

# Motor Carrier Safety Assistance Program

## Grant Comprehensive Policy

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**Federal Motor Carrier Safety Administration**

## Preface

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries and fatalities involving large trucks and buses. The Motor Carrier Safety Assistance Program (MCSAP) is a key partnership in this effort. MCSAP provides financial assistance to States to reduce the number and severity of crashes, and resulting injuries and fatalities, involving commercial motor vehicles (CMVs) and to promote the safe transportation of passengers and hazardous materials. The goal of MCSAP is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs that include driver or vehicle inspections, traffic enforcement, carrier investigations, new entrant safety audits, border enforcement, safety data improvements, and Performance and Registration Information Systems Management (PRISM). Working together, Federal and State partners increase the breadth and reach of our CMV safety programs, increasing the Partnership's capacity and amplifying its impact nationwide.

In addition to MCSAP, FMCSA's High Priority (HP) Grant Program funds State and local agencies, educational, research, and other non-governmental partners to deliver CMV-focused safety programs, research, and technologies. Our goal is to increase the number and quality of HP grant applicants year over year to ensure that FMCSA is leveraging all available expertise to move us closer to our goal of reducing roadway fatalities.

This MCSAP Comprehensive Policy (MCP) is a combined information resource, providing program policy, guidance, and technical assistance. It includes FMCSA's goals, objectives, national program elements, and strategies to meet the Nation's most urgent commercial motor vehicle (CMV) safety needs. Whether you are a MCSAP lead agency that has been receiving MCSAP funding for years or an education institution applying for an HP grant for the first time, this resource will guide you to completing your grant application. We also encourage you to refer to the resources mentioned in this policy document.

The MCP reinforces that CMV safety is a shared responsibility. Together, we will shape and deliver safety programs to reduce crashes and save lives.

Thank you for your commitment to this important safety mission.

Regards,

Derek Barrs  
Administrator  
Federal Motor Carrier Safety Administration  
U.S. Department of Transportation

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Questions, comments, and suggested improvements related to this document are encouraged and should be submitted to:

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E-mail: [StatePrograms@dot.gov](mailto:StatePrograms@dot.gov)

For more information on the Motor Carrier Safety Assistance Program please visit:

<https://ai.fmcsa.dot.gov/Grants/MCSAP.aspx>

# 1 Introduction to the Motor Carrier Safety Assistance Program (MCSAP) Comprehensive Policy (MCP)

The mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries, and fatalities involving large trucks and buses. To achieve its mission, FMCSA promotes and administers many enforcement, registration, and rulemaking activities that work in tandem and in partnership with commercial motor vehicle (CMV) stakeholders. A key mechanism through which FMCSA achieves its mission is by administering various financial assistance (grant or cooperative agreement) programs.

The purpose of the MCP is to provide FMCSA personnel, grant recipients, and prospective applicants with policy, guidance, and technical assistance for the administration of the Motor Carrier Safety Assistance Program (MCSAP) and High Priority (HP) Grants. The policy includes information on program goals, cost eligibility, Maintenance of Effort (MOE), and other topics. Although the MCP establishes formal agency policy, it does not stand alone in providing guidance or establishing grant requirements. Users must also reference the grant program and administrative/financial requirements established by statutes and/or regulations.

FMCSA personnel and grantees should refer to this document to ensure uniform implementation of policies and procedures related to the MCSAP and HP grants. For specific programmatic guidance related to conducting inspections, investigations, or audits, please refer to the appropriate sections of the FMCSA Electronic Field Operations Training Manual ([eFOTM, version 9.0](#)).

## 1.1 MCP Structure

The MCP is divided into sections and subsections. Throughout the document are links referencing applicable statutory and regulatory language, as well as other related FMCSA resources. The appendices include specific processes and procedures to help MCSAP and HP grant applications, as well as informational resources to raise awareness of CMV safety programs and grant-related requirements.

## 1.2 MCP Cancellation and Updates

This version of the MCP supersedes all previous FMCSA MCSAP-related policies and previous versions of the MCP. Additionally, the MCP will serve as the repository of all future FMCSA program policy decisions and will be republished regularly to effectively serve that purpose. Interim policy statements will continue to be issued on an as-needed basis and will be integrated when the full document is republished.

## 1.3 MCP Relationship to Grant Program Policies, Procedures, Forms, Guidelines, and Other Resources

Where a Federal statute or regulation differs from the guidance set forth in the MCP, the provisions of the Federal statute or regulation prevail over the guidelines in the MCP. In addition to the policies in the MCP, applicable users should continue to follow current grant program administrative/financial and programmatic regulatory and statutory requirements (i.e., [2 CFR part 200](#), FMCSA grants management guidance, [49 CFR part 350](#), et al.) that may not be reflected in the MCP. If MCP policy guidance

conflicts with existing statutes, regulations, policies, or specific terms and conditions within a grant award, contact your FMCSA Division Office for guidance.

See [Appendix C](#) for a resource guide of MCP-related statutory and regulatory requirements. This Appendix includes interactive links to documents, such as the FAST Act, Code of Federal Regulations, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance" or the "OmniCircular").

## 1.4 Useful Information

The auxiliary verbs used throughout the document are important indicators for compliance with a guideline.

- "Must" or "shall" is an obligation.
- "Must not" is a prohibition.
- "May" is a discretionary action.
- "Should" is a recommendation.

Additionally, key words, phrases and statutory/regulatory citations have been added as a hyperlink reference. Generally, the hyperlink cites the regulation or statute that created the basis of the guideline. Hyperlinks also reference grant and/or program-specific government resources for users to learn more about a specific item. Hyperlinks will be updated when the MCP is updated and there may be times when a link is not operating. FMCSA is not responsible for maintaining any link that is not directly linked to the FMCSA public site; however, please report bad links to [StatePrograms@dot.gov](mailto:StatePrograms@dot.gov) so that we may update the relevant information and improve the content of the MCP.

## 2 Overview of MCSAP and the High Priority Grant Programs

The Motor Carrier Safety Assistance Program (MCSAP) formula grant and High Priority (HP) discretionary grant account for the majority of the financial assistance dollars offered by FMCSA. Both programs are integral to the mission of FMCSA and provide funding for much of the CMV safety activities conducted across the United States and its Territories.

The MCSAP and HP Grant Programs also integrate other important FMCSA safety initiatives, such the Performance Registration and Information Systems Management (PRISM), Innovative Technology Deployment (ITD) and State Safety Data Quality (SSDQ) programs.

While MCSAP and HP grants provide financial support for a wide range of safety efforts, both share the same general objectives to support a safe and efficient surface transportation system. They include:

- Making targeted investments to promote safe CMV transportation, including the transportation of passengers and hazardous materials;
- Investing in activities likely to generate maximum reductions in the number and severity of CMV crashes and fatalities resulting from such crashes;
- Adopting and enforcing effective motor carrier, CMV, and driver safety regulations and practices consistent with Federal requirements; and
- Assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

Note that while MCSAP and HP grants share the same objectives, some eligible activities and costs differ. The following sections in this document provide program-specific policy (including cost eligibility) and technical assistance necessary when administering both MCSAP and HP Grant Programs. Please carefully read the ITD, PRISM, and SSDQ program sections in this document for guidance.

### 2.1 National Program Elements

To meet MCSAP and HP Grant Program objectives, FMCSA established [National Program Elements](#) to focus grant program efforts, promote the use of efficient resources targeted at areas in most need, and implement proven best practices. Below is a summary of each National Program Element.

#### 2.1.1 Driver and Vehicle Inspections

Driver and vehicle inspections are among the most successful strategies used in the MCSAP and HP programs to improve safety. Approximately 3.0 million CMV inspections are conducted each year to ensure trucks and buses driving on the highways are operating safely. There are several levels of inspections ranging from the most comprehensive Level I inspection, which evaluates both the driver and the vehicle, to inspections with a more specific area of focus, such as hazardous or radioactive materials. Ultimately, all MCSAP and HP activities should be focused on CMV safety and reducing CMV crash risk. Below are several emphasis areas recipients should consider incorporating into their driver/vehicle inspection activities to achieve this goal.

- Effective, Purposeful, Quality Driver/Vehicle Inspections

The North American Standard (NAS) driver/vehicle inspection is the backbone of MCSAP.

Overwhelmingly, the majority of human, material, and technology resources funded under MCSAP goes towards supporting that activity. The Federal Motor Carrier Safety Regulations (FMCSRs), and the derivative NAS Out-of-Service (OOS) Criteria were developed to address conditions and conduct which have been identified as creating crash risk, and are wholly dependent on the driver/vehicle inspections to have their intended impact on motor carrier safety. Beyond addressing the unsafe condition of a driver/vehicle at the roadside, these inspections factor into a much larger interconnecting network of CMV safety interests and stakeholders, ranging from motor carrier investigations to motor carrier safety ratings and even data that influences policy and legislative decision making.

As such, it is critical that driver/vehicle inspections are *effective*, in that they work towards accomplishing their intended objective of reducing the risk of CMV-related crashes through standardized and meaningful application of the FMCSRs and NAS OOS Criteria. Additionally, inspections should be *purposeful*, in that they advance an overall CMV safety focus by prioritizing drivers/vehicles operating in an unsafe condition, motor carriers with poor safety ratings, and unrated motor carriers who have not yet benefited from the feedback which inspections provide. Finally, all driver/vehicle inspection should be of *high quality*. They should follow the standardized processes; reflect thorough, accurate documentation; and adhere to the principles of legal sufficiency and absence of bias.

The roadside inspector is the key player in the CMV safety network. It quite literally begins with them, as the driver/vehicle they select for inspection, the observations they make, the procedures they follow, and the documentation they preserve are all of critical importance to the work being done by the other network stakeholders.

- Work Zone Safety

CMV crashes in construction work zones are a major safety focus for FMCSA. Narrow lanes, shifting traffic patterns, sudden stops, and other factors present in these areas pose special challenges to large trucks and buses, which continue to be overrepresented in fatal and serious injury crashes in roadway construction and work zones. According to the National Highway Traffic Safety Administration (NHTSA) crash statistics, more than 30% of work zone fatal crashes in 2022 involved at least one large truck.

FMCSA strongly encourages recipients to place special emphasis on work zone crashes by targeting unsafe CMVs, with or without an inspection. Additionally, provided the MCSAP eligibility requirements are met, States may also target non-CMV traffic which is operating unsafely in the immediate vicinity of CMVs. These activities should incorporate appropriate enforcement efforts within work zones and the congested areas immediately before and after these areas. Recipients should clearly identify the locations of such activities in their plans and include updates on efforts and progress in quarterly reports. Additionally, it is critical that activities taken in support of this effort are conducted in a manner which protect the safety of drivers and enforcement personnel ([49 CFR 350.207\(a\)\(18\)](#)).

Visit [Commercial Motor Vehicle \(CMV\) Safety in Work Zones - FHWA Work Zone \(dot.gov\)](#) for more information.

- Human Trafficking

Human trafficking continues to be a significant public safety issue across the United States. The DOT has for years actively campaigned to increase the recognition, detection, reporting, and prevention of human trafficking, and it encourages its State, Local, and Tribal partners to address this issue. MCSAP and HP activities, such as Driver/Vehicle Inspections and Traffic Enforcement provide an opportunity to directly engage in critical areas of public safety, including human trafficking and human smuggling, while outreach and even investigations and new entrant activities provide opportunities to increase awareness.

Recipients should actively coordinate with other enforcement agencies and stakeholders on their efforts to combat human trafficking and human smuggling. These efforts are MCSAP-eligible as long as they are paired with an appropriate NAS inspection, or as otherwise permitted in the MCSAP Comprehensive Policy. Recipients should specifically identify any planned activities that are associated with these efforts in their plans and provide updates on those activities in their quarterly reports.

For more information on DOT's efforts relating to preventing human trafficking, please visit: [Stop Human Trafficking | US Department of Transportation](#).

- Criminal Interdiction

Per [49 CFR 350.207\(a\)\(20\)](#), MCSAP recipients must address activities related to removing impaired CMV drivers and, in conjunction with an appropriate inspection, criminal interdiction. Broadly speaking, this can be taken as an expectation that States ensure their personnel can identify and initiate an appropriate response to situations where a CMV is being used to further criminal activities. While States have correctly identified such criminal activities as to include driving under the influence of drugs or alcohol and drug/human trafficking, they may not have recognized how it also extends to CMV-related cargo theft and fraud. Cargo theft is a growing concern for the U.S. transportation system, costing the economy billions annually. These crimes involve opportunistic "straight thefts" of trailers, containers, and loads at truck stops or multimodal distribution hubs and highly coordinated operations conducted by organized criminal networks. Both categories create significant economic losses, disrupt supply chains, and, in some cases, fund broader illicit activities such as narcotics trafficking, counterfeiting, and human smuggling.

Enhancing the ability to identify and initiate an appropriate response to CMV-related impaired driving, drug/human trafficking, cargo theft, and fraud is an important additive to the driver/vehicle inspection safety objective. FMCSA encourages MCSAP and HP recipients to help ensure their personnel have the knowledge and ability to look beyond 'just a safety inspection,' and see the signs that a CMV is being used in criminal activities. MCSAP lead agencies should actively coordinate with FMCSA's National Training Center (NTC), as well as other enforcement agencies and stakeholders in their criminal interdiction efforts, as allowed under MCSAP participation requirements.

- Enforcement of Out-of-Service Orders

Carriers that knowingly operate in violation of an Out-of-Service (OOS) Order are ignoring safety regulations and consciously disregarding the law. Specifically, the importance of immobilizing carriers that are OOS due to a declaration of **Imminent Hazard** or determined to be **Unsatisfactory/Unfit** to operate cannot be overstated. These carriers pose an immediate

danger to the safety of the traveling public. This issue is of such importance that significant effort has been devoted to helping enforcement personnel identify motor carriers operating under an OOS order in real-time. Resources such as SafeSpect not only allow inspectors to identify OOS motor carriers and other operating authority issues, but also identify drivers and vehicles that are continuing to operate in an OOS condition based upon previous inspections.

FMCSA requests all recipients strengthen their ability to identify and immobilize OOS carriers during enforcement activities. Checking a carrier's U.S. DOT Number or other identifiable information to verify operational status is a critical component of all enforcement activities and is required by 49 CFR [350.207\(a\)\(27\)](#) relating to the identification and immobilization of carriers operating under an OOS order.

- Passenger Carrier Safety

Passenger carrier CMV safety and enforcement remains a major FMCSA safety focus. The transportation of passengers inherently carries with it an increased risk of multiple injuries. In accordance with [49 USC 31102\(c\)\(2\)\(W\)](#), States may conduct inspections on passenger-carrying CMVs and drivers if the activity is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station). These planned stops may include carrier-designated pickup locations that are not at traditional bus depots or generally associated with passenger waiting (curbside, shopping centers, etc.). Additionally, States may conduct inspections en route for an imminent or obvious safety hazard. It is important to note that the restrictions set forth in [49 USC 31102\(c\)\(2\)\(W\)](#) only relate to inspections and not to taking non-inspection traffic enforcement.

More information regarding the requirements for inspections of passenger carrying CMVs can be found in [5.3.7 State Conducted Inspections of Passenger Carrying CMVs](#).

- English Language Proficiency (ELP)

Under 49 CFR [391.11\(b\)\(2\)](#), a person is qualified to drive a CMV in interstate commerce if they can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records. Pursuant to the regulation, a driver that cannot read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records is not qualified to operate a CMV in interstate commerce. CMV inspectors should be aware of the [Updated Internal Agency Enforcement Policy - English Language Proficiency](#) for the driver qualification standard in 49 CFR 391.11(b)(2). If the inspector cites the driver for a violation of 49 CFR 391.11(b)(2), the inspector must document all evidence to support the identified violation including the driver's responses or lack thereof. Additionally, in keeping with the importance of nationwide uniform enforcement, inspectors are also expected to immediately place the driver out-of-service in accordance with the NAS OOS criteria.

- Accurate and Complete Documentation of Inspection-related Information

Accurate and complete information/documentation is critical to the collective CMV safety effort

that is MCSAP. Through standardized procedures and reporting, driver/vehicle inspections not only have an impact at the roadside or the inspection facility, but are the primary data and information source for an interconnected CMV safety effort which extends beyond borders. As such, it is important that State inspectors have the tools, training, and understanding to not only properly identify the various components, such as logs, licensing, registrations, bills of lading, and true and accurate origin/destinations, which establish whether a driver/vehicle are subject to and in compliance with the safety regulations, but also to ensure such information is documented and retained in a manner sufficient to support further investigations/reviews which may later be deemed necessary. Additionally, doing so will help ensure that all enforcement actions satisfy the principles of due process, remain lawful and reasonable, and are conducted in a manner that is fair and free of bias.

In addition, providing accurate and complete information related to drivers operating in the United States on Mexican or Canadian licenses is essential to ensuring highway safety and providing complete information related to licensing reciprocity between the three nations. Inspectors should emphasize accurate documentation of driver licensing information when inspecting an individual licensed by Mexico or Canada. For example: ensuring that the full name indicated on the license is accurately reflected in the inspection report (noting any deviations in the inspector notes), checking the foreign license in CDLIS in addition to other local systems, and indicating anything unusual in the inspector notes. Further, the inspector should place specific emphasis on ensuring true and accurate origin and destination for load in the inspection report.

- **Prohibited Drivers: Disqualified, Downgraded, Improper Licensed, and Out-of-Service**

Instances of CMV drivers operating while disqualified, lacking an appropriate license classification/endorsement, or while declared OOS due to an inspection present an increased safety risk to themselves and the motoring public, for precisely the reasons which placed them in such a condition in the first place.

- As set forth in [49 CFR 383.51](#), commercial driver's license (CDL) holders who are disqualified are prohibited from driving a CMV, and employers must not knowingly allow, require, permit, or authorize them to do so. Such disqualifications are applied by the licensing agency following the conviction for a range of major offenses and serious traffic violations.
- The requirement for States to downgrade CDLs of drivers in a "prohibited" Drug and Alcohol Clearinghouse (DACH) status rests on the simple but safety-critical premise that drivers cannot lawfully operate a CMV because they engaged in prohibited use of drugs or alcohol, or they refused a drug or alcohol test, and have not completed the DOT-required return-to-duty process.
- Drivers of CMVs who operate without the required license or endorsement are acting unlawfully and lack the enhanced knowledge, skills, and abilities gained through the licensing process. Furthermore, operating without a CDL bypasses critical safety safeguards, including disqualifications and downgrades resulting from certain convictions and the Drug and Alcohol Clearinghouse (DACH) prohibitions.
- Once placed OOS according to the NAS OOS Criteria, any driver who resumes driving,

before that OOS condition is resolved, persists in an activity which is so unsafe it was determined the only acceptable action was for them to immediately cease operating.

The key to each of these is enforcement. By ensuring inspectors use resources such as SafeSpect and the Commercial Driver's License Information System (CDLIS), States are better positioned to identify drivers which are operating under a DACH prohibition, in a declared OOS condition, or are otherwise disqualified. By ensuring enforcement personnel better understand when a CDL is required, States are better able to address the issue of drivers operating CMVs without a required CDL, which is particularly common in 'hot shot' operations. By gathering and then sharing meaningful information on the instances of prohibited disqualified, downgraded, improperly licensed, and OOS, they can help other stakeholders address the motor carriers which knowingly allow, require, permit, or authorize them to do so.

- Operating Authority

The prohibition on Mexico-domiciled motor carriers from engaging in U.S. point-to-point (domestic) transportation, a practice known as cabotage, was established in the North American Free Trade Agreement (NAFTA). Under NAFTA Annex 1, page I-U-20, a Mexico-domiciled motor carrier may not engage in cabotage, including express delivery services, within the United States for goods other than international cargo. This restriction was incorporated in the FMCSRs governing applications for operating authority.

Inspectors who encounter a CMV displaying a U.S. DOT number ending in "Z" that is operating outside of a commercial zone (as defined in 49 CFR [372.237 – 372.247](#)) should ensure that the carrier is compliant with the requirement of 49 CFR [390.21](#) regarding valid lease agreements and CMV markings. If not, the inspector should cite the carrier for violation of § [392.9a\(a\)\(2\)](#).

Inspectors who encounter a CMV displaying a U.S. DOT number ending in "X" that is operating outside of a commercial zone (as defined in 49 CFR [372.237 – 372.247](#)) should determine the origin and destination of the load. If the manifested load is a domestic point-to-point shipment, after ensuring the vehicle is not using a lease agreement to a U.S.-domiciled carrier (in compliance with 49 CFR [390.21](#)), cite the carrier for violation of § [392.9a\(a\)\(2\)](#).

To help combat cabotage, States should ensure their inspectors are trained to recognize and correctly cite the violation. Additionally, FMCSA requests States work with their FMCSA Division Office to share information and cooperate in multi-agency operations empaneled to address the issue.

## 2.1.2 Traffic Enforcement

Many preventable crashes result from illegal or unsafe driver behavior, such as speeding, distracted driving, driving under the influence, etc. State inspection programs and highly visible traffic enforcement activities, especially in areas identified as high-risk crash corridors, have proven to deter unsafe driver behavior and reduce crashes. MCSAP lead agencies and HP applicants are strongly encouraged to outline how they will implement data driven strategies to address driver behavior.

Traffic enforcement activities can be targeted to focus on CMVs (including vehicles operating in foreign commerce). Traffic enforcement activities are eligible under either the MCSAP or HP grants when approved as part of a State plan. For non-CMV traffic enforcement activities to be eligible for reimbursement under MCSAP, [49 USC 31102\(h\)\(2\)\(a\)](#) establishes that the State must maintain the

number of motor carrier safety activities (inspections, safety audits, investigations, and non-inspection CMV traffic enforcement) at a level at least equal to the average level of such activities in FYs 2014 and 2015. Non-CMV traffic enforcement under HP must be specifically approved in the project plan.

For more information, see [5.4.3 Traffic Enforcement Cost Eligibility](#).

### **2.1.3 Compliance Reviews/Investigations, Interventions, and New Entrant Safety Audits**

Compliance Reviews/Investigations, Interventions, and Safety Audits are on-site or off-site examinations of a motor carrier's operation to determine whether it is compliant with the Federal Motor Carrier Safety Regulations (FMCSRs), State laws and regulations compatible with the FMCSRs, and Federal Hazardous Materials Regulations (HMRs).

Eligible activities include examining a motor carrier's transportation and safety records, training requirements, controlled substance and alcohol program, commercial driver license (CDL) records, financial responsibility (insurance), hours of service, and inspection and maintenance programs. As specified in the grant agreement, these activities are eligible under the MCSAP.

Enforcement actions resulting from a Compliance Review/Investigation, Intervention and New Entrant Safety Audit must satisfy the principles of due process, remain lawful and reasonable and be conducted in a manner that is fair and free of bias. For specific programmatic guidance related to conducting inspections, investigations, or audits, please refer to section 3.12 ([Certification of Personnel Performing Inspections, Investigations, and Safety Audits](#)) and section 7 ([MCSAP and HP Technical and Cost Guidance](#)), or the appropriate sections of the FMCSA Electronic Field Operations Training Manual, available at: [Electronic Field Operations Training Manual \(eFOTM, version 9.0.\) | FMCSA \(dot.gov\)](#).

### **2.1.4 Public Education and Awareness**

FMCSA promotes activities to increase the safety awareness of the motoring public, motor carriers, and drivers through activities such as safety talks, safety demonstrations, and the creation of materials that highlight safe driving and consumer awareness. These activities are eligible under the MCSAP and HP grants; however, these activities do not include training materials or other items/activities for the direct benefit of the recipient organization and may not include costs for promotional items.

### **2.1.5 Data Collection and Data Quality**

As outlined in [49 U.S.C. § 31102\(c\)\(2\)\(P\)](#) and reflected in [FMCSA Data Quality Improvement Program \(section 7.7.1\)](#), States must establish and dedicate sufficient resources to a program to collect and report accurate, complete, and timely motor carrier safety data. FMCSA is responsible for regulating the safety of interstate truck and bus travel in the United States in partnership with States under the MCSAP. To fulfill this role, FMCSA uses data collected by States and other grant recipients to monitor compliance of motor carrier companies, prioritize carriers for intervention, measure the condition of vehicle fleets, track the driving records of licensed operators, and record crashes involving CMVs on public roadways. High-quality, accurate, and timely data in each of these areas is crucial to the mission of improving the safety of CMVs. FMCSA is committed to ensuring the integrity of State and Federally reported safety data in MCMIS and measures the accuracy, completeness, and timeliness of State-provided safety data through the State Safety Data Quality (SSDQ) Measures as found within the Data Quality section of FMCSA's [Analysis and Information Online \(A&I\) website](#). While FMCSA maintains

State safety data in MCMIS and uses and disseminates the data contained therein, each State's MCSAP lead agency is responsible for all CMV crash and inspection data generated by its agency or sub-agencies.

As discussed further in [DataQs and Requests for Data Review \(RDR\) \(section 7.7.3\)](#), [DataQs](#) is the national motor carrier safety data correction system prescribed by FMCSA ([49 CFR 350.207\(a\)\(12\)](#)). DataQs allows users to create and track a Request For Data Review (RDR) of Federal and State data issued by FMCSA believed to be incomplete or incorrect. It enables all users to improve the accuracy of FMCSA's data-driven safety systems that help prevent crashes, injuries, and fatalities related to CMVs. Participation in DataQs is a MCSAP requirement, which includes the DataQ requirements and procedures established by FMCSA.

Activities in furtherance of these data requirements are eligible under MCSAP.

### **2.1.6 CMV Safety Programs Focusing on International Commerce in Border States**

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

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

Participating States must engage in at least one of these objectives.

- Objective 1: International Motorcoach Inspections — Facilitate the conducting of inspections of motorcoaches engaged in international commerce. These International Motorcoach Inspections should be conducted at bus stations, terminals, border crossings, maintenance facilities, destination locations, or other locations where a motor carrier may make a planned stop (excluding a weigh station).
- Objective 2: High Crash Corridor Enforcement Focused on International Commerce — Conduct international commerce CMV enforcement activities (inspections and traffic enforcement) within corridors where the data indicates that there are a high number of crashes involving vehicles engaged in international commerce.
- Objective 3: International Commerce CMV Inspections at Remote Border Sites Away from Border Crossings — Conduct International Commerce CMV Safety Inspections at identified sites where known international commerce activity occurs near the Canadian and Mexican borders where there is no official border crossing facility.

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

States and US Territories may fund PRISM development, deployment, as well as operations and maintenance (O&M) costs under MCSAP and HP, provided they meet certain eligibility requirements. Full participation in PRISM is a requirement for the States under MCSAP. States that fail to maintain full participation in PRISM will jeopardize MCSAP funding and should consider directing funds to their PRISM programs and address this in the State's CVSP. Full participation for the US Territories is not required under MCSAP.

FMCSA expects MCSAP lead agencies to use MCSAP formula funds for operating and maintenance costs and projects that will aid the State in achieving full participation, even if the program is administered by a non-MCSAP lead agency.

In general, PRISM projects for systems and networks deployment and operational activities to maintain and/or exceed full participation for MCSAP lead agencies are eligible under the MCSAP grant. Additionally, Territory MCSAP lead agencies may apply for HP funding to achieve full participation, while State MCSAP lead agencies may ONLY request HP funds for projects that exceed full participation.

Non-MCSAP lead agencies, which administer the State's PRISM program, may request HP grant funds for all PRISM projects, regardless of their implementation level. In addition, non-lead agencies may receive sub-awards from their State's MCSAP lead agency to implement PRISM requirements.

Additional information on general PRISM compliance, including details on implementation within U.S. Territories, can be found within section 5.3.1 ([PRISM Requirements and Eligible Projects](#)).

Please visit the PRISM DASH (Data Activity and Safety Hub) to access the PRISM Procedural Manual, the full range of reference materials, an overview of the PRISM Implementation Map, and PRISM requirements and national progress.

### **2.1.8 Innovative Technology Deployment**

FMCSA expects MCSAP lead agencies to use MCSAP formula funds to support ITD operations and maintenance costs even if a non-MCSAP lead agency administers the program. While not an official National Program Element, this is a priority identified by FMCSA.

States that meet the eligibility requirements of MCSAP and agree to comply with the requirements of the ITD program may fund ITD operations and maintenance costs under MCSAP. For eligible applicants, CMV systems and networks deployment and ITD planning activities are allowed under HP funding (HP-ITD). Such eligible applicants include agencies of States, the District of Columbia, or U.S. Territories with an approved plan outlined in [49 USC 31102\(L\)](#).

More information on ITD may be found in section 6 ([Innovative Technology Deployment](#)).

### **2.1.9 Support Enforcement Through Advanced Technology**

CMV safety and enforcement activities conducted in support of the National Program Elements can be enhanced by the integration of advanced technologies which enable real-time compliance checks, reducing roadside inspection times, and focusing on high-risk carriers. Such technologies include enhanced or automated screening (weigh-in-motion, cameras), AI-powered monitoring, and data exchange software. Agencies should prioritize the integration of advanced technology and software to

modernize CMV enforcement. By leveraging data-driven tools, personnel can more accurately identify high-risk carriers and drivers, ensuring that interventions are targeted where they are needed most. Furthermore, implementing enhanced or automated screening software facilitates unbiased, random vehicle selection and serves as a vital force multiplier – expanding the reach of enforcement efforts to detect complex violations across vehicles, carriers, and operators more efficiently. For technology initiatives which fall outside of the scope of MCSAP and HP-CMV, States are encouraged to consider HP-ITD grant opportunities.

## 3 MCSAP Grant

### 3.1 MCSAP Grant Purpose

The purpose of MCSAP is to provide Federal financial assistance through a formula grant program to develop and implement comprehensive, nationwide, and State-specific performance-based programs to increase motor carrier, CMV, and driver safety. The MCSAP is authorized under [49 USC 31102](#), with implementing regulations under [49 CFR part 350](#).

### 3.2 MCSAP Eligible Jurisdictions

All States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands, are eligible for MCSAP. For the purposes of this document, the term “States” is used to refer to all these entities unless otherwise specified.

MCSAP grants are provided annually to the State’s MCSAP lead agency. The governor designates the lead agency as the State motor vehicle safety agency responsible for administering the Commercial Vehicle Safety Plan (CVSP) within the State. The CVSP, also known in statute and regulation as the “Plan,” is a mandatory document that serves as the MCSAP project plan and budget.

### 3.3 MCSAP Eligible Activities and Costs

The primary MCSAP activities eligible for reimbursement include the National Program Elements currently outlined in [49 CFR 350.203](#):

1. Driver Inspections;
2. Vehicle Inspections;
3. Traffic Enforcement;
4. Investigations;
5. New Entrant Safety Audits;
6. CMV safety programs focusing on international commerce in Border States;
7. Beginning October 1, 2020, full participation in PRISM or an acceptable alternative as determined by the Administrator;
8. Accurate, complete, timely, and corrected data;
9. Public Education and Awareness;
10. Other elements that the Administrator may prescribe.

For more information, see section 2.1 ([National Program Elements](#)).

Other activities eligible for reimbursement under MCSAP at listed below, as well as in [49 CFR 350.227](#):

- Sanitary food transportation inspections performed under [49 USC 5701](#); and
- The following activities, when carried out in conjunction with an appropriate North American Standard (NAS) inspection of a CMV and inspection report:
  - Enforcement of CMV size and weight limitations at locations, excluding fixed facilities,

such as near steep grades or mountainous terrains, where the weight of a CMV can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States.

- Detection of and enforcement actions taken as a result of criminal activity, including trafficking of human beings in a CMV or by any occupant, including the operator, of the CMV.

Note: The State must ensure that these activities, if financed through MCSAP funds, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, CMV, and driver safety ([49 CFR 350.207\(a\)\(21\)](#)).

Documented enforcement of State traffic laws and regulations designed to promote the safe operation of CMVs are also eligible. This includes documented enforcement of such laws and regulations relating to non-CMV's when necessary to promote the safe operation of CMVs, if:

1. The number of motor carrier safety activities (inspections, safety audits, investigations, and non-inspection CMV traffic enforcement) conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2014 and 2015; and
2. The State may not use more than 10% of the MCSAP Basic funds it receives for enforcement activities relating to non-CMV's necessary to promote the safe operation of CMVs unless the FMCSA Administrator determines that a higher percentage will result in significant increases in CMV safety.

All MCSAP expenditures must be necessary, reasonable, and allocable and fall within the program's statute and regulations to be included in an approved CVSP. While the eligibility of specific items is subject to review by FMCSA, below are the types of MCSAP expenses eligible for reimbursement in accordance with [49 CFR 350.229](#):

1. Personnel expenses, including recruitment and screening, training, salaries and fringe benefits, and supervision. A lead MCSAP agency may annually allocate up to 15% of the total approved grant project cost for expenditures associated with overtime, either incidental or planned, to conduct eligible MCSAP activities. If a State identifies a need to go beyond the 15% overtime limitation, FMCSA will consider such requests in the CVSP approval process if the State provides adequate written justification to FMCSA in the CVSP. If a State identifies the need to modify the amount of overtime after the CVSP is approved by FMCSA, the State must submit a budget amendment request in accordance with the procedures provided by FMCSA.
2. Equipment and travel expenses, including per diem, directly related to enforcing safety regulations, including vehicles, uniforms, communications equipment, special inspection equipment, vehicle maintenance, and fuel.
3. Indirect expenses for facilities, except fixed scales, used to conduct inspections or house enforcement personnel, support staff, and equipment to the extent they are measurable and recurring (e.g., rent and overhead);
4. Expenses related to data acquisition, storage, and analysis that are specifically identifiable as program-related to develop a database to coordinate resources and improve efficiency;
5. Clerical and administrative expenses, to the extent necessary and directly attributable to the

MCSAP; and

6. Expenses related to the repair, upkeep, or improvement of buildings and equipment (e.g., installation of lights for the inspection of vehicles at night) so long as it does not add to the permanent value of the property or appreciably prolong its intended life, but keep it in an efficient operating condition ([2 CFR 200.452](#)).

### 3.4 MCSAP Match and Grant Period of Performance

FMCSA will reimburse at least 85% of the eligible approved costs indicated in the grant agreement. In-kind contributions are acceptable in meeting the State's matching share provided they are eligible and meet the requirements in the terms and conditions of the grant agreement and all applicable regulations ([49 CFR part 350](#) and [2 CFR part 200](#)). All match contributions must be specifically identified in the approved CVSP budget.

