandem wheels either of which is more than fourteen inches in diameter; and or

(2) An electric bicycle. a device with two or three wheels, fully operative pedals for propulsion by human power, and an electric motor with a capacity not exceeding seven hundred fifty watts which produces no more than one brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground.

Sec. 38. Class I electric bicycle means a device with the following components:

(1) Two, three, or four wheels;

(2) A saddle or seat for the rider;

(3) Fully operative pedals for propulsion by human power; and

(4) An electric motor:

(a) Not exceeding seven hundred fifty watts of power;

(b) That produces no more than one brake horsepower;

(c) Capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground;

(d) That only provides power when the rider is pedaling; and

(e) That does not provide power if the electric bicycle is traveling at a speed of more than twenty miles per hour.

Sec. 39. Class II electric bicycle means a device with the following components:

(1) Two, three, or four wheels;

(2) A saddle or seat for the rider;

(3) Fully operative pedals for propulsion by human power; and

(4) An electric motor:

(a) Not exceeding seven hundred fifty watts of power;

(b) That produces no more than one brake horsepower;

(c) Capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground;

(d) Capable of providing power whether or not the rider is pedaling; and

(e) That does not provide power if the electric bicycle is traveling at a speed of more than twenty miles per hour.

Sec. 40. Class III electric bicycle means a device with the following components:

(1) Two, three, or four wheels;

(2) A saddle or seat for the rider;

(3) Fully operative pedals for propulsion by human power; and

- (4) An electric motor:
  - (a) Not exceeding seven hundred fifty watts of power;
  - (b) That produces no more than one brake horsepower;
  - (c) Capable of propelling the bicycle at a maximum design speed of no more than twenty-eight miles per hour on level ground;
  - (d) That only provides power when the rider is pedaling; and
  - (e) That does not provide power if the electric bicycle is traveling at a speed of more than twenty-eight miles per hour.

Sec. 41. Electric bicycle means a Class I electric bicycle, a Class II electric bicycle, and a Class III electric bicycle.

Sec. 42. Section 60-628.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle (a) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2023 ~~2022~~, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, and (c) which is equipped with a windshield and an occupant protection system. A motorcycle with a sidecar attached is not a low-speed vehicle.

Sec. 43. Section 60-640, Reissue Revised Statutes of Nebraska, is amended to read:

60-640 (1) Motor-driven cycle means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower as measured at the drive shaft, mopeds, and every bicycle with a motor attached except for an electric ~~a bicycle as described in subdivision (2) of section 60-611~~. Motor-driven cycle shall not include an electric personal assistive mobility device.

(2) For purposes of this section, motorcycle does not include an autocycle.

Sec. 44. Section 60-678, Reissue Revised Statutes of Nebraska, is amended to read:

60-678 (1) The State of Nebraska or any department, board, commission, or governmental subdivision thereof is hereby authorized, in its respective jurisdiction, to enact regulations permitting, prohibiting, and controlling the use of motor vehicles, minibikes, motorcycles, off-road recreation vehicles of any and all types, electric bicycles, other powered vehicles, electric personal assistive mobility devices, and vehicles which are not self-propelled. Any person who operates any of such vehicles without the permission of the appropriate governmental entity or in a place, time, or manner which has been prohibited by such entity shall be guilty of a Class III misdemeanor.

(2) Such governmental entity described in subsection (1) of this section may further authorize the supervising official of any area under its ownership or control to permit, control, or prohibit operation of any motor vehicle, minibike, motorcycle, off-road recreational vehicle of any or all types, electric bicycles, other powered vehicle, electric personal assistive mobility device, or vehicle which is not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not permitted, or in a manner so as to endanger the peace and safety of the public or as to harm or destroy the natural features or manmade features of any such area shall be guilty of a Class III misdemeanor.

Sec. 45. Section 60-6,265, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-6,265 For purposes of sections 60-6,266 to 60-6,273:

(1) Occupant protection system means a system utilizing a lap belt, a shoulder belt, or any combination of belts installed in a motor vehicle which (a) restrains drivers and passengers and (b) conforms to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.207, 571.208, 571.209, and 571.210, as such standards existed on January 1, 2023 ~~2022~~, or, as a minimum standard, to the federal motor vehicle safety standards for passenger restraint systems applicable for the motor vehicle's model year; and

(2) Three-point safety belt system means a system utilizing a combination of a lap belt and a shoulder belt installed in a motor vehicle which restrains drivers and passengers.

