



Motor Carrier Safety Assistance Program (MCSAP) Formula Working Group Meeting Minutes

February 16, 2017

The Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety Assistance Program (MCSAP) Formula Working Group held a web-based meeting on February 16, 2017. Thomas Liberatore, FMCSA Chief, State Programs Division and Designated Federal Officer (DFO), called the meeting to order at 1:00 p.m.

The following individuals attended the meeting:

MCSAP FORMULA WORKING GROUP MEMBERS*

Nancy Anne Baugher, FMCSA

Caitlin Cullitan, FMCSA

Adrienne Gildea, Commercial Vehicle Safety Alliance (CVSA)

Michelle N. Lopez, Colorado State Patrol

Thomas Liberatore, Chief, State Programs Division and DFO, FMCSA

Alan R. Martin, Ohio Public Utilities Commission

Dan Meyer, FMCSA

Lt. Stephen Brent Moore, Georgia Department of Public Safety

Capt. Brian Preston, Arizona Department of Public Safety

John E. Smoot, Kentucky State Police

Col. Leroy Taylor, South Carolina Department of Public Safety

*Lt. Donald Bridge, Jr., Connecticut Department of Motor Vehicles; Lt. Thomas Fitzgerald, Massachusetts State Police; Stephen C. Owings, Road Safe America; and Courtney Stevenson, FMCSA, were not in attendance.

FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES

Michael Chang, U.S. DOT, Volpe Center

Dianne Gunther, U.S. DOT, Volpe Center

Rebecca Hovey, U.S. DOT, Volpe Center

Dana Larkin, U.S. DOT, Volpe Center

Paul Melander, FMCSA

Julianne Schwarzer, U.S. DOT, Volpe Center

OTHER ATTENDEES

Lauren Beaven, DIGITALiBiz

Jillian Saftel, DIGITALiBiz



1. Welcome and Objectives

Presentation

Julianne Schwarzer, of the U.S. DOT Volpe Center, welcomed the MCSAP Formula Working Group to the meeting, and reviewed the following objectives for the day:

- Receive Working Group's feedback on the technical draft of the recommendations.
 - Talk through the technical draft in detail and ask specific questions, as well as get general feedback.
- Discuss communications objectives and high-level messaging.
 - Review proposed communications plan.

2. Feedback on Recommendations

Discussion

Schwarzer opened the meeting floor to Working Group members to provide feedback on a technical draft of the recommendation report. Working Group members responded to key questions posed in an effort to receive feedback on specific areas of interest.

- *Key Question:* Does this report contain all of the aspects of the formula that the Working Group agreed to?
 - The report should provide a statement or explanation for any element of the formula that was not changed justifying why it should remain the same.
 - A statement should be added that notes when the Unified Registration System (URS) implementation began and how that provided an improved carrier registrations data source.
 - A statement should be added in the section regarding highway miles that notes CMV VMT isn't available now but should be assessed in the future if it becomes available.
 - This is covered elsewhere in the document, but may be added to the section regarding highway miles as well for consistency.
- *Key Question:* Does the rationale behind each decision accurately reflect the Working Group's rationale?
 - Working Group members agree that the report explains things in a way that reflects the Working Group's rationale.
 - There may be an opportunities to provide additional information regarding the Working Group's rationale for the following:
 - Why the proposed calculation method for the Border Component is the best option.
 - Why the Working Group proposes not having an incentive calculation.
 - Why the Working Group recommends the proposed allocation method for the Territories.
 - Why the Working Group recommends the hold-harmless provision and cap. Currently, the discussion on these elements feels very technical, and



the text does not describe why the stability that a hold-harmless and cap provide is so critical. States need to be able to plan for their workforce in a strategic and organized way rather than hectically and radically.