FMCSA waives the requirement for matching funds for the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

[Unified Carrier Registration](#) (UCR) fees collected by State agencies may be used as a source of funds expended by the State to meet matching requirements under FMCSA grant programs provided that: 1) the funds are used for motor carrier safety programs and enforcement; 2) the funds otherwise meet the match requirements in [2 CFR 200.306](#); and 3) any applicable terms and conditions in the grant agreement are met. Specifically, for MCSAP lead agencies, UCR funds may also be expended on eligible activities and costs to meet the Maintenance of Effort (MOE) financial requirement. However, when considering whether to apply UCR funds to State match or MOE, the State may not double count the fees.

The period of performance for MCSAP formula awards will include the maximum timeframe authorized by statute (i.e., the fiscal year in which the Notice of Grant Award (NGA) is approved and the next two fiscal years). All MCSAP grant agreements will be set for a period of performance start date of October 1 even though the NGA may be executed (signed by both FMCSA and the recipient) after that date.

### 3.5 MCSAP Conditions to Qualify for Funds

Each MCSAP lead agency must self-certify each Federal fiscal year that it will meet the conditions established in [49 CFR 350.207](#).

To satisfy these conditions, the State MCSAP lead agency's authorized official, designated by the Governor, must execute a self-certification document, either electronically in the CVSP Tool or by signed paper certification if the State cannot certify electronically. This State Certification document is described in [49 CFR 350.211\(i\)](#) and [350.213 \(e\)](#) and is provided electronically in the CVSP Tool Help Center, under the MCSAP Guidance tab. A State MCSAP lead agency must submit the State Certification, the results of the annual review to determine the compatibility of State laws and regulations with the FMCSRs and HMRs, and a copy of any new or modified State law, regulation or form pertaining to CMV safety adopted since the State's last certification that bears on the items contained in the conditions in the CVSP.

### 3.6 MCSAP Maintenance of Effort Requirement

As set forth in [49 USC 31102\(f\)\(1\)](#), the MCSAP lead agency must maintain a certain level of

expenditure each Federal fiscal year in addition to the required matching share of a MCSAP grant. This financial requirement is known as the Maintenance of Effort (MOE). The purpose of the MOE is to ensure that MCSAP lead agencies are committed to maintaining their own State-funded CMV safety programs, notwithstanding Federal funding. An explanation of what MOE a State must maintain to qualify for MCSAP funds is established in [49 CFR 350.225](#).

The MCSAP lead agency must retain the documentation used to calculate the MOE for audit purposes for a three-year period after the submittal of the final financial reports ([2 CFR 200.333](#)). MCSAP lead agencies must self-certify, per [49 CFR 350.211\(i\)](#) and [350.207\(a\)\(9\)](#), that the calculated MOE will be met each fiscal year and reflect their MOE in their CVSP. The State must annually submit its MOE substantiation document to FMCSA to support the actual expenditures during the fiscal year. A MCSAP lead agency must also maintain supporting documentation of the actual MOE expenditures on MCSAP-eligible activities for verification by FMCSA.

A MCSAP lead agency may request an adjustment to their required MOE through their FMCSA Division Office. If the agency requests it, FMCSA may waive or make reasonable adjustments to the MOE requirements for a total of one fiscal year per request if FMCSA, in its sole discretion, determines that the waiver or modification is reasonable based on circumstances described and documented by the agency. This reasonable adjustment or waiver is valid for only one fiscal year; a State must reapply each fiscal year.

### 3.7 MCSAP Formula Allocation Distribution

MCSAP funds are allocated using Basic Factors, Border, and Territory components. The specifics of this formula allocation are in the list below.

#### Components of the MCSAP Allocation Formula

##### Basic Factors Component

At least 88.51% of the appropriated funds for each fiscal year are allocated proportionally to a MCSAP lead agency using the following five, equally weighted factors:

1. **National Highway System Road Length Miles.** FMCSA uses data collected by the Federal Highway Administration (FHWA). FHWA collects road mileage on an annual basis from States and reports this data via its "Highway Statistics Series".
2. **All Vehicle Miles Traveled (VMT).** FMCSA uses data collected by FHWA. FHWA collects data on VMT to measure the miles traveled by vehicles within a specified region for a specific time period. FHWA compiles monthly and yearly VMT statistics nationally and by State.
3. **Population.** FMCSA uses annual census estimates issued by the U.S. Census Bureau. The U.S. Census Bureau publishes estimates of population for each State (and Puerto Rico) as of July 1 each year. This data is based on the most recently completed decennial census and are adjusted annually based on the Bureau's population growth models. The estimate is used for the current year, based on the April 1, 2010 decennial census.

4. **Special Fuel Consumption (*net after reciprocity adjustment*).** FMCSA uses data collected by FHWA. FHWA collects and disseminates special fuels usage data from State (and Puerto Rico) motor fuel tax agencies on a monthly basis. These data are reported by FHWA on a two-year cycle.
5. **Carrier Registrations.** FMCSA uses data collected through its Motor Carrier Management Information System (MCMIS) to obtain the number of registrations for interstate carriers and intrastate hazardous materials (HM) carriers by State. This information is downloaded directly from the MCMIS database, which is updated monthly.

Note: For more information on the source, type, and usage of FHWA data, visit: [Highway Statistics Series - Policy | Federal Highway Administration \(dot.gov\)](#)

Information on FMCSA data systems can be obtained by visiting: [Information Systems | FMCSA \(dot.gov\)](#)

For more information on the source, type, and usage of Census Bureau data, visit: [Population and Housing Unit Estimates \(census.gov\)](#)

Each State's MCSAP allocation proportion is calculated based on the percentage of the national totals derived from the above five factors. The percentage "share" calculated for each State is adjusted proportionally to ensure that each jurisdiction receives at least 0.44%, but not more than 4.944%, of the total MCSAP funds available.

Funds allocated under the Basic Factor Component are also subject to mitigation measures to ensure that State MCSAP levels do not fluctuate substantially from year to year. Subject to the availability of funds, States should not have a decrease of more than 3%, or an increase of more than 5% of its share (i.e., percentage of total MCSAP funding available) of the formula calculation from the previous year.

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## Border Component

States that share a land border with a foreign nation are eligible to receive supplementary financial support via the MCSAP formula in addition to funds received under the Basic Component. FMCSA may not allocate more than 11% of the total MCSAP funds allocated to the DOT for the Border Component of the revised formula.

Funding shares for each border State are calculated based on the number of annual CMV crossings at each U.S. Port of Entry based on the following methodology:

1. One share per 25,000 annual CMV crossings for States sharing a border with Mexico, with a minimum of 8 shares for each port; or

2. One share per 200,000 annual CMV crossings for States sharing a border with Canada, with a minimum of 0.25 shares for each port with more than 1,000 annual CMV crossings.

The number of shares awarded to an individual Border State is then divided by the total number of shares calculated within this section to determine a percentage. The percentages calculated for each State are proportionally adjusted to ensure that each Border State receives at least 0.075%, but not more than 55%, of the total funds available under the Border Component.

As established in [49 CFR 350.207\(a\)\(29\)](#) and [217\(c\)](#), States that wish to receive the supplemental Border Component must establish a CMV safety program focusing on international commerce (and related activities) or forfeit all funds available to them for border-related activities. States must clearly outline the specific activities (number of inspections, traffic enforcement efforts, etc.) to be performed in accordance with their border safety program within their CVSP.

If a State declines to participate in border enforcement or does not meet a level of activity that FMCSA determines is appropriate given border enforcement activities conducted by the State in previous years, the MCSAP lead agency will forfeit all funds calculated by FMCSA for border-related activities for that State. These funds will be made available for redistribution to other eligible MCSAP grantees engaging in border enforcement efforts.

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## Territory Component

The formula allocates funding to the U.S. Territories (other than Puerto Rico) via a separate Territory Component. As established in [49 CFR 350.217\(b\)](#), FMCSA may not allocate more than 0.49% of the total MCSAP funding within a given fiscal year for distribution under this methodology.

MCSAP funds for U.S. Territories are calculated via a two-step process:

1. Fifty percent of the total MCSAP funds within the Territory Component are equally divided among the eligible jurisdictions;
2. The remaining 50% of funds are allocated among the eligible Territorial jurisdictions proportionally based on the population estimations provided by the U.S. Census Bureau's decennial census.

The MCSAP amounts calculated under this component will be proportionally adjusted to ensure that each Territory receives at least \$350,000 in funding.

Grantees who do not wish to or cannot utilize the full allocation of estimated funding that their State is eligible to receive through MCSAP must ensure that their CVSP accurately represents their planned activities and costs. Applicants must clearly state within their CVSP that their plan and budget propose an amount less than their total eligible amount and why. Any MCSAP funds remaining after all applications have been reviewed and Plans approved by FMCSA will be made available for redistribution to eligible States as soon as possible.

## 3.8 MCSAP Criteria for the Application, Evaluation, and Approval of the CVSP

To aid the MCSAP lead agency in meeting CVSP requirements, FMCSA developed an online electronic CVSP development tool (CVSP Tool) available through the FMCSA [A&I website](#). The CVSP Tool allows the MCSAP lead agency to create their CVSP online and track progress from development through approval. Use of the CVSP Tool, which is voluntary, helps ensure that States satisfy the requirements in [49 CFR 350.211](#) for Year 1 and [49 CFR 350.213](#) for Years 2 and 3; expedites FMCSA's review of the document, facilitates the prompt returning of comments or requests for clarification, and allows the MCSAP lead agency to resubmit a revised document easily.

### 3.8.1 CVSP Review Process

In accordance with [49 U.S.C. 31102\(i\)](#) and grant/financial management requirements in [2 CFR part 200](#), each CVSP receives a fair and objective review before award approval. This review ensures that applicable statutory and regulatory requirements are met and allowable CVSP projects and activities are set up to succeed. The CVSP review process generally consists of a review in the following areas:

1. **Application Review.** FMCSA reviews the application, all supplemental attachments (e.g., standard forms and certifications), and the CVSP for completeness and to ensure that the MCSAP lead agency meets the basic eligibility requirements defined in the Notice of Funding Opportunity (NOFO). The CVSP may be submitted through the CVSP Tool. The remaining required documents and attachments must be submitted in Grants.gov in response to the funding announcement.
2. **Programmatic Review.** FMCSA reviews the CVSP to ensure that the information presented is reasonable and understandable and that the activities proposed in the application are measurable, achievable, and consistent with program or legislative requirements.
3. **Financial Review.** FMCSA evaluates the fiscal integrity and financial capability of a MCSAP lead agency and reviews the CVSP details, including the spending plan and budget narrative, and any other documentation to examine costs for proposed project/program activities to determine if they appear reasonable, necessary, allocable, and allowable for award. Note that approval of the CVSP is not a final approval of costs as defined in accordance with [2 CFR part 200, subpart E](#) (Cost Principles); approval of the plan is only acknowledgment that the budgeted costs appear reasonable, allocable, and allowable. All costs are subject to further review and approval by FMCSA at the time the grantee requests reimbursement and during subsequent audits.
4. **Suitability Review** in accordance with [2 CFR 200.205](#) is discussed in more detail in section 8.3 ([Application Evaluation Process and Award](#)).

### 3.8.2 CVSP Requirements

#### Performance-Based Information

FMCSA evaluates the CVSP against the performance-based information required in accordance with [49 CFR 350.211](#) for Year 1 and [49 CFR 350.213](#) for Years 2 and 3, which require the following items in the CVSP:

#### a. General Overview

This section must include the following two items: 1) a statement of the State agency goal or mission and 2) a program summary of the effectiveness of the prior years' activities in reducing CMV crashes, injuries, and fatalities and improving driver and motor carrier safety performance.

Note: The data periods used must be consistent from year to year. This may be a calendar year, fiscal year, or any 12-month period for which the State's data is current. The summary must show trends supported by safety and program performance data collected over several years, and the MCSAP lead agency must identify and address safety or performance problems in the State in the CVSP.

**b. Brief Narrative**

This describes how the State program addresses the National Program Elements listed in [49 CFR 350.203](#).

This section must also contain a rationale for the State's resource allocation decisions [49 CFR part 365](#), [49 CFR part 368](#), and [49 CFR 392.9\(a\)](#) and a description of how the CVPS supports activities that:

- Are aimed at removing impaired CMV drivers from the highways through adequate enforcement of restrictions on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment.
- Are aimed at providing an appropriate level of training to MCSAP personnel to recognize drivers impaired by alcohol or controlled substances.
- When conducted with an appropriate CMV inspection, include criminal interdiction activities, including human trafficking, that affect the transportation of controlled substances by any occupant of a CMV and training on appropriate strategies for carrying out those interdiction activities.
- Enforce registration requirements under [49 USC 13902](#) and [49 CFR part 365](#), [49 CFR part 368](#), and [49 CFR 392.9\(a\)](#) by prohibiting the operation of (i.e., placing out of service) any vehicle discovered to be operating without the required operating authority or beyond the scope of the motor carrier's operating authority.
- Cooperate in the enforcement of financial responsibility requirements under [49 USC 13906](#), [31138](#), and [31139](#) and [49 CFR part 387](#).

The brief narrative must also include:

- A definitive problem statement for each objective, supported by data or other information. The CVSP must identify the data source and who is responsible for its collection, maintenance, and analysis.
- Performance objectives, stated in quantifiable terms, to be achieved through the CVSP. Objectives must include a measurable reduction in highway crashes or hazardous materials incidents involving CMVs. The objective may include documented improvements in other program areas (e.g., legislative or regulatory authority, enforcement results, or resource allocations).
- Strategies to be employed to achieve performance objectives. Strategies may include

education, enforcement, legislation, use of technology, and improvements to safety infrastructure.

- Specific activities intended to achieve the stated strategies and objectives. Planned activities must be eligible under this program as defined in [49 CFR 350.227](#).
- Specific, quantifiable performance measures, as appropriate. These performance measures will assist the MCSAP lead agency in monitoring the progress of its program and preparing an evaluation.
- A description of the State's method for ongoing monitoring of the progress of its plan. This should include who will conduct the monitoring, the frequency with which it will be carried out, and how and to whom reports will be made.
- An objective evaluation that discusses the progress towards individual objectives listed under the "Performance Objectives" section of the previous year's CVSP and identifies any safety or performance problems discovered. A MCSAP lead agency will identify those problems as new objectives or modify the existing objectives in the next CVSP.
- A budget that supports the CVSP, describing the expenditures for allocable costs such as personnel and related costs, equipment purchases, printing, information systems costs, and other eligible costs consistent with [49 CFR 350.229](#).

### **Annual State Compatibility Review**

In addition to the performance-based information in the CVSP, the State MCSAP lead agency must also include the results of the annual State compatibility review set forth in [49 CFR 350.303](#). The purpose of this review is to determine the compatibility of State laws and regulations with the FMCSRs and HMRs. With these results, the State must include a copy of any new law or regulation affecting CMV safety enforcement that was enacted by the State since the last CVSP was submitted, the executed State Certification as outlined in [49 CFR 350.211\(i\)](#) and [350.213\(e\)](#), a list of MCSAP contacts, and the Annual Certification of Compatibility in accordance with [49 CFR 350.303\(e\)\(ii\)](#).

### **3.8.3 Notice of Approval or Withholding Approval**

In accordance with [49 CFR 350.215](#), [within 30 days after it begins its review](#) of the CVSP, FMCSA will notify the MCSAP lead agency whether the CVSP is approved or if approval is withheld. FMCSA approval of the CVSP means that the CVSP has passed the review process noted above and is prioritized for award processing. CVSP approval does not constitute an obligation of funds on behalf of the Federal government. For a valid obligation to exist, FMCSA and the MCSAP lead agency must execute a Notice of Grant Agreement (NGA).

If FMCSA withholds approval, the MCSAP lead agency will have 30 days from the date of FMCSA's notice to modify and resubmit the plan. Disapproval of a resubmitted plan is final for that fiscal year, and an MCSAP lead agency will not be eligible to receive MCSAP funds. Any State aggrieved by an adverse decision from FMCSA may seek judicial review under [5 USC chapter 7](#).

Formula grants like MCSAP fund activities of a continuing, operational nature and are not confined to a specific project or activity like competitive (i.e., discretionary) grants (such as HP-CMV and HP-ITD). Under MCSAP, FMCSA does not have discretion regarding the amount of funds awarded to each

jurisdiction and allowable activities and costs are outlined in regulation.

Therefore, the FMCSA review process is focused on ensuring the State MCSAP lead agencies meet the MCSAP requirements in key project areas that would negatively impact their ability to carry out the CVSP and on costs that would be considered unallowable or otherwise unreasonable.

The NGA sets out the Award Conditions, along with the Terms and Conditions. Upon signing the NGA, the State MCSAP lead agency, in accordance with the requirements in [2 CFR part 200, subpart E \(Cost Principles\)](#), has full responsibility for the conduct of the project(s) or activity(s) supported under a grant and for adherence to the grant conditions. FMCSA expects all recipients to exercise proper stewardship over Federal funds and ensure that costs charged to awards are allowable, allocable, reasonable, necessary, and consistently applied.

Actual costs (both Federal and State) submitted to FMCSA for reimbursement are subject to a thorough review. FMCSA may disallow a cost if it determines, through audit or otherwise, that the cost is not supported by adequate documentation, does not comply with the Cost Principles, FMCSA policy, or is otherwise deemed improper under the Improper Payments Information Act of 2002, as amended ([31 USC 3321 note](#)).

### 3.9 MCSAP National Program Reviews

FMCSA is required to periodically evaluate MCSAP lead agency implementation and compliance with their CVSP. FMCSA implemented a MCSAP National Program Review (NPR) process beginning in 2023 to assess compliance with regulatory and programmatic requirements prescribed by [49 CFR part 350](#).

The MCSAP National Program Review allows the MCSAP lead agency to partner with FMCSA to evaluate their program's overall quality and effectiveness. Information derived from a MCSAP National Program Review 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.

FMCSA conducts three different types of reviews, each focused on a different area of compliance:

1. **Qualifying Conditions.** This includes a review of the MCSAP lead agency's adherence to 49 CFR 350.207, which requires a State to meet qualifying conditions to be eligible to receive MCSAP funds. This is a high-level review to ensure the minimum MCSAP conditions are being met.
2. **Safety Activity Performance.** This includes assessing MCSAP lead agency safety performance to identify potential vulnerabilities, how the MCSAP lead agency is meeting CVSP performance objectives, and how a MCSAP lead agency plans, evaluates, and monitors the CVSP. This has some similarities to the Qualifying Conditions review type but focuses beyond the minimum criteria to include the quality, documentation, and performance tracking.
3. **Regulatory Compatibility and Conformance.** This includes a review of whether a State has adopted and enforces State laws, regulations, standards, and orders that are compatible with the FMCSRs, HMRs, as well as enforcement standards and orders. This focuses entirely on the regulatory compliance in a State.

Each fiscal year, FMCSA will work with States to complete one type of review, on a repeating cycle, based upon the corresponding year of the State's CVSP.

**Example:**

A State will complete the Regulatory Compatibility segment in Year 1 of their CVSP and proceed through segments two and three, respectively, in the associated years of their CVSP.

The MCSAP National Program Review complements any other program/process review and grant monitoring activities which may be implemented to ensure nationwide uniformity and consistency in meeting compliance requirements. The MCSAP National Program Review also clarifies the intent of the regulations and helps provide a risk-based approach to focus resources on areas in need of improvement. The State Programs Division will develop the guidance, documentation, and procedures for each National Program Review cycle. Specific details on the process and documentation relating to the MCSAP National Program Review will be provided to the FMCSA Division Office and MCSAP lead agency in advance of the review.

**Terminology**

The following terminology will be used throughout the MCSAP National Program Review process to identify compliance concerns and actions associated with resolving them.

**Commendation:** Recognition of exemplary performance or best practices that are innovative and demonstrate successful results.

**Finding:** A determination that one or more areas of review are not in compliance with Federal requirements.

**Required action:** A specific corrective action based on Federal requirements that the State must implement to resolve a finding.

**Management consideration:** A determination that an element needs improvement. Management considerations do not identify areas of incompatibility. However, improvement in the area should have a positive impact on the management of the MCSAP process.

**Recommended action:** This is a recommended corrective action based on management considerations. It is a good business practice that the State may accept.

**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, tasks to complete the actions, target dates for completion of each task, and status of each required action. A CAP may include a non-mandatory section for management considerations and recommended actions.

If there are no findings from a Nation Program Review, the FMCSA Division Office will follow regular grant monitoring; no further action will be required from the State to act. If there were recommended actions based on management considerations, the FMCSA Division Office will include a review of these items during regular monitoring.

If findings are documented as part of the review, the State will be responsible for drafting an initial

corrective action plan (CAP) to submit to FMCSA. The FMCSA Division Office and State Programs Division will review the CAP, address any questions, and ensure the State's proposed timeline for any corrective action is reasonable. Depending on severity, National Program Review findings may be a considered in accordance with the process detailed in [3.10 MCSAP Regulatory Compliance and Impact of Incompatibility](#)

Once the CAP is finalized, the State must submit progress in addressing all open findings and required actions as part of quarterly Performance Progress Reporting (PPR) submissions. The monitoring will include reviewing any open CAPs from the three review types. The State may, at any time, provide updates to the CAP if the State believes a finding has been resolved.

Findings should be resolved within 90 days; however, some items may require more time if they require legislative updates or other actions outside the control of the MCSAP lead agency. The State must resolve findings as quickly as possible to retain MCSAP eligibility.

Once the State believes all findings have been addressed, the State then should inform the FMCSA Division Office. This may require providing materials or other documentation that supports the completion of the CAP. The Division Office will review the information and, if they determine the findings have been addressed, will provide a recommendation to the State Program to close the CAP. State Programs will review the Division Office's recommendation to close the CAP and, if they concur, will send a letter to the State verifying the resolution of all findings and required actions.

### **3.10 MCSAP Regulatory Compliance and Impact of Incompatibility**

In accordance with [49 CFR 350.231](#), FMCSA may withhold MCSAP funds from a State if it is not performing according to an approved CVSP or not adequately meeting the conditions established in [49 CFR 350.207](#). In such an instance, the FMCSA Administrator may issue a written notice of proposed determination of nonconformity to the chief executive of the State or the official designated in the CVSP. The notice will set forth the reasons for the proposed determination and the State has 30 days from the date of the notice to reply. If the Administrator makes a final determination of nonconformity, FMCSA may withdraw approval of the CVSP and withhold all funds to the State or withhold partial funding in accordance with [49 CFR 350.231](#). A State may also seek judicial review under [5 USC chapter 7](#) if aggrieved by an adverse decision made by FMCSA under this section.

Regulations in [49 CFR 350.215](#) as well as the withholding processes in [49 CFR 350.231](#) reinforce the importance of regulatory compatibility. Current regulatory requirements remain in effect; however, any findings related to items, including but not limited to, within [49 CFR 350.207](#) listed below may immediately subject a State to a written notice of proposed determination of nonconformity:

1. Failure to designate a lead agency to administer the CVSP and to enforce the State's commercial motor carrier, driver, and highway hazardous materials safety laws or regulations ([49 CFR 350.207\(a\)\(1\)](#));
2. Failing to assume responsibility for improving motor carrier safety by adopting and enforcing compatible laws, regulations, standards, and orders on CMV safety as defined in [49 CFR 350.105](#) ([49 CFR 350.207\(a\)\(2\)](#));
3. Failing 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 CFR 350.207\(a\)\(5\)](#)): and

4. Failing to maintain appropriate levels of expenditure of State funds (MOE) ([49 CFR 350.207\(a\)\(9\)](#)).

### 3.11 Other Administrative Information

CVSPs submitted since FY 2017 are published on FMCSA's public [website](#). Upon State request, any information in the CVSP identified by the MCSAP lead agency that would reasonably be expected to interfere with enforcement proceedings and/or reveal enforcement techniques or procedures that would reasonably risk circumvention of the law will be redacted prior to public posting.

### 3.12 Certification of Personnel Performing Inspections, Investigations, and Safety Audits

Proper certification of personnel who perform CMV Safety inspections, Compliance Investigations/Reviews, Interventions, and New Entrant Safety Audits is required for these activities to be reimbursed under MCSAP and HP grants.

State personnel engaged in safety inspections of CMVs are subject to the certification and recertification standards outlined in Operational Policy 4, published by the Commercial Vehicle Safety Alliance (CVSA). If a State has questions relating to the modification of the certification and recertification standards covered in CVSA's Operational Policy 4, they should be [directed to CVSA](#).

Certification of Safety Investigators, including Safety Investigators who perform cargo tank facility reviews, New Entrant Safety Auditors, and other personnel requiring specialized certification, are subject to additional certification and recertification standards expressed through FMCSA Policy Memoranda (see section 7.5.2 ([Certification Requirements for New Entrant Safety Audits and Reviews/Investigations](#)) of this document).

For personnel who implement MCSAP activities, or other State or local government employees, the initial certification and the maintenance of annual certification, decertification, and recertification are managed by the MCSAP lead agency. The performance cycle for these employees must be consistent within the respective State or local agency (i.e., non-FMCSA agencies may base their certification on either their fiscal, performance, or calendar year, but may not vary by employee).

#### Temporary Waivers

Non-FMCSA employees may apply for an extension of time to achieve or maintain driver/vehicle inspection certifications as specified in CVSA Operational Policy 4. Such a request must be made to the State's MCSAP Lead Agency Head or designee. If approved, the granting official should notify the FMCSA Division Administrator (DA) or his/her designee in the State where the non-FMCSA employee is employed.

Non-FMCSA employees may request a waiver from other certifications not already governed by CVSA by submitting a request in writing to the FMCSA Division Administrator (DA) or his/her designee in the State where the non-FMCSA employee is employed. Such a request must include sufficient detail and supporting documentation to allow the FMCSA Division official to evaluate the request for reasonableness and necessity adequately. The DA or their designee may ask for additional details or documentation in consideration of any request and will be the Deciding Official.

MCSAP lead agencies must certify in their CVSPs or other grant application (e.g., High Priority) that

their employees and subgrantees conducting any activities requiring certification will meet the certification requirements specified by CVSA Operational Policy 4 along with other FMCSA Policy Memoranda as stated above.

### **3.13 Subrecipient Monitoring**

The MCSAP lead agency may award pass-through funds to other agencies that carry out a portion of the MCSAP project(s), known as subrecipients (see section 8.6: [Grant Program Subawards](#)). Subrecipients receive funding in the form of a subaward from the MCSAP lead agency. In accordance with [2 CFR 200.331](#), Federal guidance requires prime recipients of Federal funds (known as pass-through entities) to evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring; and monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes; and that subaward performance goals are achieved.

When subawards are made, the MCSAP lead agency, as the pass-through entity, is required to monitor the programmatic and financial activities of its subrecipients to ensure proper stewardship of the Federal funds. These responsibilities at a minimum include but are not limited to: ensuring compliance with award terms and conditions and satisfactory performance of the subrecipient's portion of the project; reviewing specified deliverables on a timely basis and documenting that any identified issues are resolved; and reviewing and authorizing payment of subrecipient invoices and verifying the completeness and acceptability of work performed, reasonableness of expenditures, and fulfillment of any cost-sharing commitments.

MCSAP lead agencies are also required to report subaward data to the Federal Subaward Reporting System (FSRS) in compliance with the [Digital Accountability and Transparency Act of 2014 \(PL 113-101\)](#). Please visit the FSRS website for additional information: <https://www.fsrs.gov/>.

## 4 High Priority Financial Assistance Program

The High Priority (HP) financial assistance program includes three major purposes:

- **HP-CMV:** CMV safety-related activities, including data quality requirements, Performance Registration Information Management Systems (PRISM), and emphasizing the immobilization of passenger-carrying CMVs deemed unsafe or fail inspection and for the prevention and detection of human trafficking.
- **HP-ITD:** The Innovative Technology Deployment (ITD) program.
- **HP-ETS:** Enforcement Training and Support (ETS) Grant Program for non-profit organizations to train non-Federal employees who conduct CMV enforcement activities.

See section 5 [HP-CMV Program](#), section 6 [Innovative Technology Deployment Program \(HP-ITD\)](#), and [HP-ETS Grant Program](#) for further information.

## 5 HP-CMV Program

### 5.1 HP-CMV Program Purpose

The objective of the HP-CMV program is to support, enrich, and evaluate CMV safety programs and to target unsafe driving of CMVs and non-CMVs in areas identified as high-risk crash corridors, promote the safe and secure movement of hazardous materials, improve the safety of transportation of goods and passengers in foreign commerce, demonstrate new technologies to improve CMV safety, support participation in the Performance Registration Information Systems Management (PRISM) program, support safety data improvement projects, increase public awareness and education on CMV safety, and otherwise improve CMV safety. See [49 CFR 350.403](#).

### 5.2 HP-CMV Eligible Recipients

HP-CMV awards are available to the following entities:

- State government agencies including District of Columbia, Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands;
- Local governments (including county, city, township, and special district);
- Federally recognized Native American tribal governments;
- Institutions of higher education and;
- Non-profit organizations with a 501(c)(3) status with the Internal Revenue Service.

#### **For-profit organizations and individuals are NOT eligible recipients.**

In general, State and non-state entities may apply for HP-CMV projects related to Enforcement & Compliance with Safety Regulations (applicable applicants are those that have authority to conduct traffic enforcement and/or inspections or contract with another entity that has the proper authority), PRISM, and/or SSDQ. In addition, institutes of higher education may request funding under this program for research or other related efforts that support national (or a specific State's) CMV safety efforts.

MCSAP lead State agencies may request HP-CMV projects that augment initiatives funded by the MCSAP formula grant program. Such projects must demonstrate that their objectives exceed initiatives approved in their State's Commercial Vehicle Safety Plan (CVSP).

### 5.3 HP-CMV Eligible Activities and Costs

As set forth in [49 CFR 350.403](#) and [49 USC 31102\(l\)](#), FMCSA may provide HP financial assistance to carry out activities and projects that are consistent with the MCSAP National Program Elements and/or augment motor carrier safety activities and projects that:

- Increase public awareness and education on CMV safety;
- Target unsafe driving of CMVs and non-CMVs in areas identified as high-risk crash corridors;

- Improve the safe and secure movement of hazardous materials;
- Improve safe transportation of goods and passengers in foreign commerce;
- Demonstrate new technologies to improve CMV safety;
- CMV safety research;
- Support participation in PRISM;
- Support safety data improvement projects conducted by Lead State Agencies for projects that exceed MCSAP safety data requirements; or entities other than Lead State Agencies for projects that meet or exceed MCSAP safety data requirements;
- Support the recognition, prevention, and reporting of human trafficking in a CMV or by any occupant of a CMV, including the operator, and enforce laws relating to human trafficking;
- Support enforcement efforts leading to the immobilization of unsafe passenger-carrying CMVs;
- Enhance safety of migrant worker transportation in rural areas;
- Enhance CMV safety in work zones;

Eligible project-related costs under HP are generally the same as for MCSAP. All costs must be directly related and necessary to HP project activities proposed in the application and may not pay for general CMV enforcement equipment and supplies. While the eligibility of specific items is subject to review by FMCSA, below are the most common types of HP expenses eligible for reimbursement. Specific costs, exceptions, and technical guidance are included in [Appendix A](#).

1. Personnel expenses, including recruitment and screening, training, salaries, fringe benefits, and supervision;
2. Equipment and travel expenses, including per diem, directly related to enforcing safety regulations, including vehicles, uniforms, communications equipment, special inspection equipment, vehicle maintenance, and fuel.
3. Indirect expenses for facilities, except fixed scales, used to conduct inspections or house enforcement personnel, support staff, and equipment to the extent they are measurable and recurring (e.g., rent and overhead);
4. Expenses related to data acquisition, storage, and analysis that are specifically identifiable as program-related to develop a database to coordinate resources and improve efficiency;
5. Clerical and administrative expenses, to the extent necessary and directly attributable to the program;
6. Contractual or sub-grantee costs between the applicant and another organization (e.g., a vendor or local government organization) to carry out activities; and
7. Expenses related to improving real property (e.g., installing lights for vehicle inspection at night).  
Note: Acquisition of real property, land, or buildings is not eligible under HP.

FMCSA will announce the National Priorities for each fiscal year in the Notice of Funding Opportunity (NOFO). HP applications containing National Priority projects or activities, such as activities to support PRISM requirements and safety data improvement projects, will receive funding consideration over other types of eligible application projects or activities. FMCSA will also include information in the

NOFO concerning specific projects in which FMCSA may waive the recipient matching requirement.

### **5.3.1 PRISM Requirements and Eligible Projects**

Participation in the PRISM program is a requirement of the MCSAP. As a result, States are required to “fully participate” in PRISM or demonstrate participation in an FMCSA-approved acceptable “alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety”. FMCSA defines “a motor carrier with serious safety deficiencies” as a motor carrier prohibited from operating by FMCSA.

FMCSA defines “fully participating” in PRISM to determine eligibility for MCSAP funding as when a State’s International Registration Plan (IRP) or CMV registration agency suspends or revokes and denies registration if the motor carrier responsible for safety of the vehicle is under any Federal Out-of-Service (OOS) order and denies registration if the motor carrier possesses an inactive or de-active U.S. DOT Number for motor carriers operating CMVs in commerce that have a gross vehicle weight (GVW) of 26,001 pounds or more.

PRISM projects for system and network deployment and operational activities to maintain “full participation” are allowable under the MCSAP and HP grants for eligible applicants. To meet full participation, a State must meet the following requirements:

1. Has the legislative or administrative authority to suspend or revoke and deny vehicle registration of a motor carrier responsible for safety and its vehicles when the motor carrier is prohibited from operating by FMCSA.
2. Collects and validates the U.S. DOT Number and Tax Identification Number of the motor carrier responsible for safety before issuing new or renewing CMV registration(s) by checking them against the PRISM Census File, MCMIS, or by an FMCSA-approved alternative process.
3. Checks a motor carrier’s safety status against the PRISM Target File, MCMIS, or an FMCSA-approved alternative process before issuing new or renewing registrations and denies registration(s) if the motor carrier responsible for safety is under any Federal OOS order or possesses an inactive or deactivate U.S. DOT number due to the biennial update not being completed when required.
4. On a recurring basis, check the safety status of motor carriers registered in the State against the PRISM Target File, MCMIS, or by an FMCSA-approved alternative process, and suspend or revoke the existing registration(s) if the motor carrier responsible for safety is under any Federal OOS order.
5. Upload, when available, the U.S. DOT number of the motor carrier responsible for safety, vehicle identification number(s), license plate number(s), and dates of registration for the vehicle(s) operated by a motor carrier that is under any Federal OOS order to the SAFER database.
6. Reports the number of suspensions or revocations and registration denials to FMCSA as part of the required MCSAP quarterly performance reports.