Sec. 46. Section 60-6,279, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,279 (1) A person shall not operate or be a passenger ~~in an autocycle described in subsection (2) of this section, on a motorcycle other than an autocycle, or on a moped~~ on any highway in this state unless such person is:

(a) Wearing ~~wearing~~ a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on the user's ~~his or her~~ head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets; or ~~-~~



(b) Beginning January 1, 2024:

(i) At least twenty-one years of age; and

(ii)(A) For a resident of Nebraska, has completed the basic motorcycle safety course as provided in the Motorcycle Safety Education Act and submitted proof of such completion to the Department of Motor Vehicles. Proof of such completion shall be in a manner approved by the department; or

(B) For a nonresident of Nebraska, has completed an equivalent to the Motorcycle Safety Foundation basic motorcycle rider course or some other substantially similar motorcycle rider course approved by the state of the person's residence and provides proof of such completion to a law enforcement officer upon request.

(2) The Department of Motor Vehicles shall modify the existing system of the department by January 1, 2024, to allow the date of completion of such course to be recorded on the person's record provided for in section 60-483.

(3) A person shall not operate a motorcycle or moped on any highway in this state unless such person employs one of the following forms of eye protection: (a) Glasses that cover the orbital region of the person's face, (b) a protective face shield attached to a protective helmet, (c) goggles, or (d) a windshield on the motorcycle or moped that protects the operator's and passenger's horizontal line of vision in all operating positions (2) This section applies to an autocycle that has a seating area that is not completely enclosed.

Sec. 47. Section 60-6,282, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,282 (1) Until December 31, 2023, a Any person who violates section 60-6,279 shall be guilty of a traffic infraction and shall be fined fifty dollars.

(2) Beginning January 1, 2024:

(a) A person violating any provision of subsection (1) or (3) of section 60-6,279 shall be guilty of an infraction as defined in section 29-431 and shall be fined two hundred fifty dollars for each violation.

(b) Enforcement of subsection (1) or (3) of section 60-6,279 shall be accomplished only as a secondary action when an operator of a motorcycle or moped has been cited or charged with a violation or some other offense unless the violation involves a person under the age of eighteen years riding on any portion of the motorcycle or moped not designed or intended for the use of passengers when the motorcycle or moped is in motion.

Sec. 48. Section 60-2705, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-2705 The Director of Motor Vehicles shall adopt standards for an informal dispute settlement procedure which substantially comply with the provisions of 16 C.F.R. part 703, as such part existed on January 1, 2023 2022.

If a manufacturer has established or participates in a dispute settlement procedure certified by the Director of Motor Vehicles within the guidelines of such standards, the provisions of section 60-2703 concerning refunds or replacement shall not apply to any consumer who has not first resorted to such a procedure.

Sec. 49. Section 60-2909.01, Revised Statutes Cumulative Supplement, 2022, is amended to read:

60-2909.01 The department and any officer, employee, agent, or contractor of the department having custody of a motor vehicle record shall, upon the verification of identity and purpose of a requester, disclose and make available the requested motor vehicle record, including the sensitive personal information in the record, other than the social security number, for the following purposes:

(1) For use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out the agency's functions or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions;

(2) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or governmental agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body;

(3) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting;

(4) For use by an employer or the employer's agent or insurer to obtain or verify information relating to a holder of a commercial driver's license or CLP-commercial learner's permit that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31301 et seq., as such act existed on January 1, 2023 2022, or pursuant to sections 60-4,132 and 60-4,141; and

(5) For use by employers of a holder of a commercial driver's license or CLP-commercial learner's permit and by the Commercial Driver License Information System as provided in section 60-4,144.02 and 49 C.F.R. 383.73, as such regulation existed on January 1, 2023 2022.

Sec. 50. Section 66-4,100, Reissue Revised Statutes of Nebraska, is amended to read:

66-4,100 The Highway Cash Fund and the Roads Operations Cash Fund are hereby created. If bonds are issued pursuant to subsection (2) of section 39-2223, the balance of the share of the Highway Trust Fund allocated to the

Department of Transportation and deposited into the Highway Restoration and Improvement Bond Fund as provided in subsection (6) of section 39-2215 and the balance of the money deposited in the Highway Restoration and Improvement Bond Fund as provided in section 39-2215.01 shall be transferred by the State Treasurer, on or before the last day of each month, to the Highway Cash Fund. If no bonds are issued pursuant to subsection (2) of section 39-2223, the share of the Highway Trust Fund allocated to the Department of Transportation shall be transferred by the State Treasurer on or before the last day of each month to the Highway Cash Fund.

