



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

Motor Carrier Safety Assistance Program - Grant Comprehensive Policy

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Preface

On December 4, 2015, the President signed into law the Fixing America's Surface Transportation Act, or FAST Act, Public Law 114-94. It provides long-term funding certainty for surface transportation priorities including the Federal Motor Carrier Safety Administration's (FMCSA) grant programs.

One of the largest changes under the FAST Act is the consolidation of multiple FMCSA grant programs into the Motor Carrier Safety Assistance Program (MCSAP) and High Priority (HP) Program. MCSAP and HP now include components of the previously separate New Entrant, Border Enforcement, Safety Data Improvement, Performance and Registration Information Systems Management, and Commercial Vehicle Information Systems and Networks grant programs. The FAST Act changed the names and funding structures of these programs, but many programmatic components remain the same. The FAST Act also increased focus on accountability, performance standards, efficiency, and effectiveness while reducing administrative burdens on FMCSA grantees.

This MCSAP Comprehensive Policy (MCP) serves as a combined information resource, providing program policy, guidance, and technical assistance. It includes FMCSA's goals, objectives, and national program elements and strategies to meet the Nation's most urgent commercial motor vehicle (CMV) safety needs.

The MCP reinforces the fact 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,

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

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The Motor Carrier Safety Assistance Program Comprehensive Policy is available on the FMCSA website at:

<https://www.fmcsa.dot.gov/mission/grants/grantee-resources>

For more information on the Agency's implementation of the Fixing America's Surface Transportation Act, go to:

<https://www.fmcsa.dot.gov/regulations/fixing-americas-surface-transportation-act-fast-act>

or

<https://www.transportation.gov/fastact>

1.0 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 FMCSA Grants Management Manual and grant program and grant 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, available at: <https://www.fmcsa.dot.gov/foia/electronic-field-operations-training-manual-efotm-version-50>

1.1. FAST Act – Overview of Impacts to MCSAP

While MCSAP has long been a critical part of FMCSA's safety programs, the FAST Act significantly altered the structure of FMCSA's grant programs. In addition to consolidating multiple separate grant programs, new eligibility requirements for FMCSA funding were created. While the changes caused by the FAST Act increase the flexibility of FMCSA's grant programs, it is critical that applicants and grantees understand how these changes impact the management and operation of their supported CMV safety activities. State partners should also be aware of changes to activities which could impact Federal Motor Carrier Safety Regulations (FMCSR) compatibility (e.g., weigh stations are no longer considered a planned stop for the purposes of en-route bus inspections).

One of the major changes was the consolidation of seven previously separate grants into two core grant programs. Beginning in Fiscal Year (FY) 2017, both the New Entrant (NE) and Border Enforcement programs became part of the MCSAP formula grant, and must be addressed within a State's Commercial Vehicle Safety Plan (CVSP). In addition, components of the Safety Data Improvement Program, the Innovative Technology Deployment (ITD) program, and the Performance and Registration Information Systems Management (PRISM) program became activities under the MCSAP and HP grant program. State lead agencies and other grantees are

encouraged to carefully read the chapters within the MCP for guidance on grant program eligibility.

In conjunction with the consolidation of FMCSA grant programs, the FAST Act also modified the eligibility conditions a State must meet to receive MCSAP funding. Specifically, effective in FY 2017, States must establish a New Entrant Safety Audit Program as a condition of MCSAP eligibility. While the FAST Act allows for intrastate safety audits as an eligible MCSAP expense, State lead agencies must first ensure they utilize MCSAP funds to have an effective and functional interstate NE program that meets current statutory requirements.

States must also agree to fully participate in PRISM or an FMCSA-approved alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies or in a manner that provides an equivalent level of safety, no later than October 1, 2020. FMCSA defines “a motor carrier with serious safety deficiencies” as a motor carrier “prohibited from operating by FMCSA.”

States may apply for HP grant funds, in addition to their MCSAP allocation to achieve and maintain full participation. Once full participation has been reached, MCSAP lead agencies may only request funds through the HP grant program for PRISM projects that exceed full participation.

More information on PRISM is provided in Chapter 4.3.1 of the MCP.

Beginning in FY 2017, the FAST Act also changed the Federal share under MCSAP to no less than 85% and lowered the required State match to 15% of eligible costs incurred under a grant agreement.

Finally, the FAST Act required that FMCSA establish a working group to develop a new funding allocation formula for the MCSAP funds. The Formula Working Group was established in March 2016 and has submitted its recommendation to FMCSA. Until the new formula is officially implemented through formal rulemaking procedures, FMCSA is required to utilize an interim funding methodology to calculate State MCSAP allocations. This interim methodology requires FMCSA to calculate the MCSAP Basic and Incentive total amounts using the current regulatory criteria, and then add the average of award amounts (or other equitable amounts) from FY 2013 through FY 2015 for a State’s New Entrant and Border Enforcement grants (if applicable). Additional details on these calculations are provided in Chapter 3.7 of the MCP.

1.2. MCP Structure

The MCP is divided into several major chapters. Within each chapter, there are interactive web links for users to reference applicable statutory, regulatory, and other related FMCSA resources. There are Appendices that include specific processes and procedures to help MCP users as well as informational resources to raise awareness of CMV safety programs and grant-related requirements.

1.3. 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.

1.4. 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 policy in the MCP, applicable users of this policy should continue to follow current grant program administrative/financial and programmatic regulatory and statutory requirements (i.e., [2 CFR part 200](#), the FMCSA Grants Management Manual, [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").

1.5. 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 (footnote) 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. The FMCSA is not responsible for maintaining any link that is not directly linked to the FMCSA public site;

however, please report a broken link to MCSAP.Eastern@dot.gov so that we may update the relevant information and improve the content of the MCP.

2.0 Overview of the Motor Carrier Safety Assistance Program and High Priority Grant Program

The MCSAP and HP grant program share the same 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. Chapters in the MCP provide program-specific policy (including cost eligibility) and technical assistance when administering both MCSAP and HP grant programs. Within the HP grant the FAST Act established the ITD program which has goals and objectives that differ from traditional MCSAP activities. However, the ITD program was integrated into HP and MCSAP to support activities and information technology enhancement that complement and enhance CMV and motor carrier enforcement activities. Please carefully read the ITD program section, later in this document for more guidance.

To meet MCSAP and HP 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 Driver and Vehicle Inspections

Driver and vehicle inspections are one of the most successful strategies used in the MCSAP and HP programs to improve safety. Approximately 3.5 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).

Driver and vehicle inspections are eligible under the MCSAP and HP grants to ensure motor carriers (including new entrants) and drivers operating CMVs are in compliance with regulations

and requirements. This also includes inspections of CMVs engaged in international commerce, primarily those entering the United States from a foreign country.

2.2 Traffic Enforcement

Many preventable crashes result from an illegal or unsafe driver behavior, such as speeding, distracted driving, driving under the influence, etc. In addition to State inspection programs, highly-visible traffic enforcement activities, especially in areas identified as high-risk crash corridors, have proven to deter unsafe driver behavior. Traffic enforcement activities can be targeted to focus on CMVs (including vehicles operating in foreign commerce). When approved as part of a State plan, traffic enforcement activities are eligible under either the MCSAP or HP grants.

2.3 Compliance Reviews/Investigations, Interventions, and New Entrant Safety Audits

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

Eligible activities include examination of 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. These activities are eligible under the MCSAP, as specified in the grant agreement.

For specific programmatic guidance related to conducting inspections, investigations, or audits, please refer to Section 5 of this document or the appropriate sections of the FMCSA Electronic Field Operations Training Manual, available at: <https://www.fmcsa.dot.gov/foia/electronic-field-operations-training-manual-efotm-version-50>

2.4 Public Education and Awareness

The 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 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.

2.5 Data Collection and Data Quality

The FMCSA uses data collected by States and other grant recipients to monitor compliance of motor carriers, prioritize carriers for interventions, and record crashes involving CMVs on public

roadways. FMCSA is committed to ensuring the integrity of State and Federally-reported safety data in the Motor Carrier Management Information System (MCMIS), and measures this quality through the State Safety Data Quality (SSDQ) Measurements as found within the [FMCSA Analysis and Information \(A&I\) website](#).

DataQs is FMCSA's prescribed national motor carrier safety data correction system. MCSAP lead agencies must ensure the State has established and dedicated sufficient resources to a program to collect and report accurate, complete, and timely motor carrier safety data. The State must participate in the DataQs program and address requests for data review. These activities are eligible under the MCSAP grant.

2.6 Performance and Registration Information Systems Management (PRISM)

Under the FAST Act, States may fund PRISM development, deployment, as well as operations and maintenance (O&M) costs under MCSAP and HP, provided they meet certain eligibility requirements.