Once full participation has been reached, PRISM projects that exceed full participation and routine operations are eligible for HP grant funding. A State has achieved “enhanced participation” in PRISM when it meets the six requirements of full participation above and the following six requirements:

7. Has the legislative or administrative authority to deny vehicle registration of a motor carrier responsible for safety and its vehicles when the motor carrier is attempting to avoid FMCSA enforcement sanctions by obtaining a new U.S. DOT number and/or company name.
8. Before issuing new or renewing registration, check every Vehicle Identification Number (VIN) against the PRISM Target File or by an FMCSA-approved alternative process to verify whether the vehicle is registered or was previously registered to a motor carrier under a Federal OOS order.
9. For any vehicle identified as registered or previously registered to a motor carrier under a Federal OOS order, implement a process to check if the new motor carrier responsible for the safety of the vehicle has matching information to the motor carrier under a Federal OOS order. Determine if both motor carriers are affiliated and if the new motor carrier responsible for the safety of the vehicle is attempting to reincarnate under a new U.S. DOT number and/or company name to avoid FMCSA enforcement sanctions.
10. Denies registration if a motor carrier registering a vehicle is affiliated with a motor carrier under a Federal OOS order and notify the FMCSA Division Office. If the carriers are not affiliated, submit a request by email to [PRISMTechnicalSupport@dot.gov](mailto:PRISMTechnicalSupport@dot.gov) to remove the VIN from the PRISM data before processing registration.
11. Updates the status code within the vehicle registration records, applying the 950-status code to vehicle registrations suspended due to a Federal OOS order and clearing the 950-status code when the registration is reinstated.
12. Prints and barcodes the motor carrier information on a cab card if the motor carrier responsible for the safety of the vehicle is not expected to change during the registration year.

For the purposes of PRISM implementation and HP funding eligibility, a State is implementing an “expanded PRISM” project when the CMV registration agency (non-IRP) applies all twelve PRISM requirements above to motor carriers operating CMVs interstate that have a gross vehicle weight between 10,001 and 26,000 pounds. It should be noted here that while FAST specifically mandated that States “fully participate” in PRISM by October 1, 2020, “enhanced and expanded” participation is voluntary, although encouraged by FMCSA to maximize the safety benefits available under the PRISM program.

### Eligibility

MCSAP lead agencies may only request funds through the HP-CMV grant program for PRISM projects that **exceed full participation** (i.e., enhanced and expanded PRISM projects).

Due to the eligibility limitations applied in the FAST Act and the competitive nature of the HP grant program, MCSAP lead agencies are expected to use MCSAP funds to maintain compliance with PRISM requirements and to support the ongoing functionality and operation of their PRISM program, even if a non-MCSAP lead agency administers the program. MCSAP lead agencies may also issue subawards for PRISM-related costs to the appropriate State entity or entities in their jurisdiction responsible for the operation of their State’s PRISM program.

**Example:**

A State agency that seeks to “level up” to the enhanced or expanded level of PRISM participation would be eligible to apply for HP funds for that project, assuming it has already reached the full participation level. However, the State would not be eligible to apply for HP funds simply to *maintain* an enhanced or expanded level of operation, as this would fall under MCSAP.

Non-MCSAP lead agencies may apply for HP funding to support the development and advancement of a State’s PRISM program, as well as its ongoing operation and maintenance costs. The table below summarizes eligibility requirements by agency type for PRISM. See section 7.2 ([Use of MCSAP and HP Funds for Operations and Maintenance](#)) for more information.

MCSAP Lead Agency		Non-Lead Agency
<b>MCSAP Grant</b>		
PRISM Projects	<ul style="list-style-type: none"> <li>To reach, maintain or exceed full PRISM participation.</li> </ul>	<ul style="list-style-type: none"> <li>Lead agency may subaward to PRISM agencies for all projects</li> </ul>
<b>High Priority</b>		
PRISM Projects	<ul style="list-style-type: none"> <li>Projects that exceed full participation ONLY (once full participation is reached)</li> </ul>	<ul style="list-style-type: none"> <li>All PRISM projects (full/enhanced/expanded participation and O&amp;M) – no date limitation applies</li> </ul>

**Important Considerations**

States should remember that, as the HP grant program is competitive, awarding funds is based on the merit review of the application and the availability of funds and is not guaranteed. States should consider the impact on their PRISM compliance if relying solely on HP funding.

FMCSA recognizes that States may face challenges based on the need for enhancements to their registration systems and framework to support PRISM operations that may not be completed by the deadline.

Due to the limited applicability of Federally issued OOS orders in the U.S. Territories, these jurisdictions cannot meet the “full participation” criteria or an equivalent approach for identifying and immobilizing an unsafe motor carrier, as defined by FMCSA. As such, FMCSA has waived the October 1, 2020, PRISM participation deadline for the Territories until such a time as legislation, rulemaking, and or a Territorial action requires that it achieve compatibility with the PRISM program. Please note that this does not constitute a permanent exemption from PRISM requirements for the Territories.

Please visit the PRISM DASH website for more information, including an overview of the PRISM Implementation Map, requirements, and national progress.

### 5.3.2 State Safety Data Quality Project Requirements and Eligibility

FMCSA's safety programs use State-reported data on crashes and inspections to prioritize resources that will have the greatest impact on large truck and bus safety. The State Safety Data Quality (SSDQ) program focuses on ensuring the availability of high-quality data from our State partners.

Data quality is monitored through a set of SSDQ performance measures that assess the completeness, timeliness, accuracy, and consistency of state-reported crash and inspection records. Each month, States receive overall ratings of "good," "fair," or "poor" based on SSDQ performance measures, which measures will also serve as performance indicators for HP awards related to the SSDQ national priority. Similarly, a State's overall safety data quality rating is reflected as green, yellow, or red, as published in the SSDQ ratings map posted on the [FMCSA A&I](#) website.

FMCSA has determined that States must achieve and maintain an overall data quality rating of "good" as a MCSAP requirement. A MCSAP lead agency of a State with an overall "green" data quality rating may apply for HP funds for special safety data initiatives or projects that exceed routine operations required to maintain or further improve performance in one or more SSDQ measures. States with an overall "yellow" or "red" rating must address and resolve their data quality problem(s) before they can apply for **safety data-related** HP funding.

Entities other than the MCSAP lead agency may apply for HP grants for safety data-related activities regardless of the State's SSDQ ratings, provided they demonstrate cooperation with the MCSAP lead agency through their grant application.

Subject to modification by a current grant cycle's NOFO, FMCSA will consider funding the applications received for SSDQ-related projects as follows:

- Innovative projects for improving the State's performance in the SSDQ results overall or in specific measures.
- Data projects that improve and expand CMV data collected from police crash reports through increased application of the [Model Minimum Uniform Crash Criteria \(MMUCC\)](#).
- Training projects for State and local law enforcement to improve the collection of CMV data on inspections and crashes.
- Technology projects that improve or expand commercial vehicle information collected through the State's crash and/or inspection data.
- Innovative projects for resolving Requests for Data Review (RDRs) entered through DataQs to improve timeliness, consistency, and/or accountability, such as an independent appeals process, special reviews for adjudicated citations, linking RDRs to training for inspectors, or additional staff to resolve backlogs.

### 5.4 HP-CMV Match and Grant Period of Performance

FMCSA will reimburse approved projects/priorities at the rate of at least 85% of eligible costs, requiring a maximum match/share of 15%. The NOFO may include specific activities or National Priorities that do not require matching funds, or FMCSA may opt to waive the match requirement for a particular NOFO round ([49 CFR 350.413](#)). Cash, in-kind, and third-party contributions are acceptable in meeting the matching share if they represent necessary, reasonable, allowable, and allocable costs as established

by [2 CFR Part 200](#) and FMCSA policy.

1. [Unified Carrier Registration](#) (UCR) fees collected by State agencies may be used as a source of funds to meet matching requirements under FMCSA financial assistance programs provided that the funds:
  2. Are used for motor carrier safety programs and enforcement;
  3. Otherwise meet the match requirements in [2 CFR 200.306](#);
  4. Otherwise meet any applicable terms and conditions in the grant agreement; and
  5. Are not double counted as part of the MOE.

The period of performance is the Federal fiscal year in which the award is made plus two additional fiscal years. All application project timelines will be evaluated to ensure they can be achieved within this time frame.

**Example:**

If an HP-CMV award may be made on May 1, 2027, the recipient may have the remainder of the Federal fiscal year 2027, all of the Federal fiscal year 2028, and all of the Federal fiscal year 2029 (ending on September 30, 2029) to complete the activities in the financial assistance agreement.

FMCSA may award a grant agreement with a period of performance for less than the period of availability based on the project's complexity, reasonableness, and necessity. Since the period of performance is set in statute, amendment requests to extend the period of performance beyond the period of availability described above will not be approved.

## 5.5 HP-CMV Criteria for the Application, Evaluation, and Award Approval

HP program applicants must closely review the published Notice of Funding Opportunity (NOFO), which contains detailed instructions and guidance on the application requirements. An HP grant application will typically consist of the following components:

- **Introduction**

A description of the purpose(s) for the project. This section must reference the applicable priority(s) being met and further include the proposed project's intended outcome(s).

- **Problem Statement**

A qualitative and quantitative description that demonstrates the problem(s) the project will address. This section must include details on the performance data used to identify the problem and to establish the baseline. Applicants must include an objective data source, source date, and trend analysis, and; also explain how the applicant collects, maintains, and analyzes the data. Data must include clear and concise information directly related to the problem(s). The required trend analysis must include the previous three-year performance metrics for the location of the identified problem(s), driver behaviors that contribute to the problem(s), and targeted location(s) (i.e., targeted State, county, and/or county, highway and/or the mile markers involved).

- **Performance Objective**

A description of the applicant's anticipated quantifiable goal/objective related to the above problem statement. This can be measured in numbers, percentages, or other forms that accurately measure the **outcomes** the applicant anticipates resulting from implementing the proposed strategies and activities. Goals should be **SMART: Specific, Measurable, Achievable, Realistic, and Time-bound**.

Performance objectives must include examining data available in FMCSA's information systems and/or other relevant and timely sources as provided by the applicant. Information on PRISM status, SSDQ ratings, and crash and safety statistics may be found on FMCSA's Analysis & Information website: <https://ai.fmcsa.dot.gov>. Specific performance indicators may vary based on the national priority as listed in the most current version of the NOFO.

- **Performance Activity Plan**

Describe the activities the applicant will conduct to help mitigate the problem and achieve the objective's outcome. Each activity should provide a measurable baseline and benchmark. The data element must be quantifiable and will measure the movement against the established baseline.

When developing the activity plan, consider the number and frequency of activities you believe will bring progress towards the ultimate objective defined.

The information must include: (1) Personnel summary inclusive of the number of personnel assigned to the project, their percentage of time dedicated to the project, and the total number of hours needed to complete the project. (2) Level of effort summary inclusive of the number and frequency of activities and number of enforcement details, and (3) A project timeline including dates, tasks, milestones, and project end-date associated with meeting the performance objectives.

- **Performance Measurement Plan**

Describe how the applicant determined the baseline data to measure progress toward achieving the performance objective(s). The measurements must be quantifiable with measurable outcomes and outputs. The measures must include specific targets/benchmarks that can be reported on in the quarterly progress report, if practicable, or as annual outcomes that will gauge the progress being made on achieving the objectives and activities identified for each project.

- **Monitoring and Timeline/Milestone Plan**

A description of the applicant's method for ongoing monitoring of the project's progress. This should include who will conduct the monitoring, the frequency with which it will be carried out, and how and to whom reports will be made.

Each plan must provide concise statements concerning activities relevant to the project, including activity and performance metrics directly relating to the performance of grant activities during that period. Applicants must state, as specifically as possible, what metrics they anticipate reporting within this application section.

- **Budget Narrative**

A budget narrative is a description by budget category (object class) that details the costs necessary to complete the proposed project. A well-written budget narrative ensures that the applicant has properly documented proposed costs. The level of detail should be sufficient to justify the funding requested and make a natural connection to the activities and objectives of each project. Applications should include a detailed budget narrative and a budget justification broken out by individual objectives to allow reviewers to evaluate the reasonableness, necessity, and allocability of all costs.

See [Appendix A: MCSAP and HP Eligibility Table](#) for additional examples of eligible HP-CMV activities and projects.

Applications from local (county, city, municipality, Federally-recognized Indian Tribes) jurisdictions applying for HP funding must address the following items, consistent with [49 CFR 350.405\(a\)\(2\)](#), to qualify for funds:

- Prepare an application consistent with the intentions of [49 CFR 350.403](#) and [350.405](#)
- Except for Federally-recognized Indian Tribes, coordinate the proposal with the MCSAP lead agency to ensure the proposal is consistent with State and national CMV safety program priorities and plans;
- Designate a person who will be responsible for implementation, reporting, and administering the approved proposal and will be the primary contact for the project;
- Submit the following certifications:
  1. Certify that the local jurisdiction has the legal authority, resources, and trained and qualified personnel necessary to perform the functions specified in the proposal;
  2. Certify that the local jurisdiction will impose sanctions for violations of CMV and driver laws and regulations that are consistent with those of the State; and
  3. Certify participation in national databases appropriate to the project.

All HP applications undergo a series of reviews prior to award selection as established in [2 CFR 200.204](#) and [205](#). These reviews include: 1) technical merit review, 2) suitability review, 3) past performance review, and 4) budget/cost analysis. See section 8 ([General Grants Information](#)) for additional information on the FMCSA discretionary application review and approval process. Potential applicants are strongly encouraged to read the financial assistance agreement announcement in detail to ensure all application requirements are met.

## 6 Innovative Technology Deployment Program (HP-ITD)

FMCSA recognizes that information technology innovation involves using technology in new ways to create a more efficient organization and improve alignment between technology initiatives and business goals. As a result, supporting information technology innovation through financial assistance is a mechanism to ensure that grant funds are being spent on initiatives that will reduce crashes, injuries, and fatalities on the Nation's highways.

Section 5101 of the FAST Act established the Innovative Technology Deployment discretionary grant program (HP-ITD) with the goal to deploy, support, and maintain CMV information systems and networks ([49 USC 31102\(l\)\(3\)](#)). FMCSA will allocate funds within the HP grant each fiscal year for the ITD program, subject to the availability of funds. The amount of the HP program allocation determined by FMCSA each fiscal year will be included in the NOFO. Although the ITD grant resides within HP, the ITD grant program's purpose and program eligibility requirements are separate and distinct from HP-CMV.

ITD facilitates collaboration between the Federal government, State agencies, and the States' technology industry partners. The ITD Program provides Federal funding and expertise that brings innovative technology deployment within States' reach: States identify their technology priorities and needs, and FMCSA's ITD Team helps States find the most appropriate tools and convene the partners to implement secure solutions. Through the ITD program, FMCSA enhances States' capacity to leverage cutting-edge information technology to enhance public safety.

Note: While the terms "core" and "expanded" do not appear in the FAST Act to provide more flexibility in program funding, FMCSA's ITD program policy will still refer to "core" and "expanded" level projects to reference the specific standards originally established in connection with these terms. Other terminology and definitions are also incorporated in this policy.

### 6.1 ITD Program Purpose

The purpose of the ITD program is to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial vehicle operations (CVO), including CMV, commercial driver, and carrier-specific information systems and networks. ITD program objectives include:

- Support and maintain CMV information systems and networks;
- Link motor carrier safety information systems with State CMV systems;
- Improve the safety and productivity of CMVs and drivers; and
- Reduce costs associated with CVOs and Federal and State CMV regulatory requirements.

### 6.2 ITD Grant Program Eligible Recipients

The ITD program provides funding (through the HP grant) to States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands to deploy, operate, and maintain elements of their ITD programs. FMCSA may award ITD funds to agencies of States, the District of Columbia, or U.S. Territories with an approved plan as outlined in [49 USC 31102\(L\)](#).

Individuals and businesses are not eligible to apply.

### 6.3 ITD Eligible Activities and Costs

FMCSA's primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. By supporting the implementation of effective technologies, FMCSA aims to:

- **Improve Safety** and productivity of motor carriers, commercial vehicles, and their drivers.
- **Improve the efficiency** and effectiveness of commercial vehicle safety programs by using data to determine which carriers pose the greatest safety risk.
- **Improve security and sharing** of commercial vehicle data within States and between States and FMCSA.
- **Simplify enforcement operations** by automating data collection, transfer, and display.
- **Reduce costs** associated with enforcing Federal and State safety regulations.
- Achieve nationwide deployment of the program.

Costs charged to ITD grants must be in accordance with the applicable cost principles. All reimbursable items must be necessary, reasonable, allocable, and allowable to accomplish the program's goals.

These standards are described in the applicable cost principles and administrative requirements per [2 CFR 200.400 through 200.475](#). The most common eligible ITD grant program costs include:

- Personnel expenses (including clerical and administrative), training, salaries and fringe benefits, and supervision. Note that personnel expenses included in an organization's indirect cost rate must not be included as a direct cost in the grant budget;
- Equipment and travel expenses, including per diem expenses, directly related to the ITD activities;
- Sub-recipient or contractor costs to deploy, maintain, or otherwise carry out ITD activities and projects; and
- Indirect costs included in the State's approved indirect cost rate from its cognizant agency that apply to eligible ITD activities and projects.

FMCSA will award ITD funds for:

1. CMV systems and networks deployment activities (including hardware and software applications);
2. ITD planning activities, including the development or updating of a program plan, referred to as a program plan top-level design (PP/TLD); and
3. Operations and maintenance costs associated with ITD deployment activities, including travel and training costs in support of ITD. Included below are the definitions and most common types of eligible costs.

#### 6.3.1 ITD Deployment Grants

States may apply for financial assistance to purchase, install, and deploy a CMV information system, communication network, and/or hardware and software applications that support the ITD program's

goals and objectives. States may apply for activities that fall under one or more of the following program areas.

## **Core Deployment**

All participating States must deploy core functionality. ITD Core Compliance allows States to apply for ITD Grant opportunities to deploy core capabilities. This enables States to make quick enforcement decisions at the roadside, thereby enhancing the effectiveness of FMCSA's enforcement program and improving highway safety.

Achieving ITD Core Compliance means that a State has met all the requirements to implement the core element of the ITD program. The three core capabilities are:

### **1. Safety Information Exchange**

Projects that facilitate the exchange of motor carrier credentials and safety data among agencies in a State and between jurisdictions to augment enforcement programs, support the targeting of high-risk commercial vehicles and streamline regulatory programs. This program requires the implementation of SafeSpect (or approved third-party\* equivalent) roadside inspection application and a Commercial Vehicle Information Exchange Window (CVIEW) that houses and exchanges State credential and safety data with FMCSA's production database.

\*Note: This document includes a "State Procurement of Third-Party Inspection Software" policy that outlines requirements if software other than SafeSpect is used to collect and upload roadside inspection information. See section 7.3.9 ([State Procurement of Third-Party Inspection Software](#)) for additional information.

### **2. Electronic Credentials Administration**

Projects that automate the application, processing, and issuance of commercial vehicle operating credentials, including International Registration Plan (IRP) license renewals and International Fuel Tax Agreement (IFTA) license renewals/IFTA quarterly taxes, at a minimum. Automation of new IRP/IFTA license applications and online requests for supplemental and additional decals can be implemented in this area. The projects are designed to streamline regulatory processes, expedite commercial vehicle credentialing processes, and reduce motor carrier and agency costs. Not less than 10% of the IFTA and IRP credentialing volume in the State is required to be handled electronically as part of the requirements for this program area. In addition to implementing online/electronic credentials, States are also required\* to participate in the IFTA and IRP Clearinghouses to streamline the accounting of funds and financial transactions among jurisdictions.

\*Important Note: If a jurisdiction is not afforded membership into IRP or IFTA, they would be exempt from that core requirement.

### **3. Electronic Screening (E-Screening)**

Projects that electronically identify a commercial vehicle, verify its size, weight, and credential information, and review its carrier's past safety performance while the vehicle is in motion and then communicate safely to the driver to either pull in or bypass the roadside inspection station. Vehicles that are: 1) properly credentialed; 2) operated by a motor carrier with a history of safe operations; and 3) within weight limits (if the site is instrumented for weight measurements) are allowed to bypass inspection facilities (although such vehicles are still subject to random inspection).

E-screening projects are designed to target roadside enforcement services aimed at high-risk motor carriers and vehicles and to reduce operating costs for safe and legal motor carriers. Fixed, virtual, or mobile inspection stations that can provide this functionality are examples of e-screening implementations.

### **Expanded Deployment**

A State that has achieved ITD Core Compliance is eligible to apply for grant funding to participate in Expanded ITD, taking advantage of the latest technological advancements to improve safety in their State. FMCSA and the ITD stakeholder community identified a set of Expanded capabilities to enhance CVO safety, security, and productivity and to improve access to (and the quality of) information about commercial drivers, carriers, vehicles, chassis, cargo, inspections, crashes, compliance investigations, and citations for authorized public and private sector users.

Expanded ITD is designed to be more flexible than the Core component. Unlike Core, which requires States to deploy the three core elements of ITD, Expanded ITD allows States to choose which technology they adopt. This allows States to customize their ITD program and focus their resources on the projects that are most beneficial to their needs.

Expanded ITD capabilities are segmented into four program areas:

- 1. Improved Driver Information Sharing**  
Activities in this area improve an enforcement officer's ability to check driver credentials for safety problems.
- 2. Enhanced Safety Information Sharing**  
Activities in this area include storing and sharing additional safety and credential information in CVIEW.
- 3. Smart Roadside Systems/Applications**  
Activities in this area achieve interoperable technology and information sharing between in-vehicle, on-the-road, and freight facility systems.
- 4. Expanded Electronic Credentialing**  
Activities in this area achieve interoperable technology and information sharing between Unified Carrier Registration (UCR), intrastate registrations, and oversize/overweight (OS/OW) permitting systems.

### **6.3.2 ITD Planning Grants**

States may also apply for ITD funds for planning activities, including the development and update of the PP/TLD. The PP/TLD is a technical document that provides a management framework and system architecture to guide program deployment and to advise policy and decision-makers regarding the funding and technical resources required for successful program implementation. The PP/TLD describes the various systems and networks at the State level that must be refined, revised, upgraded, or built to accomplish Core or Expanded capabilities. This document must include the goals/objectives, projects, technical approach, organizations and management, schedules and milestones, and funding of the State's ITD program.

**Important Note:** All deployment projects (NOT including Operations and Maintenance) in which ITD grant funding is requested, need to be included in an approved PP/TLD as part of grant eligibility.

### 6.3.3 ITD Operations and Maintenance Grants

FMCSA allows ITD grant funding for ongoing Operation and Maintenance (O&M) costs associated with ITD 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 in section 7.2 ([Use of MCSAP and HP Funds for Operations and Maintenance](#)).

Acceptable uses of O&M funding include but are not limited to; recalibrating a License Plate Reader (LPR), replacing data cables that have been damaged, replacing a monitor used for e-screening at a weigh station, maintenance fees for a CVIEW vendor to host server application, training costs associated with deployed systems, travel cost to attend ITD meetings, renewal of licensing fees, IRP or IFTA dues, and ongoing administrative support of the ITD program.

A system enhancement that adds new functionality or enhances the system's efficiency such that it would be considered an improvement, not just a routine update, would not be covered under O&M funding.

#### **Example:**

Converting from one operational platform to another, upgrading from 'Professional' to 'Enterprise' level of software, or changing vendors despite similar functionality is an improvement that would *not* be covered under O&M.

Note: Any request for funding or reimbursement of memberships, fees or dues must be in accordance with FMCSA policy provided in [Appendix L: Eligibility of Memberships, Subscriptions, and Professional Activity Costs \(Dues and Memberships\) Within FMCSA Grants](#).

See [Appendix H: High Priority-ITD Cost Eligibility Table](#) for additional examples of eligible ITD activities and projects.

## 6.4 ITD Match and Period of Performance

FMCSA provides ITD Federal funding of at least 85% of the total project cost. FMCSA may adjust the matching amount based on project priority as published in the NOFO each fiscal year.

Additionally, the FAST Act removed a previous restriction on match requirements which required States to use a source of match that financially supported *the same eligible project* in the grant agreement. The FAST Act, therefore, standardized matching requirements across all FMCSA grant programs and ITD recipients may use eligible costs from other cost categories and projects within the approved grant agreement provided that the recipient meets the match requirements in [2 CFR 200.306](#).

[Unified Carrier Registration \(UCR\)](#) fees collected by State agencies may be used as a source of funds to meet matching requirements under FMCSA grant programs provided that the funds: 1) are used for motor carrier safety programs and enforcement; 2) otherwise meet the match requirements in [2 CFR 200.306](#); 3) comply with any applicable terms and conditions in the grant agreement; and 4) are not double counted by applying such fees to a State MCSAP lead agency's MOE.

The grant period of performance shall be for the fiscal year in which the Secretary approves the notice of grant agreement and for the next four fiscal years. All new application project timelines will be

evaluated to ensure they can be achieved within this time frame. Additionally, FMCSA may award a grant agreement with a period of performance for less than this authorized period, depending upon project complexity, reasonableness, and necessity.

Important Note: New applications and amendment requests to extend the period of performance beyond the statutorily authorized period of performance will not be approved.

## 6.5 ITD Application Requirements and Evaluation Criteria

FMCSA will announce, in the NOFO, the level of funds reserved for ITD and other fiscal year National Priorities.

Note: While this document outlines the application requirements and evaluation criteria, the grantee should always review the NOFO to ensure the requirements and/or criteria are consistent with the MCP. Grantees should direct any requests for clarification to their FMCSA Division Office.

If a State applies for ITD deployment activity funding, the application must:

- Certify that FMCSA has approved an ITD PP/TLD. The approved plan must include the deployment projects in which the applicant is seeking federal funding.
- Certify that ITD deployment activities, including hardware procurement, software and system development, and infrastructure modifications, are consistent with the national intelligent transportation systems and ITD architectures and available standards; promote interoperability and efficiency to the extent practicable; and certify to execute interoperability tests developed by FMCSA to verify that systems conform to the national intelligent transportation systems architecture, applicable standards, and ITD CMV systems and networks protocols.
- Certify that the applicant has coordinated within the State for projects and activities impacting Statewide CMV systems and networks to avoid duplication of effort.

In addition to the discretionary grant review elements discussed in section 8 ([General Grants Information](#)), FMCSA will also consider the following factors before making a grant award:

- Evaluate the technical feasibility of application activities within the approved PP/TLD to ensure the proposed activities meet the ITD purpose, goals, and objectives;
- Consider the State compliance with the ITD Core elements: Safety Information Exchange, Electronic Credentials Administration, and E-screening;
- Consider findings in any Core Compliance Review or the State's risk assessment (see section 6.9 ([ITD Risk Assessment Process](#)));
- Verify that a memorandum of understanding (MOU) or other such agreement exists among State agencies where significant ITD deployment (system and network) coordination is critical to project success (if applicable); and
- Assess previously funded CMV systems and network activities at the State level to mitigate or eliminate duplicative efforts.

## 6.6 ITD Program Plan/Top-Level Design Approval Process

A PP/TLD is the “program plan” that describes the various systems and networks at the State level that must be refined, revised, upgraded, or built to accomplish Core or Expanded capabilities. This document must include the goals/objectives, projects, technical approach, organizations and management, schedules and milestones, and funding of the State’s ITD program. At a minimum, the State must develop this plan for Core deployment projects and then maintain it as a working document to include potential new or Expanded projects identified and prioritized by the States to use for an ITD grant application.

When the PP/TLD is submitted to the ITD Program Office for review and approval, FMCSA will utilize the PP/TLD checklist to ensure conformance with the required elements expected in a PP/TLD. Based on that review, the FMCSA ITD Program Office will either send a letter of PP/TLD acceptance to the State or reach out for further clarification as needed within 20 business days. If clarification is requested, a State should respond within 30 days. Once the PP/TLD has been approved, the State will be eligible to apply for ITD funding for projects outlined in the approved PP/TLD. Please note that all deployment projects requesting ITD grant funding need to be included in an approved PP/TLD.

Important Note: Approval of the PP/TLD does not guarantee that an application will be recommended for a grant award.

FMCSA provides a template that States may use to develop the PP/TLD (see [Appendix J: ITD PP/TLD Template](#)). Once the plan is developed, States must submit the completed PP/TLD to their state’s FMCSA Division Office prior to applying for ITD grant funding, which will relay it to the FMCSA ITD Program Office for evaluation and approval.

## 6.7 ITD Certifications

FMCSA certifies ITD program participants to verify that they meet all the program Core components. This includes reviewing and certifying a State’s technical specifications before a State IT system can connect to FMCSA web systems (including SAFER).

### 6.7.1 CVIEW Certification

As part of Core functionality, and before they can be considered Core certified, States must implement and certify a CVIEW with FMCSA. A CVIEW is a State’s repository for credential/safety data that is uploaded to the SAFER database on a routine basis. Data from SAFER is downloaded back to the CVIEW as part of the CVIEW-SAFER exchange transactions. A State then uses its CVIEW to send and receive safety data with roadside and desktside authorized State inspectors and officials. States must work with FMCSA’s SAFER system administrator to execute interface certification tests, tailored as needed to match their system implementations.

Upon successfully completing the interface certification testing, the system administrator will submit a written request to the FMCSA ITD Program Office for approval of the CVIEW in question. Upon review and approval, the ITD Program Office will notify the State and the system administrator in writing that the referenced system has been certified to exchange information with the FMCSA production system. The system administrator will then coordinate the commencement of that State’s CVIEW transactions with FMCSA.

## COACH

The Commercial Motor Vehicle Information Systems and Networks Operational and Architectural Compatibility Handbook (or COACH) provides a comprehensive checklist of what is required to conform to operational concepts and architecture. The COACH (divided into five parts) summarizes key concepts and architectural guidelines in a series of checklist tables. The COACH checklists indicate the scope and depth of a State's commitment and provide a mechanism for planning development and test activities. Participating States should download the COACH document from the [ITD Activity Center website](#) (login required) and use these checklists to keep track of their commercial motor vehicle information systems and network activities. One of the COACH checklists (COACH Appendix A—Tables A1–A4) includes Core capabilities paired with required tests and demonstrations that the States should carry out to show the achievement of Core deployment. This checklist is for States to correlate the Core requirements to interoperability tests and to check off tests and demonstrations as they are completed.

Once completed, a State shall forward the completed checklist and associated certification coversheet to the state's FMCSA Division Office and ITD Program Office. Upon the ITD Program Office review and approval of the Core checklist documentation, the State will receive a certification letter from FMCSA acknowledging its achievement.

It is recommended that the State safeguard its original certification letters from FMCSA, and the FMCSA Division Office should also upload the letter into the Agency's EDMS (Electronic Document Management System). In cases where the State has undergone major network, interface, data, and vendor changes related to CVIEW, it shall notify the ITD program support team, who will re-run the CVIEW certification tests as part of a recertification process, if necessary.

### 6.7.2 ITD Core Certification

After a State has deployed all Core compliance requirements, including certifying that its CVIEW meets all technical specifications, it completes a Core compliance checklist, and the ITD Program Team will schedule a review to assess the State's technologies and processes.

During this review, the ITD Program Office will provide tips to further improve the efficiency and effectiveness of the State's processes. A State achieves ITD Core certification when it has demonstrated to FMCSA that it has met the Core functionality of safety information exchange, electronic credentials administration, and e-screening, as defined in section 6.3 ([ITD Eligible Activities and Costs](#)). Upon completing the review, the State will receive a Core ITD certification letter and become eligible for Expanded ITD funding.

## 6.8 Compliance Monitoring

Once FMCSA certifies a State as Core compliant, the State must maintain compliance, ensuring its systems continue to function as required. This expectation applies to any jurisdiction, with or without an active ITD grant, that shares information through FMCSA systems.

The FMCSA's ITD Program Core Compliance Review (CCR), as outlined in the Core Compliance Monitoring Plan (CCMP), evaluates a State's ongoing compliance with the Core requirements to ensure a State has remained compliant (to include data quality standards and State-certified requirements, as outlined in the COACH). The ITD Program Office, along with the ITD support team, will conduct a comprehensive review of various aspects of the selected State's performance status (with respect to

exchanging CVIEW data with SAFER) and share it with the State. States should monitor their ITD activities and promptly correct data quality and other issues as soon as they are identified.

The objectives of the CCR are to observe and assess the strengths and weaknesses in a State's program and operations and to provide strategic advice and recommendations for improvement, as appropriate. With ongoing program review and monitoring, the goal is to safeguard data quality and protect the integrity of the ITD Program.

Specifically, annual steps in the CCR process include:

- Identify States for review.
- Communicate with States to establish a timetable for review.
- Conduct CCR as established in the CCMP.
- Present review observations and findings to the States.
- Discuss FMCSA recommendations, actions, and desired timeline for improvement.
- Receive State response plans to the FMCSA recommendations.
- Review and approve State plans.
- Monitor State progress through completion.

Under normal circumstances, a State will be selected for review once every 5-6 years. If States encounter unusual challenges that impact performance, a special review may be conducted to ensure the Core compliance status is not compromised. Further, should a State request technical assistance or additional guidance, a review may be used to provide additional assistance to the grantee.

States must submit to the ITD Program Office their responses to FMCSA's findings and recommendations within 30 days of receiving the final report. The State's response shall provide its plan to maintain Core compliance and the timelines necessary to retain that compliance. States will be allowed to modify their plans after submission if deemed necessary by the ITD Program Office. The final approved plan, together with the State's review, will be archived in EDMS by the respective FMCSA Division Office.

## **Non-Compliance**

Non-compliance is defined under the FAST Act as not being compliant with the following requirements:

- Signed certification that ITD deployment activities, including hardware procurement, software and system development, and infrastructure modifications, are consistent with the national intelligent transportation systems and ITD architectures and available standards, promote interoperability and efficiency to the extent practicable; and certify to execute interoperability tests developed by FMCSA to verify that systems conform to the national intelligent transportation systems architecture, applicable standards, and ITD CMV systems and networks protocols.
- Non-compliance is further defined as not maintaining the ITD program Core requirements outlined in the COACH referenced in section 6.7 ([ITD Certifications](#)).
- Non-compliance can impede or delay a State's ability to receive future funding. FMCSA will

formally notify the State in writing if it is no longer compliant and will consider recertification only after the State has corrected any identified issue(s) and completed the recertification process. Any decertification shall only occur after the Agency provides a State with written notice of its intent to decertify and a specified time period within which to complete corrective action. Requests for ongoing operation and maintenance of previously deployed projects through ITD or MCSAP grant funding may still be eligible.