The Legislature may direct the State Treasurer to transfer funds from the Highway Cash Fund to the Roads Operations Cash Fund. Both funds shall be expended by the department (1) for acquiring real estate, road materials, equipment, and supplies to be used in the construction, reconstruction, improvement, and maintenance of state highways, (2) for the construction, reconstruction, improvement, and maintenance of state highways, including grading, drainage, structures, surfacing, roadside development, landscaping, and other incidentals necessary for proper completion and protection of state highways as the department shall, after investigation, find and determine shall be for the best interests of the highway system of the state, either independent of or in conjunction with federal-aid money for highway purposes, (3) for the share of the department of the cost of maintenance of state aid bridges, (4) for planning studies in conjunction with federal highway funds for the purpose of analyzing traffic problems and financial conditions and problems relating to state, county, township, municipal, federal, and all other roads in the state and for incidental costs in connection with the federal-aid grade crossing program for roads not on state highways, (5) for tests and research by the department or proportionate costs of membership, tests, and research of highway organizations when participated in by the highway departments of other states, (6) for the payment of expenses and costs of the Board of Examiners for County Highway and City Street Superintendents as set forth in section 39-2310, (7) for support of the public transportation assistance program established under section 13-1209 and the intercity bus system assistance program established under section 13-1213, and (8) for purchasing from political or governmental subdivisions or public corporations, pursuant to section 39-1307, any federal-aid transportation funds available to such entities, and (9) for costs related to the administration of the Division of Aeronautics of the Department of Transportation as specified in section 3-107.

Any money in the Highway Cash Fund and the Roads Operations Cash Fund not needed for current operations of the department shall, as directed by the Director-State Engineer to the State Treasurer, be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act, subject to approval by the board of each investment. All income received as a result of such investment shall be placed in the Highway Cash Fund.

~~Transfers may be made from the Roads Operations Cash Fund to the General Fund at the direction of the Legislature through June 30, 2019. The State Treasurer shall transfer seven million five hundred thousand dollars from the Roads Operations Cash Fund to the General Fund on or before June 30, 2018, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services. The State Treasurer shall transfer seven million five hundred thousand dollars from the Roads Operations Cash Fund to the General Fund on or after July 1, 2018, but on or before June 30, 2019, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.~~

Sec. 51. Section 75-363, Revised Statutes Cumulative Supplement, 2022, is amended to read:

75-363 (1) The parts, subparts, and sections of Title 49 of the Code of Federal Regulations listed below, as modified in this section, or any other parts, subparts, and sections referred to by such parts, subparts, and sections, in existence and effective as of January 1, 2023 2022, are adopted as Nebraska law.

(2) Except as otherwise provided in this section, the regulations shall be applicable to:

(a) All motor carriers, drivers, and vehicles to which the federal regulations apply; and

(b) All motor carriers transporting persons or property in intrastate commerce to include:

(i) All vehicles of such motor carriers with a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight over ten thousand pounds;

(ii) All vehicles of such motor carriers designed or used to transport more than eight passengers, including the driver, for compensation, or designed or used to transport more than fifteen passengers, including the driver, and not used to transport passengers for compensation;

(iii) All vehicles of such motor carriers transporting hazardous materials required to be placarded pursuant to section 75-364; and

(iv) All drivers of such motor carriers if the drivers are operating a commercial motor vehicle as defined in section 60-465 which requires a commercial driver's license.

(3) The Legislature hereby adopts, as modified in this section, the following parts of Title 49 of the Code of Federal Regulations:

(a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

(b) Part 385 - SAFETY FITNESS PROCEDURES;

(c) Part 386 - RULES OF PRACTICE FOR FMCSA PROCEEDINGS;  
(d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS;  
(e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;  
(f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS;  
(g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;  
(h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;  
(i) Part 395 - HOURS OF SERVICE OF DRIVERS;  
(j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;  
(k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES; and

(l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

(4) The provisions of subpart E - Physical Qualifications and Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any driver subject to this section who: (a) Operates a commercial motor vehicle exclusively in intrastate commerce; and (b) holds, or has held, a commercial driver's license issued by this state prior to July 30, 1996.

(5) The regulations adopted in subsection (3) of this section shall not apply to farm trucks registered pursuant to section 60-3,146 with a gross weight of sixteen tons or less. The following parts and sections of 49 C.F.R. chapter III shall not apply to drivers of farm trucks registered pursuant to section 60-3,146 and operated solely in intrastate commerce:

- (a) All of part 391;
- (b) Section 395.8 of part 395; and
- (c) Section 396.11 of part 396.

(6) The following parts and subparts of 49 C.F.R. chapter III shall not apply to the operation of covered farm vehicles:

- (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;
- (b) Part 391, subpart E - Physical Qualifications and Examinations;
- (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and
- (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

(7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to fertilizer and agricultural chemical application and distribution equipment transported in units with a capacity of three thousand five hundred gallons or less.

(8) For purposes of this section, intrastate motor carriers shall not include any motor carrier or driver excepted from 49 C.F.R. chapter III by section 390.3(f) of part 390.