The FMCSA expects MCSAP lead agencies to use MCSAP formula funds for costs for operation and maintenance 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 achieve and/or exceed full participation for MCSAP lead agencies are eligible under the MCSAP grant. MCSAP lead agencies may also apply for HP funding to achieve full participation prior to October 1, 2020. Once full participation has been achieved, or on October 1, 2020 (whichever is sooner), MCSAP lead agencies may ONLY request HP funds for projects that exceed full participation. Lead agencies may continue to use MCSAP funds after October 1, 2020 for any PRISM project regardless of their implementation level.

Non-MCSAP lead agencies, who are responsible for administering 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.

States that fail to fully participate in PRISM by the October 1, 2020 deadline will jeopardize MCSAP funding beginning in fiscal year 2021. Therefore, all States that have not achieved full participation should consider if funds should be directed to their PRISM programs and address this in the State's CVSP.

As a result of existing legislation, regulations and FMCSA practices, the US Territories are unable to fully participate in the PRISM program as FMCSA has defined it or use an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies. 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.

Additional information on general PRISM compliance and details on implementation within U.S. Territories can be found within Section 4.3.1 of the MCP.

2.7 Innovative Technology Deployment

The FMCSA expects MCSAP lead agencies to use MCSAP formula funds to support ITD operations and maintenance costs even if the program is administered by a non-MCSAP lead agency.

Under the FAST Act, 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. CMV systems and networks deployment and ITD planning activities are allowed under HP funding for eligible applicants.

More information on ITD may be found within Section 6 of this MCP.

3.0 Motor Carrier Safety Assistance Program Grant

3.1 MCSAP Grant Purpose

The purpose of MCSAP is to provide Federal financial assistance in the form of 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 [Section 31102 of Title 49](#), United States Code with implementing regulations under [49 CFR § 350](#).

3.2 MCSAP Eligible Jurisdictions

All 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, are eligible for MCSAP.

MCSAP grants are provided annually to the State's MCSAP lead agency. The MCSAP lead agency is designated by the Governor as the State motor vehicle safety agency responsible for administering the Commercial Vehicle Safety Plan (CVSP) within the State. The CVSP is also known in statute and regulation as the "Plan", and 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 § 350.109](#):

1. Driver and Vehicle Inspections;
2. Traffic Enforcement;
3. Compliance Reviews, Carrier Interventions, Investigations, and New Entrant Safety Audits;
4. Public Education and Awareness;
5. Data Collection and Quality

[49 CFR § 350.309](#) lists other activities eligible for reimbursement under the MCSAP. In addition, the FAST Act added other CMV safety activities that are eligible under MCSAP. These include:

1. Border enforcement safety activities (inspections, traffic enforcement, etc.);
2. PRISM
3. ITD (operations and maintenance only)

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 § 350.201\(l\)](#))

These other activities also include:

- Sanitary food transportation inspections performed under [49 U.S.C. § 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-weight 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.

Also, documented enforcement of State traffic laws and regulations designed to promote the safe operation of CMVs are 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 (including roadside safety inspections) 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 2004 and 2005; and
2. The State may not use more than 10% of the amount of MCSAP Basic funds the State 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 six most common types of MCSAP expenses eligible for reimbursement in accordance with [49 CFR § 350.311](#).

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 outlined in Section 9.5.2 of the FMCSA Grants Management Manual.

2. Equipment and travel expenses, including per diem, directly related to the enforcement of 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 data base 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 improvement of real property (e.g., installation of lights for the inspection of vehicles at night). Note: Acquisition of real property, land, or buildings is not an eligible cost under MCSAP.

3.4 MCSAP Match and Grant Period of Performance

The FMCSA will reimburse at least 85% of the eligible approved costs indicated on the grant agreement. In-kind contributions are acceptable in meeting the State's 15% 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 included and specifically identified in the approved CVSP budget.

The 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) 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 fiscal year). 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.

Recipients may, at their own risk and without FMCSA prior approval, incur obligations and expenditures without an executed MCSAP grant agreement, provided that the costs are necessary

to conduct the project(s) and would be allowable under the grant agreement, if awarded, and provided the expenses are not incurred prior to October 1 of the fiscal year of award. It must be noted that incurring these [pre-award costs](#) in anticipation of a MCSAP grant award imposes no obligation on FMCSA either to make the award or to increase the amount of the approved budget if an award is made for less than the amount anticipated and is inadequate to cover the pre-award expenses incurred.

3.5 MCSAP Conditions to Qualify for Funds

Each MCSAP lead agency must self-certify each federal fiscal year that it will meet the following conditions ([49 CFR § 350.201](#)):

1. Assume responsibility for improving motor carrier safety by adopting and enforcing State safety laws and regulations, standards, and orders that are compatible with Federal regulations, the FMCSRs ([49 CFR parts 390–397](#)) and the HMRs ([49 CFR part 107 \(subparts F and G only\)](#), [171–173](#), [177](#), [178 and 180](#)), and standards, and orders of the Federal Government, except as may be determined by the Administrator to be inapplicable to a State enforcement program.
2. Implement performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of CMV safety programs.
3. Designate a lead State agency responsible for administering the CVSP throughout the State.
4. Give satisfactory assurances that the State lead agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the FMCSRs and HMRs or compatible State laws or regulations, standards and orders in the CVSP.
5. Give satisfactory assurances that the State will devote adequate resources to the administration of the CVSP including the enforcement of compatible State laws, regulations, standards and orders throughout the State.
6. Provide that the total expenditure of amounts of the lead State agency responsible for administering the CVSP will be maintained at a level each fiscal year in accordance with [49 CFR § 350.301](#).
7. Provide a right of entry (or other method a State may use that is adequate to obtain necessary information) and inspection to carry out the CVSP.
8. Provide that all reports required under this section be available to FMCSA upon request.
9. Provide that the lead State agency adopt the reporting standards and use the forms for recordkeeping, inspections, and investigations that FMCSA prescribes.

10. Requires all registrants of CMVs to demonstrate their knowledge of applicable FMCSRs, HMRs, or compatible State laws or regulations, standards and orders.
11. Grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally accepted system that allows ready identification of previously inspected CMVs.
12. Ensure that activities described in section [49 CFR § 350.309](#), 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.
13. Ensure the lead State agency will coordinate the CVSP, data collection and information systems with the State highway safety improvement program under [23 U.S.C. 148\(c\)](#).
14. Ensure participation in appropriate FMCSA information technology and, data systems and other information systems by all appropriate jurisdictions receiving funding under this section.
15. Ensure information is exchanged with other States in a timely manner.
16. Provide satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic laws and regulations related to CMV safety.
17. Provide satisfactory assurances that the State will address activities in support of the national program elements listed in [49 CFR § 350.109](#), including the following three activities:
 - (1) Removing impaired CMV drivers from the highways through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment.
 - (2) Providing training to MCSAP personnel to recognize drivers impaired by alcohol or controlled substances.
 - (3) Conducting criminal interdiction activities with an appropriate CMV inspection, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substance (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 ([21 U.S.C. § 802](#)) and listed in [part 1308 of title 21](#), Code of Federal Regulations) by any occupant of a CMV.
18. Establish and dedicate sufficient resources to a program to ensure that accurate, complete, and timely motor carrier safety data are collected and reported, and ensures the State's participation in a national motor carrier safety data correction system prescribed by FMCSA.

19. Provide that the State will (1) enforce registration (i.e., operating authority) requirements under 49 U.S.C. §§ 13902 and 31134, and [49 CFR § 392.9a](#) 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; and (2) cooperate in the enforcement of financial responsibility requirements under 49 U.S.C. §§ 13906, 31138, 31139, and [49 CFR part 387](#).
20. Ensure consistent, effective, and reasonable sanctions.
21. Ensure that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel.
22. Provide that the State will include in the training manual for the licensing examination to drive a CMV and the training manual for the licensing examination to drive a non-CMV information on best practices for driving safely in the vicinity of non-CMVs and CMVs.
23. Provide that the State will conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors.
24. Except in the case of an imminent or obvious safety hazard, ensure that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station).
25. Ensure that it transmits to roadside inspectors the notice of each Federal exemption under 49 U.S.C. § 31315(b) and [49 CFR §§390.23](#) and [390.25](#), and provided to the State by FMCSA, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.
26. Except for a territory of the United States, the State will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under [49 U.S.C. § 31144\(g\)](#); and if the State authorizes a third party to conduct safety audits under 49 U.S.C. § 31144(g) on its behalf, the State must verify the quality of the work conducted and remains solely responsible for the management and oversight of the activities;
27. Agree to fully participate in the PRISM under [49 U.S.C. § 31106\(b\)](#) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section, or demonstrate to FMCSA an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety.
28. In the case of a State that shares a land border with another country, conduct a border CMV safety program focusing on international commerce that includes enforcement and related projects or forfeit all funds based on border-related activities.