## **6.9 ITD Risk Assessment Process**

### **6.9.1 Programmatic Risk Assessment**

States are encouraged to expend the grant funds obligated and request at least quarterly reimbursement for funds as outlined in the grant terms and conditions. States whose grant period of performance has expired must close out their grants within 90 days by submitting final reports (e.g., PPR, FFR, invoice) following the formal close-out process as explained in the FMCSA Grants Management Manual and the grant terms and conditions.

On a quarterly basis, the ITD Program Office assesses a State's risk for program success based on: whether a State is Core certified; the number of open ITD grants; the age of the oldest open grant; the amount of undelivered orders (UDOs), which are unspent grant funds; and the overall UDO percentage. The programmatic risk assessment is utilized during grant application review and is shared with the FMCSA Service Centers' State Program Managers and Division Offices for use in grant monitoring activities.

### **6.9.2 Technical Risk Assessment**

Since ITD was established, most States have successfully implemented Core requirements and are eligible to apply for Federal funds to implement Expanded projects. Even with a formal Core certification process, data quality issues can negatively affect the program and hinder participating States' e-screening processes and their confidence in utilizing CVIEW data. This could ultimately affect a State's Core certification status.

Data quality is a top priority for FMCSA and the ITD program. The program's Data Quality (DQ) Improvement Initiative was implemented to produce DQ ratings for each State. The DQ Improvement Initiative: 1) highlights data quality issues and prompts States to investigate causes, and 2) addresses expectations of the ITD program, as well as issues raised by States during Architecture Configuration Control Board (ACCB) meetings and workshops. Five individual DQ measures and an overall DQ measure are calculated and reported monthly for IRP and IFTA transactions. The individual measures of timeliness, completeness, accuracy, validity, and baseline frequency are related to CVIEW data uploads to SAFER and are addressed in detail in the CCMP. For each measure, a rating of "Good," "Fair," or "Poor" is generated for any State that is expected to upload significant volumes of data. The data quality checklist within the document is used to review a State's current performance and adherence to the data standards of the ITD program.

The technical risk assessment will be included in a State's overall risk evaluation during any grant application review.

## **6.10 ITD Communication**

FMCSA conducts monthly ITD Program Manager (PM) and Architecture Configuration Control Board

(ACCB) calls to monitor the States' ITD activities, provide programmatic and technical guidance, and foster peer-to-peer information exchange. States are strongly encouraged to attend these calls to obtain program updates, report State activities, share best practices, and pose queries for help if needed.

States are also expected to proactively update their FMCSA Division Offices, the FMCSA ITD Program Office, and the FMCSA ITD support team on any changes in points of contact, vendor support, network connections, hosting services, or when there are any impacts with production operation, project delay, funding lapses, etc. This expectation is for any jurisdiction, with or without an active ITD grant, that shares information through FMCSA systems.

FMCSA monitors all ITD grants and program-related projects and activities through each State's respective FMCSA Division Office. The FMCSA Division Administrator and State Program Specialist provide key resources for grant management and program information for a grantee or prospective grantee and should be the first point of contact regarding these matters.

During an open application period and before receiving an award, applicants should direct their financial questions to the FMCSA Grants Management Office and copy the FMCSA Division Office on related correspondence. Outside this period, all questions should start with the State's respective FMCSA Division Office.

The ITD Program Office, FMCSA Service Center State Program Managers, and FMCSA Division Offices will keep each other apprised of relevant activity and information affecting their respective State partners.

## 6.11 ITD Commonly Used Terms and Definitions

**Architecture Configuration Control Board (ACCB):** An advisory group of interested stakeholders, including States implementing ITD functionality, vendors supporting those States, representatives of the motor carrier industry, FMCSA contractors, and officials of FMCSA and the FHWA's Intelligent Transportation Systems Joint Program Office (ITS-JPO). The primary ACCB functions are reviewing, analyzing, discussing, and recommending proposed ITD architecture changes and generic top-level design. Besides tracking the ITD national architecture, ACCB focus groups currently concentrate on e-screening and data integrity.

**SafeSpect:** SafeSpect is an application for enforcement users that collects all the commercial driver/vehicle roadside inspection results and utilizes several other applications that pull data from remote sources. It includes communication features to transfer inspection results to FMCSA electronically.

**Commercial Vehicle Information Systems and Networks Grant Program (CVISN):** The CVISN Grant Program provided funding for States and the District of Columbia to deploy, operate, and maintain elements of commercial vehicle information systems and networks, including commercial vehicle, commercial driver, and carrier-specific information systems and networks. CVISN funding as a separate program was authorized by SAFETEA-Lu, Pub. L. No. 109-59, § 4126 (2005), as amended. In Fiscal year 2017, the ITD grant program replaced the CVISN program.

**Commercial Vehicle Information Systems and Networks Operational and Architectural Compatibility Handbook (COACH):** A comprehensive checklist of what is required to conform to the

ITD operational concepts and architecture. It is intended for use by State agencies with a motor carrier regulatory function.

**Commercial Vehicle Information Exchange Window (CVIEW):** A State-based repository that collects information from the commercial vehicle credentialing and tax systems such as the International Registration Plan and International Fuel Tax Agreement to generate portions of the interstate carrier, vehicle, and driver snapshots and reports for exchange within the State (e.g., to roadside sites) and with the SAFER system.

**Core ITD:** Management framework and system architecture to guide a State's ITD deployment and to carry out ITD capabilities in safety information exchange, credentials administration, and electronic screening.

**Commercial vehicle operations:** CVO means motor carrier operations and motor vehicle regulatory activities associated with the commercial motor vehicle movement of goods, including hazardous materials, and passengers; and with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, as well as roadside safety and border crossing inspection and regulatory compliance operations.

**e-credentialing:** Online (web-based) options for carriers: intrastate registrations, UCR, and OS/OW permits, thereby providing a wide range of motor carrier credential applications accessible in an electronic platform for private sector stakeholders.

**Enhanced safety information sharing:** This includes storing and sharing additional safety and credential information in CVIEW. Enforcement access to CVIEW can be extended to provide snapshots of intrastate, OS/OW permits, hazardous materials, and other data related to carriers in addition to the IRP and IFTA data.

**Expanded ITD:** Once a State is Core compliant, the State may use ITD grant funding to deploy Expanded functionality. The Expanded portion of the program is designed to be more flexible than the Core component of the program. States are not required to deploy a set of fixed capabilities or to enable certain technologies as part of Expanded ITD, but rather they can choose the capabilities that they wish to deploy, thereby allowing States to customize their Expanded ITD programs and focus their technology resources on the projects that are most important to their needs.

**FAST Act:** The Fixing America's Surface Transportation Act, 2015 (FAST Act, Pub. L. 114-94, § 5101 (2015)) established the ITD grant program, replacing the previous CVISN grant program authorized by SAFETEA-LU, Pub. L. No. 109-59, § 4126 (2005), as amended.

**Improved driver information sharing:** Given that high-risk drivers are involved in a disproportionate number of crashes, a State's CVIEW could be enhanced to include driver information, improving an enforcement officer's ability to check driver credentials for safety problems. Card-swiping devices and biometrics may be included in the system for linking the driver in the vehicle to his or her commercial driver's license (CDL).

**ITD:** The Innovative Technology Deployment Program, formerly the CVISN Program, was established by the Fixing America's Surface Transportation Act (FAST Act, Pub. L. No. 114-93, §5101 (2015)).

**Innovative technology:** CVO systems, networks, and applications with proven CVO practices and products that meet one or more of ITD capabilities.

**Intelligent Transportation Systems:** ITS is a broad term for information and communications technologies that improve surface transportation's safety, efficiency, and sustainability. Investing in ITS technologies is a cost-effective way to reduce traffic crashes, congestion, and carbon emissions while modernizing traffic operations, optimizing system performance, and improving access to transportation alternatives.

**International Fuel Tax Agreement (IFTA):** An agreement between the contiguous United States and the Canadian provinces to simplify the reporting of fuel use by motor carriers that operate in more than one jurisdiction. An IFTA operating carrier receives an IFTA license and two decals for each qualifying vehicle it operates. The carrier also files a quarterly fuel tax report. This report determines the net tax or refund due and redistributes taxes from collecting States to States that it is due.

**International Registration Plan (IRP):** A registration reciprocity agreement between the contiguous United States and the Canadian provinces that provides apportioned payments of registration fees to participating jurisdictions based on the total distance operated in those jurisdictions. IRP's fundamental principle is to promote and encourage the fullest possible use of the highway system. The benefit of this plan is that a carrier may be registered in only his/her home State, yet legally engage in interstate commerce. Each carrier vehicle only needs one specially marked "apportioned" (APP) or "prorate" (PRP) license plate and a cab card that lists each jurisdiction the vehicle is valid to conduct business in and how much weight it is registered to carry.

**Oversize/overweight (OS/OW) permitting:** Vehicles and loads that exceed legal size or weight limits need an OS/OW permit and routing options to operate their vehicles legally. There are different permit types available depending on the type and duration of the operations. Permitting requirements are specific to each State.

**Program Plan/Top-Level Design (PP/TLD):** Document that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish ITD capabilities.

**Program Risk Assessment:** The ITD Program Office maintains and tracks States' CVISN/ITD grant funding/utilization and reviews this risk assessment data during grant application review. This information is also shared with FMCSA Service Centers' State Program Managers and Division Offices for use in grant monitoring activities.

**Safety and Fitness Electronic Records (SAFER):** FMCSA web system and national repository that offers company safety and credential data to industry and the public and also uses carrier information from existing government motor carrier safety databases. Presently, it consists of interstate carrier data, several States' intrastate data, and interstate vehicle registration data. Operational data such as inspections and crashes are generally only presented for interstate carriers, but plans are to include them for the intrastate carriers at a later time. The SAFER system includes the capability to provide carrier, vehicle, and driver safety and credential information to fixed and mobile roadside inspection stations, along with systems operated by individual States participating in the ITD program. This information allows the roadside inspector to select vehicles and/or drivers for inspection based on the number of prior carrier inspections, as well as carrier, vehicle, and driver safety and credential historical information.

**Smart Roadside applications:** The vision for the Smart Roadside is one in which commercial vehicles, motor carriers, enforcement resources, highway facilities, intermodal facilities, toll facilities,

and other nodes on the transportation system collect data for their purposes and share the data seamlessly to improve motor carrier safety, operational efficiency, and freight mobility. This vision will be achieved by applying interoperable technology and sharing information between in-vehicle, on-the-road, and freight facility systems.

**Technical Risk Assessment:** FMCSA has implemented data quality measures to track States' integrity of credential and safety data exchange with SAFER. The technical risk assessment will be included in a State's overall risk evaluation during any grant application review.

**Unified Carrier Registration (UCR):** The UCR Program requires individuals and companies that operate CMVs in interstate or international commerce to register their business with a participating State and pay an annual fee based on fleet size. This includes all carriers—private, exempt, or for-hire. UCR replaced the Single State Registration System, which previously registered and collected fees from operators of vehicles engaged in interstate travel.

**Virtual weigh stations:** Unstaffed and remotely monitored roadside enforcement facilities, commonly called virtual weigh stations, are deployed to address some of the deficiencies in States' traditional roadside enforcement programs. These facilities can expand the geographic scope and effectiveness of a State's truck size and weight enforcement program by monitoring and screening commercial vehicles on routes that bypass fixed inspection stations, on secondary roadways, and in heavily populated urban or geographically remote locations where it may be difficult to deploy traditional enforcement operations. Data from virtual weigh station sites can effectively target enforcement resources on roadways where overweight trucks are known or are suspected to operate.

## 7 MCSAP and HP Technical and Cost Guidance

The Office of Management and Budget (OMB) provides guidance on whether particular cost items may be charged to Federal grant awards. Cost eligibility guidance is condensed in [Appendix A: MCSAP and HP Cost Eligibility Table](#). The information is derived from the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 CFR Part 200](#)), a document commonly referred to as the Uniform Guidance.

When using this reference, please keep the following in mind:

- This document provides information related to the MCSAP National Program Elements as identified in [49 CFR 350.203](#).
- To be charged to a Federal grant award, any cost must meet a set of general standards also established by the OMB in [2 CFR Part 200](#).
- Eligible costs and guidance in applying those costs may differ by program and in some circumstances, by award agreement. If the cost eligibility guidance in this section differs from the grant agreement, the award takes precedence.
- If you are uncertain whether a particular cost is allowable, please contact your FMCSA Division Office.

### 7.1 Use of MCSAP Funds for Overtime Activities

A MCSAP lead agency may allocate a limited amount of program funds for expenditures associated with overtime, either incidental or planned, to conduct eligible MCSAP activities. The amount eligible for allocation toward overtime generally may not exceed 15% of the State's total approved MCSAP program cost amount (i.e., combined Federal and State shares). States requesting more than 15% must have their request approved through the CVSP process. State matching funds are included in the 15% overtime calculation.

A state must calculate the total cost of overtime under the provisions of this policy using the total overtime wage for each employee for all overtime hours.

#### **Example:**

If an employee who works under the MCSAP grant normally earns \$30 per hour and is subject to an overtime rate that is 1.5 times the normal hourly rate, then the State must calculate the cost of overtime using the employee's overtime (i.e., premium) hourly rate of \$45.

If a State identifies a need to exceed the 15% overtime threshold, FMCSA will consider such requests in the CVSP approval process. However, States are required to provide adequate written justification to FMCSA in the CVSP or annual update. If a State identifies the need to modify the amount of overtime after the CVSP is approved by FMCSA, the State must obtain prior approval before incurring overtime costs that exceed the threshold.

### 7.2 Use of MCSAP and HP Funds for Operations and Maintenance

Operations and maintenance (known as O&M) 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. As reflected in the table under 7.2.1 ([Use of MCSAP Funds for Certain Technology Projects](#)), both PRISM and ITD O&M are MCSAP-eligible expenses. Additionally, States can use MCSAP funds for O&M costs for deployed ITD projects. While MCSAP lead agencies may also request O&M funds through an HP grant application, States needing O&M support for deployed ITD projects should utilize their MCSAP funding for this purpose. For more information on HP and PRISM, see section 5.3.1 ([PRISM Requirements and Eligible Projects](#)). For more details on the ITD Grant Program, see section 6 ([Innovative Technology Deployment Program](#)).

If a State chooses not to apply for MCSAP funding to cover O&M costs (either by the MCSAP lead agency or via sub-award) and does not receive sufficient support from the HP-ITD grant, FMCSA will only consider amendments to the MCSAP budget in exceptional circumstances and when legally permissible on a case-by-case basis.

States may apply for O&M costs associated with ITD or PRISM 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 section 6.3 ([ITD Eligible Activities and Costs](#)).

States may also apply for ongoing O&M for memberships, fees, dues, program travel, and other related program costs that maintain or support related projects or activities. Grantees must clearly articulate how these activities and costs are related to the ongoing functionality of the identified projects/systems, how they directly impact CMV safety or whether they are necessary to meet an FMCSA-required activity. Note that NORPASS membership fees have been determined to be ineligible and are specifically excluded from this allowance.

A system enhancement that adds new functionality or enhances the efficiency of a system such that it would be considered an improvement would not be considered an O&M cost. Lead agencies may be eligible to apply for a HP-ITD discretionary grant for these activities as outlined within this document and HP NOFO.

### **7.2.1 Use of MCSAP Funds for Certain Technology Projects**

With the enhanced funding provided to each State as part of BIL, certain technologies may be funded by MCSAP if the technology meets the criteria below:

- Is widely available not requiring any 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 (see section 6.6: [ITD Program Plan/Top Level Design Approval Process](#)).

All technology projects proposed within a State's CVSP will be reviewed by the ITD Program Office to assist in determining MCSAP eligibility. It should be noted that MCSAP periods of performance are generally shorter than that of HP-ITD grants. Therefore, if a State identifies a need for technology development and the time to implement the technology exceeds the MCSAP period of performance, it would be ineligible under MCSAP and should be pursued under HP-ITD funding.

Throughout the lifecycle of the technology deployed under this section, MCSAP lead agencies shall report, on a quarterly basis, performance data that demonstrates the effectiveness of the projects impact on safety. Examples of performance data include, but not limited to: increase in violations detected per inspection, increase in Out-of-Service (OOS) violations, increase in Federal OOS catch rate.

The table below summarizes eligibility requirements by agency type for PRISM and ITD Projects.

MCSAP Lead Agency		Non-Lead Agency
<b>MCSAP Grant</b>		
PRISM Projects	<ul style="list-style-type: none"> <li>To reach, maintain, or exceed full participation;</li> <li>Operation &amp; maintenance (O&amp;M)</li> </ul>	<ul style="list-style-type: none"> <li>Lead agency may subaward to PRISM agencies for all projects</li> </ul>
ITD Projects	<ul style="list-style-type: none"> <li>Operation &amp; maintenance ONLY</li> </ul>	<ul style="list-style-type: none"> <li>Lead agency may subaward to ITD agencies for O&amp;M</li> </ul>
<b>High Priority</b>		
PRISM Projects	<ul style="list-style-type: none"> <li>Projects that exceed full participation ONLY (once a State has achieved full participation)</li> </ul>	<ul style="list-style-type: none"> <li>All PRISM projects (full/enhanced/expanded participation and O&amp;M) – no date limitation applies</li> </ul>
ITD Projects	<ul style="list-style-type: none"> <li>Core and expanded projects;</li> <li>O&amp;M</li> </ul>	<ul style="list-style-type: none"> <li>All ITD projects (core/expanded and O&amp;M) – no date limitation applies</li> </ul>

### 7.3 Driver and Vehicle Inspections

FMCSA knows that a robust inspection program contributes to the reduction in crashes by stopping unsafe vehicles and drivers and by increasing compliance with FMCSA and/or State regulations. To be eligible under MCSAP, these must be North American Standard (NAS) Inspections and conducted by personnel certified to conduct such inspections. To ensure uniformity, consistency, and reciprocity in addressing the critical violations which render the driver, vehicle, and/or cargo out of service, MCSAP partners must adhere to the NAS Out-of-Service (OOS) Criteria.

A key component of success in the inspection program conducted by State and local enforcement partners is how vehicles are identified for inspection. Conducting inspections at the roadside and at fixed highway facilities based on visible defects or established inspection selection criteria achieves the goal of evaluating true on-the-road performance of carriers.

MCSAP partners should regularly evaluate their State’s data to determine the best combination of driver and vehicle inspections to have the greatest impact on the safety of motor carriers and CMVs. Inspection and enforcement activities should be targeted based on traffic flow and inspection and crash data. FMCSA acknowledges that this may vary by season and locality.

### 7.3.1 North American Standard (NAS) Inspection Levels

Ultimately, each State is responsible for determining the level of NAS inspection to be conducted. FMCSA recognizes that the percentage of Level I inspections conducted by a State will vary depending on the safety problem being addressed, type of inspection facilities, location, and other factors within the State.

FMCSA encourages each State to conduct at least 25% of its inspections as NAS Level I. This will help to maintain the effectiveness and reciprocity of the national program and encourage the application of the CVSA decals to allow other States to identify previously inspected CMVs. Additionally, FMCSA encourages each State to conduct at least 33% of its inspections as NAS Level III. Level III inspections should be conducted away from fixed facilities and coupled with roadside inspections/traffic stops. However, FMCSA recognizes that NAS Level III inspections at fixed facilities are, on occasion, warranted during instances such as inclement weather, training, and special projects.

FMCSA recognizes that an effective CMV safety program utilizes a mix of activities. However, the agency encourages its MCSAP partners to ensure that NAS inspections remain a significant part of their comprehensive CMV safety and enforcement approach.

### 7.3.2 Pre-Screening Carrier Data

The Inspection Selection System (ISS) algorithm is the roadside safety screening tool integrated into the functionality of SafeSpect, Query Central, and approved third-party inspection software. Pre-screening carrier data in this manner constitutes an electronic screening inspection and assists inspectors with identifying high-risk commercial motor carriers and vehicles for inspection based on safety risk. The ISS algorithm enables the safety screening of CMVs by querying the system using the motor carrier's U.S. DOT Number, Operating Authority (MC/MX) number, or carrier name.

After the inspector enters a motor carrier identifier, the ISS algorithm returns the carrier name and address, an inspection value from 1 to 100, and other indicators to help determine if an inspection should be conducted. The ISS algorithm inspection value is based, in part, on a carrier's Behavior Analysis and Safety Improvement Categories (BASICs) in the Agency's Safety Measurement System (SMS), if sufficient safety data are available in MCMIS. Carriers with multiple deficient BASICs will receive the highest ISS algorithm scores, and, therefore, will receive an "Inspect" recommendation.

Also, if the carrier's record does not have enough information to determine its performance in each BASIC area, the ISS algorithm may recommend an inspection to provide more data for future use by the BASIC algorithm. The Carrier Data Profile database also specifically notes when the motor carrier is a new entrant.

FMCSA's Query Central website, available through the [FMCSA Portal](#), uses the most current data and is the FMCSA-recommended method for obtaining ISS algorithm scores and other carrier data, such as status of operating authority and Federal OOS Orders. If Query Central is not accessible, a previously-downloaded copy of the Carrier Data Profile database may be used to make the inspection recommendation. However, States that utilize downloaded versions of the Carrier Data Profile database should perform regular updates (at least every 30 days – see below).

### 7.3.3 Accessing ISS when Query Central is Not Available

The Carrier Data Profile software is available for download by authorized FMCSA and State

enforcement personnel through the [FMCSA Portal](#).

FMCSA releases a monthly update that appends information from the previous version of the Carrier Data Profile database. Users accessing the Carrier Data Profile database outside of Query Central must check for an updated Carrier Database at least every 30 days. FMCSA releases a new version of the database quarterly that incorporates all the monthly appendices.

Tools available to determine safety fitness of carriers roadside:

Tool	Access	Data Timeliness	Query
A&I	FMCSA Portal & Public Website	24 hours	USDOT & Name
CVIEW	Direct Access	Real Time	USDOT, Name and VIN
L&I	FMCSA Portal & Public Website	Real Time	USDOT, Name, MC# and State
MCMIS	FMCSA Portal	Real Time	USDOT & Name
NLETS	User ID & Password	Real Time	USDOT, Name and State/Plate
QC Mobile	Public Website	Real Time	USDOT, Name and VIN
Query Central	FMCSA Portal	Real Time	USDOT, Name and VIN
SAFER	FMCSA Portal & Public Website	Real Time	USDOT & Name
SafeSpect	Direct Access	Real Time	USDOT

For more information and/or assistance with downloading the ISS algorithm via the Carrier Data Profile (or any FMCSA software application or login guidance), contact the FMCSA Technical Support Team Monday through Thursday from 8 a.m. to 8 p.m. and Fridays from 8 a.m. to 6 p.m. ET at:

Phone: (617) 494-3003  
 Fax: (617) 494-3057  
 E-mail: [FMCTechSup@dot.gov](mailto:FMCTechSup@dot.gov)

### 7.3.4 Scheduled Inspections

FMCSA discourages the use of scheduled inspections for the purposes of maintaining inspector certifications. A State should consider non-scheduled inspections as the first option for maintaining certification. Because of the structure of some States, FMCSA recognizes that it may be necessary to use scheduled inspections for the purpose of maintaining certification. In these circumstances, scheduled inspections should be monitored closely and only used when necessary. When using scheduled inspections as an outreach service, they shall not be used to allow carriers to inappropriately alter their SMS results or safety history. The purpose of scheduled inspections, as well as carriers' SMS results and safety histories should be considered before scheduling the inspection. Under those circumstances when it becomes necessary to conduct a scheduled inspection for the purpose of

maintaining certification or as an outreach event, these inspections are to be Level I or Level V inspections.

Inspections conducted under a State-mandated program are not eligible for reimbursement under MCSAP.

### 7.3.5 Post-Crash Inspections and Crash-Related Costs

An important component of post-crash inspections is the identification of safety violations, especially OOS violations, which may have contributed to a crash. State enforcement personnel use SafeSpect (or approved non-SafeSpect inspection software – see section 7.3.9 ([State Procurement of Third-Party Inspection Software](#))) to upload post-crash inspection information to MCMIS. It is also important to prevent unwarranted negative impacts on a motor carrier's safety performance record and reduce the number of Requests for Data Review (RDRs) in FMCSA's data correction system (DataQs) by accurately indicating in an inspection report whether a discovered violation occurred pre-crash or post-crash. Post-crash violations do not count as a violation against the carrier in FMCSA's data systems. FMCSA's SafeSpect inspection software provides an optional field for the inspector to indicate, at the inspection level, that the inspection was conducted post-crash. When this optional field is checked, SafeSpect creates a column in the violation section. The inspector should indicate in this column whether each violation noted in the report occurred prior to or as a result of the crash.

### Crash-Related Cost Eligibility Considerations for MCSAP and HP

The primary purpose of the FMCSA MCSAP and HP programs is to *reduce* the number of crashes, injuries and fatalities involving large trucks and buses. Accordingly, allowable MCSAP and HP costs tied to crashes are primarily limited to countermeasures that are likely to assist in the prevention of future crash activity. While activities and expenditures focused on preventing the crash should be given priority, FMCSA recognizes such efforts can be augmented by understanding and addressing the factors which allowed a crash to occur. Therefore, FMCSA authorizes the use of MCSAP and HP funding to support the investigation and reconstruction of crashes involving CMVs. Additionally, FMCSA recognizes that deployment of crash investigation/reconstruction tools helps expedite crash scene processing which assists the investigating agency of complex crashes to clear the crash scene sooner with the aim of preventing secondary crashes. Therefore, FMCSA allows some crash investigation/reconstruction activity, tools, and training as listed in [Appendix A: MCSAP and HP Cost Eligibility Table](#). To be eligible, recipients must ensure that their plan's activity and budget narratives, as well as their required quarterly performance progress reports, include information regarding how crash investigation and reconstruction costs are utilized to advance CMV crash reduction objectives.

### 7.3.6 Size and Weight Enforcement

Size and weight enforcement is generally supported by financial assistance programs from the Federal Highway Administration (FHWA) and is not a primary focus of MCSAP. However, the statutory authorization for MCSAP does allow size and weight enforcement as an eligible expense if the following three criteria are met:

1. The size and weight activities must be conducted in conjunction with an appropriate inspection of the CMV to enforce Federal or State CMV safety regulations.
2. The size and weight activities must be conducted at locations, other than fixed-weight facilities, where the weight of a CMV can significantly affect the safe operation of the vehicle, such as

near steep grades or mountainous terrains, or at seaports where intermodal shipping containers enter and exit the United States.

3. The size and weight enforcement activities are only eligible if they will not diminish the effectiveness of the development and implementation of programs to improve motor carrier, CMV, and driver safety.

To support these activities, States may request to purchase portable scales. To support the request for portable scales for weight size and weight enforcement in a CVSP budget, the State must indicate that it has identified a data-driven CMV safety problem (e.g., increase in serious injury and/or fatal crashes in a mountainous area) related to size and weight, that the portable scales will be used exclusively for MCSAP-eligible purposes, as described in this policy, or demonstrate that the cost of the scales are prorated according to the anticipated percentage of dedication to MCSAP eligible activities.

Salaries and expenses for personnel who are certified to conduct CMV inspections and size and weight activities are eligible for reimbursement for both activities, provided that the activities are done in conjunction with CMV inspections. However, salaries and expenses for personnel who conduct only size and weight activities, regardless of whether conducted at fixed weigh facilities or as part of a mobile or temporary inspection site, or in coordination with other personnel that are conducting CMV inspections, are never reimbursable under MCSAP because statute requires that all individual size and weight activities be conducted in conjunction with an eligible CMV inspection.

Finally, when enforcing size and weight laws, for the inspections to be eligible for MCSAP reimbursement, officers and inspectors must adhere to the CVSA NAS OOS criteria. It should be noted that the CVSA NAS OOS criteria do not include placing a vehicle OOS for a size/weight violation. FMCSA grantees cannot request reimbursement for an inspection inconsistent with this policy.

### **7.3.7 State-Conducted Inspections of Passenger Carrying CMVs**

This section establishes policy to ensure that State-conducted inspections of CMVs and drivers transporting passengers comply with the requirements of the FAST Act and BIL (see also [49 USC 31102\(c\)\(2\)\(W\)](#)), and accomplishes the following:

- Affirms that State-conducted inspections of passenger CMVs and drivers at certain fixed locations (defined below) are eligible for reimbursement under MCSAP;
- Establishes FAST Act modification of the term “station” to “bus station” and to specifically exclude a “weigh station”;
- Establishes that passenger CMV and driver inspections at alternate inspection locations are eligible for reimbursement under MCSAP when conducted because of an imminent or obvious safety hazard;
- Defines imminent or obvious safety hazard, which includes failure to display a U.S. DOT Number on a CMV transporting passengers in interstate commerce; ,
- Provides guidance on passenger-carrying CMV enforcement activities that would be incompatible with MCSAP regulations; and
- Establishes the emphasis area around the immobilization of unsafe passenger carrying-CMV as included in BIL.

The restrictions apply to all levels of NAS inspections (excluding [Level VIII inspections](#)) regardless of whether the inspections are MCSAP funded. This prohibition is a condition of participation in MCSAP. States may conduct inspections on passenger-carrying CMVs and drivers only if the activity is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop. These planned stops may include carrier-designated pickup locations that are not at traditional bus depots or generally associated with passenger waiting (ex: curbside, shopping centers, etc.). Weigh stations, including temporary “weigh stations” set up with portable scales at a non-permanent location, are specifically excluded as eligible inspection locations. “Bus station” also should be read to have meaning different from the word “terminal”, which is separately stated.

The only exception to the prohibition on conducting inspections en route is in the case of an imminent or obvious safety hazard. Under this policy, the following would qualify as an imminent or obvious safety hazard:

1. A CMV transporting passengers emitting excessive smoke from the engine compartment, smoke from any other part of the vehicle, or any other condition that would indicate a potential or present danger from fire.
2. Any observed violation of a CMV transporting passengers which would cause the vehicle to be placed OOS under the NAS Criteria including, but not limited to:
  - a. A flat tire;
  - b. An audible air leak;
  - c. Inoperative stop lamps (both must be inoperative);
  - d. Inoperative rear directional lamp (either);
  - e. Smoking from a wheel hub assembly;
  - f. Inoperative driver’s side windshield wiper during inclement weather; or
  - g. Inoperative headlamps when required.
3. Operation of a CMV transporting passengers by a motor carrier under an FMCSA Order to Cease Operations or other OOS order.
4. A CMV transporting passengers speeding in such a manner that the totality of the circumstances would permit an individual to make a reasonable determination that the speeding is an imminent or obvious safety hazard.
5. Any other clear and articulable evidence that a CMV transporting passengers is being operated in an unsafe manner such that a danger exists to persons, property, or the environment, such as a driver of a passenger carrying vehicle texting or using a hand-held mobile telephone while driving.
6. A CMV transporting passengers that is not marked with a U.S. DOT Number and that the officer believes is operating in interstate commerce in violation of [49 CFR 392.9\(a\)](#) or an applicable State statute or regulation.

When conducting a traffic stop and/or an inspection of a passenger CMV based on unsafe operation or speeding, the officer must consider the reasonableness of an inspection based on the criteria

established in this memorandum and additional factors including, but not limited to, weather, traffic conditions, terrain, surroundings, CMV passenger factors (age, health and/or disabilities, number, etc.), the severity of the speeding or other traffic violation, and the estimated timeliness of conducting the inspection. If the officer deems it safe and appropriate to do so, FMCSA recommends that the officer board the passenger CMV at the onset of the inspection to explain the purpose of the safety inspection and to emphasize that the inspection is being conducted to ensure that the passengers arrive safely at their destination.

This policy does not apply to the inspections of empty passenger CMVs, which are not subject to the “planned stop” requirement contained in statute. Further, this policy does not prevent a State or local law enforcement agency from conducting non-inspection traffic enforcement activities involving passenger-carrying CMVs.

If a State chooses to conduct intrastate and/or interstate passenger carrying CMV inspections in a manner inconsistent with the statutory requirements, these inspections could jeopardize the State’s eligibility to receive MCSAP funding.

Applicants may use HP funds for the immobilization and/or impoundment of passenger-carrying CMVs that are determined to be unsafe and/or fail inspection. States seeking HP funds for this purpose must have the authority to impound or immobilize passenger-carrying commercial motor vehicles within their jurisdiction. This means the State must have the authority to prohibit a motor carrier or driver from operating a passenger-carrying CMV until the condition, issue, and/or defect causing the vehicle to be unsafe or fail an inspection is corrected. Use of funds for this activity includes but is not limited to:

1. Safety inspections targeting passenger-carrying CMVs.
2. The immobilization and/or impoundment of passenger-carrying CMVs with an FMCSA OOS order and/or visible safety defect(s).
3. Other activities relating to the immobilization and/or inspection of passenger-carrying commercial vehicles.

Current safety requirements relating to CMVs (including passenger-carrying CMVs) may be found in [49 CFR parts 390-397](#) and are incorporated into the NAS Inspection process. In addition, current criteria for the identification and enforcement of Federal OOS orders may be found via the PRISM program. Information on PRISM may be found in the HP-CMV NOFO in section A, sub-section VI, and on the [PRISM DASH website](#).

### **7.3.8 Inspections of CMVs used for Agricultural Purposes**

[49 CFR 390.39](#) includes exemptions for covered farm vehicles (CFVs) as defined in [49 CFR 390.5](#). Specifically, CFVs and individuals operating CFVs are exempted from [49 CFR Parts 382, 383, 391, Subpart E, 395, and 396](#). As a result, operators of CMVs meeting the definition of a CFV are not subject to most FMCSRs and motor carriers operating these vehicles are not to be cited for non-compliance with the exempted regulations. Note that these exemptions do not apply to a CFV transporting hazardous materials that require a placard.

[49 CFR 395.1\(k\)](#) also exempts CMVs transporting agricultural commodities or farm supplies for agricultural purposes from [49 CFR part 395](#) during planting and harvesting periods, as determined by each State.

To facilitate inspectors' abilities to determine the operating status of a potential CFV, the time spent to determine if a vehicle or driver meets the definition of a CFV is a MCSAP-eligible expense. However, since CFVs are specifically exempted from [49 part 396](#), time spent *conducting inspections* of vehicles meeting the definition of a CFV is *not* a MCSAP-eligible expense. The above also applies to CMVs exempt under [49 CFR 395.1\(k\)](#). Except as noted immediately below, any violations cited under State law for a CFV that is exempted from inspection must not be uploaded into FMCSA data systems.