(9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS shall apply to motor carriers and drivers who engage in intrastate commerce as defined in section 75-362, except that no motor carrier who engages in intrastate commerce shall permit or require any driver used by it to drive nor shall any driver drive:

- (i) More than twelve hours following ten consecutive hours off duty; or
- (ii) For any period after having been on duty sixteen hours following ten consecutive hours off duty.

(b) No motor carrier who engages in intrastate commerce shall permit or require a driver of a commercial motor vehicle, regardless of the number of motor carriers using the driver's services, to drive, nor shall any driver of a commercial motor vehicle drive, for any period after:

- (i) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate every day of the week; or
- (ii) Having been on duty eighty hours in any period of eight consecutive days if the employing motor carrier operates motor vehicles every day of the week.

(10) Part 395 - HOURS OF SERVICE OF DRIVERS, as adopted in subsections (3) and (9) of this section, shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes during planting and harvesting season when:

(a) The transportation of such agricultural commodities is from the source of the commodities to a location within a one-hundred-fifty-air-mile radius of the source of the commodities;

(b) The transportation of such farm supplies is from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used which is within a one-hundred-fifty-air-mile radius of the wholesale or retail distribution point; or

(c) The transportation of such farm supplies is from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies which is within a one-hundred-fifty-air-mile radius of the wholesale distribution point.

(11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and intermodal equipment shall not apply to farm trucks and farm truck-tractors registered pursuant to section 60-3,146 and operated solely in intrastate commerce.

(12) 49 C.F.R. 392.9a - Operating authority shall not apply to Nebraska motor carriers operating commercial motor vehicles solely in intrastate commerce.

(13) No motor carrier shall permit or require a driver of a commercial motor vehicle to violate, and no driver of a commercial motor vehicle shall violate, any out-of-service order.

Sec. 52. Section 75-364, Revised Statutes Cumulative Supplement, 2022, is amended to read:

75-364 The parts, subparts, and sections of Title 49 of the Code of

Federal Regulations listed below, or any other parts, subparts, and sections referred to by such parts, subparts, and sections, in existence and effective as of January 1, ~~2023~~ 2022, are adopted as part of Nebraska law and shall be applicable to all motor carriers whether engaged in interstate or intrastate commerce, drivers of such motor carriers, and vehicles of such motor carriers:

- (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F - Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Testers, and Design Certifying Engineers;
- (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G - Registration of Persons Who Offer or Transport Hazardous Materials;
- (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS;
- (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS;
- (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS;
- (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;
- (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and
- (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS.

Sec. 53. Section 75-366, Revised Statutes Cumulative Supplement, 2022, is amended to read:

75-366 For the purpose of enforcing Chapter 75, article 3, any officer of the Nebraska State Patrol may, upon demand, inspect the accounts, records, and equipment of any motor carrier or shipper. Any officer of the Nebraska State Patrol shall have the authority to enforce the federal motor carrier safety regulations, as such regulations existed on January 1, ~~2023~~ 2022, and federal hazardous materials regulations, as such regulations existed on January 1, ~~2023~~ 2022, and is authorized to enter upon, inspect, and examine any and all lands, buildings, and equipment of any motor carrier, any shipper, and any other person subject to the federal Interstate Commerce Act, the federal Department of Transportation Act, and other related federal laws and to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of a motor carrier, a shipper, and any other person subject to Chapter 75, article 3, for the purposes of enforcing Chapter 75, article 3. To promote uniformity of enforcement, the carrier enforcement division of the Nebraska State Patrol shall cooperate and consult with the Public Service Commission and the Division of Motor Carrier Services.

Sec. 54. Section 75-369.03, Revised Statutes Cumulative Supplement, 2022, is amended to read:

75-369.03 (1) The Superintendent of Law Enforcement and Public Safety may issue an order imposing a civil penalty against a motor carrier transporting persons or property in interstate commerce for a violation of sections 75-392 to 75-3,100 or against a motor carrier transporting persons or property in intrastate commerce for a violation or violations of section 75-363 or 75-364 based upon an inspection conducted pursuant to section 75-366 in an amount which shall not exceed ~~nine hundred one~~ eight hundred forty-eight dollars for any single violation in any proceeding or series of related proceedings against any person or motor carrier as defined in 49 C.F.R. 390.5 as adopted in section 75-363.

(2) The superintendent shall issue an order imposing a civil penalty in an amount not to exceed ~~seventeen thousand nine hundred ninety-five~~ sixteen thousand nine hundred forty-one dollars against a motor carrier transporting persons or property in interstate commerce for a violation of subdivision (2) (e) of section 60-4,162 based upon a conviction of such a violation.