- *Key Question:* Is the report clear and easy to understand? Does it contain the correct level of detail?
 - Working Group members agree that the report contains the correct level of detail and is very readable.
 - There may be opportunities to provide additional information in the following areas:
 - In the Formula Overview, clarify what formula components exist and how they are used in the formula.
 - In the Territories section, clarify that there was extensive research and discussion regarding the Territories' needs. Various things, including geographical characteristics and differences in data reporting, make it difficult to assign monetary amounts to each Territory through the formula.
 - In the Border section, expand upon the importance of the Border program. This will also provide some context for why the Working Group wants to maintain current border funding. This is an opportunity to discuss how the Border program is critical to CMV safety.
 - In the Introduction, more information about MCSAP and its importance should be provided.
 - In the report, discuss how grants have been consolidated and how the recommended formula changes things for States. Note that the funding is being put into the hands of the States in a way that allows them to better implement these programs according to the needs and priorities of the State.
 - While consolidation of funding is not an output of the Working Group, the allocation formula was developed with this change in mind. It is important to note that the new grant allocation formula was not developed in a vacuum.
 - Working Group members recommend having an internal party who has not been involved with writing the report review it to gain a fresh perspective and ensure that there is enough explanation.
 - Internal FMCSA staff will review the draft report for clarity and readability from a perspective outside the immediate Working Group.
- *Key Question:* Do you notice anything that would cause issues or concerns during the review process and/or public comment period?
 - Working Group members noted that there may be comments regarding the Territory Component. This could be an area where there may be questions, specifically regarding a funding floor for the Territories. This goes back to the discussion regarding a minimally operating program for the Territories, for which there is a recommendation for additional research.



- The Working Group should also consider noting that allocating funds to the Territories on a discretionary basis is more of an interim measure and should not be viewed as a long-term solution.
- *Key Question:* The FAST Act notes that calculations should be based on a fixed 3-year period prior to the date of the enactment of the FAST Act. However, the Working Group's recommendations do not adhere to a static timeline. Does the Working Group still recommend not adhering to a static timeline?
 - Working Group members recommend that the formula should not be calculated based on a static timeframe. The recommended formula allows for the flexibility.
 - The recommendation report should note that the Working Group considered the FAST Act statement, but that the Working Group established it would be better not to adhere to a fixed timeframe. The Working Group followed the intent of the FAST Act language when developing the recommendations.
- *Key Question:* The Working Group recommends additional research or studies on several topics. Should these recommendations also include notes regarding when or how FMCSA should take action based on the findings or results of these studies?
 - Working Group members agree that the intent of these recommendations for additional research is to take action based on the findings. However, there is also the consideration that the findings may not require change or action.
 - These recommendations should be edited to express that FMCSA should consider taking action based on the findings of any additional research, especially where there are factors that improve the formula or demonstrate a better correlation to crash risk.

3. Proposed Schedule

Presentation

Michael Chang, of the U.S. DOT Volpe Center, shared a proposed schedule with the Working Group. This included upcoming dates for recommendation report progress, Communications Subgroup work, and recommendation submission, as follows:

- February 28 – Share a complete draft of the recommendation report with the Working Group's feedback from this meeting incorporated. This draft will also have additional information, including an Introduction and Executive Summary.
- March 9 – Communications Subgroup meeting.
- March 16 – Share a revised draft of the recommendation report with additional edits.
- March 24 – In-person full Working Group meeting.
- April 3 – Recommendations are submitted.

Chang noted that, as the schedule stands now, the last Working Group meeting would occur on March 24. Chang asked Working Group members if it would be necessary to host an additional webinar prior to the in-person meeting, or if email communications would suffice. Working Group members noted that an additional call would be beneficial, and the group set an additional meeting time for March 10.



4. Communications Strategy

Presentation

The Volpe team shared information on the proposed communications strategy with the Working Group. The team noted that successful communications are:

- Proactive. This includes developing clear messaging to get ahead of stakeholder questions.
- Transparent. The Working Group should communicate clearly and completely so that all key stakeholders understand the formula, rationale, the group's objectives, the process, and their impacts.
- Compel agreement. Communications should aim to secure overall State Partner buy-in that the proposed formula is solid and that the improved formula benefits the Nation's safety as a whole.