If it is determined that a motor carrier, driver, farmer, or rancher claiming CFV exemption does not meet the conditions of the exemption, all violations that are discovered should be documented and cited. An explanation detailing why the exemption does not apply should be included in the inspector's notes as documentation and appropriate enforcement action should be taken.

### **7.3.9 State Procurement of Third-Party Inspection Software**

FMCSA provides States with the SafeSpect software, at no cost, for use as an inspection record system. FMCSA recognizes that alternatives to SafeSpect are giving rise to innovations in technology and access to data that former structures could not realize; therefore, States may develop their own systems to record and submit inspections or procure such software from third parties. FMCSA does not currently endorse any specific third-party software, nor is any commercial third-party inspection software "pre-approved" for a State's use.

The purpose of this guidance is to ensure that non-SafeSpect software used to record inspections of CMVs, and paid for under MCSAP, meet the data quality requirements. These requirements are established in technical guidance issued by FMCSA, and all States must follow the below procedure for procurement and user testing before implementing State developed or third-party inspection software. For purposes of this guidance, all references to "third-party" software below also apply to State developed inspection software.

Expenses related to procurement, testing, deployment, and maintenance of a third-party inspection record system are eligible for reimbursement under the MCSAP grant. The State must provide, in writing to the FMCSA Division Administrator, a basis for the necessity of converting from the Federally-supported SafeSpect system to a third-party system.

The State will initiate an Interconnection Security Agreement (ISA) and Memorandum of Understanding (MOU) prior to any connection to FMCSA systems. If a previous connection exists, the State is responsible for the completion and/or updating of the ISA/MOU.

FMCSA will not approve any new LAN-to-LAN connections. Any request to implement non-SafeSpect inspection software pursuant to this policy must specifically indicate how the State will maintain transmission of the information.

States are responsible for requiring their third-party inspection record system provider to update their system whenever FMCSA provides updated requirements. FMCSA will provide specifications and information on updated system requirements to maintain conformity with data access, and States must ensure that all updates are completed and tested within 90 days of the notice of updated system specifications.

The MCSAP grant may only reimburse the expenses directly related to replacing SafeSpect with a third-party inspection record system. This includes connecting the third-party inspection record system to SafeSpect. States may procure an existing third-party inspection record system from a vendor, and

the costs of the procurement, testing, deployment, and maintenance of that system are eligible. However, the costs of developing a third-party inspection record system (as opposed to procuring an existing software system) are not eligible. The MCSAP or HP grant may also pay for inspection selection, crash reporting, or electronic citation issuance systems.

The State must agree to pay, if any, costs of testing necessary data connections and transaction sets before the inspections may be uploaded. Expenses for testing a third-party inspection record system are eligible for cost reimbursement under MCSAP.

The procurement of other third-party systems or modules related to electronic screening, permitting, and credentialing may be eligible under the ITD component of the HP grant program.

More specifically, integration into a State's broader commercial vehicle information system and/or connecting the third-party inspection record system to other State systems not directly for the purpose of uploading an inspection are not eligible expenses for reimbursement under MCSAP and therefore are also not eligible as the State's matching requirement or MOE. Examples of other State systems (either connected directly or through a SafeSpect connection) that are not eligible under MCSAP grants may include, but are not limited to: a State's Commercial Vehicle Information Exchange Window (CVIEW), International Registration Plan (IRP) or International Fuel Tax Agreement (IFTA) system, a State's broader data collection and reporting system, weigh-in-motion or highway inspection bypass systems (e- Screening), or other systems related to trip permitting and credentialing. However, as a result of the FAST Act, operations and maintenance costs for these systems are eligible under the State's MCSAP grant or as specified in an approved ITD grant.

The expenses related to the development, or integration and deployment, of a third-party inspection record systems into a State's broader commercial vehicle information exchange system, including connections to systems that go beyond SafeSpect, may be eligible for funding through the HP-CMV and/or HP-ITD grant programs. States must apply for funding under the appropriate grant opportunity as outlined in the appropriate NOFO.

States that have previously deployed a third-party inspection record system must follow this process when changing to a new, non-FMCSA, third-party system. Major upgrades or any modifications to these systems that require testing must begin at Step 1 in the table below.

States must follow the process in the table below to secure the necessary approvals from FMCSA. Documentation of each step should be maintained by the respective FMCSA Division Office in the Agency's Electronic Document Management System (EDMS). All communications must be between the State agency and FMCSA.

<b>FMCSA Process Steps for-Third Party Software Authorization</b>			
Step	Description	Action/Output	Responsible Party
1.	State MCSAP lead agency contacts FMCSA's Division Administrator (DA) to request use of third-party software to create the T0018 transaction set,	Email or letter from State MCSAP lead agency contact to	State MCSAP lead agency representative

	with a basis for the necessity of converting from the Federally-supported SafeSpect system to the third-party system.	respective DA	
2.	FMCSA DA evaluates the request and, if the DA concurs, notifies the FMCSA IT Director, Products, Enterprise Platforms and Services of the State's request. If the DA does not concur, the State MCSAP lead agency is notified of the denial.	Email from FMCSA DA to FMCSA IT Development Division Director if the DA concurs; email or letter to the State MCSAP lead agency if denied	FMCSA DA or designee
3.	FMCSA IT Development Division Director or designee reviews and communicates approval, denial, or questions to the FMCSA DA and FMCSA Technical Support.	Email from FMCSA IT to FMCSA DA and Technical Support Unit	FMCSA IT Development Division Director or designee
4.	FMCSA DA notifies State MCSAP lead agency of approval or denial.	Email from DA or designee	FMCSA DA or designee
5.	If approved, the State may begin evaluating and selecting an inspection software product. The State MCSAP lead agency may not begin to upload any inspection data from a third-party inspection product to FMCSA's production environment at this time.	n/a	State MCSAP lead agency
6.	After the State MCSAP lead agency has selected a product, and concluded in-house testing in a non-production environment, the State shall contact FMCSA Technical Support by email to begin integration testing with FMCSA Systems. (a) validate the SafeSpect communications setting ("mailbox"), (b) schedule a time for testing upload files.	Email from State MCSAP lead agency contact to FMCSA Technical Support, copying Division Office	State MCSAP lead agency contact,
7.	FMCSA Technical Support will coordinate with the State MCSAP lead agency for integration testing. The State will be prepared to provide sample inspection data to Technical Support. The data shall consist of at least 10 of each of the 7 inspection levels and shall have a mixture of data elements such as no violations, valid violations, non-valid violations, single-unit, combination-unit, etc. FMCSA Technical Support will test the integration	FMCSA Technical Support conducts integration testing	FMCSA Technical Support

	files and provide feedback on any records that failed. Technical Support cannot provide programming assistance or policy guidance on any failed data.		
8.	FMCSA Technical Support notifies the State, the FMCSA Division Office, and FMCSA IT Development Division Director of successful completion of the integration testing.	Email from FMCSA Technical Support to FMCSA IT Development Division Director, the FMCSA DA, the State MCSAP lead agency	FMCSA Technical Support
9.	State MCSAP lead agency requests Business Rules Compliance test from FMCSA DA.	Email from State MCSAP lead agency to FMCSA DA	State MCSAP lead agency Contact
10.	FMCSA DA or designee requests FMCSA IT to schedule a Business Rules Compliance test.	Email from FMCSA DA or designee to FMCSA IT Director or designee	FMCSA DA or designee
11.	FMCSA IT acknowledges the request and proposes scheduling opportunities. The schedule may be up to a month from notification.	Email from FMCSA IT Development Director or designee to FMCSA DA or designee.	FMCSA IT Development Director
12.	FMCSA DA or designee presents scheduling opportunities and selects a date and time with the State agency.	Emails or phone calls	FMCSA DA or designee and State MCSAP lead agency Contact
13.	FMCSA DA presents selected schedule to FMCSA IT Development Director along with contact information for the State Agency Contact.	Email to FMCSA IT Development Director or designee	FMCSA DA or designee
14.	FMCSA IT Development Director provides schedule confirmation and test plan documents to be used during the Business Rules Compliance test to the State MCSAP lead agency contact	Email to State MCSAP lead agency contact	FMCSA IT Development Director or designee
15.	Business Rules Compliance Test (See details following)	On-line meeting with screen sharing	FMCSA IT Development, State Agency Contact and staff, FMCSA DA or designee

16.	If the software passes the Business Rules Compliance test, the State may begin using the software in a production environment. If not, the State will be given an opportunity to correct deficiencies and demonstrate the failed items again.	N/A	N/A
17.	State MCSAP lead agency contact and third-party software provider coordinate and monitor production upload processes.	Monitor upload processes and resolve issues as required	State MCSAP lead agency contact, third-party Software Provider FMCSA Technical Support

### Business Rules Compliance Test

The FMCSA IT Development Division will facilitate a demonstration of a State’s non-FMCSA inspection software. FMCSA will have a scoring panel of subject matter experts from FMCSA representing Data Quality, software engineering, and Safety Investigators, among others. The Division Administrator or a designee from the FMCSA Division Office is encouraged to participate either as an observer of part of the scoring panel. The State will have, at a minimum, the State MCSAP lead agency contact and an inspector that will be using the software. Other State personnel may attend and participate. It is highly encouraged that the software vendor not perform the demonstration as this does not provide a view into how the software operates for the end-user.

The scoring panel will follow a test plan previously provided to the State MCSAP lead agency. The inspector will be asked to demonstrate various citations of violations. The panel will observe to see that the software displays results as presented in the test plans that follow the FMCSA and CVSA business edits method of Violation Uniformity. Additionally, the panel will observe for general usability of the software and various data items known to be a data quality issue. At the conclusion of the test, the panel will discuss their results and decide on a pass or fail status. The FMCSA IT Development Director or designee will send formal notification of the results to the FMCSA DA. It is expected that most States will have a “pass” result on the first try, and the State may begin using the software immediately upon notification. In the event of a “fail” result, FMCSA will notify the State in the event of the deficiency found. If the deficiency is minor, FMCSA may request only an email stating the item was addressed. A major deficiency will require the State to provide another demonstration to verify the repair.

## 7.4 Traffic Enforcement

Comprehensive and highly visible traffic enforcement activities in high-risk locations are vital components of an overall effective State CMV safety program. FMCSA encourages States to utilize traffic enforcement to reduce CMV-related crashes by targeting unsafe CMV operation, with or without an inspection. Additionally, within the parameters set out in the following sections, utilize traffic enforcement to target unsafe driving of both CMVs and non-CMV in those areas identified as high-risk

crash locations. FMCSA also strongly encourages participation in multi-state traffic enforcement operations and coordination with federal interagency partners to address CMV crash risk.

#### **7.4.1 Coordination with Other DOT and State Agencies**

FMCSA expects States to coordinate MCSAP traffic enforcement efforts with enforcement units utilizing other Federal grant funding for traffic enforcement, such as grant funds from the National Highway Traffic Safety Administration (NHTSA) or the Federal Highway Administration (FHWA). This coordination allows for the alignment of MCSAP activities within the State's Strategic Highway Safety Plan to ensure maximum effectiveness of enforcement strategies and to prevent duplicate billing or inappropriate expenditure of Federal funds. Coordination of CMV and non-CMV traffic enforcement efforts between agencies is strongly encouraged to maximize the complimentary efforts of agencies' combined outputs.

#### **7.4.2 Traffic Enforcement Inspections and Violations**

FMCSA generally defines traffic enforcement inspections as those that are initiated based upon officer observation of unsafe driver behavior (e.g., speeding, following too close). FMCSA also recognizes that officer traffic enforcement patrol activities can result in a stop and subsequent driver or vehicle inspection based upon officer observation of visible vehicle defects or other issues such as expired credentials. As a result, FMCSA now stores and analyzes traffic enforcement inspections involving a CMV in two distinct categories.

- 1. Traffic Enforcement Inspections Initiated by Officer Observed Driver Behavior.**

This category includes all inspections with violations for speeding 1-5 miles per hour above the speed limit, or any violation that contributes to motor carrier or driver's assessment in the Compliance, Safety, Accountability (CSA) Safety Measurement System (SMS) Unsafe Driving or Controlled Substances and Alcohol BASIC. See Appendix A of the [SMS methodology](#).

- 2. Traffic Enforcement Inspections Initiated by Officer Observed Vehicle or Other Issues.**

This category includes all inspections where the officer deliberately marked the inspection as traffic enforcement in the inspection software, but no violations are recorded that are indicative of officer-observed driver behavior.

States should include documentation on a NAS inspection report and issue citations or warnings for the violations identified in the SafeSpect inspection software. These violations are flagged with business edits within the software to assist in identifying traffic enforcement inspections. [Appendix N: Traffic Enforcement Inspections and Violations](#), provides the types of traffic violations that should be identified as traffic enforcement violations when involving a CMV; note that this list is subject to periodic updates.

States should also issue citations or warnings for these types of violations for traffic enforcement not associated with an inspection.

#### **7.4.3 Traffic Enforcement Cost Eligibility**

There is no restriction on the cost eligibility of CMV traffic enforcement, with or without an inspection. For non-CMV traffic enforcement to be eligible (including reimbursed expenses, Match, and MOE) it must be designed to promote the safe operation of CMVs (e.g. it is conducted in locations where data suggests an increased risk of non-CMVs being involved with or contributing to a CMV crash). It must also meet the requirements set forth in [49 CFR 350.227](#):

1. The number of motor carrier safety activities (including roadside inspections, compliance reviews, New Entrant Safety Audits, and CMV non-inspection traffic enforcement) conducted by the State is maintained at a level at least equal to the average for FYs 2014 and 2015;
2. The State does not spend more than 10% of its MCSAP Basic funding amount for non-CMV traffic enforcement unless FMCSA determines that a higher percentage will result in significant increases in CMV safety.

The 10% limitation applies only to traffic enforcement on non-CMVs, as applied against a State's full MCSAP funding (see example below). If data analysis determines a higher percentage will result in significant increases in CMV safety, the State may request allowance for a higher percentage from the FMCSA Administrator.

**Example:**

If a State receives a \$1,000,000 MCSAP grant (Federal and State share combined), the State could request reimbursement for no more than \$100,000 of the costs for documented traffic enforcement against non-CMVs. If a State has a need to exceed the 10% limitation, the State may with justification seek FMCSA permission to exceed the 10% ([49 CFR 350.227\(c\)\(2\)\(iii\)](#)).

All traffic enforcement activities must be documented (e.g. citation, inspection report) and subject to verification. Since only inspection-related traffic enforcement is automatically transmitted to FMCSA, States must report their non-inspection CMV and non-CMV traffic enforcement activities in their quarterly performance progress report. Additionally, States must have a mechanism to track their non-CMV traffic enforcement MCSAP expenses to ensure they do not exceed the 10 % limitation. The below questions and answers provide further information on the type of data that States are to report. For the purposes of this section, "we" means FMCSA and "you", "me", "my", and "I" mean State MCSAP lead agencies.

**Q1: Why is FMCSA collecting non-inspection traffic enforcement data?**

A1: Traffic enforcement is one of the five MCSAP National Program Elements and a cornerstone of the national commercial vehicle enforcement program. To accurately describe commercial vehicle enforcement around the country, and better understand the safety and financial assistance program impacts, it is important that we have sufficient data for all activities that contribute to program goals. Non-inspection traffic enforcement is one component that is not accurately captured in any current data system or report. As a result, you must include this information in your quarterly reports for your MCSAP and HP grants.

**Q2: What specific information is FMCSA requiring?**

A2: You must include the following data elements for any activities conducted with FMCSA grant funds or as part of your State match or MOE:

- Number of non-inspection traffic enforcement stops/contacts with CMVs;
- Number of citations and warnings issued during non-inspection traffic enforcement stops/contacts with a CMV;
- When conducted as part of the State's traffic enforcement activities, number of traffic enforcement stops/contacts with non-CMVs that were operating unsafely and immediately impacting CMV safety at the time of the violation; and

- When conducted as part of the State's traffic enforcement activities, number of citations and warnings issued during traffic enforcement stops/contacts on non-CMV's that were operating unsafely and immediately impacting CMV safety at the time of the violation.

**Q3: What does "part of the State's traffic enforcement activities" mean?**

A3: FMCSA asks States to use their crash data analytics to focus activities where crashes are occurring and addressing the top crash causation factors using coordinated, grant-funded traffic enforcement initiatives. This could include activities in high crash corridors and work zones by using routine patrol, strike forces, blitzes, or other normal, grant-funded operations during which the officer understands they are conducting traffic enforcement activities. The State is asked to document each traffic stop either through an inspection report recording the traffic enforcement stop or via separate records capturing the information in Questions 2 and 4.

**Q4: How should I report this data?**

A4: You must report this information in the PPR (Performance Progress Report) that is due no later than thirty days after the end of each Federal fiscal quarter. Specifically, you should use the following format in the narrative section of the report:

1. CMV Non-inspection Traffic Enforcement Contacts: [insert number]
2. CMV Non-inspection Traffic Enforcement Citations/Warnings: [insert number]
3. Non-CMV Traffic Enforcement Contacts for violations immediately impacting CMV safety: [insert number]
4. Non-CMV Traffic Enforcement Citations/Warnings for violations immediately impacting CMV safety: [insert number]

**Q5: How will FMCSA aggregate this data?**

A5: When this information is included in your quarterly report, the FMCSA Division Office or the State if they agree will upload the four data elements into a special form on FMCSA's A&I website (in the Gotham section). This will allow us to combine the information into an aggregate report for national analysis and reporting.

**Q6: My State has a 100% inspection policy. That is, if my MCSAP-funded personnel stop a CMV, our policy requires that he or she must conduct an inspection and upload the report. Must we still report this information?**

A6: Yes; however, you do not need to report this information as one of the data elements in question 4, as long as the inspection includes a violation referenced in section 7.4.2 ([Traffic Enforcement Inspections and Violations](#)) and listed in [Appendix N: Traffic Enforcement Inspections and Violations](#). To comply with question 4, you must only report the total number of traffic enforcement contacts and citations that are not associated with an uploaded driver/vehicle inspection report indicating traffic enforcement activity. Therefore, if you have a 100% inspection policy for CMV contacts, you need only report non-CMV traffic enforcement activities associated with your MCSAP-related traffic enforcement activities. FMCSA does request you provide the number of Traffic Enforcement stops with an inspection in your quarterly report.

**Q7: Neither my MCSAP grant funds nor my State match nor my MOE are used to directly support any Traffic Enforcement activities; must my State still report on non-inspection traffic enforcement?**

A7: Currently, we are focusing on collecting data on non-inspection traffic enforcement activities that are directly funded by grant funds or as part of your State match and MOE (if applicable). If you have the capacity to include this non-funded data in your quarterly reports, we will gladly accept it and it will contribute greatly to the goals of this initiative. This will allow us to further outline the scope of CMV-related traffic enforcement around the country and broaden the amount of data available for research, analysis, and reporting.

## **7.5 Compliance Reviews/Investigations, and New Entrant Safety Audits**

For information regarding cost eligibility, please refer to [Appendix A: MCSAP and HP Cost Eligibility Table](#).

For information regarding policy and procedures for conducting carrier investigations, please see the FMCSA eFOTM, Investigator Manual and Compliance Manual. These materials may be accessed through the FMCSA Portal under the “Official Software” link.

### **7.5.1 New Entrant Safety Audits**

The purpose of the New Entrant Safety Assurance program is to determine whether a new interstate motor carrier is fit to safely operate commercial vehicles. The New Entrant program authorized under [49 U.S.C. 31144\(g\)\(5\)](#) enables this effort by providing funding within the MCSAP grant for costs incurred conducting safety audits on these carriers.

As a requirement for participation in MCSAP, States must have a New Entrant Safety Audit program that allows them to meet the current requirements for completion of safety audits and to address and prevent overdue audits. Additionally, intrastate New Entrant Safety Audits are an eligible MCSAP expense at the State’s discretion. However, States must prioritize interstate New Entrant inventory to prevent overdue interstate safety audits. The optional intrastate safety audit program must not have a detrimental impact to the MCSAP required interstate safety audit program. States are reminded that Congress has placed time limits to complete interstate safety audits and that it is the responsibility of the State to provide the resources needed to meet these timelines.

New motor carriers seeking to operate in interstate commerce are subject to a New Entrant Safety Audit as defined under [49 CFR part 385, subpart D](#). These motor carriers are designated as “new entrants” and safety audit activities include an examination of a motor carrier’s operations.

These audits provide educational and technical assistance on safety and the operational requirements of the FMCSRs and HMRs, as applicable. In addition, these safety audits gather critical safety data needed to assess the carrier’s safety performance and basic safety management controls. The audit may be conducted at the New Entrant’s place of business or offsite, provided that program requirements are met.

Although a State may authorize a third party to conduct safety audits on its behalf, the State must verify the quality of work conducted and remains solely responsible for the management and oversight of the activities.

The New Entrant Safety Audit requirement does not apply to the Territories.

Allowable expenses under the MCSAP grant are those costs that are reasonable, necessary, and allocable to the delivery of the New Entrant program. Necessary costs may include, but are not

necessarily limited to, expenses associated with administering and supervising the New Entrant program, scheduling carriers for New Entrant Safety Audits, completing interstate and intrastate (at the State's discretion) motor carrier safety audits, fulfilling the data entry requirements of MCMIS, conducting investigations when required by program policy and Federal regulations, evaluating a motor carrier's New Entrant safety management systems, completing mandatory activities (including required New Entrant training and travel to that training) to achieve or maintain certification, and purchasing equipment and supplies necessary for program delivery.

### **7.5.2 Certification Requirements for New Entrant Safety Audits and Reviews/Investigations**

As stated in section 3.12 ([Certification of Personnel Performing Inspections, Investigations, and Safety Audits](#)), Safety Investigators, including Safety Investigators who perform cargo tank facility reviews, New Entrant Safety Auditors, and other personnel requiring specialized certification, are subject to additional certification and recertification standards expressed through FMCSA Policy Memoranda.. The specifics of these policy memoranda can be found in sections the FMCSA Electronic Field Operations Training Manual, available at: [Electronic Field Operations Training Manual \(eFOTM, version 9.0.\) | FMCSA \(dot.gov\)](#) and <https://www.fmcsa.dot.gov/certification>.

## **7.6 Public Education and Awareness**

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

MCSAP applicants engaging in public education and awareness activities should tailor these efforts to the safety challenges being faced within their jurisdictions, as well as FMCSA priority areas. Examples of educational focuses include unsafe driving, occupant restraint usage, distracted driving prevention, impaired operation, human trafficking, and work zone crashes. FMCSA encourages MCSAP partners to use FMCSA materials and other appropriate outreach methods to educate the motor carrier population, CMV drivers, and the public about safely sharing the roadways, including the challenges associated with non-CMV's and large trucks and buses operating in vicinity of each other. Such challenges include differences in driver visibility and space need for turning, stopping, and other considerations.

One such risk was posed by work zone construction areas. To target this issue, FMCSA established a special resource page containing a variety of educational and outreach materials relating to work zone crashes that can be utilized by safety partners. Visit [Work Zone Safety Campaign | FMCSA \(dot.gov\)](#) for more information.

More information on some FMCSA safety campaigns, including shareable resources, may be found via the [Our Roads, Our Safety](#) initiative web page. These pages contain useful materials and toolkits that safety partners can use to promote specific CMV safety.

Public education and awareness activities as outlined above are eligible under both the MCSAP and HP grant programs; however, eligible costs do not include training materials or other items/activities for the direct benefit of the recipient organization and do not include costs for promotional items.

For all public education and outreach efforts, applicants must describe the type of projects they plan to conduct. This must include the number of personnel involved and the level of effort required for the efforts proposed.

## 7.7 Data Collection and Data Quality

FMCSA is committed to ensuring the integrity of State and Federally-reported safety data in MCMIS. Pursuant to MCSAP grant conditions, States must establish and dedicate sufficient resources to a program to collect and report accurate, complete, and timely motor carrier safety data and they must participate in DataQs, which is FMCSA's prescribed national motor carrier safety data correction system.

### 7.7.1 FMCSA Data Quality Improvement Program

FMCSA relies on quality data to support the systems that identify carriers for interventions. State safety data includes inspection and crash reports, investigations, safety audits, and registration data. The FMCSA Data Quality Improvement Program assesses the completeness, timeliness, accuracy, and consistency of State-reported crash and inspection records in MCMIS.

Data Quality project eligible costs under MCSAP must support one or more of the activities below:

- Projects seeking to improve (yellow or red) or maintain (green) the overall rating on the SSDQ Map, or that address one or more specific deficiencies in the State's ability to assure the accuracy, completeness, and timeliness of CMV safety data reported to FMCSA.
- Innovative projects for advancing the State's performance in the SSDQ results overall or in specific measures.
- Data projects that improve and expand CMV data collected from police crash reports through increased application of the [Model Minimum Uniform Crash Criteria \(MMUCC\)](#).
- Training projects for State and local law enforcement to improve the collection of CMV data on inspections and crashes.
- Technology projects that improve or expand commercial vehicle information collected through the State's crash and/or inspection data.
- Innovative projects for resolving Requests for Data Review (RDRs) entered through DataQs to improve timeliness, consistency, and/or accountability, such as an independent appeals process, special reviews for adjudicated citations, linking RDRs to training for inspectors, or additional staff to resolve backlogs.

As a requirement to participate in MCSAP, a State must establish and dedicate sufficient resources to a program to ensure that the State collects and reports to FMCSA accurate, complete, and timely motor carrier safety data. FMCSA has determined that each State must achieve an overall "green" rating, as published in the SSDQ ratings map posted on the [FMCSA A&I](#) website, in order to be considered compliant with this MCSAP requirement. See 5.3.2 [State Safety Data Quality Project Requirements and Eligibility](#) for information on HP funding for Data Quality improvement projects.

### 7.7.2 Crash Reporting Requirements

To fulfill the crash reporting requirement, all MCSAP States must:

Report a crash to FMCSA if it involves:

- Any truck having a gross vehicle weight rating (GVWR) of more than 10,000 pounds or a gross combination weight rating (GCWR) over 10,000 pounds;  
*OR*
- Any motor vehicle designed to transport more than eight people, including the driver;  
*OR*
- Any vehicle displaying a hazardous materials placard (regardless of weight) [NOTE: This criterion assumes that an officer at a crash site may not be familiar with the HMRs (specifically, [49 CFR Part 172](#)); if an officer or associate is knowledgeable in those, any vehicle discovered to be transporting hazardous materials without a required placard should also be included.]

#### **AND**

- That vehicle is involved in a [crash](#) while operating on a roadway customarily open to the public, which results in:
  - A fatality: any person(s) killed in or outside of any vehicle (truck, bus, car, etc.) involved in the crash or who dies within 30 days of the crash as a result of an injury sustained in the crash;
  - An injury: any person(s) injured as a result of the crash who immediately receives medical treatment away from the crash scene <sup>1</sup>, OR
  - Disabling damage: any motor vehicle (truck, bus, car, etc.) incurring disabling damage as a result of the accident, requiring that vehicle to be transported away from the scene by a tow truck or other motor vehicle.

#### **EXCEPT**

Crashes that involve:

- A personally-owned truck or passenger vehicle meant for personal use only as the sole vehicle meeting the criteria above,  
*OR*
- A driver with a disease condition (stroke, heart attack, diabetic coma, or epileptic seizure) and no other injury or damage occurs<sup>2</sup>,  
*OR*
- Deliberate intent (suicide, self-inflicted injury, homicide, etc.), with no unintentional injury or damage<sup>3</sup>.

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<sup>1</sup> If an injury is initially reported to FMCSA on a crash report and the injured party dies within 30 days, an updated report should be uploaded to FMCSA.

<sup>2</sup> Defined in the American National Standard Institute – “Manual on Classification of Motor Vehicle Traffic Accidents” (ANSI D1.6, Section 2.4.1).

<sup>3</sup> Defined in the American National Standard Institute – “Manual on Classification of Motor Vehicle Traffic Accidents” (ANSI D16.1, Section 2.4.2).

This information, frequently asked questions, and training resources are found at the [FMCSA Data Quality Learning Center](#).

### 7.7.3 DataQs and Requests for Data Review (RDR)

[DataQs](#) is the national motor carrier safety data correction system prescribed by FMCSA ([49 CFR 350.207\(a\)\(12\)](#)). DataQs allows users to create and track a Request for Data Review (RDR) of Federal and State data issued by FMCSA believed to be incomplete or incorrect. It enables all users—motor carriers, drivers, and their representatives, as well as FMCSA and its State partners—to improve the accuracy of FMCSA's data-driven safety systems that help prevent crashes, injuries, and fatalities related to commercial motor vehicles. This includes FMCSA's [Crash Preventability Determination Program \(CPDP\)](#), which provides for the review of crash details to determine if it was not preventable.

Participation in DataQs is a MCSAP requirement and, as with all other MCSAP requirements, is ultimately subject to the nonconformity provisions set forth in [49 CFR 350.231](#). While FMCSA maintains State safety data in MCMIS and uses and disseminates the data contained therein, each State's MCSAP lead agency is responsible for all CMV crash and inspection data generated by its agency and/or sub-agencies. The State MCSAP lead agency is also responsible for ensuring the timely, consistent, and accountable review and resolution of all RDRs or disputes pertaining to the collection and reporting of State-reported safety data, and for incorporating the DataQs requirements and procedures established by FMCSA. These requirements include

- Development and maintenance of a plan detailing how the State will meet program objectives and address any RDR backlogs. Updates to this plan must be submitted as part of the annual CVSP process.
- Incorporating a structured, three-stage independent review process (Initial Review, Reconsideration, and Final Review) to ensure fair and unbiased evaluations of escalated RDRs
- Meeting defined timeliness standards for each stage of the review process and provide detailed, documented justifications for any RDR closed without a data correction.

### 7.7.4 Prohibitions on Masking

The Agency views the practice of courts dismissing citations after a guilty plea has been entered or following payment of a fine or mandatory contribution to a State or local program or upon entry or completion of a diversion program, as a condition of dismissal, as “masking” of a commercial driver's violation of State or local traffic control laws. Masking convictions allows commercial drivers to accumulate multiple serious traffic safety violations without the driver's State of licensure or other States being aware of the driver's actual driving history, and it is for this safety reason that such practices are prohibited.

If a State MCSAP lead agency believes that masking has or is occurring during any State's due process proceeding, a representative of that Agency should contact the FMCSA Division Office and provide sufficient documentation to support its belief.

## 7.8 Mobile Device Encryption Guidance for State and Local Users of FMCSA Data

FMCSA must ensure that Agency data is protected on mobile devices and mobile computing platforms,

including laptops, tablets, and phones (if applicable), used by our State and local enforcement partners to access FMCSA data systems. MCSAP grant recipients must be aware of these policy issues:

- The requirement for laptop encryption;
- Laptop encryption software is a grant-eligible expense (if a State lists the necessary acquisition expenses and personnel costs to achieve the requirements in an approved project plan and budget); and
- FMCSA requires that each MCSAP lead agency complete the installation of Full Disk Encryption (FDE) on all laptop computers.

In today's computing environment, there are many threats to the confidentiality of information stored on end user devices, especially mobile devices. Mobile information technology (IT) devices such as laptop computers are used throughout government and industry and are capable of storing increasing amounts of information. Such devices are particularly vulnerable to theft because of their small size, high value, and the information they contain. Information thieves may attempt to surreptitiously copy the contents of computer drives and portable devices if those devices are not properly secured. The potential loss of such information is a significant concern.

For these reasons, FMCSA requires through its "Financial Assistance Agreement General Provisions and Assurances" that all laptops used in carrying out the State's CVSP or other MCSAP-funded project plans are encrypted to the same standards that FMCSA uses for its own laptops. The Agency has adopted the DOT, National Institute of Standards and Technology, OMB, and other standards as guidelines to mitigate the compromise of data resulting from loss or theft of any device that processes or stores FMCSA-related data. FMCSA further ensures that operating systems are maintained with appropriate vendor security patch updates and equipped with the latest anti-virus software to protect **Personally Identifiable Information (PII)**.

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

**FDE (or whole disk encryption)** is achieved when software or hardware encrypts all data on that disk. This means that data on the operating system, including any temporary files, are protected to prevent the leakage of PII or other sensitive information/data by persons with malicious intent. Because FDE does not require user activation or intervention, it is the preferred method of laptop protection. FDE benefits also include:

- Almost all files, including temporary files, are encrypted. Encrypting these files is important, as they can otherwise reveal PII or other sensitive information/data.
- Support for **Pre-Boot Authentication (PBA)**, which keeps anything from being read on the hard disk (operating system) until the user has confirmed he/she has the correct password or credential.

- Immediate data destruction renders the contained data useless if compromised; this commonly includes destruction of the encryption keys.

FMCSA deems laptop encryption expenses as necessary, reasonable, and allocable to execute the approved CVSP. Thus, costs associated with FDE, including travel or other personnel expenses necessary to deploy an FDE solution, are a grant-eligible expense. States seeking reimbursement for FDE costs must include these within their CVSP budgets.

MCSAP lead agencies must coordinate with their own IT departments to ensure sufficient data protection methods are in place. If a MCSAP lead agency already employs an FDE solution, it must be comparable to the solutions established herein. States that do not have FDE-protected systems must implement a solution using the guidelines below. Many vendors offer FDE solutions. However, MCSAP partners must choose a solution that meets the following guidelines:

- **Using Existing Features**

Any implemented solution must use widely acceptable operating system features and infrastructure (just as an example: a recent, supported version of Windows). It must also encrypt data in real-time and be transparent, requiring little or no end-user training.

- **Access Control**

Any implemented solution must require users to successfully authenticate their identity before accessing the information that has been encrypted (Pre-Boot Protection) and include future Certificate Integration such as Public Key Infrastructure (PKI). The PKI uses digital certificates to authenticate the identity of organizations and individuals over a public system, such as the internet, to ensure the secure exchange of data. The solution implemented must offer secure hibernation and authenticate both users and machines prior to the system booting. The solution chosen by MCSAP lead agencies must provide Pre-Boot Authentication (PBA) that guarantees a secure, tamper-proof environment external to the operating system as a trusted authentication layer. The PBA prevents anything being read from the hard disk such as the operating system until the user has confirmed he/she has the correct password or other credentials.

- **Administrative Control**

The solution must offer easily centralized management for administration, deployment, upgrades, auditing, revocation and recovery, if feasible. This allows administrators to remotely enable and disable users and devices. Custom Authentication must also be in place that allows custom mechanisms to be implemented with third-party applications. MCSAP lead agencies that provide funding to sub-grantees are not required to maintain administrative control of sub-grantee laptop computers. However, MCSAP lead agencies must require that sub-grantees utilize a solution in accordance with these guidelines if the sub-grantee uses laptop computers to access FMCSA data.