(3) The superintendent shall issue an order imposing a civil penalty against a driver operating a commercial motor vehicle, as defined in section 60-465, that requires a commercial driver's license or CLP-commercial learner's permit, in violation of an out-of-service order. The civil penalty shall be in an amount not less than three thousand ~~four hundred seventy-one~~ two hundred sixty-eight dollars for a first violation and not less than six thousand ~~nine hundred forty-three~~ five hundred thirty-six dollars for a second or subsequent violation.

(4) The superintendent shall issue an order imposing a civil penalty against a motor carrier who knowingly allows, requires, permits, or authorizes the operation of a commercial motor vehicle, as defined in section 60-465, that requires a commercial driver's license or CLP-commercial learner's permit, in violation of an out-of-service order. The civil penalty shall be not less than ~~six thousand two hundred sixty-nine~~ five thousand nine hundred two dollars but not more than ~~thirty-four thousand seven hundred twelve~~ thirty-two thousand six hundred seventy-nine dollars per violation.

(5) Upon the discovery of any violation by a motor carrier transporting persons or property in interstate commerce of section 75-307, 75-363, or 75-364 or sections 75-392 to 75-3,100 based upon an inspection conducted pursuant to section 75-366, the superintendent shall immediately refer such violation to the appropriate federal agency for disposition, and upon the discovery of any violation by a motor carrier transporting persons or property in intrastate commerce of section 75-307 based upon such inspection, the superintendent shall refer such violation to the Public Service Commission for disposition.

Sec. 55. Section 75-392, Revised Statutes Cumulative Supplement, 2022, is amended to read:

75-392 For purposes of sections 75-392 to 75-3,100:

- (1) Director means the Director of Motor Vehicles;
- (2) Division means the Division of Motor Carrier Services of the

Department of Motor Vehicles; and

(3) Unified carrier registration plan and agreement means the plan and agreement established and authorized pursuant to 49 U.S.C. 14504a, as such section existed on January 1, 2023 ~~2022~~.

Sec. 56. Section 75-393, Revised Statutes Cumulative Supplement, 2022, is amended to read:

75-393 The director may participate in the unified carrier registration plan and agreement pursuant to the Unified Carrier Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January 1, 2023 ~~2022~~, and may file on behalf of this state the plan required by such plan and agreement for enforcement of the act in this state.

Sec. 57. Sections 22 and 58 of this act become operative on July 1, 2023. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, and 59 of this act become operative three calendar months after the adjournment of this legislative session. Sections 57 and 60 of this act become operative on their effective date.

Sec. 58. Original section 60-4,115, Revised Statutes Cumulative Supplement, 2022, is repealed.

Sec. 59. Original sections 3-107, 13-1205, 29-431, 39-1348, 60-484.05, 60-484.06, 60-4,120, 60-4,142, 60-4,144, 60-4,172, 60-4,181, 60-601, 60-605, 60-611, 60-640, 60-678, 60-6,279, 60-6,282, and 66-4,100, Reissue Revised Statutes of Nebraska, and sections 39-847, 39-1351, 60-107, 60-119.01, 60-169, 60-302.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462, 60-462.01, 60-479.01, 60-4,111.01, 60-4,122, 60-4,132, 60-4,134, 60-4,138, 60-4,147.02, 60-4,168, 60-501, 60-628.01, 60-6,265, 60-2705, 60-2909.01, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Cumulative Supplement, 2022, are repealed.

Sec. 60. Since an emergency exists, this act takes effect when passed and approved according to law.

# **MCSAP National Program Review**

**Qualifying  
Conditions  
Review**

**April 10, 2023**

# MCSAP National Program Review Report

## Introduction

Section 5101(k) of the FAST Act requires FMCSA to periodically evaluate MCSAP lead agency implementation and compliance with the CVSP. The Federal Motor Carrier Safety Administration (FMCSA) MCSAP National Program Review (NPR) is a comprehensive evaluation to assess regulatory, programmatic, and financial requirements as part of 49 CFR part 350 and other regulations.

Additionally, the MCSAP NPR allows the MCSAP lead agency to partner with FMCSA to evaluate their program's overall quality and effectiveness. Information derived from a MCSAP NPR also helps to highlight areas where FMCSA might improve its policy guidance, share best practices, and provide the MCSAP lead agency with information to garner support within the State necessary to ensure compliance with Federal requirements.