29. Comply with the requirements of the innovative technology deployment program in [49 U.S.C. § 31102\(1\)\(3\)](#) if the State funds operation and maintenance costs associated with innovative technology deployment with its MCSAP funding.

To satisfy these conditions, the State lead agency's authorized official, as designated by the Governor, must execute a self-certification document either electronically in the eCVSP tool or by signed paper certification if the State is unable to certify electronically. This State Certification document is described in [49 CFR § 350.211](#) and is provided electronically in the eCVSP tool and in Appendix G of this document. A State 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

The MCSAP lead agency must maintain a certain level of expenditure, 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.

A MCSAP lead agency must maintain within each federal fiscal year an MOE that is at least equal to the average of what the MCSAP lead agency spent on MCSAP eligible activities in Fiscal Years (FY) 2004 and 2005. Expenditures of other State agencies, local agencies, or sub-grantees (whether supported by MCSAP grant funds or not), other Federal funds, and MCSAP lead agency matching funds are not to be included in the MOE calculation. In determining a MCSAP lead agency average MOE, FMCSA:

1. May allow the MCSAP lead agency to exclude State expenditures for federally sponsored demonstration and pilot CMV safety programs and strike forces;
2. May allow the MCSAP lead agency to exclude expenditures for activities related to border enforcement and new entrant safety audits; and
3. Must require the MCSAP lead agency to exclude MCSAP lead agency matching funds.

Additionally:

- A change in the MCSAP lead agency does not negate the MOE requirement because the State funding for these efforts also transitioned to the new State lead agency. The concept of "successor in interest" applies. Thus, no State may have a zero MOE simply because the MCSAP lead agency is different in a current year than it was in FYs 2004 and 2005, the successor agency must meet the MOE requirements established by the FY 2004 and 2005 baseline.

- Because non-CMV and CMV traffic enforcement activities without an inspection were not authorized until the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users was enacted in late FY 2005, MCSAP lead agencies are not to include these expenditures in calculating the MOE baseline. MCSAP lead agencies may, however, include documented non-CMV traffic enforcement and other new efforts and initiatives they have implemented since FYs 2004 and 2005 to meet the annual MOE obligation.
- If the MCSAP lead agency is a pass-through and had no MCSAP eligible expenditures above the amount received in Federal funding and the State match in 2004-2005, then the MCSAP lead agency MOE would be zero.

The MCSAP lead agency must retain the documentation used to calculate the MOE average 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\(h\)](#) and [350.213\(n\)](#)) 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. FMCSA may, upon request from the MCSAP lead agency, waive or make reasonable adjustments to the MOE requirements for a total of one fiscal year per request, if FMCSA determines that the waiver or modification is reasonable based on circumstances described and documented by the MCSAP lead agency. This reasonable adjustment or waiver is valid for only one fiscal year, and a State must reapply each fiscal year.

3.7 MCSAP Formula Working Group and Interim Formula Allocation Distribution

The FAST Act section 5106 required FMCSA to create a MCSAP Formula Working Group to analyze requirements and factors necessary for the establishment of a new MCSAP allocation formula. States represented at least 51% of the MCSAP Formula Working Group membership, as per FAST Act requirements. In addition, the Working Group had representatives from FMCSA, the Commercial Vehicle Safety Alliance, and Road Safe America. The Secretary of the U.S. Department of Transportation established the group on March 31, 2016, and the Working Group submitted its recommendation to the Secretary in April 2017. The MCSAP Formula Working Group was tasked with developing a fair and reasonable method for allocating MCSAP funds.

Prior to approval of the MCSAP Formula Working Group's recommendation to the Secretary, MCSAP grant funds will be allocated in accordance with [49 CFR §§ 350.313, 323, and 327](#). Beginning in FY 2017, FMCSA will utilize an interim funding formula, as prescribed in the FAST Act, until the new MCSAP funding allocation formula has been implemented. The

FMCSA will calculate the MCSAP Basic and Incentive award amounts using the interim funding formula criteria described below:

Basic Funding:

Basic funds are allocated proportionally to a MCSAP lead agency using the following four, equally weighted (25%) factors.

1. **1997 Road Miles (all highways).** The FMCSA uses data collected by the Federal Highway Administration (FHWA). FHWA collects road mileage from each State on an annual basis for the FHWA Functional Classification System that categorizes roadways with similar characteristics.
2. **All Vehicle Miles Traveled (VMT).** The 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.** The 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. These data are 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.

For more information on the source, type, and usage of Census Bureau data, visit:

<http://www.census.gov/popest/>

4. **Special Fuel Consumption (*net after reciprocity adjustment*).** The 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.

Note: For more information on the source, type, and usage of FHWA data, visit:

<https://www.fhwa.dot.gov/policyinformation/statistics/2016/>

Incentive Funding:

A State lead agency may qualify for Incentive Funds if it can demonstrate that its CMV safety program meets the requirements or has shown improvement in any or all of the following five categories:

1. Reduction of large truck-involved fatal crashes.

2. Reduction of large truck-involved fatal crash rate or maintenance of a large truck-involved fatal crash rate that is among the lowest 10% of such rates of other MCSAP lead agencies.
3. Upload of CMV crash reports in accordance with current FMCSA policy guidelines.
4. Verification of CDLs during all roadside inspections.
5. Upload of CMV inspection data in accordance with current FMCSA policy guidelines.

Incentive Funds are allocated based upon the following safety and program performance factors:

- Five shares will be awarded to a MCSAP lead agency that reduces the number of large truck-involved fatal crashes for the most recent calendar year for which data are available when compared to the 10-year average number of large truck-involved fatal crashes ending with the preceding year. The 10-year average will be computed from the number of large truck-involved fatal crashes, as reported by the Fatality Analysis Reporting System, administered by the National Highway Traffic Safety Administration (NHTSA).

For more information, visit the NHTSA website at: <http://www.nhtsa.gov/FARS>

- Four shares will be awarded to a MCSAP lead agency that reduces the fatal-crash rate for the most recent calendar year for which data are available when compared to each State's average fatal crash rate for the preceding 10-year period. MCSAP lead agencies with the lowest 10% of crash rates in the most recent calendar year for which data are available will be awarded three shares if the rate for the State is the same as its average crash rate for the preceding 10-year period.
- Two shares will be awarded to a MCSAP lead agency that uploads CMV crash data within FMCSA policy guidelines.
- Two shares will be awarded to a MCSAP lead agency that certifies their MCSAP inspection agencies have departmental policies that stipulate CDLs are verified, as part of the inspection process, through the Commercial Driver's License Information System (CDLIS), National Law Enforcement Telecommunications System (NLETS), or the State driver licensing agency.
- Two shares will be awarded to a MCSAP lead agency that uploads CMV inspection reports within current FMCSA policy guidelines.

The total of all States' Incentive shares awarded will be divided into the dollar amount of Incentive Funds available, thereby establishing the value of one share. Each State's incentive allocation will then be determined by multiplying the State's percentage participation in the formula allocation of Basic Program Funds by the number of shares it received that year, multiplied by the dollar value of one share.

New Entrant and Border Activity Funding:

Beginning in FY 2017, FMCSA will add to the MCSAP Basic and Incentive amounts the average of amounts awarded, or other equitable amounts to the State in FYs 2013, 2014, and 2015 for the Border Enforcement and New Entrant ([49 U.S.C. § 31144\(g\)\(5\)](#)) programs (except for the Territories).

Subject to the availability of funding, the total MCSAP funding amount allocated may be no less than 97% of average amount awarded during those years.

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 all other eligible MCSAP grantees.

Grantees that 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 proposes an amount less 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 CVSP development tool (eCVSP) available through the [FMCSA Analysis and Information website](#). The eCVSP allows the MCSAP lead agency to create an online CVSP and track progress from development through approval. Use of the eCVSP, which is voluntary, helps ensure that States satisfy the requirements in [49 CFR § 350.213](#), expedites FMCSA's review of the document, facilitates the prompt returning of comments or requests for clarification, and allows the MCSAP lead agency to easily resubmit a revised document.

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

1. **Application Review.** The 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 NOFO.
2. **Programmatic Review.** The FMCSA reviews the CVSP to make sure that the information presented is reasonable and understandable and the activities proposed in the

application are measurable, achievable, and consistent with program or legislative requirements.

3. **Financial Review.** The 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 Chapter 7.3.

The FMCSA evaluates the CVSP against the performance-based information required in accordance with [49 CFR § 350.213](#). This section requires the following items in the CVSP:

- A general overview section that 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 that data periods used must be consistent from year to year. This may be 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.

- A brief narrative describing how the State program addresses the National Program Elements listed in [49 CFR § 350.109](#).