The team then shared a draft of some key messages to use for communications purposes. These are as follows:

- The proposed formula was created through a careful, collaborative process that involved many stakeholders.
 - The group was tasked with creating a new formula focused on the allocation of funding.
 - Eight of the fifteen Working Group members were State Partners, from States with varying sizes and types of programs.
 - The formula was well-developed. Both existing and new factors, as well as the overall formula structure, were analyzed carefully before final recommendation was made.
- This is a new and improved formula that more accurately reflects program needs in meeting today's safety challenges.
 - Allocates funding to where it's needed to address crash risk with better data.
 - Ensures stability in funding.
 - Maintains safety gains made through effective border enforcement.
 - Offers better opportunities for Territories.
 - The proposed formula is fair, equitable, and balances the need to respond to new trends while also providing stability.
 - Improvements in aligning funding to crash risk support greater nationwide safety.

Discussion

Working Group members discussed the proposed success factors and key communications messages and noted the following:

- The metrics for successful communications are on point.



- The use of the phrase “better data” is not sufficient. The data used is more accurate, statistically sound, and based on current information and activities. There is improved data quality and data sources. The data also correlates better to crash risk.
- The recommended formula supports stability, but does not ensure it.
- The formula more accurately reflects system needs but may not specifically reflect program needs for meeting today’s safety challenges. This should be rephrased to say that the recommended formula simply “reflects today’s safety challenges.”

Presentation

The Volpe team presented an outline for the presentation that would be given at the MCSAP Planning Meeting. The outline is as follows:

1. Explain process for developing recommendations.
2. Share key messages.
3. Share conceptually how proposed changes will be incorporated.
4. Address potential FAQs, including:
 - When will the new formula be implemented?
 - What is the process for approval?
 - How will my funding level change?
 - When will I have the opportunity to comment?

Discussion

Working Group members reviewed the proposed outline and noted the following:

- Attendees may want more information than key messages provide. There may be an opportunity to provide more valuable information, including details.
 - Tom Liberatore, FMCSA, noted that recommendation has not yet been reviewed by the Secretary, and the current recommendations may differ from what is published in the Notice of Proposed Rulemaking (NPRM) and eventual final rule. At this time, it may be best to cover the Working Group’s process and progress, and the recommendations at a higher level.

Presentation

The Volpe team presented a list of proposed communications tactics and outputs, including:

- Package information so that the Working Group is speaking with a unified voice.
- Circulate talking points for Working Group members at March meeting.
- Weave messaging into March presentation and final recommendations paper.
- Provide FAQ document to March meeting attendees.
- Create one-page explainer on the process, improvements, and impacts.
- Better leverage FMCSA website.
- Hold virtual meetings/webinars to delve into more details and offer opportunity for Q&A.
- Utilize existing State Partner touch points to ensure complete outreach.



Discussion

Working Group members reviewed the communications tactics and outputs and noted the following:

- A draft of the FAQs will be ready in time to review at the March conference call.
- Adrienne Gildea, CVSA, noted that CVSA will put their resources at the disposal of the Working Group. Gildea urged Working Group members to provide any suggestions or input on how and when CVSA can support the Working Group.

5. Next Steps and Conclusion

Presentation

Julianne Schwarzer outlined next steps for the Working Group and Volpe team, including:

- Share any remaining feedback on the draft recommendation report.
- Develop draft communications plan including messaging and tactics, including timeline for key deliverables:
 - Developing FAQs
 - MCSAP Planning Presentation
 - FMCSA Leadership Briefing
- Determine best communications methods with Communications Subgroup for reviewing communications plan.

Discussion

Working Group members discussed the next steps, and the team noted the following:

- The FMCSA Leadership Briefing will likely be internal to FMCSA staff, but the Working Group should be available in case there are questions.
- The recommendation report will be submitted to FMCSA on April 3, not to the Secretary of Transportation. The NPRM will likely not be issued in April.

Tom Liberatore thanked the Working Group for their participation and good discussion, and adjourned the meeting.

PRESENTATIONS

	Presenter(s)	Presentation
1	Julianne Schwarzer, Michael Chang, Thomas Liberatore	MCSAP Formula Working Group, February 16, 2017