- **Encryption**

The solution must ensure that all cryptographic keys used in a storage encryption solution comply with Federal Information Processing Standards (FIPS) 140-2. Encryption features must include:

- **Swap Space Encryption.** Swap Space (also called a "Pagefile" on Windows) is an area on a disk that temporarily holds a process memory image; this area must be encrypted.
- **Whole Disk / File Encryption.** The whole physical disk or logical volume, the partition

tables, master boot record, and available files must be encrypted.

- **Hard Drive Shredding**

The FDE solution must eliminate the need for a mechanical hard drive shredder that physically destroys old hard drives. While some software programs called hard drive shredders overwrite data many times with meaningless code, the original data may still be recoverable by a determined expert. MCSAP lead agencies must implement a solution that overwrites data a sufficient number of times to prevent data recovery.

FMCSA will not endorse or require the use of any specific product. As an alternative to using an Enterprise product, State and local MCSAP partners can consider small business or personal product licenses that meet the standards established in this memorandum.

If you have technical questions regarding laptop encryption requirements, please contact FMCSA IT Security Staff within the FMCSA Office of Information Technology via e-mail at [FMCSASecurity@dot.gov](mailto:FMCSASecurity@dot.gov).

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

As covered in section 5.3.1 ([PRISM Requirements and Eligible Projects](#)) States must comply with specific requirements to achieve “full,” “enhanced” and “expanded” participation to meet the conditions of MCSAP and HP grant eligibility. The registration component of PRISM has been the core operation of the program and the most effective method of sanctioning OOS carriers. The requirements that impact a State’s ability to implement PRISM are based on the registration component. PRISM law enforcement requirements relating to the sanctions of OOS carriers are captured programmatically under the MCSAP. PRISM will maintain the removal of license plates as an optional enhancement to a State’s PRISM program. For more information visit the [PRISM DASH](#).

## 8 General Grants Information

Over half of all FMCSA funding is provided to partners in the form of grants. The effective stewardship of these grants is a critical component of States' abilities to fulfill our shared safety mission. FMCSA has developed a comprehensive grants management process that applies standard policies and procedures, utilizes an electronic reporting system, offers comprehensive grants management training, and adheres to the fiscal oversight of FMCSA's Grants Management Office. This section provides an overview of core elements of this grants management process.

### 8.1 Grant Application Announcement Guidance

FMCSA will notify prospective applicants on each discretionary grant program available for funding through a Notice of Funding Opportunity, also called a NOFO. The NOFO will contain, at a minimum, the requirements in [2 CFR part 200, subpart C](#).

Every NOFO will include:

- the purpose of the grant program;
- applicant groups that are eligible for award;
- the anticipated amount available for award;
- grant period of performance;
- eligible projects, activities, and costs;
- how applications will be reviewed;
- application submission instructions;
- specific program requirements, and applicable certifications and forms;
- the due date for applications; and
- additional information, as needed.

#### Cooperative Agreements

The NOFO will also notify prospective applicants of projects/activities that would be considered as a cooperative agreement between FMCSA and the recipient. Cooperative agreements are defined in the Federal Grant and Cooperative Agreement Act ([31 USC 6301 and 6308](#)) and operate as grants; however, cooperative agreements require more substantial involvement by FMCSA than grants. Two factors affect the selection of a grant and a cooperative agreement: 1) the principal purpose of the award and; 2) the degree of Federal involvement.

Cooperative agreements are most appropriate when substantial programmatic involvement on behalf of FMCSA is expected. Note that substantial involvement does not include routine monitoring activities; substantial involvement typically includes operational involvement by FMCSA which is over and beyond the normal exercise of Federal responsibilities to ensure compliance with general statutory and regulatory requirements.

When a grant program's legislative authority specifies that a grant or cooperative agreement may be used, FMCSA reserves the right to determine whether an award should be treated as a grant or cooperative agreement. The Notice of Grant Award, or NGA, presented to the recipient for acceptance will specify the type of award instrument and any special award terms and conditions, if applicable.

FMCSA will announce in the NOFO the National Priorities for each discretionary grant program during that fiscal year. National Priorities are defined as the types of projects or activities that FMCSA selects for funding because of a program need, proven success to improve CMV safety, and/or ability to promote or stimulate a program purpose. National Priorities may differ from the standard eligible program activities and may change each fiscal year. Discretionary (competitive) applications containing National Priority projects or activities are not guaranteed funding, but will receive funding consideration over other types of eligible application projects or activities.

FMCSA will only publish NOFOs on the Grants.gov public portal.

### **Application Instructions**

The NOFO will contain directions on how prospective applicants should submit their application materials. All prospective applicants are strongly encouraged to read the NOFO thoroughly and completely as it contains important application submission instructions.

Referring to the NOFO helps ensure that the application meets the established minimum requirements. Failing to meet the requirement may result of denial of funding. Applications should be aware of the following:

- FMCSA will not accept unsolicited applications (i.e., applications not in response to a NOFO).
- FMCSA will not accept application project plans or budget narratives outside of Grants.gov unless specified within the NOFO.
- FMCSA cannot evaluate applications received without the complete set of required forms and attachments; all required elements and documents must be submitted. Applications that fail to include the required information will be considered incomplete and will not receive further review.
- A late application may only be accepted if there are extenuating circumstances, such as a large-scale natural disaster or a Grants.gov system failure or serious issue that directly impacts the timely submission of a grant application. Problems with computer systems at the applicant organization, failure to follow the application instructions, or failure to submit the program application or complete required registrations by the submission deadline are not considered system failures or serious issues.

## **8.2 Grant Program Applicant Eligibility**

In general, FMCSA may award grants and cooperative agreements to a State, Territory, or local government (including county, city, township, special district), and Federally-recognized Native American tribal governments.

Some programs (such as the HP-CMV grant program) are also eligible to other entities, such as institutions of higher education (public, private, and State-controlled), and nonprofit organizations.

### 8.3 Application Evaluation Process and Award

FMCSA reviews all applications through a formal merit review process, considering the legislative and regulatory requirements and published selection criteria established for each program. FMCSA has two types of financial assistance awards: discretionary and formula.

- **Formula grants** are noncompetitive awards based on a predetermined formula. FMCSA has one formula grant program, MCSAP; the remaining grant programs are discretionary.
- **Discretionary grants** (sometimes called “competitive grants”) are funded on the basis of a competitive process which gives FMCSA the discretion to determine which applications best address program requirements and, therefore, are most merit funding.

All discretionary grant program applications undergo a series of reviews prior to award selection as required in [2 CFR 200.204](#) and [200.205](#). An overview of each review is provided below:

- **Technical Merit**  
This review provides an independent assessment of the technical/programmatic merit of an application. At least three qualified individuals are selected to review each application to ensure diversity of perspective and knowledge. Individuals are selected based on their technical education and experience and the extent to which the individual has engaged in relevant work, the capacities in which the individual has done so, and the quality of such work.
- **Program-Specific Review**  
The application must include clearly-identified performance goals and measurements that are supported by an appropriate and identified data source and that includes benchmarks and timelines that will facilitate evaluating the applicant's progress towards project completion. Consideration will be given to applications which establish financial performance goals receiving FMCSA financial assistance funds, particularly the percentage of funds expended on a quarterly basis. Reviewers will also consider whether the application indicates how the recipient will continuously contribute to the success of the project by evaluating performance goals, objectives, activities and outcomes and will adjust the project plan as necessary based on these evaluations.
- **Past Performance Review**  
This review provides information that is considered as a possible indicator for predicting future performance. Many applicants for FMCSA financial assistance have previously received FMCSA funding and will be evaluated against their ability to complete prior year awards on-time, compliance with grant terms and conditions, and results from FMCSA grant monitoring activities, including utilization of previously awarded funding. Applicants with no prior FMCSA grant awards are encouraged and will also be considered.
- **Budget Review/Cost Analysis**  
This review provides an assessment of proposed allowable costs in accordance with Federal grant requirements, the cost realism of the budget estimate, appropriateness and reasonableness of resources, and reasonableness and feasibility of the schedule relative to the application timeline. Importantly, the budget evaluation provides initial insight to project-related risk, beyond those dealing with technical uncertainty, which is considered prior to recommendation. Application budgets are evaluated based on the same standards to which recipients will be held after award, which are outlined in the cost principles at [2 CFR part 200](#).

[subpart E](#) for all non-Federal entities, including commercial organizations.

MCSAP, as a formula grant, is not subject to the merit review requirements in [2 CFR 200.204](#); however, all MCSAP applications are reviewed to ensure that statutory and regulatory requirements are met and that costs and activities are allowable, allocable, reasonable, and necessary. Formula grant applications are subject to Federal review under [2 CFR 200.205](#). See section 3 ([MCSAP Grant](#)) for specific MCSAP criteria for the application, evaluation, and approval of MCSAP State plans.

Since MCSAP is a formula grant and eligible State lead agencies are not competing for program funds, FMCSA is generally permitted to engage with the prospective recipients and provide a greater level of technical assistance during the application development and review process. Conversely, under discretionary (competitive) grant programs, FMCSA personnel are not permitted to engage in application development with a prospective applicant; this includes pre-review of the application prior to submission through Grants.gov or development of application content during the open announcement period. Doing so creates an inherent conflict of interest and jeopardizes the competitive, “level-playing field” that must be maintained under a discretionary program. However, FMCSA personnel may provide recipients feedback and input as technical assistance (not development) on ways to strengthen *future* applications; this technical assistance may only be provided outside of the application announcement period.

Upon completion of the review process (formula and discretionary), awards will be recommended to the FMCSA Administrator and (if applicable) the Secretary of the U.S. Department of Transportation. No FMCSA personnel may notify a prospective applicant of potential award funding prior to the necessary approval by the FMCSA Administrator and (if applicable) the Secretary of the U.S. Department of Transportation. Applicants are formally notified electronically that they are selected for an award through the FMCSA grant management system. Applicants that are not awarded funding are notified through email.

## 8.4 Purpose of the Grant Agreement

The Notice of Grant Award (NGA), commonly referred to as the grant agreement, is a legal instrument of financial assistance between a Federal awarding agency and a grant recipient, or between a grant recipient pass-through entity and another non-Federal subrecipient consistent with the definitions in [31 USC 6302 and 6304](#). The grant agreement is the mechanism used to enter into a relationship, the principal purpose of which is to transfer anything of value from the Federal awarding agency to a grant recipient (or pass-through entity to subrecipient) to carry out a public purpose authorized by a law of the United States. The NGA sets out the Award Conditions, along with the Terms and Conditions.

Any funding awarded under a grant agreement may not to be used to acquire property or services for the Federal awarding agency or pass-through entity's direct benefit or use. Additionally, lobbying, as set forth in [2 CFR 200.450](#), is not an unallowable cost.

The grant agreement includes not only the NGA, but the approved application project plan, budget and budget narrative, any supplemental certifications or forms, and the grant terms and conditions. When the recipient signs the NGA, the recipient must, in addition to the assurances made as part of the application, comply with all applicable statutes, regulations, and terms and conditions of the award. FMCSA requires that the recipient organization designate the appropriate individuals who will serve as agents of the recipient; however, FMCSA does not specify the organizational location or full set of responsibilities for these individuals. These agents are responsible for the performance of the award,

the expenditure of funds, and must ensure that activities adhere to all applicable Federal statutes, regulations, and policies. These agents must also require each of its subrecipients or contractors employed in the completion of the project to comply with the grant agreement and all applicable statutes, regulations, and terms and conditions of the grant agreement.

## 8.5 Availability of Funds and Period of Performance

In an effort to use FMCSA grant funds more efficiently and effectively, funds to recipients will be disbursed, and all activities completed, during a specific time frame. Any funds not expended by the grantee within the period of availability will be subject to de-obligation by FMCSA. All FMCSA grant programs contain a statutory limitation on the use of funds within the period of availability. Therefore, once the period of availability ends, grant agreements may not be extended.

The NGA contains the grant agreement's period of performance in accordance with [2 CFR 200.211](#). The NGA period of performance means the time during which the grant recipient may incur obligations to carry out the work authorized under the grant agreement. Under discretionary programs, the timeframe in which the applicant proposes to complete projects is evaluated by FMCSA during the review process and may be modified in the NGA. The FMCSA may establish a shorter, but not longer, grant agreement period of performance than what the statutory availability of funds time frame allows. All allowable periods of performance are located in [49 USC 31104\(f\)](#), as amended.

Discretionary project grant agreements will begin on the date specified in the NGA after the internal FMCSA review and approval process has concluded. The grant agreement period of performance start date does not typically coincide with the beginning of the Federal fiscal year (October 1); however, grant recipients may receive the maximum amount of time allowed in statute for them to complete their project activities.

### Example:

A HP enforcement project with an allowable maximum period of performance of the fiscal year in which it was awarded plus two additional fiscal years may begin on May 1, 2020, and end on September 30, 2022.

This document includes sections dedicated to each grant program on availability of funds and periods of performance .

Since MCSAP financial assistance is necessary for States to continue mission-critical CMV safety operations, all MCSAP grant agreement periods of performance will include the maximum timeframe authorized by statute (the Federal fiscal year in which the NGA is approved and the next fiscal year). All MCSAP grant agreements will also be set for a period of performance start date of October 1 even though the NGA may be executed (signed by both FMCSA and the recipient) after that date.

## 8.6 Grant Program Subawards

All FMCSA grant programs allow subawards. A subaward is an award provided by a pass-through entity (the entity named on the FMCSA grant agreement) to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. Subawards do 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.

Before the recipient of a grant agreement enters into a relationship with another entity in which the other entity will provide them with goods or services or substantive, programmatic work, the recipient should make a determination as to the nature of the legal relationship with the other entity, which in turn will determine the type of legal agreement required to document the relationship. This is a significant decision because it determines the allocation of responsibilities and influences the appropriate application of indirect cost rates.

In the case of a subaward, the pass-through entity (entity named on the FMCSA grant agreement) must ensure that subrecipients conduct their portions of projects in compliance with all applicable terms and conditions of awards and subawards and that project costs incurred by subrecipients are allowable, allocable, reasonable and necessary. Agreements with contractors (vendors) for the purchase of services, however, typically do not bind vendors to the full set of award terms and conditions, and are subject to competitive bidding procurement practices to assure that funds paid to vendors do not exceed fair market value. [2 CFR 200.331](#) (Sub-recipient and Contractor Determinations) of the Uniform Grant Guidance, as well as [200.22](#) (Contractor) and [200.92](#) (Subaward) provides guidance on making sub-recipient and contractor determinations.

## 8.7 Grant Program Cost Principles Guidance

[2 CFR 200 subpart E—Cost Principles](#) permits a recipient organization to establish and use its own accounting system to determine costs, provided it is based on generally accepted accounting principles, consistently applied to all organization activities regardless of the source of funds supporting those activities. Recipients of Federal grant funds are expected to exercise the same degree of prudence in the expenditure of Federal funds as they use in expending their own funds. The recipient may be stricter in the administration of grant funds, but may not be more lenient. Recipients must further apply the requirements to subrecipients.

Generally, across all programs, FMCSA will reimburse for allowable, allocable, reasonable, and necessary personnel expenses (including fringe benefits), travel and training, supplies, equipment, and contractual (including subrecipient) costs. FMCSA will also approve an application that contains provisional indirect cost rates; however, FMCSA will only reimburse recipients for indirect costs provided that they are allowable and the recipient provides documentation that the rate has been approved by their Federal cognizant agency. Costs considered as “Other” will be evaluated to ensure they are clearly linked to application projects/activities. FMCSA will not approve or reimburse “miscellaneous” costs or other such costs that are not adequately documented as to how they were derived, eligible, and necessary for project success.

FMCSA will not approve construction costs for any grant program. Costs incurred for improvements which add to the permanent value of the buildings and equipment or appreciably prolong their intended life shall be treated as capital expenditures (e.g., remodeling/upgrades) and are unallowable.

However, FMCSA will approve and reimburse costs incurred for necessary maintenance, repair or upkeep of buildings and equipment which neither add to the permanent value of the property nor appreciably prolong its intended life, but keep it in an efficient operating condition (i.e., operations & maintenance) if not included in the recipient’s indirect cost rate.

Under [2 CFR part 200.405\(c\)](#), there may not be a duplication of any Federal assistance. Any cost

allocable to a particular Federal award or cost objective under the principles may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition.

All FMCSA financial assistance fund must supplement, but not supplant recipient funding. “Supplement” means to “build upon” or “add to”; “supplant” means to “replace” or “take the place of.” Supplanting is when a State or unit of local government reduces State or local funds for an activity specifically because Federal funds are available (or expected to be available) to fund that same activity. Additionally, Federal funding may not replace State or local funding that is required by law. Federal law prohibits recipients of Federal funds from replacing State, local, or agency funds with Federal funds. For MCSAP funds, see 3.6 MCSAP [Maintenance](#) of Effort Requirement.

This document includes sections and appendices dedicated to each FMCSA grant program that includes specific cost eligibility information. Guidance on specific cost eligibility is included in the sections for each grant program.

## 8.8 Match and Third-Party In-Kind Contributions

FMCSA sets minimum matching requirements for each grant program. Matching (also called cost sharing, see [49 CFR 200.306](#)) means the portion of project costs not paid by Federal funds. Most FMCSA grant programs require that FMCSA reimburse no less than 85% of eligible project costs, while the recipient provides match up to 15%. There are several tests to ensure costs are eligible to meet matching (including cash and [third party in-kind contributions](#) requirements: 1) be allowable under the grant program; 2) be in compliance with all Federal requirements and regulations; and 3) they must be reasonable, allowable, allocable, and necessary.

After award, recipients must document all expenditures relating to cost sharing or matching in the same manner as those for the Federal grant funds. Every item must be verifiable (i.e., tracked and documented) and any claimed cost share expense can only be counted once. Additionally, a cost sharing or matching requirement may not be met by costs borne by another Federal grant except as provided by Federal statute.

FMCSA may modify the Federal share of a grant program from the standard 85/15 threshold (no less than 85% Federal, and up to 15% recipient share). FMCSA may opt to offer 100% Federal financial assistance for a specific project(s) and/or priorities within a grant program. Projects funded at 100% Federal share may be announced in the NOFO as a National Priority and are at the discretion of FMCSA.

The value of third party in-kind contributions may be accepted as the match. The use of third party in-kind contributions must be identified in the grant agreement, or amendments thereto, and approved by FMCSA. The use of third party in-kind contributions may not be made retroactive prior to FMCSA approval of the grant agreement or amendments thereto. Recipients (or subrecipients) should be aware that they are responsible for ensuring that the following additional criteria are met:

- The third party performing the work must agree to allow the value of the work to be used as the match;
- The cost of the third-party work must not be borne by other Federal funds or be used as a

match for other Federally funded awards/sub-awards;

- The work performed by the third party must be an eligible activity that benefits the Federally-funded work and must be identified in the application;
- The third-party costs (i.e., salaries, fringe benefits, etc.) must be allowable under 2 CFR 200 subpart E—Cost Principles;
- The third-party work must be performed during the period to which the matching requirement applies; and
- The third-party in-kind contributions must be verifiable from the records of the recipient or subrecipient and these records must show how the value placed on the third-party in-kind contributions was derived.

Invoices submitted by a subrecipient to a recipient should show total expenditures by the subrecipient and the third-party contributions. The recipient then would reimburse the subrecipient for the Federal (and State, if any) share, not to exceed the subrecipient's expenditures. If the total amount of third-party in-kind contributions at the end of the program period is not sufficient to match the total expenditure of Federal funds by the subrecipient, the subrecipient will need to make up any shortfall with its own funds.

## 8.9 Applicability of Program Income

Program income (see [49 CFR 200.307](#)) means gross income earned by the recipient that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance. Program income includes but is not limited to: income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Except as otherwise provided in Federal statutes, regulations, or the Terms and Conditions of the Federal award, program income does not include rebates, credits, discounts, taxes, special assessments, levies, fines (including revenues collected from citations for traffic enforcement) raised by a recipient and/or subrecipient, and interest earned on any of the aforementioned.

## 8.10 Post-Award Financial and Reporting Requirements

FMCSA requires recipients to electronically submit Performance Progress Reports (PPRs) and Federal Financial Reports (FFRs) within GrantSolutions as a condition of grant awards. These reports help FMCSA monitor recipient progress towards the project objectives and provide an important measure of accountability for the recipient. While OMB requires the use of Standard Form (SF) PPR and SF 425 (financial report), each Federal granting agency may require additional attachments to performance reports in order to monitor progress and meet other, grant-related reporting requirements.

FMCSA has standardized the information required in the performance report; however, at a minimum, each performance report must contain the following information:

- **Executive Summary**  
The grantee should summarize trends and progress towards program-specific objectives. The report must also include a high-level description of the safety or performance challenges/problems encountered and how those have been addressed during the reporting

period.

- **Program Objectives and Progress**

The grantee should provide a brief description of the project's objective(s) in narrative form, followed by progress towards achieving the objective(s) during this reporting period. The program objective(s) should be clearly defined and measurable; describe the expected outcome/result of the project's strategies and activities; and include a date by which the outcome is expected. If the project includes more than one program objective, they should be described separately. Supporting tables can be added at the grantee's discretion. For the MCSAP formula grant, the reports should also include reference to the National Program Elements and the process towards achieving them during this reporting period. Provide status update/resolution for all outstanding findings from program reviews and/or audits.

- Any additional information as required in the NGA or program review findings.

Quarterly progress reports for each grant must be submitted separately. If a grantee has multiple grants from FMCSA, the progress of each grant must be reported separately, even if the grants support the same grant program. This remains true even if/when the periods of performance of the grant awards overlap. Each PPR submitted must capture only those activities funded by the individual FMCSA award.

Note: FMCSA encourages our MCSAP partners to use the FMCSA templates for the MCSAP formula and HP-CMV grants; these available through FMCSA Division Offices.

All FMCSA grant programs are cost reimbursable. Reimbursement means that grant recipients must first expend their own funds and "voucher" (invoice) FMCSA for activities identified in the grant agreement. Recipients will then be reimbursed by FMCSA for actual costs incurred, provided that the costs are allowable, within the approved budget, and are in accordance with the OMB cost principles and FMCSA policies. In accordance with the FAST Act, all FMCSA award recipients must request reimbursement at least on a quarterly basis.

FMCSA will not reimburse recipients an amount that is more than the Federal share of the total eligible costs incurred (for example, States are limited to 85% reimbursement under MCSAP).

FMCSA requires, per the FAST Act, grantees to submit vouchers on a quarterly basis. While not required, FMCSA strongly encourages grantees to submit vouchers that reflect the appropriate Federal and State share on each voucher to facilitate proper cost oversight and avoid matching shortfalls.

Grantees need to be aware that if their actual match amount at the end of the period of performance is below the required amount, the grantee will be required to reimburse FMCSA an amount appropriate to address the deficient match.

## Appendix A: MCSAP and HP Cost Eligibility Table

In addition to activities and costs made eligible in 49 CFR Parts [350.227](#), [350.229](#), and [350.417](#), this table is established to provide further clarification/guidance. If “Yes” is indicated in the table below, the expense is generally allowable as defined in [2 CFR part 200](#) and, unless otherwise noted, is reimbursable if within the scope of an approved project plan or CVSP and associated budget. Any other special conditions are noted in the table. **In all instances, a “Yes” indicator still requires that the costs of the item be reasonable, necessary, and allocable to the grant in question and prorated according to the amount of time used for that grant.**

### Example:

Mobile Wi-Fi that allows a trooper to check Query Central and report on the outcome of a roadside inspection is a reimbursable expense under MCSAP, but only to the extent the mobile Wi-Fi is being used for purposes of the grant.

If this trooper is only conducting MCSAP-related activities during one-half of the work week and spends the rest of the time performing general patrol responsibilities or otherwise focused on non-MCSAP priorities (e.g. conducting impaired driving enforcement under a grant from another agency), the State must prorate the costs of the mobile Wi-Fi accordingly or clearly demonstrate in its records that the connectivity provided by the mobile Wi-Fi serves no purpose other than that associated with the MCSAP-supported activities.

Conversely, while that trooper may have only used a brake chamber measuring tool during one-half of the work week, the tool serves no purpose beyond that of inspecting CMVs and cannot be allocated to another non-MCSAP activity. Thus, it is eligible without proration.

All costs indicated in this table as allowable in [2 CFR Part 200](#), and allocable to the grant programs, are still subject to a final “reasonable and necessary” evaluation by FMCSA. As an example, while the use of grant funds to meet an employing agency’s requirement that all officers receive recurring first aid training may be allowable and allocable, requiring each officer to be a paramedic is not necessary for the success of the program or projects and is therefore not a reasonable use of grant funds. Similarly, grant-funded costs must be consistent with non-grant funded costs. For instance, it is not permissible to use grant monies to purchase more expensive good/services than would normally be done with non-grant monies, unless the increase costs are necessary for the success of the program or projects.

This table is not an all-inclusive list of all potential expenditures for these grant programs. The absence of a cost in this table does not reflect on its eligibility. Please direct any recommendations for costs that FMCSA should include in this table to the appropriate FMCSA Division Office so that we may consider it for possible inclusion in future versions. A more in-depth listing of ITD-related costs eligibility can be found in [Appendix I: High Priority-ITD Cost Eligibility Table](#).

The applicability of cost eligibility in this table is not retroactive. If a cost indicated in this table as being not eligible has been specifically approved in a previous grant award, the grantee may continue to incur that expenditure per the terms of that grant and for the life of that grant. However, because FMCSA reconsiders cost eligibility based on emerging safety trends, technological advances, and experience managing specific grants does not mean a particular cost will remain eligible in the future.

The following conditions apply to all eligible expenses identified in the cost eligibility table:

1. Eligibility of all costs is dependent upon their furthering of the stated MCSAP/HP objectives and priorities, and being included in an approved project plan.
2. All costs must be in compliance with 2 CFR part 200 subject to any limitations reflected by law or regulation. Grantees must prorate costs appropriately based upon percentage of time dedicated to the grant program.
3. If costs are included in an agency’s Statewide Cost Allocation Plan (SWCAP) or approved Indirect Cost Rate Agreement, they may not be claimed as a direct cost to the grant program.
4. For HP-CMV and HP-ITD projects, “Yes” requires expenses to be specifically included in an approved project plan and budget.

EXPENSE	MCSAP PROJECTS	HP-CMV PROJECTS	HP-ITD PROJECTS
Activities which support the MCSAP National Program Elements ( <a href="#">Part 350.203</a> ) (Driver/Vehicle Inspections, CMV Traffic Enforcement, Investigations/New Entrant, Safety Audits, etc.)	Yes	Yes, as they align with parts <a href="#">350.415</a> and <a href="#">350.417</a> and are included in an approved project plan and budget	Yes, as they align with parts <a href="#">350.415</a> and <a href="#">350.417</a> and are included in an approved project plan and budget
Aerial traffic enforcement (e.g., airplane or helicopter fuel costs, usage costs)	Yes	Yes	No
Alcoholic beverages	No	No	No
Alcohol testing devices for breath (non-portable evidentiary <a href="#">Alcohol Measurement Devices</a> )	No	No	No
Alcohol testing devices for breath (portable breath testing devices if on NHTSA conforming products list ( <a href="#">82 FR 50940</a> ))	Yes, if 100% grant-dedicated; otherwise prorated	Yes, if 100% grant-dedicated; otherwise prorated	No
Analytical/technical support: Costs associated with gathering, analyzing, reporting, or sharing data and information in furtherance of the objectives in <a href="#">49 CFR 350.201</a> and activities in <a href="#">49 CFR 350.227</a> (e.g., adding analytical staff or contract support to develop/execute the CVSP; sharing data/information with FMCSA and other MCSAP lead agencies)	Yes	Yes	Yes
Audio-visual presentation equipment	Yes, if part of outreach and	Yes, if part of outreach and	No

	education or internal CVE training	education or internal CVE training	
Audit costs (single audit - if required by Federal regulations)	Yes	Yes	Yes
Barcode readers/scanners	Yes	Yes	Yes
Camera, body worn (including integral storage devices, i.e., SD cards or others)	Yes, if 100% grant-dedicated; otherwise prorated	No	No
Camera, in-car	Yes, if agency-wide requirement; must be 100% dedicated to grant activities or prorated	Yes, if agency-wide requirement; must be 100% dedicated to grant activities or prorated activities	No
Canine for Criminal Interdiction or human trafficking work. Expenses include purchase, training, feeding, veterinary care and related costs for canine health, wellbeing, and safety. Activity must accompany an appropriate North American Standard Inspection ( <a href="#">49 CFR 350.227(b)</a> )	Yes, only if 100% grant-dedicated, no prorating of time or expenses.	No	No
CMV Safety Office setup for MCSAP lead agencies to facilitate subrecipients (locals, non-traditional partners) *Does not involve costs related to construction or other prohibited activities	Yes*	Yes*	No
Commercial driver's license (CDL) expenses such as medical examination, testing fee, truck rental for testing, etc.; when necessary to conduct activities under an approved grant project or program	Yes	Yes	No
Communication costs: mobile internet connectivity (e.g., air cards, mi-fi)	Yes	Yes	Yes
Communication costs: office/worksite (internet connectivity, fax line directly related to project activity if not included in a grantee's indirect cost rates)	Yes	Yes	Yes

Communication costs: phones (landline, wireless)	Yes, if 100% grant-dedicated; otherwise prorated	Yes, if 100% grant-dedicated; otherwise prorated	Yes
Computers (desktop, laptop, and tablet)	Yes	Yes	Yes
Conference attendance (i.e., travel, registration, and time) <u>directly related to CMV enforcement*</u> activity training and standardization (e.g., CVSA, COHMED, CMV human trafficking).*	Yes	Yes, for non-MCSAP lead agencies ONLY	Yes
*see Training: Enforcement Training and Support (HP-ETS) Grant courses			
Conference attendance (i.e., travel, registration, and time) <u>not directly related to CMV enforcement</u> activities (e.g., AAMVA)	No	Yes	Yes
Conference attendance (i.e., travel, registration, and time) <u>directly related to FMCSA programs</u> (MCSAP, High Priority, PRISM, Data Quality, and ITD)	Yes	Yes	Yes
Conference/training meals and refreshments for grantee/subgrantee-hosted event (e.g., snacks, food, and beverages such as coffee, tea, soft drinks)  *With prior approval and in accordance with <a href="#">2 CFR 200.432</a> , reasonable meal and refreshment costs are eligible if the primary purpose is the dissemination of technical information beyond the non-Federal entity.	No*	No*	No*
Conference room fees for grantee-hosted training or outreach events	Yes	Yes	No
Contractual costs for consultants, IT staff, data analysis as part of an approved project	Yes	Yes	Yes

<p>Court and administrative proceedings resulting from activities which support the MCSAP National Program Elements (<a href="#">49 CFR 350.203</a>) (e.g., arrests, citations, CSA Enforcement Actions)</p>	<p>Yes</p>	<p>Yes</p>	<p>No</p>
<p>Crash investigation activities and crash investigation-related training, such as:</p> <ul style="list-style-type: none"> <li>• Qualification/certification to conduct crash investigations</li> <li>• Applicability of the FMCSRs to the vehicle(s) involved</li> <li>• Collecting/processing/analyzing crash evidence</li> </ul> <p>Limited to <u>fatal and serious injury</u> crashes involving CMVs covered under the State's adoption FMCSA's definition of a commercial motor vehicle. Recipient must maintain other CMV safety efforts (e.g., inspections, investigations, safety audits, traffic enforcement) at an acceptable level as approved by FMCSA. See <a href="#">Post-Crash Inspections and Crash-Related Costs</a></p>	<p>Yes, investigating officer/personnel MUST be NAS A/B certified</p>	<p>Yes, investigating officer/personnel MUST be NAS A/B certified</p>	<p>No</p>
<p>Crash investigation analysis tools for CMVs (e.g., equipment, software, training). See <a href="#">Post-Crash Inspections and Crash-Related Costs</a></p>	<p>Yes</p>	<p>Yes</p>	<p>No</p>
<p>Crash reconstruction activities and requisite training for crash reconstruction qualification/certification.</p> <p>Reconstruction must be limited to crashes involving CMVs covered under the State's or FMCSA's definition of a commercial motor vehicle. Recipient must maintain other CMV safety efforts (e.g., inspections, investigations, safety audits, traffic enforcement) at an acceptable level as approved by FMCSA. See <a href="#">Post-Crash Inspections and Crash-Related Costs</a></p>	<p>Yes, reconstruction MUST include a NAS A/B certified officer/personnel as a part of the analysis</p>	<p>Yes, reconstruction MUST include a NAS A/B certified officer/personnel as a part of the analysis</p>	<p>No</p>
<p>Crash reconstruction analysis tools for CMVs (e.g., training, equipment, software). See <a href="#">Post-Crash Inspections and Crash-Related Costs</a></p>	<p>Yes</p>	<p>Yes</p>	<p>No</p>

Criminal interdiction activities, including drug interdiction and human trafficking, that are the result of an inspection ( <a href="#">49 CFR 350.227(b)</a> ) and are the logical extension of an officer's responsibility (e.g., towing vehicles, unloading vehicles, storage of seized goods or contraband)	Yes	Yes	No
CSA Investigations	Yes	Yes	No
CVIEW enhancements (e.g., improvements such as processing speed or moving to a new tech platform, but not adding functionality)	No	No	Yes
CVIEW operations and maintenance (O&M)	Yes, if related to approved component of the CVSP <sup>4</sup> for innovative technology	No	Yes
CVSA decals	Yes	Yes, non-MCSAP lead agencies ONLY	No
CVSA membership fees/dues (specific to local/municipal law enforcement agency membership or membership type necessary for the MCSAP lead agency)	Yes	Yes, non-MCSAP lead agencies ONLY	No
Drug Interdiction Training (DIAP, provided by FMCSA)	Yes	Yes	No
Drug Interdiction Training (third-party, private provider)	Yes, Limited to 1% of approved total project cost (includes Federal and State shares)	No	No
Drug recognition expert (time and training)	Yes, prorated for time spent on grant activities	Yes, prorated for time spent on grant activities	No

<sup>4</sup> For the purposes of cost eligibility in this appendix, the term "CVSP" also includes all subsequent amendments to the project plan and budget associated with the MCSAP financial assistance agreement.