### The FMCSA evaluates one of the following three areas for compliance:

- 1) **MCSAP Qualifying Conditions Review.** This includes a review of the MCSAP lead agency adherence to 49 CFR § 350.207 requirement of qualifying conditions a State must meet to qualify for MCSAP funds.
- 2) **MCSAP Safety Activity Performance Review.** This includes an assessment of MCSAP lead agency safety performance to identify potential vulnerabilities, how the MCSAP lead agency is meeting CVSP performance and objectives, and how a MCSAP lead agency plans, evaluates, and monitors the CVSP, and
- 3) **Regulatory Compatibility and Conformance Review.** This includes a review of whether a State has adopted and enforced State laws, regulations, standards, and orders that are compatible with the FMCSRs, HMRs, as well as enforcement standards and orders.

The MCSAP NPR will complement existing MCSAP program/process review and grant monitoring activities to ensure nationwide uniformity and consistency in meeting compliance requirements. The MCSAP NPR will also clarify the intent of the regulations and provide a risk-based approach to focus resources to areas in need and of most concern. For further information on compliance requirements and impact of incompatibility, please review the Motor Carrier Grant Comprehensive Policy (MCP).

The focus of this review was MCSAP Qualifying Conditions Review based on the [Year] eCVSP submission. This review was conducted by [FMCSA SPS or appropriate Division staff member], [Title] with review by [FMCSA Division Administrator Name], FMCSA [State] Division Administrator, and [FMCSA Regional Field Administrator Name], FMCSA [Service Center] Regional Field Administrator.

## Review Participants

The following individuals participated in the MCSAP Qualifying Conditions Review:

- Lt. Mike Maytum Nebraska State Patrol Carrier Enforcement
- Sgt. David Flohr Nebraska State Patrol Carrier Enforcement

## Terminology

The following terminology will be used throughout this report to identify compliance concerns and actions associated with resolution of these items.

**Commendation:** Recognition of exemplary performance and/or best practices that are innovative and demonstrate successful results.

**Corrective Action Plan (CAP):** A document jointly developed by the FMCSA Division Office and the State MCSAP Lead Agency that identifies actions to address findings in the review document, tasks to complete the actions, target dates for completion of each task, and the status of each required action. Also includes a non-mandatory section for Management Considerations and Recommended Actions.

**Finding:** A determination that one or more areas of review are in non-compliance with Federal requirements.

**Management Consideration:** A determination that an element needs improvement and, if improved, should have a positive impact on the management of the MCSAP process.

**Recommended Action:** A recommended approach based on a management consideration, which should have a positive impact on the management of the MCSAP process and is not a compliance item. It is a good business practice that the State may accept.

**Required Action:** A specific corrective action based on Federal requirements which the State must implement to resolve a non-compliance issue (Finding).

## Summary of Results

During the course of the MCSAP Qualifying Conditions Review, the following items were identified:

### Findings with Required Actions

#### Finding 1: Information Technology and Data (ITD) systems

Nebraska has not established or dedicated sufficient resources to a program to ensure that accurate, complete, and timely motor carrier safety data is collected and reported thus effecting the State's participation in a national motor carrier safety data correction system prescribed by FMCSA. After a software upgrade in January 2021, Nebraska continues to be rated FAIR in the SSDQ category of Crash Timeliness. SSDQ scores reflect the impact of the backlog and has rippled into the Fatal Crash Completeness and Crash Consistency Indicator ratings.

## Status of Required Actions from Previous MCSAP Qualifying Conditions Review

NA - Not Applicable

## CAP and Follow Up Procedures

FMCSA seeks a draft response on the CAP from the Nebraska State Patrol by [Date-30 days after sending report]. Upon receipt, FMCSA will schedule a follow-up meeting to discuss the drafted CAP with the Nebraska State Patrol along with the timeline for addressing the Finding and Required Action(s). The FMCSA Nebraska Division will continue to monitor the progress towards closing the Finding on a quarterly basis. The Nebraska State Patrol may also, at any time, provide updates to the CAP if the agency believes a Finding has been resolved. FMCSA will make the final determination regarding the closing of the Finding and Required Action(s) in the CAP. Once the Finding has been sufficiently addressed, FMCSA will notify the Nebraska State Patrol that the Finding is closed.



## Impact of Incompatibility

In accordance with 49 C.F.R. § 350.231, a State may be subject to the withholding of MCSAP funds for non-compliance if, after notice and an opportunity for response from the State, FMCSA finds that a State is in non-compliance with MCSAP requirements, (i.e. 49 C.F.R. part 350). FMCSA will notify the State in writing, identifying the source of non-compliance (e.g., no existing right-of-entry authority), explaining what action(s) are required to achieve compliance, and may withhold funds for the period of the State's noncompliance. The FMCSA may withhold funds based on increasing percentages during the fiscal year(s) of noncompliance with up to 5% during the fiscal year that FMCSA notifies the State of its noncompliance, up to 10 percent for the first full fiscal year of noncompliance, up to 25% for the second full fiscal year of noncompliance, and up to 50% for the third and any subsequent fiscal years. A State may also seek judicial review under 5 U.S.C. chapter 7 if aggrieved by an adverse decision made by FMCSA.