This section must also contain a rationale for the State's resource allocation decisions and how the State supports National Program Element activities and enforces registration (i.e., operating authority) requirements under [49 U.S.C. §13902](#), [49 CFR §§ 365, 368](#), and [392.9a](#) 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 and 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 U.S.C. § 13902](#) and [49 CFR part 365](#) and cooperate in the enforcement of financial responsibility requirements under [49 U.S.C. §§ 13906, 31138](#) and [31139](#) and [49 CFR part 387](#).
- A definitive problem statement for each objective, supported by data or other information. The CVSP must identify the source of the data, 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 also 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 §§ 350.309](#) and [350.311](#).
- Specific quantifiable performance measures, as appropriate. These performance measures will be used to 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 make modifications to the existing objectives in the next CVSP.
- A budget which 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 §§ 350.311](#) and [350.309](#).

In addition to the performance-based information in the CVSP, the State lead agency must also include the results of the annual review to determine the compatibility of State laws and regulations with the FMCSRs and HMRs, 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](#), a list of MCSAP contacts, and the Annual Certification of Compatibility in accordance with [49 CFR § 350.331](#).

In accordance with [49 CFR § 350.207](#), and upon conclusion of the FMCSA review of the CVSP, FMCSA will notify the MCSAP lead agency in writing whether the CVSP is approved or if approval is withheld. This notification will occur within 30 days of receipt of the CVSP. 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).

During the review process, FMCSA may request additional information from the State lead agency; however, FMCSA will not withhold CVSP approval for minor, administrative matters or requests for simple clarification to help illustrate the performance-based CVSP under [49 CFR § 350.213](#). FMCSA reserves withholding of CVSP approval for those items that would jeopardize the ability of the MCSAP lead agency to meet the requirements in [49 CFR § 350.201](#) or if the MCSAP lead agency fails to include the items required in the CVSP under [49 CFR § 350.213](#).

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 a 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 U.S.C. 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 (like HP-CMV and ITD). Under MCSAP, FMCSA does not have discretion as to the amount of funds awarded to each jurisdiction and allowable activities and costs are set forth in regulation. Therefore, the FMCSA review process is focused on ensuring the State lead agencies meet the MCSAP requirements, in those key project areas that would negatively impact the State lead agency's ability to carry out the CVSP, and on costs that would be considered unallowable or otherwise unreasonable.

Upon signing the NGA, the State 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. The 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 and FMCSA may disallow a cost if it determines, through audit or otherwise, that the cost is not supported by adequate documentation or 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 U.S.C. 3321 note).

3.9 MCSAP National Program Reviews

Section 5101(k) of the FAST Act requires FMCSA to periodically evaluate MCSAP lead agency implementation of and compliance with the CVSP. The FMCSA's MCSAP National Program Review is a comprehensive evaluation to assess regulatory, financial and programmatic requirements as part of [49 CFR part 350](#) and other regulations.

Additionally, 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.

The FMCSA evaluates three major types of compliance requirements:

1. **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;
2. **MCSAP Safety Activity Performance.** This includes an assessment of 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; and
3. **Federal Financial Assistance Agreement Terms and Conditions.** This includes an assessment of a MCSAP lead agency's administrative capability and ability to meet financial/grant management-related requirements in the grant agreement. This includes (but is not limited to) a review of MCSAP lead agency financial policies and procedures for vouchering (invoicing), supporting documentation for expenditures, reporting, sub-recipient monitoring, and MOE and matching requirements.

FMCSA is updating its current MCSAP National Program Review methodology to implement the changes in the FAST Act. Changes to the MCSAP National Program Review will clarify the intent of the regulations and provide a risk-based approach to focus resources to areas in need and of most concern. The MCSAP National Program Review will also complement existing MCSAP program/process review and grant monitoring activities to ensure nationwide uniformity and consistency in meeting compliance requirements. The FMCSA will notify its grantees of changes to the MCSAP National Program Review program once these updates have been completed.

3.10 MCSAP Regulatory Compliance and Impact of Incompatibility

A State may be subject to the withholding of MCSAP funds for non-compliance. If, after notice and an opportunity for response from the State, FMCSA finds that a State is in non-compliance with MCSAP requirements, (i.e. [49 CFR part 350](#)) FMCSA will notify the State in writing, identifying the source of non-compliance (e.g., no existing right-of-entry authority), explaining what action(s) are required to achieve compliance, and may withhold funds for the period of the State's noncompliance. The FMCSA may withhold funds based on increasing percentages during the fiscal year(s) of noncompliance with up to 5% for the first fiscal year of noncompliance, up to 10% for the second fiscal year of noncompliance, up to 25% for the third fiscal year of noncompliance and not more than 50% for the fourth and subsequent fiscal years. A State may also seek judicial review under [5 U.S.C. Chapter 7](#) if aggrieved by an adverse decision made by FMCSA.

Regulations in [49 CFR §§ 350.207](#) as well as changes to withholding processes in the FAST Act reinforce the importance of regulatory compatibility. Current regulatory requirements remain in effect; however, any findings related to items within [49 CFR § 350.211](#) listed below may immediately subject a State to a written notice of proposed determination of nonconformity:

1. A State's failure to adopt laws and regulations that are compatible with the FMCSRs (broadly) and the HMRs (any deviation) ([49 CFR § 350.211\(a\)](#));
2. A State's 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 § 350.211\(b\)](#));
3. A State's failure to provide right of entry authority (or other method a State may use that FMCSA determines is adequate to obtain necessary information) and inspection sufficient to carry out the CVSP (49 CFR § 350.211(d)); and
4. A State's failure to maintain appropriate levels of expenditure of State funds (MOE) ([49 CFR § 350.211\(h\)](#)).

3.11 Other Administrative Information

Beginning with FY 2017, submitted CVSPs have been published on FMCSA's publicly-accessible Internet Web site. 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 Sub Recipient Monitoring

The lead MCSAP agency may award pass-through funds to other agencies, known as sub-recipients, who carry out a portion of the MCSAP project(s). Sub-recipients receive funding in the form of a sub award from the lead MCSAP agency. Federal guidance requires prime

recipients of federal funds (sub grantors) to conduct a risk-assessments prior to issuance of a sub award; and monitor sub awards to ensure sub-recipients meet the audit requirements and use funds in accordance with applicable laws, regulations, and terms and conditions of the award, in accordance with [2 CFR 200.331](#).

When sub-awards are made, the lead MCSAP agency is responsible for monitoring the programmatic and financial activities of its sub-recipients in order to ensure proper stewardship of the federal funds. These responsibilities include: ensuring compliance with award terms and conditions and satisfactory performance of the sub recipient's portion of the project; reviewing specified deliverables on a timely basis, and documenting that any identified issues are resolved; reviewing and authorizing payment of sub-recipient invoices and verifying the completeness and acceptability of work performed, reasonableness of expenditures, and fulfillment of any cost-sharing commitments.

Lead agencies are also required to report sub award data to the Federal Sub Award 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/>

4.0 High Priority Financial Assistance Program

The FAST Act modified the HP financial assistance program to include two major purposes: CMV safety-related activities, including data quality requirements and Performance Registration Information Management Systems (PRISM), and the Innovative Technology Deployment (ITD) grant program. Although ITD resides within HP, the ITD grant program purpose and program eligibility requirements are separate and distinct from HP-CMV. Chapter 6 contains detailed information on the ITD program. Therefore, the remainder of this chapter is dedicated to the HP CMV safety-related activities and data.

4.1 High Priority Financial Assistance Program Purpose

The HP is a discretionary financial assistance program that provides Federal financial assistance to implement, promote, and maintain programs to improve CMV safety as well as increase compliance with CMV safety regulations.

4.2 High Priority Eligible Recipients

Eligible HP recipients include any State agency, local government (including county, city, township, special district, and Federally-recognized Native American tribal governments), institutions of higher education (public, private, and State-controlled), non-profit organizations with or without having a 501(c)(3) status with the Internal Revenue Service, for-profit entities (including small businesses), and other persons. Other persons as defined as an entity not included above and may not be an individual, foreign entity, hospital, public/Indian housing authority, or Federal institution.

4.3 High Priority Eligible Activities and Costs

The FMCSA may provide a HP grant 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 and related issues;
- Target unsafe driving of CMVs and non-CMV in areas identified as high-risk crash corridors;
- Improve the safe and secure movement of hazardous materials;
- Improve safe transportation of goods and persons in foreign commerce; and
- Demonstrate new technologies to improve CMV safety;

- Support participation in PRISM; and
- Enhance data collection and data quality.

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 the enforcement of 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 (for example a vendor or local government organization) to carry out activities; and
7. Expenses related to the improvement of real property (e.g., installation of lights for the inspection of vehicles at night). Note: Acquisition of real property, land, or buildings is not an eligible cost under HP.