Electronic credentials administration (i.e., motor carrier credentials such as registration, insurance, etc. that are not included under O&M costs)	No	No	Yes
Encryption software for portable computers/electronic devices that connect to or contain data from FMCSA systems	Yes	Yes	Yes
Enforcement/inspection: equipment, supplies, and tools (e.g., cameras to document violations, chamber mates, collapsible ladders, creepers, flashlights, Personal Protective Equipment (PPE), portable bus ramps)	Yes	Yes	No
Enforcement/inspection: logistics (e.g. non-permanent pavilions/awnings, pop-up canopies, portable toilet facilities at enforcement/inspection details)	Yes	Yes	No
E-screening annual membership fees (e.g., PrePass) Note: NORPASS is NOT eligible	Yes, if related to approved ITD O&M component of the CVSP for innovative technology	No	Yes
Facility construction costs (e.g., new inspection facilities/pits, upgrades, remodeling)	No	No	No
Facility/property improvement costs (e.g., inspection pit covers, lighting to allow night inspections, or other improvements that do not add permanent value ( <a href="#">2 CFR 200.452</a> ))  Inspection pit covers are defined as metal (or other appropriate material) grates designed to fit directly over the pit area.  For structures such as non-permanent pavilions/awnings, pop-up canopies, see <i>Enforcement/inspection: logistics</i> .	Yes	Yes, non-MCSAP-lead agencies ONLY	No

Facility security for MCSAP offices (cameras, alarm monitoring)	Yes, if 100% MCSAP dedicated facility and not part of a State's indirect cost rate	No	No
Geiger counters Must be purchased in support of the State's Level VI Inspection program and not readily available through another Federal grant program (e.g. FEMA or State Emergency Management agencies). Expense is limited to the requirements in <a href="#">49 CFR 385.415(b)</a> . Prorated based upon the number of inspectors certified to conduct Radioactive Materials inspections.	Yes	No	No
Global Positioning System (GPS) devices (installed as a standalone device specifically for officer tracking purposes)	Yes	Yes	No
Geographic Information Systems (GIS) technology used for crash and activity reporting and analysis	Yes, If part of an approved GIS-based evaluation project	Yes, If part of an approved GIS-based evaluation project	No
Hazardous materials emergency first responder equipment, if needed to comply with Occupational Safety and Health Administration (OSHA) standards for first responders and prorated based on percentage of MCSAP activities	Yes	No	No
Hazardous Materials Inspections/Program: establish, enhance and/or increase a State's/Territory's (including local and Tribal governments) HM inspection performance, investigations, and audits of new HM carriers.	Yes	Yes	No
Hazardous Materials Package Inspection Program (HMPPIP) or similar State/local HM package inspection activities	No	No	No

<p>Hazardous Materials placard readers (similar to license plate readers)</p> <p>*Eligible expense under other programs, including ITD</p>	<p>Yes*, if used away from fixed facilities (e.g., bypass routes) for enforcement, not general inspection screening / selection</p>	<p>Yes*</p>	<p>Yes*</p>
<p>Hazardous Materials shipper reviews</p>	<p>No</p>	<p>No</p>	<p>No</p>
<p>Hazardous Materials software (third-party software that assists inspectors in identifying violations during HM inspections)</p>	<p>Yes</p>	<p>Yes</p>	<p>No</p>
<p>Household Good Carriers (HHG) – Safety-related Investigation</p> <p>*ONLY in circumstances related to a HHG carrier’s safety rating, performance and/or risk. Grant funding cannot be used for HHG investigations relating solely to consumer protection-related issues. If investigating both a CMV safety and consumer complaint concern, only costs associated with the CMV Safety Investigation are eligible.</p>	<p>Yes*</p>	<p>No</p>	<p>No</p>
<p>Impaired CMV driver activities, equipment, supplies, and training (per <a href="#">49 CFR 350.207(a)(20)</a>)</p>	<p>Yes</p>	<p>Yes</p>	<p>No</p>
<p>Individual first aid kit (trauma kit): e.g., basic first aid, Tactical Emergency Casualty Care (TECC), NARCAN (naloxone). Does not include medic kits and associated items such as airways, defibrillators, medication, and oxygen supplies.</p>	<p>Yes, if agency-wide requirement; must be 100% dedicated to grant activities or prorated</p>	<p>No</p>	<p>No</p>

Infrared brake inspection devices	Yes, if used after an inspection decision has been made, and not integrated into an e-screening system.	Yes, if used after an inspection decision has been made, and not integrated into an e-screening system.	Yes, at fixed locations if used for e-screening
Inspections (carrier or driver request at roadside)  *The <u>only</u> exception would be if a specific safety defect is alleged.	No*	No*	No
Inspections (conducted at the request of the Federal government)  *Such requests should be coordinated with FMCSA Division Office.	Yes*	Yes*	No
Inspections, scheduled in advance with a motor carrier or owner-operator (when furthering MCSAP priorities and <u>not</u> at carrier's/operator's request)	Yes, if in accordance with section <a href="#">7.3.4</a>	Yes, if in accordance with section <a href="#">7.3.4</a>	No
Inspections, State-mandated program	No	No	No
Inspections, terminal (unannounced or part of strike forces/special enforcement activities and <u>not</u> including at carrier's request)	Yes	Yes	No
Inspector championships (State or national)  *maximum of three participants/competitors for NAIC	Yes*	Yes, for non-MCSAP lead agencies ONLY*	No
International Fuel Tax Association (IFTA) fees/dues	Yes, if related to approved ITD O&M component of the CVSP	No	Yes
International Registration Plan (IRP) fees/dues	Yes, if related to approved ITD O&M component of the CVSP	No	Yes

Intrastate Investigations/CR	Yes, if conducted in accordance with FMCSA's eFOTM procedures or similar State procedures	Yes, if conducted in accordance with FMCSA's eFOTM procedures or similar State procedures	No
Intrastate Registry of Certified Medical Examiners	No	No	No
IT application development (not related to CVIEW, e-credentialing, or e-screening devices/ projects)	Yes, if directly related to CMV-safety enforcement and/or CMV crash reduction and not otherwise excluded by policy	Yes, if directly related to CMV-safety enforcement and/or CMV crash reduction and not otherwise excluded by policy	No
IT application development (related to CVIEW, e-credentialing, or e-screening devices/projects)	No	No	Yes
IT application maintenance (e.g., licenses, upgrades, etc. not related to CVIEW, e-credentialing, or e-screening devices/ projects)	Yes, if not included in indirect cost rates or overhead and is appropriately prorated based on the percentage of contribution to CMV safety	Yes, if not included in indirect cost rates or overhead and is appropriately prorated based on the percentage of contribution to CMV safety	Yes
IT equipment (e.g., servers, etc. related to CVIEW, e-credentialing, or e-screening devices/projects)	Yes, if related to approved ITD O&M component of the CVSP	No	Yes
IT equipment (e.g., servers, etc. <u>not</u> related to CVIEW, e-credentialing, or e-screening devices/ projects)	Yes	Yes, if specifically included in an approved project plan and budget	No

ITD Program Plan/Top Level Design (PPT/LD) development  *MCSAP can be used to update/maintain an approved PP/TLD within the definition of ITD O&M	No*	No	Yes
ITD operations and maintenance (O&M) costs	Yes, if related to approved component of the CVSP for innovative technology	No	Yes
Landscaping (e.g., watering, plant/lawn care)	No	No	No
National Traffic Incident Management (TIM) responder training	Yes, only as attendee and 100% grant-dedicated; otherwise prorated	Yes, only as attendee and 100% grant-dedicated; otherwise prorated	No
Office space, lease and rental costs	Yes	No	No
Office space, mobile/moveable workspace trailers (e.g. used at detail/inspection sites)	Yes	No	No
Office space, acquisition of real property or buildings (including modular buildings)  Such costs are ineligible per <a href="#">49 CFR 350.229(c)(1)</a>	No	No	No
Outreach and Education to New Entrant motor carriers in U.S. Territories  *Territories may not use grant funds to establish a New Entrant Safety Audit Program	Yes*	Yes*	No

<p>Outreach, public education and awareness, including activities and materials, in furtherance of local/regional/national/tribal CMV crash reduction</p> <p>Materials to include signs, banners, etc., used at safety events, excluding promotional items and subject to necessary and reasonableness determination.</p>	Yes	Yes	No
Passports	Yes	No	No
<p>Performance-based brake testers (PBBT)</p> <p>*except for in a pre-inspection screening environment</p>	Yes	Yes	No*
<p>Personnel (salaries, fringe, and overtime)</p> <p>*Overtime cannot exceed 15% of total approved MCSAP project cost, including State match, without prior approval</p>	Yes*	Yes	Yes
Plaques or awards for employee recognition	No	No	No
<p>Portable scales</p> <p>Activity must accompany an appropriate North American Standard Inspection (<a href="#">49 CFR 350.227(b)</a>)</p>	No, <u>unless</u> adequate justification in CVSP per <a href="#">49 CFR 350.207(a)(21)</a> and <a href="#">49 USC 31102(h)(1)(A)</a>	No, <u>unless</u> if non-MCSAP lead agency and with strong supporting justification; see <a href="#">49 CFR 350.207(a)(21)</a> and <a href="#">49 USC 31102(h)(1)(A)</a>	No
<p>Portable and variable messaging signs, programmable message boards traditionally seen in construction zones; used as part of a CMV-focused outreach and education component or around non-fixed inspection locations and strike force areas of operation.</p>	Yes, prorated based on percentage of use by grant-supported unit	Yes, prorated based on percentage of use by grant-supported unit	Yes, prorated based on percentage of use by grant-supported unit
Postage and shipping costs (e.g., USPS, FedEx, UPS)	Yes	Yes	Yes

Printers (multi-function printers in common office areas)	Yes, if 100% grant-dedicated; otherwise prorated	No	Yes, if 100% grant-dedicated; otherwise prorated
Printers (portable, desktop, or all-in-one devices)	Yes, if 100% grant-dedicated; otherwise prorated	Yes, if 100% grant-dedicated; otherwise prorated	Yes, if 100% grant-dedicated; otherwise prorated
Printing services (e.g., outreach and education materials)	Yes	Yes	Yes
Printing supplies (e.g., ink, paper, toner)	Yes	Yes	Yes
PRISM Program-related costs including operations & maintenance (O&M)	Yes	Yes, in accordance with agency eligibility limitations	No
Professional association dues not specifically authorized in this policy	No	No	No
Professional liability insurance	Yes	Yes	Yes
Promotional Items (t-shirts, mugs, trinkets, giveaways, etc.)	No	No	No
Pursuit intervention costs (e.g. grappling systems, vehicle upfit, related training)	No*	No	No
*tire deflation devices may be eligible if a required-issue item for <u>all</u> officers and prorated based on percentage of use by grant- supported unit			
Recruiting bonuses for civilian and/or sworn CMV enforcement and support personnel	Yes*	No	No
*Recipient must clearly outline the use of recruitment bonuses (amount, hiring objective, specific personnel to be recruited, etc.), must adhere to State's/ Agency's processes and policies regarding the appropriate use of funds relating to position and vacancy recruitment, and must align with the			

requirements as outlined in <a href="#">2 CFR 200.463</a> .			
Recruitment and hiring of new employees when not included in a State's indirect cost rate	Yes	No	No
Regulation books/ manuals *Only for grant program staff, not industry/public	Yes*	Yes*	No
Scanners (portable document)	Yes	Yes	Yes
Size & weight enforcement Activity must accompany an appropriate North American Standard Inspection ( <a href="#">49 CFR 350.227(b)</a> )	No, <u>unless</u> with adequate justification in the CVSP per <a href="#">49 CFR 350.207(a)(21)</a> and <a href="#">USC 31102(h)(1)(A)</a>	No, <u>unless</u> if non-MCSAP lead agency and with strong supporting justification; see <a href="#">49 CFR 350.207(a)(21)</a> and <a href="#">USC 31102(h)(1)(A)</a>	No
Skills Performance Evaluation (SPE) program set up by States to conduct and issue Interstate/Intrastate SPEs	Yes, for MCSAP lead agencies to perform SPEs on non-CDL drivers and on CDL drivers when the SDLA does not perform SPEs	Yes	No
Software (commercial off the shelf <u>other than</u> third-party inspection software)	Yes	Yes	Yes
Software, third-party inspection	Yes, if requirements in	No	No

	section <a href="#">7.3.9</a> have been met		
<p>Software/technology to enable/integrate:</p> <ul style="list-style-type: none"> <li>• Real-time compliance checks</li> <li>• Enhanced or automated screening</li> <li>• Identifying high-risk carriers/drivers</li> <li>• Reduced roadside inspection times</li> <li>• Modernized CMV enforcement</li> </ul> <p>*Specific project scope may determine the qualifying grant program</p>	Yes*	Yes*	Yes*
<p>Speed detection/ recording, other automated monitoring/ safety enforcement devices</p> <p>*Recipient must clearly identify how the device(s) will be used and its intended objective relating to CMV safety enforcement</p>	Yes*	Yes*	Yes*
Speed measuring devices (VASCAR, LIDAR, RADAR)	Yes	Yes	No
Supplies (all tangible personal property other than “equipment”)	Yes	Yes	Yes
Tire screening system – new system & installation	Yes, if requirements of <a href="#">7.2.1</a> are met	No	Yes, if included in approved PP/TLD
Tire screening system – O&M for system after initial installation	Yes, if specifically included in an approved project plan and budget	No	Yes
<p>Traffic Enforcement (TE), non-CMV</p> <p>*Provided it is included in an approved grant award project, is directly related to increasing CMV safety (i.e., reducing CMV involved crashes), and meets documentation requirements relating to the number of non-CMV TE contacts and enforcement action taken as a result (citation, warning, etc.)</p>	Yes, provided that CMV safety activity requirements outlined in <a href="#">49 CFR 350.227(c)</a> are met*	Yes, (as allowed per <a href="#">49 CFR 350.415</a> )*	No

Training: Commercial Vehicle Enforcement / Other (initial and/or on-going) which promote the elements and activities found in 49 CFR <a href="#">350.203</a> and <a href="#">350.227</a> (see Training: Enforcement Training and Support (HP-ETS) Grant courses)	Yes	Yes	Yes
Training: existing employees (as required to maintain State/agency certification or employment requirements and if not included in an indirect cost rate)	Yes, if 100% grant-dedicated; otherwise prorated	No	No
Training: new employees (e.g., FMCSA Academy, basic certification)	Yes, only if a) the individual or 'slot' is identified as being for the MCSAP unit prior to hiring, and b) pro-rated appropriately for expected time allocation upon graduation	No, unless specifically included in approved project plan and budget because specific skills the individual brings are necessary for a component of the project	No
<p>Training: Enforcement Training and Support (HP-ETS) Grant courses (e.g. NAS Part A and Part B)</p> <p>Cost Eligibility: Personnel/Fringe: Costs for all participant types are eligible under MCSAP/HP</p> <p>Cost Eligibility: Travel cost eligibility depends on the type of participant:</p> <ul style="list-style-type: none"> <li>• Attendees – MCSAP/HP</li> <li>• Instructors – ETS Grant</li> <li>• Instructor Candidate – NTC</li> <li>• Certifying Master Instructor – NTC</li> <li>• Instructor In-Service – MCSAP/HP</li> </ul>	Yes	Yes	No

<p>Travel expenses as part of an approved travel component of the project plan and consistent with either State travel policies or the Federal travel regulations (e.g., airfare on US flag carrier, baggage fees, fixed per diem amounts, lodging, meals, parking, public transportation, rental car, taxi, tips)</p> <p>* As part of an approved travel component of the project plan and consistent with State travel policies (or the Federal travel regulations if no State policy exists). Note the parameters in <i>Training: Enforcement Training and Support (HP-ETS) Grant courses</i>.</p>	Yes*	Yes*	Yes*
Truck Driving Championships (in-State travel and attendance costs)	Yes, If the State is judging and providing an education or outreach component	No	No
<p>Truck wraps: large message decals applied to the trailer of a CMV, generally covering the entire body of the trailer with a specific message</p> <p>*Must be part of a coordinated outreach and education campaign, including outreach objectives and target audience(s).</p>	Yes*	Yes*	No
Tuition for training (project-related)	Yes	Yes	Yes
Uniforms and required components (e.g., uniforms, headgear, boots, belts with associated gear, portable radio)	Yes, if 100% grant-dedicated; otherwise prorated	Yes, if 100% grant-dedicated; otherwise prorated	No
Unmanned aerial vehicles (drones) and required operating training/certification/licensing	Yes	Yes	No
Utility costs (e.g., electric, gas, water)	Yes, if not included in approved indirect cost rate	No	Yes, if not included in approved indirect cost rate

Vehicles (new) *Does not include motorcycles and ATVs/OHVs, but utility vehicles to aid in working at large/spread-out inspection facilities/ locations may be authorized.	Yes*	Yes, if non-MCSAP lead agency, or, for lead agencies, with strong supporting justification*	No
Vehicle depreciation costs (only in lieu of vehicle usage costs)	Yes	Yes, if non-MCSAP lead agency, or, for lead agencies, with strong supporting justification	No
Vehicle lease costs (allowable only up to the cost of vehicle if it were to be purchased) *Does not include motorcycles, ATVs/OHVs, and related vehicles, but utility vehicles to aid in working at large/spread-out inspection facilities/ locations may be authorized.	Yes*	No	No
Vehicle operation and maintenance costs (e.g., fuel, routine oil changes, tires, fluids) if not part of the Indirect Cost Rate or included in the lease, purchase of the vehicle or vehicle usage rate.	Yes	Yes	No
Vehicle/equipment repair (damage, loss, stolen, neglect)* *Premiums for vehicle insurance are allowable per <a href="#">2 CFR 200.447</a>	No	No	No
Vehicle repair (non-collision) if not part of the Indirect Cost Rate or included in the lease or purchase of the vehicle.	Yes	Yes	No
Vehicle replacement (collision)	No	No	No
Vehicle usage cost (usage rate per mile only in lieu of vehicle depreciation costs)	Yes	Yes, if non-MCSAP lead agency, or, for lead agencies, with strong supporting	No

		justification	
Virtual weigh stations O&M costs associated with virtual weigh stations are eligible under MCSAP.	Yes	No	Yes
Weapons and required accessories (e.g., firearms, magazines, weapon-mounted lights, locks, conducted energy weapons)	Yes, and if 100% grant-dedicated; otherwise prorated	No	No
Weapon supplies <ul style="list-style-type: none"> <li>• Ammunition – standard issue and replacement (for age and/or if used for required firearms training to maintain certification as police officer)</li> <li>• Conducted energy weapon cartridges</li> </ul> Targets (firearms qualification to maintain police officer certification)	Yes, if 100% grant-dedicated; otherwise prorated	No	No
Weigh-in-Motion (WIM) scales (fixed or portable)	No	No	Yes
Workman's Compensation (see <a href="#">2 CFR 200.431</a> for guidance)	Yes	Yes	Yes

## Appendix B: Common Abbreviations and/or Acronyms

Acronym	Stands For
A&I	Analysis and Information Online
BASICs	Behavior Analysis and Safety Improvement Categories
BIL/IIJA	<a href="#">Public Law Number 117-58 Bipartisan Infrastructure Law/Infrastructure Investment and Jobs Act</a> (2021)
BE	Border Enforcement
CDL	commercial driver's license
CDLIS	Commercial Driver's License Information System
CDLPI	Commercial Driver's License Program Implementation
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CMV	commercial motor vehicle
CSA	Compliance, Safety, Accountability
CVISN	Commercial Vehicle Information Systems and Networks (replaced by ITD)
CVSA	Commercial Vehicle Safety Alliance
CVSP	Commercial Vehicle Safety Plan
DACH	Drug and Alcohol Clearinghouse
DOT	U.S. Department of Transportation
eCVSP	Electronic Commercial Vehicle Safety Plan (the CVSP as completed in the CVSP Tool)
eFOTM	Electronic Field Operations Training Manual
FAST Act	Fixing America's Surface Transportation Act
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FMCSRs	Federal Motor Carrier Safety Regulations
HM	hazardous material
HMRs	Hazardous Material Regulations
HOS	hours of service

HP	High Priority
ISS	Inspection Selection System
ITD	Innovative Technology Deployment
MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century Act
MCMIS	Motor Carrier Management Information System
MCSAP	Motor Carrier Safety Assistance Program
NAS	North American Standard (inspection and out-of-service criteria)
NGA	Notice of Grant Award
NHTSA	National Highway Traffic Safety Administration
NLETS	National Law Enforcement Telecommunications System
NOFO	Notice of Funding Opportunity
PP/TLD	Program Plan/Top Level Design
PRISM	Performance and Registration Information Systems Management
PSP	Pre-employment Screening Program
RDR	Request for Data Review
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SAFER	Safety and Fitness Electronic Records (SAFER) System
SDLA	State Driver Licensing Agency
SMS	Safety Measurement System
USC	United States Code

## Appendix C: Related Resources

**Analysis and Information Online (A&I):** A&I is FMCSA's online resource center for analytical data, statistics, recent studies, and reports on truck and bus safety such as the Activity Dashboard, the MCSAP Performance Dashboard, and the Crash Query Tool. A&I also provides extensive information on the various FMCSA grant programs. Visit: [A&I online - Motor Carrier Analysis and Information Resources Online \(dot.gov\)](https://www.fmcsa.dot.gov/aandinfo)

**Assistance Listings, SAM.gov (formally the Catalog of Federal Domestic Assistance (CFDA)):** The SAM.gov Assistance Listings provides a full listing of all Federal programs available to State and local governments (including the District of Columbia); Federally-recognized Indian Tribal governments; Territories (and possessions) of the United States; domestic public, quasi-public, and private profit and nonprofit organizations and institutions; specialized groups; and individuals. Visit: [SAM.gov | Assistance Listings](https://www.sam.gov)

**Infrastructure Investment and Jobs Act (IIJA):** Provided the Department approximately \$1.2 trillion through fiscal year (FY) 2026 for new Federal investment in infrastructure, mass transit, technology, and safety. For FMCSA partners, IIJA represented an increase in grants of more than \$3.2 billion over five years. In addition to the funding increases, IIJA required FMCSA to update to several areas of the Motor Carrier Safety Assistance (MCSAP) and High Priority (HP) grants as well as establishing a new grant program for the training of non-Federal commercial motor vehicle enforcement personnel (HP-ETS).

Visit: <https://www.fmcsa.dot.gov/Bipartisan-Infrastructure-Law>

**DataQs:** DataQs is FMCSA's national motor carrier safety data correction system which States must participate in as a condition of receiving MCSAP grant funding. The DataQs web system helps FMCSA and State partners review and resolve data quality inquiries. By following the procedures and best practices for DataQs, Federal and State Data Quality Analysts help FMCSA increase data integrity and consistency. Visit: [DataQs \(dot.gov\)](https://www.fmcsa.dot.gov/dataqs)

**Fixing America's Surface Transportation Act (FAST Act):** The FAST Act is the U.S. Department of Transportation's law that authorized \$305 billion (over fiscal years 2016 through 2020) for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. FMCSA authority is located in Title VI of the FAST Act. Visit: <https://www.congress.gov/114/bills/hr22/BILLS-114hr22enr.pdf>

**FMCSA Grant Management website:** This site contains standard forms, the grantee grants management manual, job aides, grant administrative training aides, and the terms and conditions for FMCSA awards. Visit: [www.fmcsa.dot.gov/mission/grants](https://www.fmcsa.dot.gov/mission/grants)

FMCSA and other Federal regulations:

- **MCSAP and HP Program regulations:** [49 CFR part 350](https://www.ecfr.gov/current/title-49/chapter-I/subchapter-B/part-350)
- **Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards:** Commonly called "Uniform Guidance" is a government-wide framework for grants management which synthesizes and supersedes guidance from earlier Office of Management and Budget (OMB) circulars. [2 CFR Part 200](https://www.ecfr.gov/current/title-49/chapter-I/subchapter-B/part-200)

**Grants.gov:** This is the public location where FMCSA publishes application announcements (commonly called the Notice of Funding Opportunity, or NOFO) and related application submission information. Visit: [Grants.gov](https://www.grants.gov)

**National Registry of Certified Medical Examiners (National Registry):** The National Registry of Certified Medical Examiners lists medical examiners (MEs) who have been trained, tested, and certified to perform medical examinations for commercial motor vehicle (CMV) drivers in interstate commerce. These MEs fully understand the medical standards in the FMCSA regulations, related guidance and how they relate to the medical demands of operating a commercial motor vehicle. Visit: [FMCSA National Registry \(dot.gov\)](https://www.fmcsa.dot.gov/national-registry)

## Appendix D: MCSAP Grant Overview

<b>Program Name:</b>	Motor Carrier Safety Assistance Program Grant (Abbreviation: MCSAP)
<b>Assistance Type:</b>	<a href="#">Formula Grant</a> (see definition at <a href="#">Grants.gov</a> )
<b><a href="#">SAM.gov</a> Assistance Listing Number:</b>	<a href="#">20.218</a>
<b>Purpose:</b>	Reduce the number and severity of crashes and hazardous materials incidents involving CMVs through consistent, uniform, and effective CMV safety programs.
<b>Applicant Eligibility Requirements:</b>	Eligible for State MCSAP lead agencies (as designated by the Governor), defined by <a href="#">49 USC 31101</a> in each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of Northern Mariana Islands.
<b>Authorization and Regulatory Reference:</b>	49 USC 31102 and 31104, as amended by the Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58 (2021) (IIJA) § 23001(b), and 49 CFR part 350. <i>States</i> agree to adopt and enforce <a href="#">49 CFR parts 390-397 and 107 (subparts F and G only), 171– 173, 177, 178 &amp; 180</a> .
<b>Core Objectives:</b>	<p>Enforce regulations, conduct roadside inspections, review motor carriers' compliance, and prevent unsafe motor carrier practices.</p> <p>Eliminate varied State regulatory efforts and establish a uniform and reciprocal system of laws and regulations based on the FMCSRs and HMRs.</p> <p>Develop, promote, and manage activities within the program's National Priorities.</p>
<b>Funding Availability and Grant Period of Performance:</b>	Funds obligated remain available for the fiscal year in which they were obligated and the next full fiscal year. FMCSA uses its contract authority to make the grant effective date October 1 of the fiscal year; however, FMCSA is not responsible for any monies expended outside the scope of the grant agreement or prior to the award period of performance start date.
<b>Match/Cost Share Requirements:</b>	At least 85% of the total project cost is borne by the Federal government and 15% by the grantee.
<b>Maintenance of Effort (MOE) Requirements:</b>	MOE required in <a href="#">49 USC 31102(f)</a> , as amended. States have to submit CVSP and agree to conditions listed in <a href="#">49 USC 31102(c)</a> , as amended.

## Appendix E: HP-CMV Grant Overview

<b>Program Name:</b>	High Priority Grant Program (Abbreviation: HP)
<b>Assistance Type:</b>	Discretionary Grant and Cooperative Agreement ( <a href="#">definitions at Grants.gov</a> )
<b><a href="#">SAM.gov</a> Assistance Listing Number:</b>	<a href="#">20.244</a>
<b>Purpose:</b>	Support, enrich, and augment CMV safety programs through partnerships with States, local governments, Federally recognized Indian tribes, other political jurisdictions, and other persons to carry out high priority activities and projects.
<b>Applicant Eligibility Requirements:</b>	States, local governments, Federally recognized Indian tribes, other political jurisdictions, and any person.
<b>Authorization and Regulatory Reference:</b>	49 USC 31102(I) and 31104 (as amended by the Infrastructure Investment and Jobs Act, Public Law Number 117-58 (2021)), the Consolidated Appropriations Act, 2022, Pub. L. 117-103 (2022), and 49 CFR part 350.
<b>Core Objectives:</b>	Implement, promote, and maintain national programs to improve CMV safety; increase compliance with CMV safety regulations; increase public awareness about CMV safety; provide education on CMV safety and related issues; and demonstrate new safety related technologies.
<b>Funding Availability and Grant Period of Performance:</b>	Funds obligated remain available for the fiscal year in which they are awarded and for the next two fiscal years. The period of performance begins and ends on the date indicated in the grant agreement notice of grant award. Recipients are eligible to request project extensions from FMCSA, provided that the total period of performance does not exceed the fiscal year of award plus two fiscal years.
<b>Match/Cost Share Requirements:</b>	85% of the total project cost is borne by the Federal government and 15% by the grantee.
<b>Maintenance of Effort (MOE) Requirements:</b>	None.

## Appendix F: HP- ITD Grant Overview

<b>Program Name:</b>	Innovative Technology Deployment Grant Program, known as High Priority Innovative Technology Deployment Grant Program (Abbreviation: HP-ITD)
<b>Assistance Type:</b>	Discretionary Grant and Cooperative Agreement ( <a href="#">definitions at Grants.gov</a> )
<b><a href="#">SAM.gov</a> Assistance Listing Number:</b>	<a href="#">20.245</a>
<b>Purpose:</b>	Advance technological capability and promote deployment of intelligent transportation system applications (CMV, carrier, and driver) as well as support/maintain CMV information systems and networks.
<b>Applicant Eligibility Requirements:</b>	States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of Northern Mariana Islands.
<b>Authorization and Regulatory Reference:</b>	49 USC 31102(l)(5) and 31104, as modified by sections 23001(b) and 23005 of the Infrastructure Investment and Jobs Act, Public Law Number 117-58 (2021).
<b>Core Objectives:</b>	Link Federal and State motor carrier safety information systems; improve safety and productivity of CMVs and drivers; and reduce costs associated with CMV operation and Federal/State CMV regulatory requirements.
<b>Funding Availability and Grant Period of Performance:</b>	Funds obligated remain available for the fiscal year in which they are obligated and for the next four fiscal years. The period of performance begins and ends on the date indicated in the grant agreement notice of grant award. Recipients are eligible to request project extensions from FMCSA, provided that the total period of performance does not exceed the fiscal year in which the funds were obligated and the next four fiscal years.
<b>Match/Cost Share Requirements:</b>	At least 85% of the total project cost is borne by the Federal government and 15% by the grantee.
<b>Maintenance of Effort (MOE) Requirements:</b>	None.

## Appendix G: HP- ETS Grant Overview

<b>Program Name:</b>	Commercial Motor Vehicle Enforcement Training and Support Grant Program, also known as the High Priority Enforcement Training and Support Grant Program (Abbreviation: HP-ETS)
<b>Assistance Type:</b>	Discretionary Grant and Cooperative Agreement ( <a href="#">definitions at Grants.gov</a> )
<b><a href="#">SAM.gov</a> Assistance Listing Number:</b>	<a href="#">20.243</a>
<b>Purpose:</b>	The objective of the HP-ETS grant program is to train non-Federal employees who conduct CMV enforcement activities in accordance with Federal Motor Carrier Safety Regulations (FMCSRs), Hazardous Materials Regulations (HMRs), and the Commercial Vehicle Safety Alliance's (CVSA) Out-of-Service (OOS) criteria; and to develop related training materials to increase awareness and education on CMV safety and otherwise improve CMV safety.
<b>Applicant Eligibility Requirements:</b>	FMCSA may award HP-ETS funds to nonprofit organizations that have: <ul style="list-style-type: none"> <li>• Expertise in conducting CMV enforcement and compliance training program for non-Federal employees; and</li> <li>• Ability to influence and involve a target population of CMV safety enforcement employees in a training program.</li> </ul>
<b>Authorization and Regulatory Reference:</b>	The HP-ETS grant program is governed by 49 USC 31102(l)(5) and 31104, as modified by sections 23001(b) and 23005 of the Infrastructure Investment and Jobs Act, Public Law Number 117-58 (2021).
<b>Core Objectives:</b>	Train non-Federal employees who conduct CMV enforcement activities in accordance with FMCSRs, HMRs, and the CVSA's OOS criteria; and to develop related training materials to increase awareness and education on CMV safety and otherwise improve CMV safety.
<b>Funding Availability and Grant Period of Performance:</b>	Funds obligated remain available for the fiscal year in which they are obligated and for the next four fiscal years. The period of performance is the Federal fiscal year in which the award is made, plus four additional fiscal years.
<b>Match/Cost Share Requirements:</b>	FMCSA may not require a matching share (see Notice of Funding Opportunity and Grant Agreement)
<b>Maintenance of Effort (MOE) Requirements:</b>	None.

## Appendix H: High Priority-ITD Cost Eligibility Table

Expanding upon the information provided in Appendix A: MCSAP and HP Cost Eligibility Table, the tables below list typical activities and costs associated with ITD activities eligible to be funded by the Federal Motor Carrier Safety Administration (FMCSA). The eligible activities and costs are grouped by ITD program area and by program element.

This list is not intended to be exhaustive; FMCSA may authorize funding for activities/costs not listed below.