Changes to withholding processes in the FAST Act reinforce the importance of regulatory compatibility. Current regulatory requirements remain in effect; however, any findings related to items within 49 C.F.R. § 350.207 listed below may immediately subject a State to a written notice of proposed determination of nonconformity:

- 1) A State's failure to designate a Lead State Agency to administer the CVSP and to enforce the State's commercial motor carrier, driver, and highway hazardous materials safety laws or regulations (49 C.F.R. § 350.207(a)(1));
- 2) A State's failure to adopt laws and regulations that are compatible with the FMCSRs (broadly) and the HMRs (any deviation) (49 C.F.R. § 350.207(a)(2));
- 3) A State's failure to provide right of entry authority (or other method a State may use that FMCSA determines is adequate to obtain necessary information) and inspection sufficient to carry out the CVSP (49 C.F.R. § 350.207(a)(5)); and
- 4) A State's failure to maintain appropriate levels of expenditure of State funds (MOE) (49 C.F.R. § 350.207(a)(9)).

## Signatures

Based on the MCSAP Qualifying Conditions Review conducted by the Nebraska Division Office from February 13 to 17, 2023, we affirm the information in this report is accurate as of the completion of the review. We are available to assist Nebraska State Patrol in addressing any Findings and Management Considerations therein.

JEREMY SCOTT DUGGER

Digitally signed by JEREMY SCOTT  
DUGGER  
Date: 2023.04.11 12:30:42 -05'00'

Jeremy Dugger  
FMCSA Nebraska Division Administrator

Date

PATRICK D  
NEMONS

Digitally signed by PATRICK D  
NEMONS  
Date: 2023.05.03 14:21:58 -04'00'

Patrick D. Nemons  
Director, Office of Safety Programs

Date

Winsome A. Lenfert

Digitally signed by WINSOME  
A LENFERT  
Date: 2023.04.14 06:24:47  
-04'00'

Winsome Lenfert  
FMCSA Midwest Service Center, Regional Field Administrator

Date

## Results: MCSAP Qualifying Conditions Review

### Findings

#### FINDING 1: Information Technology and Data (ITD) Systems

##### Requirement:

350.207(a)(12): Establish and dedicate sufficient resources to a program to ensure that accurate, complete, and timely motor carrier safety data are collected and reported, and to ensure the State's participation in a national data correction system.

Nebraska is rated YELLOW in crash data timeliness. This rating has been effective since February 2021.

##### Review: Checklist Item 12

[Identify what was reviewed to verify the requirement and explain why the State was not in compliance]

State Safety Data Quality (SSDQ) Measures were reviewed within FMCSA's Analysis & Information system, which identified a problem with the Crash Timeliness Measure. As of February 2023, Nebraska was showing 71% in Crash Timeliness with a leading indicator of 69%, which falls to the lower end of the "Fair" rating spectrum (65-89%). To achieve a "Good" Crash Timeliness rating, jurisdictions are required to upload 90-100% of their crash records (with sufficient data elements) within 90 days of crash occurrence.

During this review, the Nebraska State Patrol (NSP) and Nebraska Department of Transportation (NDOT) were asked to provide background information explaining what led to the SSDQ issue noted above. NSP indicated a crash reporting system failure in April 2021 in which zero CMV crash reports were uploading to the state repository at NDOT. The state agencies determined that the breakdown happened when a software upgrade was performed within the crash reporting form on January 1, 2021. This software upgrade did not go as planned and it became apparent that crash reporting quality, especially as it pertained to CMV crashes, had been negatively impacted in the state. Multiple users at NDOT as well as staff within NSP's Carrier Enforcement Division have affirmed collaborative efforts to achieve resolution to timely and complete crash data uploads to state and federal systems. NDOT affirmed that it has made the upload of complete and timely CMV crash data its highest concern. NSP was not directly assisting NDOT in this effort at the time of this review, however, conveyed a willingness to assist NDOT wherever needed. NSP has also continued to keep the FMCSA Nebraska Division Office apprised of the situation through collaborative discussions, as well as written conveyance through Periodic Performance Reports (PPRs) which summarize the activities NSP conducts in the furtherance of their approved Commercial Vehicle Safety Plan (CVSP).