The FMCSA may prioritize HP funding for ITD projects and other special National Priorities, such as activities to support PRISM requirements and safety data improvement projects.

The FMCSA will announce, in the NOFO, the National Priorities. HP applications containing National Priority projects or activities will receive funding consideration over other types of eligible application projects or activities. The FMCSA will also include information in the NOFO concerning specific projects in which FMCSA may waive the recipient matching requirement.

4.3.1 PRISM Requirements and Eligible Projects

Section 5101 of the FAST Act made participation in the PRISM program a requirement of the MCSAP. As a result, States must **“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,” no later than **October 1, 2020**. FMCSA defines “a motor carrier with serious safety deficiencies” as a motor carrier prohibited from operating by FMCSA.

FMCSA defines “fully participating” in PRISM, for the purpose of determining 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 possess an inactive or de-active U.S. Department of Transportation (USDOT) 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 achieve and maintain “full participation” are allowable under the MCSAP and HP grants for eligible applicants. Program requirements one through six represent the specific activities that constitute “full participation,” and must be met to comply with the conditions of MCSAP eligibility. To meet full participation, a State must:

1. Have 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. Collect and validates the USDOT 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. Check 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 USDOT number due to the biennial update not being completed when required.
4. On a recurring basis, checks the safety status of motor carriers registered in the State against the PRISM Target File, MCMIS, or by an FMCSA-approved alternative process, and suspends or revokes the existing registration(s) if the motor carrier responsible for safety is under any Federal OOS order.
5. Upload when available the USDOT number of the motor carrier responsible for safety, vehicle identification number(s), license plate number(s) and dates of registration for vehicle(s) operated by a motor carrier that is under any Federal OOS order to the SAFER database.

6. Report 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 allowed under HP grant funding for eligible applicants. Program requirements seven through twelve represent the specific activities that constitute **“enhanced participation”** for the purposes of PRISM implementation and HP funding eligibility. A State is implementing an enhanced project when it:

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 DOT number and/or company name.
8. Checks every Vehicle Identification Number (VIN) against the PRISM Target File or by an FMCSA-approved alternative process before issuing new or renewing registration to verify if 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, implements 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 safety of the vehicle is attempting to reincarnate under a new USDOT 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 to remove the VIN from the PRISM data before processing registration.
11. Updates the status code within the vehicle registration records and apply the 950-status code to vehicle registrations that are suspended due to a Federal OOS order and clear 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.

MCSAP lead agencies are expected to use MCSAP funds to maintain compliance with PRISM requirements, even if the program is administered by a non-MCSAP lead agency. MCSAP lead agencies may also issue sub-awards for PRISM related costs to the appropriate State entity(s) in their jurisdiction responsible for the operation of their State’s PRISM program.

MCSAP lead and non-MCSAP lead agencies may apply for HP funds if their jurisdiction has not yet achieved full participation prior to October 1, 2020. Once full participation has been reached or on October 1, 2020 (whichever is sooner), *MCSAP lead* agencies may only request funds through the HP grant program for PRISM projects that **exceed full participation**. Lead agencies may continue to use MCSAP grant funds to maintain or exceed compliance with the PRISM requirements for all levels of PRISM participation.

As stated previously, MCSAP lead agencies are expected to use their MCSAP funds to support the ongoing functionality and operation of their PRISM program as much as possible due to the eligibility limitations applied in the FAST Act and the competitive nature of the HP grant program. For example, a lead agency that seeks to participate in PRISM at the enhanced level, would only be eligible to apply for HP funds for that project once they reached the full participation level. However, the lead agency would not be eligible to apply for HP funds simply to maintain an enhanced level of operation.

Non-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. However, as the HP grant program is competitive, awarding of funds is based on the merit review of the application as well as the availability of funds and is not guaranteed. States should consider the impact to 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.

States must comply with the same national standard for full participation. Previously the PRISM requirements were defined based on an IRP framework. FMCSA recognized that this might present a challenge for MCSAP jurisdictions that do not participate in IRP. FMCSA updated the PRISM requirements to adapt to any non-IRP CMV registration agency and allowed flexibility in how the requirements are implemented for jurisdictions that seek to use a non-technical or FMCSA- approved alternative approach for implementing PRISM. As such, States should work directly with their FMCSA Division Offices and the Enforcement Division to develop an implementation strategy to overcome any challenges to comply with the requirements for full participation by the Oct 1, 2020 deadline.

Due to the limited applicability of Federally issued OOS orders in the U.S. Territories, these jurisdictions are unable to meet the criteria of "full participation", or an equivalent approach for identifying and immobilizing an unsafe motor carrier, as defined by FMCSA. As such, the 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 this does not constitute a permanent exemption from PRISM requirements for the Territories.

This chart summarizes eligibility requirements by agency type for PRISM (and ITD) Projects.

	MCSAP Lead Agency	Non-Lead Agency
MCSAP Grant		
PRISM Projects	1. To reach or exceed full participation; 2. Operation & maintenance (O&M)	1. Lead agency may sub award to PRISM agencies for all projects
ITD Projects	1. Operation & maintenance ONLY	1. Lead agency may sub award to ITD agencies for O&M
High Priority		
PRISM Projects	1. To reach full participation (<u>before</u> 10/1/2020); 2. On 10/1/2020 or once full participation is reached (whichever sooner) - projects that exceed full participation ONLY	1. All PRISM projects (full/enhanced participation and O&M) – no date limitation applies
ITD Projects	1. Core and expanded projects; 2. O&M	1. All ITD projects (core/expanded and O&M) – no date limitation applies

For more information:

- To access the PRISM Procedural Manual and the full range of reference materials, please visit the PRISM Document Library at www.fmcsa.dot.gov/information-systems/prism/prism-document-library.
- For an overview of the PRISM Implementation Map, requirements and national progress, please visit www.fmcsa.dot.gov/information-systems/prism/states-using-prism

4.3.2 Safety Data Improvement Project Requirements and Eligible Projects

The 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 State Safety Data Quality (SSDQ) Program assesses the completeness, timeliness, accuracy, and consistency of State-reported crash and inspection records in MCMIS. Each month, States receive an Overall State Rating of “good,” “fair,” or “poor” based on eight performance measures and one indicator.

Safety data improvement project eligible costs must support the activities below:

- Projects from States rated Red or Yellow overall on the SSDQ Map and that address a specific deficiency in the State’s ability to assure the accuracy, completeness and

timeliness of CMV safety data reported to SAFETYNET or activities that exhibit the greatest potential to improve performance within one or more SSDQ measures, including improving performance within a Green rating, or those that will modify the State's crash data extraction logic based on Agency recommendations and new data requirements.

- Innovative solutions that address data quality and new ways to acquire crash and/or inspection data such as: truck/trailer size (cargo body type, VIN, length, height, and/or weight) being added into State software, geo-coded (latitude, longitude) event data being added into the location fields of crashes or inspections, or processes/systems to facilitate the communication of the resolution of citations written as part of an inspection back to the State's inspection database.
- Activities that address specific deficiencies in the States' ability to timely and fairly address DataQs system requests for data review and improve the overall quality of crash and inspection data reported by the States to FMCSA.

The FAST Act repealed the previous Safety Data Improvement Program as a separate grant program and incorporated its requirements into the MCSAP and HP grant programs. As a requirement to participate in MCSAP, a State lead agency 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 and participate in a national motor carrier safety data correction system prescribed by FMCSA (i.e., DataQs).

The FMCSA has determined that each State must achieve an overall "green" rating, as published in the SSDQ ratings map posted on the [FMCSA Analysis & Information website](#), in order to be considered compliant with the MCSAP requirement. States that do not have an overall green rating at the time of submission of their CVSP or annual update must address their data quality problem and dedicate resources to sufficiently resolve the identified problem(s) in the CVSP. Once safety data requirements are met, the MCSAP lead agency may apply for HP funds for special safety data initiatives or projects that exceed routine operations required to maintain the "green" safety data rating.

State Agencies other than the lead MCSAP agency may apply for HP grants for safety data related activities notwithstanding the SSDQ ratings provided they demonstrate cooperation with the MCSAP lead Agency through their grant application.

4.4 High Priority Match and Grant Period of Performance

The FMCSA provides 85% of the total project cost and HP recipients are required to provide a 15% program match. The NOFO may include specific activities or National Priorities that do not require matching funds.

[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: 1) the funds are used for motor carrier safety programs and enforcement; 2) they otherwise meet

the match requirements in [2 CFR § 200.306](#); 3) they otherwise meet any applicable terms and conditions in the grant agreement; and 4) are not double counted as part of the MOE.