### Core ITD

<b>Innovative Technology Deployment (ITD) Eligible Activities/Costs: CORE Deployment</b>	
<b>Program Area: Planning</b>	
Core ITD Program Plan/Top-Level Design (PP/TLD)	Update Core ITD PP/TLD
<b>Program Area: Program Management</b>	
Program management	ITD Program Manager salaries and/or services
System architecture	ITD System Architect salaries and/or services
Training, workshops, and peer-to-peer information exchange	ITD training/workshop/peer-to-peer participation Registration fees Travel
<b>Program Area: Core ITD Electronic Credentialing</b>	
Electronic credentialing for International Registration Plan (IRP) and/or Electronic credentialing for International Fuel Tax Agreement (IFTA)	IRP/IFTA credentialing system project management Request for proposals (RFP) development/issuance System requirements/design Computer hardware and network connections User interface System database System interface to/from CVIEW or equivalent

## Innovative Technology Deployment (ITD) Eligible Activities/Costs: CORE Deployment

	<p>Electronic payment interface for IRP/IFTA System maintenance/license fees</p> <p>Software replacement/upgrade</p> <p>Hardware replacement/upgrade</p> <p>User training/documentation</p>
IRP Clearinghouse	<p>IRP Clearinghouse fees and system interface to/from IRP</p> <p>System interface to/from CVIEW</p>
IFTA Clearinghouse	<p>IFTA Clearinghouse fees</p> <p>IFTA Regional Processing Center (RPC) fees and System interface to/from IFTA</p> <p>System interface to/from CVIEW</p>
<b>Program Area: Core ITD Safety Information Exchange</b>	
Commercial Vehicle Information Exchange Window (CVIEW)	<p>Project management</p> <p>RFP development/issuance</p> <p>System requirements/design</p> <p>Computer hardware and network connections</p> <p>CVIEW database and application</p> <p>Interfaces to/from Federal systems (e.g., SAFER)</p> <p>Interfaces to/from State systems (e.g., IRP, IFTA)</p> <p>Laptop computers, modems</p> <p>Air cards, signal boosters, antennas, mounts</p> <p>Query interface(s) (e.g., enforcement, motor carriers, credentialing staff)</p> <p>Wireless connectivity usage fees</p> <p>System maintenance/license fees</p> <p>Software replacement/upgrade</p> <p>Hardware replacement/upgrade</p> <p>User training/documentation</p>
SafeSpect	<p>Laptop computers, modems</p> <p>Air cards, signal boosters, antennas, mounts User training/documentation</p>

## Innovative Technology Deployment (ITD) Eligible Activities/Costs: CORE Deployment

### Program Area: Core ITD Electronic Screening

Screening at fixed or mobile site

Project management  
 RFP development/issuance  
 Facility requirements/design  
 Computer hardware and screening software  
 Transponder reader(s)/transmitters (multiple readers are required per site)  
 Overhead signage  
 Infrastructure to accommodate screening system (e.g., communication, power, mast arms, roadside cabinets)  
 Interface to/from CVIEW or equivalent Interface to/from SAFER/PRISM  
 Interface from weigh-in-motion (WIM) system  
 Scale house or mobile user interface  
 Wireless connectivity usage fees  
 Transponders and transponder admin system  
 WIM sensors/scales (if an integral component of safety system)  
 E-screening program fees  
 System maintenance/license fees  
 Software or hardware replacement/upgrade  
 User training/documentation

## Expanded ITD

<b>Innovative Technology Deployment (ITD) Eligible Activities/Costs: EXPANDED Deployment</b>	
<b>Program Area: Planning</b>	
Expanded ITD Program Plan/Top-Level Design (PP/TLD)	Develop/update Expanded ITD PP/TLD
<b>Program Area: Program Management</b>	
Program management	ITD Program Manager salaries and/or services
System architecture	ITD System Architect salaries and/or services
Training, workshops, and peer-to peer information exchange	ITD training/workshop/peer-to-peer participation Registration fees Travel
<b>Program Area: Expanded ITD Electronic Credentialing</b>	
Electronic credentialing for over-size/over-weight (OS/OW) permitting	OS/OW Permitting System Project management RFP development/issuance System requirements/design Computer hardware and network connections User interface System database Routing module System interface to/from CVIEW or equivalent System interfaces to other credentialing systems (e.g., IRP, IFTA) Electronic payment interface for OS/OW permitting System maintenance/license fees Software replacement/upgrade mobile Hardware replacement/upgrade User training/documentation

## Innovative Technology Deployment (ITD) Eligible Activities/Costs: EXPANDED Deployment

<p>Electronic credentialing for Unified Carrier Registration (UCR)</p>	<p>UCR credentialing system Project management RFP development/issuance System requirements/design Computer hardware and network connections System database System interface to/from CVIEW or equivalent System interface to SAFER Electronic payment interface for UCR System maintenance/license fees Software or hardware replacement/upgrade User training/documentation</p>
<p>Electronic credentialing for intrastate vehicle registration/other intrastate credentials</p>	<p>Intrastate vehicle registration/other intrastate credentialing system project management RFP development/issuance System requirements/design Computer hardware and network connections User interface System database System interface to/from CVIEW or equivalent Electronic payment interface for credential System maintenance/license fees Software replacement/upgrade Hardware replacement/upgrade User training/documentation</p>
<p>Electronic credentialing portal</p>	<p>Credentialing portal/single sign-on portal Project management RFP development/issuance System requirements/design</p>

## Innovative Technology Deployment (ITD) Eligible Activities/Costs: EXPANDED Deployment

	<p>Computer hardware and network connections</p> <p>User interface</p> <p>System database</p> <p>Single Sign-on functionality</p> <p>Interfaces to/from State system (e.g., IRP, IFTA, CVIEW)</p> <p>Interfaces to/from outside credentialing systems (e.g., UCR, vendor website)</p> <p>Electronic payment interface for credentials</p> <p>System maintenance/license fees</p> <p>Software or hardware replacement/upgrade</p> <p>User training/documentation</p>
<p>Hazardous Material (HM) credentialing</p>	<p>HM credentialing system</p> <p>Project management</p> <p>RFP development/issuance</p> <p>System requirements/design</p> <p>Computer hardware and network connections</p> <p>User interface</p> <p>System database</p> <p>Interfaces to/from State systems (e.g., IRP, IFTA, CVIEW)</p> <p>Interfaces to/from outside credentialing systems (e.g., UCR, vendor website)</p> <p>Electronic payment interface for HM credentials</p> <p>System maintenance/license fees</p> <p>Software or hardware replacement/upgrade</p> <p>User training/documentation</p>
<p><b>Program Area: Expanded ITD Smart Roadside</b></p>	
<p>Virtual weigh/inspection station (VWS)</p>	<p>Project management</p> <p>RFP development/issuance</p> <p>System requirements/design</p> <p>Computer hardware</p> <p>Screening software</p>

## Innovative Technology Deployment (ITD) Eligible Activities/Costs: EXPANDED Deployment

	<p>Interface to/from CVIEW or equivalent Interface to/from SAFER/PRISM Warning/citation generation system</p> <p>Historical size and weight compliance database</p> <p>VWS infrastructure (e.g., communication, power, poles, roadside cabinets)</p> <p>WIM sensors/scales</p> <p>Dimensional sensors</p> <p>Camera (digital imaging) system</p> <p>License plate reader and Optical Character Recognition (OCR) system</p> <p>U.S. DOT Number reader and OCR system</p> <p>Transponder reader/transmitter</p> <p>Transponder ID repository</p> <p>Thermal imaging and other safety-related technologies</p> <p>Scale house user interface</p> <p>Mobile user interface</p> <p>Laptop computers, modems</p> <p>Wireless connectivity usage fees</p> <p>Driver identification system</p> <p>System maintenance/license fees</p> <p>Software or hardware replacement/upgrade</p> <p>User training/documentation</p>
<p>Augmented (enhanced) electronic screening site</p>	<p>Project management</p> <p>RFP development/issuance</p> <p>System requirements/design</p> <p>Computer hardware</p> <p>Screening software</p> <p>Overhead signage</p> <p>Infrastructure (e.g., communication, power, poles, roadside cabinets) to accommodate added functions</p> <p>Interface to/from CVIEW or equivalent</p>

## Innovative Technology Deployment (ITD) Eligible Activities/Costs: EXPANDED Deployment

	<ul style="list-style-type: none"> <li>Interface to/from SAFER/PRISM</li> <li>WIM sensors/scales</li> <li>Dimensional sensors</li> <li>Camera (digital imaging) system</li> <li>License plate reader and OCR system</li> <li>U.S. DOT Number reader and OCR system</li> <li>Thermal imaging and other safety-related technologies</li> <li>System integration (with existing screening system)</li> <li>Enhanced scale house user interface</li> <li>System maintenance/license fees</li> <li>Software and hardware replacement/upgrade</li> <li>User training/documentation</li> </ul>
<p>Roadside communications (roadside data access)</p>	<ul style="list-style-type: none"> <li>Project management</li> <li>Requirements/design</li> <li>Procurement</li> <li>Mobile user interface</li> <li>Laptop computers, modems</li> <li>Wireless connectivity usage fees</li> <li>Air cards, signal boosters, antennas, mounts</li> <li>Ultra-high band radios, antennas</li> </ul>
<p><b>Program Area: Expanded ITD Safety Information Exchange</b></p>	
<p>Exchanging additional safety information</p>	<ul style="list-style-type: none"> <li>Each pair of systems exchanging safety data project management</li> <li>Requirements/design</li> <li>System-to-system interfaces</li> <li>Systems database modification</li> <li>Computer hardware and network connections</li> <li>Query interface(s) (e.g., enforcement, DOT safety staff)</li> <li>System maintenance/license fees Software replacement/upgrade</li> <li>Hardware replacement/upgrade</li> </ul>

## Innovative Technology Deployment (ITD) Eligible Activities/Costs: EXPANDED Deployment

	User training/documentation
Ensuring safety data quality	<p>System error checking software</p> <p>Data processing controls</p> <p>Data refresh cycles</p> <p>Updated user input forms</p> <p>Rules/requirements for data entry</p>
<b>Program Area: Expanded ITD Driver Information Sharing</b>	
Driver information/photo sharing	<p>Driver Licensing System Modification Project management Requirements/design</p> <p>System database modification</p> <p>Interfaces to/from Federal systems (e.g., Commercial Drivers Licensing Information System (CDLIS), criminal justice information network)</p> <p>Interfaces to/from State systems (e.g., vehicle registration, criminal justice information network, CVIEW)</p> <p>System maintenance/license fees Software replacement/upgrade User training/documentation</p>
Enhanced CDL and Hours of Service enforcement	<p>Project management Requirements/design</p> <p>Driver Licensing System database modification (to accommodate query requirements)</p> <p>Query Central interface (e.g., enforcement) Laptop computers, modems</p> <p>Wireless connectivity usage fees</p> <p>Air cards, signal boosters, antennas, mounts Ultra-high band radios, antennas</p>

## Other

<b>Innovative Technology Deployment (ITD) Eligible Activities/Costs: OTHER</b>	
Other projects	At the discretion of the FMCSA ITD Program Manager, other Intelligent Transportation System/Commercial Vehicle Operations (ITS/CVO) projects (e.g., real-time trucking parking systems, trucker 511 systems, vehicle-to-infrastructure (V2I) projects for curve speed warning, low bridge warnings, and work zones) are also eligible for Expanded ITD funding.
Ongoing ITD program support	In addition to Expanded ITD activities, States may also choose to augment their Core ITD functionality, continue to pay for ongoing support and maintenance of a Core ITD system, and pay IRP and IFTA Clearinghouse and e-clearance program fees with Expanded ITD funding.

## Appendix I: ITD PP/TLD Template

State agencies should use the template below when preparing their Program Plan/Top Level Design (PP/TLD). States will replace the instructional text below with their own text.

### Executive Summary

The executive summary should provide readers with a high-level understanding of the mission/purpose of the State’s Innovative Technology Deployment (ITD) program. The summary should indicate the program’s relevance to the State, the role of the State’s agencies in program deployment, specific projects to be deployed, high-level budget and schedule information, and high-level system design. The executive summary also should note any other Federal or State programs (e.g., PRISM, MCSAP, CDL, Data Quality Improvement, Cross-Border) with which a State’s ITD program will be coordinated.

Include a table of deployed and planned technology. Technology here refers to any device, equipment or system that promotes the efficiency and effectiveness of the inspection process and credentialing administration. The major technologies that pertain to the ITD program include information systems, e-screening devices and roadside imaging systems.

An example of such a table is shown below:

Technology	Physical Location: Address	Physical Location: Latitude; Longitude	Deployed/Planned*
LPR	I-90 – Eastbound – Worcester, mile marker 163	63’54; 165’123	Deployed
E-Credentialing System	DOT Headquarters 55 Broadway Cambridge, MA 10241	(only required for weigh stations and virtual sites)	Deployed
CVIEW	DMV 89 Main Street Boston, MA 02102	(only required for weigh stations and virtual sites)	Deployed

\* Deployed projects should be listed first in the table.

Note: High-level diagrams and tables, such as those shown in subsequent chapters, are optional and should be included at the State’s discretion.

Note: The System Design Diagram should represent the state systems that support the ITD architecture in your state. All the system labels or names used on the System Design Diagram should also be found on the Network Diagram, and they should be consistent.]

## Contents

[ insert Table of Contents here ]

## 1. Introduction

The introduction should orient the reader to the purpose, scope, and contents of the document, and provide an overview of the purpose of the State’s ITD program. The introduction should be no more than 2-3 pages in length.

### Purpose and Scope of Document

Describe the purpose of this document. See below for an example—note that States are not required to use this text.

This PP/TLD provides management framework and system architecture to guide [State’s] ITD program deployment and to advise policy and decision makers regarding the funding and technical resources required for successful program implementation. This PP/TLD describes the various systems and networks that [State’s] will refine, revise, upgrade, or build to achieve Core and/or Expanded ITD.

### Background

Provide background information/context regarding the State’s ITD program. Elements of this section should include:

- Brief statement describing the [Innovative Technology Deployment \(ITD\) Program](#) and the State’s commitment to deploying a program of projects to implement ITD Core elements and/or Expanded ITD capabilities.
- Overview of the State’s Core ITD deployment – including the date on which the State was certified as Core ITD compliant, if applicable.
- Overview of the State’s ITD program goals and objectives.
- Description of State ITD program team. Include team entities (e.g., State ITD lead agency, other State ITD agencies, motor carrier association, FHWA/FMCSA Division Offices). Identify key team participants with their responsibilities using a table such as the one below:

Contact	State Agency	Key Responsibilities
Contact Name	Agency Name	Project management
Contact Name	Agency Name	Procurement

- Reference to the relationship between the participating agencies (e.g., Memorandum of Understanding).
- Business case (rationale) for the State’s participation in the ITD program – benefits that will be realized by motor carrier industry, by State agencies, and by the public through the State’s deployment of ITD Core elements and/or Expanded ITD capabilities.

### Organization of Document

Describe the remaining contents of this document. List and describe each subsequent section.

## 2. State ITD Program

Provide a general introduction to the State’s ITD program. Identify the focus of the State’s ITD program (e.g., deploying Expanded ITD capabilities, re-deploying ITD Core elements, augmenting previously deployed ITD Core elements).

### State ITD Goals

List the State’s ITD goals and objectives, building upon the goals and objectives established in the State’s ITS/CVO Business Plan, Core ITD PP/TLD document(s).

### Current ITD-Related Activities/Projects

If applicable, describe ongoing Expanded or Core projects that are part of the State’s ITD program, or other projects that support the State’s ITD program.

### Planned ITD Deployment Projects

Describe each Expanded or Core ITD project that the State is planning to deploy. Each description should include:

- An overview of project objectives;
- Expected benefits;
- Lead agency; and
- High-level requirements for implementation.

Document how each project/operational scenario will operate from a user’s perspective (e.g., types of electronic payment accepted, how electronic credentialing systems will be accessed, how roadside personnel will query necessary data).

Where applicable, identify key factors considered in the development of the project’s operational scenario (e.g., Federal/State regulations, Federal/State law, ITD program requirements, customer service considerations).

For a recommended format, see the table below. This format is intended to help the State define the steps/phases required for project implementation. Include a separate table for each project.

#### Project Description #1

PROJECT NAME:	
Physical Location (address and/or latitude/longitude):	
Project Objectives:	
Project Benefits:	
Benefits to the State:	

Benefits to the Motor Carrier Industry:	
Project Description:	
Operational Scenario:	
Lead (host) Agency:	
Participating Agencies:	
Key Functions to be Provided by Project/System:	<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> </ol>

### 3. System Design

Present the proposed system design for the State’s ITD deployment. This should be an overview of the existing State and national systems/networks involved in the State’s Core or Expanded ITD deployment, new systems/connectivity to be implemented to complete deployment, and a summary of the system changes required to implement ITD Core elements or Expanded ITD capabilities. Define the interfaces required between/among systems and the interface control documents that will be followed and/or developed.

Define the interfaces required between/among State ITD systems and national information systems to facilitate cost estimation/schedule planning. This section should be approximately 10-20 pages in length and should especially focus on:

- Interfaces to the National ITS architecture
- Interfaces to the national and State ITD architectures
- ITD guidelines, to be provided by FMCSA as additional detail is known about the State’s ITD capabilities).

#### Architecture Overview

Provide an overview of the State’s ITD architecture, summarizing the key concepts (e.g., single sign-on for enforcement officers to access any information they need) that shape the design and the key aspects (e.g., Web services) of the approach chosen to implement the State’s ITD program.

Include the System Design and State Computers and Networks diagrams, highlighting new and modified systems and networks. If the design proposed is not represented in or aligned with the National ITS architecture and/or the ITD architecture, explain how and why. If updates are needed to the National ITS architecture and/or the ITD architecture to achieve nationwide interoperability, please describe them in this section.

**Note:** The ITD System Design Diagram should represent the state systems that support the ITD architecture in your state. All the system labels or names used on the System Design Diagram should

also be found on the Network Diagram, and they should be consistent.]

### ITD System Design Diagram

[ Insert a diagram showing the systems related to your Core ITD and Expanded ITD deployments. ]

### State Computers and Networks Diagram

[ Insert a diagram illustrating the host computers and networks. ]

### Description of System Components

Describe the State legacy systems involved in Core or Expanded ITD deployments, including the platform (e.g., mainframe, Oracle), whether it is a State or vendor-owned system, host network, current functions/interfaces, and functions/interface requirements under the ITS design. This information can be excerpted and incorporated into RFPs or work scopes for vendors, contractors, and in-house staff in the deployment phase. Describe the network environment for each agency.

### Project Design Elements

Include a subsection for each of the State’s planned Core or Expanded ITD projects. For each project, a diagram showing the interface requirements (existing and planned) with other systems (State, national, and carrier) and the interface types that will be employed (where known) should be included. Identify where published standards apply and other interface documents (e.g., interface control documents) that the State will follow or develop. Include a table indicating high-level system changes required, the magnitude of change (small, medium, large), and whether the State anticipates buying or “building” the change (See example format in the table below).]

### System Change Summary

System	Description of Changes Required	No Change	Magnitude of Change (S, M, L)	Buy	Build

### System Testing

Present a high-level overview of the types of testing (e.g., system tests, interoperability tests, operational tests) that will be conducted as part of the State’s Expanded or Core ITD deployment.

## 4. Procurement Strategy/Products

Document the products/services that the State may need to procure for each project. Detail the State’s planned procurement strategy for all identified products/services (e.g., where RFPs will be required, where State contract or existing contracts might be used, where in-house development resources may be required). This section could consist of a table with a format similar to the table below. This section is expected to be no more than 3-5 pages in length.

**Products/Procurement**

Procurement Item Group	Description of Procurement	Procurement Item	Category	Contracting Type	Contracting Method of Award	Procurement Leader	Earliest Date Procurement Anticipated

## 5. Program Schedule

Document the State’s planned deployment schedule. Where appropriate, segment the project into its constituent “builds,” indicating the key milestones and sequence in which a project will be implemented. Include a graphic representing the proposed schedule. This section is expected to be no more than 3-5 pages in length.

## 6. Program Budget

Present an estimate of the total Core or Expanded ITD implementation budget and indicate the amount of Federal and non-Federal funding sources. Identify the sources of matching funds that will be used in support of Federal ITD deployment funds. Include the financial and State staff resources required (travel or contractual) to implement the State’s ITD program. This section is expected to be no more than 1-2 pages in length. See the table below for an example on how to format this information.

Note: Identify the sources of matching funds in *narrative form* (not in a table).

### Example Program Budget

Cost Categories	2013 Project 1	2013 Project 2	2015 Project 1	2015 Project 2	State Funds	Federal Funds	Total
Travel	\$ 0		\$ 0		\$ 0	\$ 0	\$ 0
Equipment	\$ 0	\$ 0			\$ 0	\$ 0	\$ 0
Contractual	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Other	\$ 0				\$ 0	\$ 0	\$ 0
Total	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
	2013 Total \$ 0		2015 Total \$ 0				

## 7. Design/Deployment Issues

Highlight unresolved issues that have emerged during the State’s planning and design effort and summarize the proposed method for addressing each issue. Issues could be project-related or related to resources, funding, or match capabilities. This section should serve as a placeholder for the State regarding issues in need of resolution prior to full deployment. It also notifies FMCSA reviewers that the State is actively considering these items and did not omit them in its design.

## Appendix K: Technical Guidance for Compliance with FMCSA's Electronic Logging Device (ELD) Final Rule

### Rule Summary

The Electronic Logging Device (ELD) final rule, published December 16, 2015, amended the Federal Motor Carrier Safety Regulations (FMCSRs) to establish minimum performance and design standards for hours of service (HOS) recorded by electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers; requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs.

### Drivers Subject to the ELD Rule

In general, the rule applies to interstate drivers of CMVs (as defined in 49 CFR 390.5) who are required to keep Records of Duty Status (RODS).

The following are not required to use ELDs (but carriers may choose to use ELDs even if they are not required):

- Drivers who use paper logs no more than 8 days during any 30-day period.
- Driveaway-towaway operations where the vehicle driven is the commodity.
- Driveaway-towaway operations where the transported commodity is a motor home or recreational trailer with at least one set of wheels on the surface while being transported
- Drivers of vehicles manufactured before model year 2000.

### Enforcement – What You Need to Know

All drivers and carriers subject to the rule must use self-certified, registered ELDs that comply with the requirements of the ELD regulations.

### Take Appropriate Action During CMV Enforcement Activities

1. Confirm that the driver is subject to the ELD rule.
2. Verify HOS via the appropriate method. ELDs should support data transfer by telematics (web services and email) or local transfer (USB and Bluetooth). FMCSA's preferred method of data transfer is web services. Backup methods include the ELD display or printout.
3. Cite the driver for ELD and HOS violations when appropriate.

*Remember: The primary goal is verifying HOS.*

### Resources for Enforcement

FMCSA has produced several educational materials to assist MCSAP lead agencies with maintaining compatible ELD enforcement programs. Access the ELD Final Rule, along with comprehensive and up-to-date phased policy documents, the listing of registered ELD providers, access to Web eRODS, ELD frequently asked questions (FAQs), job aids, outreach materials, training aids and more.

Visit [ELD - Enforcement Partners \(dot.gov\)](https://www.fmcsa.dot.gov/ELD-Enforcement-Partners) and log in using your FMCSA Portal credentials.

## Appendix L: Eligibility of Memberships, Subscriptions and Professional Activity Costs (Dues and Memberships) Within FMCSA Grants

### Purpose

Federal Motor Carrier Safety Administration (FMCSA) grantees routinely participate in professional organizations that are involved in national commercial vehicle/driver safety issues.

These organizations often charge annual dues or other membership fees. This policy provides direction to FMCSA staff responsible for the oversight of grants and explains which parts of dues and memberships are not eligible costs within FMCSA grant programs. This direction applies to grants and cooperative agreements awarded by FMCSA.

### Background

For an item to be allowable as either a direct or indirect cost, it must be necessary and reasonable for proper and efficient performance of the Federally-funded program and linked to the activities conducted under the funded grant or cooperative agreement (see [2 CFR parts 200.403-405](#) for more details). Based on these requirements, the purpose of the professional organization and its nexus to commercial vehicle safety must be clearly documented to approve dues and memberships as eligible expenses.

[2 CFR 200.454](#), details the criteria under which memberships, subscriptions, and professional activity costs are allowed under a Federal grant or cooperative agreement:

- a. Costs of the non-Federal entity's membership in business, technical, and professional organizations **are allowable**.
- b. Costs of the non-Federal entity's subscriptions to business, professional, and technical periodicals **are allowable**.
- c. Costs of membership in any civic or community organization **are allowable** with prior approval by the Federal awarding agency or pass-through entity.
- d. Costs of membership in any country club or social or dining club or organization **are not allowable**.
- e. Costs of membership in organizations whose primary purpose is **lobbying are not allowable**.

According to [2 CFR 200.450](#), "the cost of certain influencing activities associated with obtaining grants, contracts, cooperative agreements, or loans" and "costs incurred in attempting to improperly influence either directly or indirectly, an employee or officer of the executive branch of the Federal government to give consideration or to act regarding a Federal award or a regulatory matter" are not allowable costs. As some professional organizations also engage in lobbying, awareness of this activity is critical when an FMCSA employee is determining cost eligibility.

Although the Agency's grants were consolidated from nine programs to four by the Fixing America's Surface Transportation (FAST) Act, Public Law Number 114-94 (2015), the regulations and Office of Management and Budget guidance applicable to lobbying costs were not changed.

## Policy

### Lobbying

As established in [2 CFR 200.450](#), the cost of certain influencing activities associated with obtaining grants, contracts, or cooperative agreements, or loans is not unallowable. FMCSA grant funds may not be expended by a grantee or subgrantee for lobbying. If a grantee is paying membership fees and/or dues to a professional organization with a Federal award, it is the grantee's responsibility to obtain and retain sufficient information from the professional organization so that FMCSA can determine that Federal funds were not illegally used for lobbying activity.

If a professional organization engages in lobbying, the portion of the organization's dues that is used for lobbying is unallowable and may not be billed to the Federal award. If the professional organization does not notify their members of the portion of the dues or membership fees that are applied to lobbying activities, then the grantee should request such information from the organization and expense appropriately.

### Dues and Memberships

FMCSA recognizes that certain costs for dues and memberships are appropriate. In many cases, the Agency has acknowledged allowable costs relating to professional organizations within its Notices of Funding Opportunity and MCSAP Comprehensive Policy. In addition, FMCSA has previously evaluated and approved dues and membership costs within its individual grant programs, when the dues and membership costs adhere to the cost principles referenced above.

However, there are several considerations that must be applied when evaluating the eligibility of dues and membership fees:

1. Dues and memberships for professional organization(s) or association(s) must be in the name of the grantee **and not** in the name of another individual or party;
2. Dues and/or membership fees used to pay for personnel outside the grantee's (or subgrantee's) organization **are not allowed**.
  - a. Private sector representatives or other entities **are not eligible**. This includes membership fees used to pay for the travel costs for board members of an organization or association who are not members of the grantee's organization;
  - b. It should be noted that this **does not prohibit** a recipient of a Federal award from appointing another State agency as a participant in a particular organization on behalf of the grantee. For example, a State's Highway Patrol allowing a representative from the same State's Department of Motor Vehicles to represent the grantee;
3. Dues and membership fees that include travel expenses for grantee's employees must adhere to the grantee's written travel policy or follow Federal travel cost guidance if no specific policy exists.

### Examples of Dues or Fees That May Be Allowable:

Guidance that FMCSA staff may consider when assessing an organization's involvement in national commercial vehicle safety issues include:

- Does the organization develop and implement standards applicable to the conducting and documentation of commercial motor vehicle (CMV) safety inspections or other national commercial vehicle safety priorities?
- Does the organization serve as a central clearinghouse for fees and taxes and distribute the funding to the States?
- Does the organization serve as a central clearinghouse of data used by multiple States and is critical to the implementation of national CMV safety initiatives or projects?
- Does the organization perform work that is of benefit to the grantee (relating to the purposes of their Federal award) and more cost effective than an individual State by State (or grantee by grantee) approach?

The Office of Safety Programs will provide updated information each year on professional organizations and related dues and memberships within its funding opportunity notices.

## Appendix M: Traffic Enforcement Inspections and Violations

Violation Code	Regulatory Authority	Category	Subcategory	Violation Name
392.2-DMOVE	392.2	D	Traffic enforcement	Driver - Move over/slow law - Failure to yield right of way to authorized emergency vehicles.
392.2-INAT	392.2	D	Traffic enforcement	Driver- Inattentive or Distracted Driving.
392.2-RRTCD	392.2	D	Traffic enforcement	Railroad Crossing - Failed to obey a traffic control device or the direction of an enforcement official at a railroad-highway crossing
392.2-RRUC	392.2	D	Traffic enforcement	Railroad Crossing - The driver fails to negotiate a crossing because of insufficient undercarriage clearance.
392.2-SLLDL	392.2	D	All other driver violations	State/Local Laws - Misc. driver's license violation.
392.2-SLLFMH	392.2	D	All other driver violations	State/Local Laws - Fire Marshal hazmat violation.
392.2-SLLHFD	392.2	D	All other driver violations	State/Local Laws - Headlamps; fail to dim when required.
392.2-SLLIFTA	392.2	C	Admin motor carrier	State/Local Laws - State tax/International Fuel Tax (IFTA) violation.
392.2-SLLIRP	392.2	C	Admin motor carrier	State/Local Laws - IRP apportioned tag or registration violation.
392.2-SLLL	392.2	D	All other driver violations	State/Local Laws - Littering.
392.2-SLLLR	392.2	D	Traffic enforcement	State/Local Laws - Lane restriction violation.
392.2-SLLOWZ	392.2	D	Traffic enforcement	State/Local Laws - Other work/construction zone violations.
392.2-SLLS2	392.2	D	Traffic enforcement	State/Local Laws - Speeding 6-10 miles per hour over the speed limit.
392.2-SLLS3	392.2	D	Traffic enforcement	State/Local Laws - Speeding 11-14 miles per hour over the speed limit.

392.2-SLLS4	392.2	D	Traffic enforcement	State/Local Laws - Speeding 15 or more miles per hour over the speed limit.
392.2-SLLSIV	392.2	D	All other driver violations	State/Local Laws - State insurance violation.
392.2-SLLSR	392.2	C	Admin motor carrier	State/Local Laws - State registration/tag violation.
392.2-SLLSRGC	392.2	D	All other driver violations	State/Local Laws - State railroad grade crossing violation.
392.2-SLLSWZ	392.2	D	Traffic enforcement	State/Local Laws - Speeding work/construction zone.
392.2-SLLT	392.2	D	Traffic enforcement	State/Local Laws - Operating a CMV while texting
392.2-SLLTCD	392.2	D	Traffic enforcement	State/Local Laws - Failed to obey a traffic control device - Permanent or Temporary - e.g., safety official, signal, sign, light, lane marking, other.
392.2-SLLTL	392.2	D	Traffic enforcement	State/Local Laws - Misc. traffic law violation.
392.2-SLLTR	392.2	D	Traffic enforcement	State/Local Laws - Truck restriction.
392.2-SLLUP	392.2	D	All other driver violations	State/Local Laws - Unlawfully parking /leaving vehicle on roadway.
392.2-SLML	392.2	D	Traffic enforcement	State/Local Laws - Failure to maintain lane.
392.2DFYPD	392.2	D	Traffic enforcement	Driver - Failing to yield to pedestrian/bicyclist.
392.2DIB	392.2	D	All other driver violations	Driver - Improper backing.
392.2DUTIS	392.2	D	Traffic enforcement	Driver - U-turn on interstate.
392.2SLFYEMV	392.2	D	Traffic enforcement	State/Local Laws - Failure to yield to emergency vehicle.
392.2SLIMPT	392.2	D	Traffic enforcement	State/Local Laws - General impeding traffic.

392.2SLLHOS	392.2	D	All Other Hours-of-Service	State/Local Laws - State/Local Hours of Service
392.2SLPSC	392.2	D	All other driver violations	State/Local Laws - Driver failing to obey School Bus safety communication.
392.2SLSCR	392.2	D	All other driver violations	State/Local Laws - CMV safety chains.
392.2SLSNC	392.2	D	All other driver violations	State/Local Laws - CMV snow chains required.
392.2SLTRS	392.2	D	All other driver violations	State/Local Laws - Truck routing restriction.
392.4A-DOSP	392.4(a)	D	Drugs	Drugs/Other Substances - Operate a CMV while in possession.
392.4A-DOSU	392.4(a)	D	Drugs	Drugs/Other Substances - Operate a CMV while under the influence.
392.5A1-I	392.5(a)(1)	D	Alcohol	Intoxicating - No driver shall use alcohol, or be under the influence of alcohol, within 4 hours before going on duty or operating, or having physical control of, a commercial motor vehicle.
392.5A2-IP	392.5(a)(2)	D	Alcohol	Intoxicating - No driver shall use alcohol, be under the influence of alcohol, or have any measured alcohol concentration or detected presence of alcohol, while on duty, or operating, or in physical control of a commercial motor vehicle.
392.5A3-IDUI	392.5(a)(3)	D	Alcohol	Intoxicating - No driver shall be on duty or operate a commercial motor vehicle while the driver possesses an intoxicating beverage, regardless of its alcohol content.
392.5C2-IOOS	392.5(c)(2)	D	Alcohol	Intoxicating - Driver violating any roadside out-of-service order regarding intoxicating beverages.
392.6-MC	392.6	C	Admin motor carrier	Carrier - Motor carrier schedule a driver(s) to operate a CMV in excess of speed limits.
392.10A1-RRC	392.10(a)(1)	D	Traffic enforcement	Railroad Crossing - Driver failed to stop at a railroad grade crossing - Bus.

392.10A2-RRC	392.10(a)(2)	D	Traffic enforcement	Railroad Crossing - Driver failed to stop at a railroad grade crossing - Division 2.3 Chlorine.
392.10A3-RRC	392.10(a)(3)	D	Traffic enforcement	Railroad Crossing - Driver failed to stop at a railroad grade crossing - Hazmat Placard Vehicle.
392.10A4-RRC	392.10(a)(4)	D	Traffic enforcement	Railroad Crossing - Driver failed to stop at a railroad grade crossing - Hazmat Cargo Tank.
392.10A5-RRC	392.10(a)(5)	D	Traffic enforcement	Railroad Crossing - Driver failed to stop at a railroad grade crossing - Hazmat Elevated Temperature Cargo Tank.
392.10A6-RRC	392.10(a)(6)	D	Traffic enforcement	Railroad Crossing - Driver failed to stop at a railroad grade crossing - Cargo Tank Operating Under a Special Permit.
392.11-RRC	392.11	D	Traffic enforcement	Railroad Crossing - Driver failed to stop/due care at a railroad grade crossing.
392.14-D	392.14	D	Traffic enforcement	Driver - Failing to use extreme caution in a CMV when hazardous conditions exist.
392.16-D	392.16(a)	D	Traffic enforcement	Driver - Failed to use seat belt while operating a CMV.
392.16B-DPASS	392.16(b)	D	Traffic enforcement	Driver - Failed to require passenger(s) to use seat belt while operating a property-carrying CMV.
392.22A-D	392.22(a)	D	All other driver violations	Driver - Failed to activate hazard warning signal flashers.
392.60A-D	392.60(a)	D	All other driver violations	Driver - Unauthorized passenger(s) on-board a CMV.
392.62BFSS	392.62	D	All other driver violations	Bus - Package or freight on the bus is not stowed securely.
392.62A-PC	392.62(a)	D	All other driver violations	Passenger Carrier - Operating a bus with standees not rearward of the white standee line.
392.62C1-PC	392.62(c)	D	All other driver violations	Passenger Carrier - Operating a bus with baggage/freight that is not properly stowed and secured.
392.71A-D	392.71(a)	D	Traffic enforcement	Driver - Using or equipping a CMV with a radar detector.

392.71B-MC	392.71(b)	D	Traffic enforcement	Carrier - Motor carrier permit/require a driver to use or equip a CMV with a radar detector.
392.80-TEXTING	392.8	D	All other driver violations	Driver - Prohibition against texting in a CMV.
392.82DUMT	392.82	D	All other driver violations	Driver - Using a hand-held mobile telephone.
397.3-SLL	397.3	H	All other HM violations	State/Local Laws - Driving/parking a CMV containing hazardous materials in violation of local regulations/laws/ordinances in the jurisdiction being operated.