Crash records going back to CY 2021 continue to be affected by the breakdown stated and NDOT has indicated affected crash data may not be correctly reported until 2025 due to the volume of crash reports requiring correction/transmission. Upon request, NSP provided further breakdown as to the number of affected crash records by calendar year (CY) of crash occurrence

which still require correction. As of March 2023, the backlog is as follows: CY 2021 – 981 records, CY 2022 – 662 records, CY 2023 – 182 records. These counts were based on reporting codes that indicated that Truck/Bus (T/B) supplementals were required. Where initial Police Crash Reports (PCRs) received by NDOT displayed this indicator but did not have a T/B supplemental report included, the reporting agencies are now being contacted by NDOT to collect the missing information. When missing T/B supplementals and amended PCRs are received, NDOT has committed to processing them as a priority. If missing/amended reports are not received, NDOT plans to use other known data elements where possible to complete crash reporting unilaterally. Where sufficient information cannot be gleaned, either through contact with the initial reporting agency that completed a PCR in question, or through other data collection measures employed by NDOT, the T/B indicator would simply be removed. NDOT noted that the data collection effort is a manual and time-consuming effort for each of the incomplete records, and that where sufficient crash information is not received it may never be recorded properly as a CMV crash.

Another important part of increasing the crash timeliness SSDQ measure in Nebraska is for all reporting agencies to submit PCRs electronically. At the time that this review was initiated, approximately 53% of Nebraska PCRs were being completed/transmitted electronically. Note that the Omaha Police Department (OPD), which is responsible for roughly 34% of all PCRs in Nebraska, was moving to an electronic PCR in mid-February. Based on the advancement in OPD processing, NDOT expected March 2023 percentages of crash timeliness to approach 85%.

FMCSA has been monitoring efforts by Nebraska to elevate their SSDQ performance pertaining to Crash Timeliness since 2021. Given the duration of the diminished performance and the noted impact on the Fatal Crash Completeness and Crash Consistency Indicator ratings, FMCSA is opening a Finding in response to this SSQD Measure to better assist Nebraska in resolving the matter. To resolve the Finding, Nebraska must obtain a “Good” rating in the SSDQ Measure for Crash Timeliness (90-100% of crash records transmitted within 90 days of crash occurrence). FMCSA is requesting a Corrective Action Plan (CAP) from NSP in this regard.

Applies to: Both

**Required Actions:**

- 1) Collect and Report Motor Carrier Safety Data
  - a. [Step 1 to resolve required action]
  - b. [Step 2 to resolve required action]

Finding resolved: Crash Timeliness for November 2023 at 90%  
Backlog of crash reports: 0

## Appendix 1: Corrective Action Plan (CAP)

In response to the May 23<sup>rd</sup>, 2023, MCSAP National Compliance Review Report on Qualifying Conditions Review for Nebraska State Patrol.

This document will be jointly developed between the FMCSA Division Office and the State MCSAP Lead Agency. The State will take the lead in drafting correction actions and identifying a timeline for completion.

### FINDINGS AND REQUIRED ACTIONS

If the State believes a Finding has been resolved, at any time the State may provide evidence to support the claim. FMCSA will monitor this CAP on a quarterly basis and, once all Findings have been closed, will notify the State the CAP has been closed.

FINDING	REQUIRED ACTIONS	STATE CORRECTIVE ACTION PLAN	TIMELINE	STATUS
Information Technology and Data (ITD) Systems	Collect and Report Motor Carrier Safety Data	<p>a. Nebraska Department of Transportation (NDOT) hires retired personnel to assist with crash report backlog. Nebraska State Patrol (NSP) assist NDOT as needed.</p> <p>b. NDOT: Realize goal of 100 records reviewed and uploaded per week. NSP: Report out to FMCSA on bi-weekly basis.</p> <p>c. NDOT: Clear backlog. NSP: Realize SSDQ measure in Crash Timeliness of 90%</p>	<p>a. June 2023</p> <p>b. Bi-weekly reporting</p> <p>c. November 2023</p>	[Status]
Choose an item.	Choose an item.	[Actions State will take]	[Timeline]	[Status]
Choose an item.	Choose an item.	[Actions State will take]	[Timeline]	[Status]

This Corrective Action Plan (CAP) has been jointly developed by the Nebraska State Patrol and FMCSA Division Office as a result of Required Actions contained in the MCSAP National Compliance Review Report on Qualifying Conditions dated [Date]. It is agreed that this CAP is a binding agreement between both parties, and the CAP is a living document, the status of which will be updated at least every quarter beginning [Date] to report progress on addressing Findings.

[Signature]	[Date]
Colonel John A. Bolduc Superintendent, Nebraska State Patrol	

[Signature]	[Date]
Jeremy S. Dugger Division Administrator, FMCSA Nebraska Division	

[Signature]	[Date]
Winsome Lenfert Regional Field Administrator, FMCSA Midwest Service Center	

[Signature]	[Date]
Patrick D. Nemons Director, Office of Safety Programs	