A non-ITD HP grant agreement period of performance start date will begin on the date specified in the NGA. The maximum period of performance for any non-ITD HP grant agreement is three fiscal years, including the fiscal year in which the NGA is executed. For example, a non-ITD HP enforcement project may begin on May 1, 2017 and the recipient may have the remainder of Federal Fiscal Year 2017, all of Federal Fiscal Year 2018, and all of Federal Fiscal Year 2019 (ending on September 30, 2019) to complete the activities in the grant agreement. All new application project timelines will be evaluated to ensure they can be achieved within this timeframe. Additionally, FMCSA may award a grant agreement with a period of performance for less than the period of availability based on the project 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.

4.5 High Priority Criteria for the Application, Evaluation and Award Approval

In order to be eligible to receive HP funds, States must meet the requirements of [49 CFR § 350.201](#), as applicable. HP program applications must contain, as applicable, the following components that are consistent with [49 CFR § 350.213](#):

- A general overview section that includes a statement of the entity's goal or mission; and a program summary of the effectiveness of the prior years' activities (if applicable) in working to achieve goals and objectives. The summary must show trends supported by safety and program performance data collected and it must identify safety or performance problems and those problems must be addressed in the items proposed in the application;
- A brief narrative describing how the entity plans to address the national program elements and a rationale for resource allocation decisions;
- A definitive problem statement for each objective, supported by data or other information. The application must identify the source of the data, and who is responsible for its collection, maintenance, and analysis;
- Performance objectives, stated in quantifiable terms, to be achieved through the application. Objectives must include measurable actions/activities that may also include documented improvements in other program areas (e.g., legislative or regulatory authority, updates or resource allocations);
- Specific activities intended to achieve the stated strategies and objectives;
- Specific quantifiable performance measures, as appropriate. These performance measures will be used to assist the State in monitoring the progress of its program and preparing for program evaluations;

- A description of the entity'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 and identifies any safety or performance problems discovered; and
- A budget that supports the application, describing the expenditures for allocable costs such as personnel and related costs, equipment purchases, sub-grant or contracts, information systems costs, and other eligible costs consistent with the cost eligibility table in Appendix A.

If a local (county, city, municipality, Federally-recognized Tribal) jurisdiction applies for a HP funding, the application must address the following items in order to qualify for funds:

- Prepare an application consistent with the intentions of [49 CFR § 350.213](#);
- 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 data bases appropriate to the project.

All HP applications undergo a series of reviews prior to award selection as required in [2 CFR §§ 200.204](#) and [205](#). These reviews include: 1) technical review; 2) suitability review; 3) past performance review; and 4) budget/cost analysis. See Chapter 7 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.

5.0 MCSAP and High Priority 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. 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 350.109](#).
- 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.

5.1 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 (inclusive of Incentive funds). States requesting more than 15% must have their request approved through the CVSP process. State matching funds are included in the 15% overtime calculation.

The calculation of the total cost of overtime by a State under the provisions of this policy must use the total overtime wage for each employee for all overtime hours. For 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.

5.2 Use of MCSAP Funds for Operations and Maintenance

The FAST Act provides flexibility for the States to utilize a portion of their MCSAP funding toward operation and maintenance (O&M) costs. Operations and maintenance is defined as the combination of all technical and administrative actions intended to enable a CMV information system, communication network, and/or hardware and software application to perform its required functions and address necessary adaptation to changes in external conditions.

While the use of MCSAP funds for PRISM related projects includes activities other than O&M (as outlined in MCP Sec. 4.3.1), the FAST Act restricts the use of MCSAP funds by a State for deployed ITD projects to O&M costs only¹. While Lead agencies may also request O&M funds through a HP grant application, States needing O&M support for deployed ITD projects should utilize their MCSAP funding for this purpose.

If a State chooses to not apply for O&M costs with MCSAP funding (either by the Lead agency or via sub-award), and the State 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.

Grantees may apply for O&M costs associated with ITD (or PRISM) projects that entail routine maintenance (e.g. server host fees, inspection, cleaning, servicing), standard operation (e.g. renewal of software license), preventative care and servicing to maintain current functional levels of systems, and to avoid failures before they develop into major defects. States may also apply for O&M to identify and correct faults that once addressed will allow the item to be restored to an operational condition.

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 are necessary to meet an FMCSA required activity.

A system enhancement that adds new functionality, or improves the efficiency of that system such that it would be considered an improvement, would not be considered an O&M cost and is not an eligible use of MCSAP funding for ITD deployed projects. Lead agencies may be eligible to apply for a HP ITD (or PRISM) discretionary grant for these activities as outlined within the MCP and HP NOFO.

5.3 Driver and Vehicle Inspections

The 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.

¹ 49 U.S.C. § 31104 (c)(2)(BB), as amended within the FAST Act.

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 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. The FMCSA acknowledges that this may vary by season and locality.

5.3.1 North American Standard (NAS) Inspection Levels

Ultimately, each State is responsible for determining the level of NAS inspection to be conducted. It is recognized 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.

The 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.

The 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.

5.3.2 Pre-Screening Carrier Data

Pre-Screening Carrier Data utilizing the Inspection Selection System (ISS) algorithm is the roadside safety screening tool integrated into the functionality of Aspen, Query Central, and approved third party inspection software. Pre-screening carrier data 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 USDOT 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.

The FMCSA's Query Central website, available through the [FMCSA Portal](https://portal.fmcsa.dot.gov) (<https://portal.fmcsa.dot.gov>), 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, the States that utilize downloaded versions of the Carrier Data Profile database should perform regular updates (at least every 30 days – see below).

5.3.3 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 at <https://portal.fmcsa.dot.gov>.

Carrier Data Profile ISS algorithm information can also be distributed to State partners via a compact disc (CD). Requests for CDs may be submitted to the FMCSA Technical Support Team at: FMCTechSup@dot.gov.

The 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. The FMCSA releases a new version of the database quarterly that incorporates all of the monthly appendices.

Tools available to determine safety fitness of carriers roadside:

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

For more information and/or assistance with the download of the ISS algorithm via the Carrier Data Profile (or any FMCSA software application or log-in guidance), contact the FMCSA Technical Support Team Monday through Thursday from 8:00 a.m. to 8:00 p.m. and Fridays from 8:00 a.m. to 6:00 p.m. ET at:

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

5.3.4 Scheduled Inspections

The FMCSA recognizes that some States use scheduled inspections to allow inspectors to meet certification requirements and as a carrier service. These inspections should be Level I or Level V inspections, and States should closely monitor the use of scheduled inspections to ensure that a motor carrier is not inappropriately altering its SMS scores and safety history.

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

5.3.5 Post-Crash Inspections

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 Aspen (or approved non-Aspen inspection software – see Section 5.3.9) 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 Reviews 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. The FMCSA's Aspen 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, Aspen 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.

5.3.6 Size and Weight Enforcement

Size and weight enforcement is generally supported by financial assistance programs from the Federal Highway Administration 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.
The size and weight activities must be conducted at locations, excluding fixed weight facilities, such as near steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of such vehicle, or at seaports where intermodal shipping containers enter and exit the United States.

2. 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 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 if 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 the 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.

5.3.7 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 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 USDOT number on a CMV transporting passengers in interstate commerce; and,

- Provides guidance on passenger carrying CMV enforcement activities that would be incompatible with MCSAP regulations.

Section 5101 of the FAST Act modified Section 4106 of SAFETEA-LU which established a prohibition against conducting inspections on passenger carrying CMVs at locations where passengers cannot be safely off-loaded from the vehicle unless an imminent or obvious safety hazard exists. The language, as codified in 49 U.S.C. § 31102(c)(2), is as follows:

The Secretary shall approve a State plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan . . . (W), except in the case of an imminent or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station).

The prohibition in the FAST Act applies to all levels of NAS 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.). Congress specifically excluded weigh stations in the FAST Act. This includes temporary “weigh stations” set up with portable scales at a non-permanent location. “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 USDOT number and that the officer believes is operating in interstate commerce in violation of [49 CFR § 392.9a](#) 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 the FAST Act. 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 FAST Act, these inspections could jeopardize the State’s eligibility to receive MCSAP funding.

5.3.8 Inspections of CMVs used for Agricultural Purposes

[49 CFR § 390.39](#) includes an exemption from the hours of service (HOS) regulations for certain CMV drivers engaged in the transportation of agricultural commodities and farm supplies. These covered farm vehicles (CFV) and drivers are also exempt from other regulations listed at [49 CFR § 390.39](#). As a result, operators of CMVs meeting the definition of a covered farm vehicle (CFV) are not subject to most FMCSRs and motor carriers operating these vehicles are not to be cited for non-compliance with these regulations.

49 CFR § [395.1\(k\)](#) also exempts CMVs transporting agricultural commodities or farm supplies from 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 part 396, inspections of vehicles meeting the definition of a CFV are not a MCSAP eligible expense. The above also applies to CMVs exempt under 395.1(k). Except as noted immediately below, any violations cited under State law for a vehicle that is exempted from the FMCSRs must not be uploaded into FMCSA data systems.

If it is determined that a motor carrier, driver, farmer, or rancher claiming the exemption does not meet the conditions of the exemption, all violations that are discovered should be 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.

Since FMCSA published the amended FMCSRs related to the MAP-21 agricultural exemptions on March 13, 2013, States must have adopted compatible regulations as soon as practicable but no later than March 13, 2016 to remain eligible for MCSAP funding.

5.3.9 State Procurement of Third-Party Inspection Software

The FMCSA provides States with the Aspen software, at no cost, for use as an inspection record system. FMCSA recognizes that alternatives to Aspen are giving rise to innovations in technology and access to data that former structures could not realize; therefore, although FMCSA does not currently endorse any specific third-party software, States may develop their own systems to record and submit inspections or procure such software from third parties.

The purpose of this guidance is to ensure that non-Aspen 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 the FMCSA Office of Research and Information Technology, 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 Aspen system to a third-party system.

The State must agree to pay, if any, costs of testing SAFETYNET 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 FMCSA will not approve any new LAN-to-LAN connections. Any request to implement non-Aspen inspection software pursuant to this policy must specifically indicate how the State will maintain transmission of the information through its existing SAFETYNET process.

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 Aspen with a third-party inspection record system. This includes connecting the third-party inspection record system to SAFETYNET. 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 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. MCSAP eligible costs relating to ITD deployed projects are limited to O&M only as amended by the FAST Act in [49 U.S.C. § 31102\(c\)\(2\)\(BB\)](#).

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 SAFETYNET 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 SAFETYNET, may be eligible for funding through the HP and/or ITD grant program. States must apply for funding under the appropriate grant opportunity as outlined in the appropriate NOFO.

The following states have deployed third-party inspection record systems and are exempt from the process in the table below: California, Florida, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, South Carolina, Texas, and Utah. Third-party software version upgrades must be compatible with current FMCSA systems and data requirements. Major upgrades or any modifications to these systems requiring testing must begin at step 5 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)

FMCSA Process Steps for 3 rd Party Software Authorization			
Step	Description	Action/Output	Responsible Party
1.	State agency contacts FMCSA's Division Administrator (DA) to request use of third-party software to create the T0018 transaction set, with a basis for the necessity of converting from the federally supported Aspen system to the third-party system.	Email or Letter from State agency contact to respective DA.	State Agency Representative
2.	FMCSA DA notifies the FMCSA IT Development Division Chief of the State's request.	Email from FMCSA DA to FMCSA IT Development Division Chief.	FMCSA DA
3.	FMCSA IT Development Division Chief reviews and communicates approval, disapproval, or questions to FMCSA DA and FMCSA Technical Support Unit.	Email from FMCSA IT to FMCSA DA and Technical Support Unit.	FMCSA IT Development Division Chief
4.	FMCSA DA notifies State agency of approval or rejection.	Email from DA.	FMCSA DA
5.	State agency contacts FMCSA Technical Support by email to obtain SAFETYNET account credentials and coordinate testing through the Technical Support Team e-mail: fmctechsup@dot.gov .	Email from State agency contact to FMCSA Technical Support with copy to Division Office.	State Agency Contact, FMCSA Technical Support
6.	State agency, third-party software provider and FMCSA Technical Support coordinate testing in compliance with Safety and Fitness Electronic Records (SAFER) Interface Certification Procedures (SICP).	Execute testing of the connection and any transaction sets per SICP document test results.	State Agency Contact, FMCSA Technical Support, Third-party Software Provider
7.	FMCSA Technical Support notifies the FMCSA IT Development Division Chief of successful completion of the testing	Email from FMCSA Technical Support to FMCSA IT Development Division Chief.	FMCSA Technical Support

8.	FMCSA IT Development Division Chief issues letter of certification to State agency contact and copies the FMCSA Division Office, Service Center, and State Programs Division Chief.	Letter (Hard Copy, Electronic Copy) indicating certification for the State.	FMCSA IT Development Division Chief
9.	State agency contact and third-party software provider coordinate and monitor production upload processes.	Monitor upload processes and resolve issues as required.	State Agency Contact, Third-party Software Provider FMCSA Technical Support

5.4 Traffic Enforcement

The FMCSA recognizes that comprehensive and highly-visible traffic enforcement activities in high-risk locations are vital components of an overall effective State CMV safety program. Traffic enforcement activities are currently a requirement for participation in the MCSAP. Reimbursable costs for documented traffic enforcement activity include the following:

- Documented traffic enforcement on CMVs with an inspection;
- Documented traffic enforcement on CMVs without an accompanying inspection resulting from an observed unsafe driver behavior;
- Documented traffic enforcement on non-CMV's when necessary to promote the safe operation in and around CMVs (amount limited as described below); and,
- Documented traffic enforcement during strike force activities in high risk locations and/or corridors.

5.4.1 Coordination with Other DOT Agencies

The 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 NHTSA or 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.

5.4.2 Traffic Enforcement Violations

States should include documentation on a NAS inspection report and issue written citations or warnings for the following types of traffic violations:

SECTION	ASPEN CODE ¹	DESCRIPTION
392.2	392.2C	Failure to obey traffic control device
392.2	392.2FC	Following too closely
392.2	392.2LC	Improper lane change
392.2	392.2P	Improper passing
392.2	392.2R	Reckless driving
392.2	392.2S	Speeding
392.2	392.2-SLLS1	Speeding 1-5 miles per hour over the limit
392.2	392.2-SLLS2	Speeding 6-10 miles per hour over the limit
392.2	392.2-SLLS3	Speeding 11-14 miles per hour over the limit
392.2	392.2-SLLS4	Speeding 15 or more miles per hour over the limit
392.2	392.2-SLLSWZ	Speeding work/construction zone

392.2	392.2T	Improper turn
392.2	392.2Y	Failure to yield right of way
392.2	392.3	Operating a CMV while ill or fatigued
392.2	392.2	Local laws (general)
392.4(a)	392.4A	Possession/use/under influence of drugs
392.5(a)	392.5A	Possession/use/under influence of alcohol
392.10(a)(1)	392.10A1	Failing to stop at railroad grade (RR) crossing – bus
392.10(a)(2)	392.10A2	Failing to stop at RR crossing – chlorine
392.10(a)(3)	392.10A3	Failing to stop at RR crossing – placard
392.10(a)(4)	392.10A4	Failing to stop at RR crossing – HM cargo tank
392.14	392.14	Failing to use caution for hazardous conditions
392.16	392.16	Failing to use seat belt while operating CMV
392.71(a)	392.71A	Using/equipping CMV with a radar detector
392.80(a)	392.80A	Prohibition against texting (driver)
392.82(a)(1)	392.82A1	Using a hand-held mobile telephone (driver)

¹ The Aspen codes shown above are included for purposes of clarity; an Aspen inspection report is NOT required for reimbursement.

5.4.3 Traffic Enforcement Cost Eligibility

The statutory language and FMCSA policy allowing MCSAP funding to be used for documented traffic enforcement against non-CMV's has several requirements:

1. The activity must be designed to promote the safe operation of CMV's;
2. The number of motor carrier safety activities (including roadside inspections, compliance reviews, and safety audits) conducted by the State is maintained at a level at least equal to the average for FYs 2004 and 2005;
3. 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;
4. Enforcement activities targeting CMV's and non-CMV's must be documented and the documentation provided to FMCSA; and
5. Detection and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a CMV or by any occupant, including the operator is allowed as long as the previous requirements are met.

The statutory 10% limitation applies only to traffic enforcement on non-CMV's, and only to the MCSAP Basic funding amount received. For example, if a State receives a \$1,000,000 Basic grant (Federal share), the State could request reimbursement for no more than \$100,000 of the costs for documented traffic enforcement against non-CMV's.

States must report their non-inspection CMV and non-CMV traffic enforcement activities to FMCSA in the quarterly performance progress report. 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:

- Number of non-inspection traffic enforcement stops/contacts with CMVs;
- Number of citations 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-CMV that were operating unsafely in the immediate vicinity of a CMV at the time of the violation; and
- When conducted as part of the State’s traffic enforcement activities, number of citations issued during traffic enforcement stops/contacts on non-CMV that were operating unsafely in the immediate vicinity of a CMV at the time of the violation.

Q3: What does “part of the State’s traffic enforcement activities” mean?

A3: This means activities during coordinated, grant-funded traffic enforcement initiatives. This could include strike forces, blitzes, or other normal, grant-funded operations during which the officer understands they are conducting traffic enforcement activities. This does not necessarily mean a traffic stop conducted by an officer during a time in which the officer’s primary focus was not traffic enforcement (such as driving to a fixed inspection facility, returning home from work while still in an official vehicle, etc.). However, if you already have a mechanism to capture activity counts from these stops, please include them in your reporting.

Q4: How should I report this data?

A4: You must report this information in the SF-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. Non-inspection Traffic Enforcement (TE) stop/contact (CMV): [insert number]
2. Non-inspection TE citations issued (CMV): [insert number]
3. CMV-safety related TE stop/contact (non-CMV vicinity): [insert number]
4. CMV-safety related TE citation (non-CMV vicinity): [insert number]

Q5: How will FMCSA aggregate this data?

A5: When this information is included in your quarterly report, the FMCSA Division Office will upload the four data elements into a special form on the Analysis and Information 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: No, as long as the inspection includes a violation from the list in MCP section 5.4.2. 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.

Q7: Neither my MCSAP grant funds nor my State match 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. 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.

5.5 Compliance Reviews, Carrier Investigations, and New Entrant Safety Audits

For information regarding cost eligibility, please refer to Appendix A of this document.

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.

5.5.1 New Entrant Safety Audits

The FAST Act consolidated the New Entrant program into the MCSAP formula grant program. The purpose of the New Entrant Safety Audit 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 under the FAST Act, 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. The FAST Act permits intrastate New Entrant safety audits as 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.

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 off-site, 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 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.

See Appendix A for further cost eligibility details.

5.6 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. The 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. These activities 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.

See Appendix A for further cost eligibility details.

5.7 Data Collection and Data Quality

The 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.

5.7.1 Data Quality

The 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 to monitor compliance of motor carrier companies, 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.

5.7.2 DataQs and Requests for Data Reviews (RDR)

The DataQs system is the electronic means that motor carriers, commercial drivers, and others have at their disposal to request a review of the quality and correctness of the data maintained and disseminated by FMCSA. While FMCSA maintains State safety data in MCMIS and uses and disseminates the data contained therein, each State's lead MCSAP agency is responsible for all CMV crash and inspection data generated by its agency and/or sub-agencies. The State lead MCSAP agency is responsible for reviewing and resolving all RDRs or disputes pertaining to the

collection and reporting of State-reported safety data into MCMIS. The State submits data to the State SAFETYNET system, which uploads the data into MCMIS.

5.7.2.1 Minimum Period of Consideration for RDRs

Ensuring that inspection and crash records are accurate and complete is essential to the effectiveness of these programs and the reason that FMCSA established the DataQs record correction program. Currently, State policies vary on how long after an inspection or crash the State will consider an RDR on that event. Achieving consistency in the data correction process supports the Agency's continuing efforts to enhance data quality and ensure that MCMIS, SMS, and Pre-employment Screening Program (PSP) remain reliable sources of information.

States must accept and conduct a good faith review of all inspection-related RDRs received within three years of the date of inspection and for all crash-related RDRs received within five years from the date of a crash when received by the individual listed as the driver on the inspection or crash report. States must accept and conduct a good faith review of all inspection-related and crash-related RDRs received within two years from the date of the event when received by a motor carrier or a member of the general public.

The minimum periods of consideration apply to inspections and crashes occurring on or after April 1, 2014

5.7.3 Adjudicated Citations

State law enforcement officials routinely conduct roadside inspections documenting violations of State laws or regulations that are compatible with the FMCSRs and HMRs ([49 CFR § 350.105](#) defines "compatible or compatibility"). States enter the results of roadside inspections, including documented violations, into SAFETYNET, a data and communication system that facilitates the transfer of State inspection activities to FMCSA. The data are uploaded to MCMIS and then utilized by other FMCSA data systems such as PSP (to release driver history information as authorized by law) and SMS (to prioritize enforcement activities).

DataQs is the Agency's national motor carrier safety data correction system that provides an electronic means for drivers, motor carriers, and members of the public to submit a RDR regarding crash and inspection data in FMCSA data systems. When an RDR is filed, the DataQs system automatically forwards the request to the appropriate Federal or State office for processing and resolution.

5.7.3.1 Definitions

For the purposes of this section, the following definitions apply:

Adequate Documentation includes scanned copies of certified documentation from the appropriate court or administrative tribunal or providing a direct web link to the adjudication results of an official court or agency Web site that presents adequate and verifiable documentation of the adjudication result.

Adjudicated citation means a citation that has been contested and resolved through a due process proceeding in a State, local, or administrative tribunal, regardless of how the action is resolved, whether by a judge, administrative tribunal or prosecutor or as part of a plea agreement or otherwise.

Citation is a notice issued by a law enforcement officer to a commercial motor vehicle operator charging a violation of State law or State-adopted FMCSRs. The recipient has the opportunity to challenge or contest the citation through a State-provided administrative or judicial due process system. A warning is not a citation and therefore, warnings issued to a commercial vehicle driver as a result of a roadside inspection are not subject to this process.

Conviction is defined at [49 CFR §§ 383.5](#) and [390.5](#) and means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

Court Costs are fees imposed by a court or administrative tribunal that are intended to cover the State's expenses of handling the case. Payment of an incidental expense uniformly imposed on all persons that appear before a particular court or tribunal regardless of case outcome should not be considered a court cost under FMCSA's regulatory definition of "Conviction." Examples of excluded, non-punitive court costs include but are not limited to scheduling fees, the cost of a certified copy of the court's docket or order, or attorney fees. Costs or fees imposed for a diversion program will constitute a court cost that qualifies as a conviction under the regulatory definition.

Fine is a sum of money imposed as a penalty for an offense. A court cost may be considered a fine when the amount charged exceeds the amount generally imposed for court costs and is akin to a penalty.

Masking convictions occurs when a State defers imposition of judgment, or allows an individual to enter into a diversion program that would prevent a Commercial Learner's Permit (CLP) or CDL holder's conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the CDLIS driving record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State, or where the diversion program prevented a conviction from being entered for a qualifying violation committed by a CDL holder.

Unvacated refers to an order or judgment that has not been canceled or rescinded.

5.7.3.2 Adjudicated Citations Policy

During a roadside inspection, the State and local enforcement officers may choose to issue a citation to the driver for a violation of State-adopted FMCSR or HMR, or equivalent State violation code. A citation that has been resolved through a State's administrative or judicial due process proceeding, regardless of outcome, is considered adjudicated.

The FMCSA's DataQs system allows a user to submit an RDR requesting that the outcome of an adjudicated citation for a violation be included in the inspection record. SAFETYNET and MCMIS now allow State and Federal officials to record adjudication results for citations issued during roadside inspections in a new field created for this purpose.

For any violation documented in a roadside inspection occurring on or after August 23, 2014, the State agency responsible for administering the State's DataQs process (typically the MCSAP Lead Agency) must follow the procedures below when it receives an RDR related to an adjudicated citation. To implement this policy, the State must also ensure that its SAFETYNET system meets current FMCSA IT installation requirements, which includes important changes to SAFETYNET and MCMIS that accommodate this new functionality.

Additionally, when State or local law enforcement officers conducting roadside inspections issue a citation for a violation included on the inspection report, the officer must record the citation control number (i.e., citation or ticket number) in the citation field on the inspection report to ensure that DataQs analysts are able to match the correct violations.

Personnel assigned to review and take action on RDRs submitted through DataQs (DataQs analysts) must conduct a good faith review of any RDR that requests the incorporation of citation results in a driver-vehicle inspection report. Except in the instance of adding a citation number to an inspection record if not included at the time of inspection or correcting an error, DataQs analysts are not required to change the information or violations included in the original inspection report. Instead, DataQs analysts will append additional information to the inspection report concerning the adjudication results related to a particular violation based on the citation adjudication.

The table below identifies how adjudicated violations will appear in FMCSA systems depending on the outcome.

Result of Adjudicated Citation Associated with a Violation Uploaded to MCMIS	Safety Measurement System (SMS)	Pre-Employment Screening Program (PSP)
Convicted of original charge	Violation not removed	Violation not removed
Dismissed with fine or punitive court costs	Violation not removed	Violation not removed
Dismissed without fine or punitive court costs	Remove violation	Remove violation
Not Guilty	Remove violation	Remove violation

Convicted of a lesser charge	Append inspection to indicate violation “Resulted in conviction of a different charge.” Change severity weight to 1.	Append inspection to indicate violation “Resulted in conviction of a different charge.”
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5.7.3.3 Adjudicated Citations Procedures

The DataQs analyst will evaluate the RDR and, if it includes adequate documentation of the adjudicated citation result, must:

- Add the citation number (if missing from the inspection record) in SAFETYNET;
- Append the violation on the inspection record in SAFETYNET with the appropriate SAFETYNET code (see below) based on adjudication outcome, and Communicate the results via DataQs to the requestor.

The following table outlines the adjudication outcome drop down selections that will be available in SAFETYNET for each violation and provides examples of how DataQs analysts must apply each. More details are offered in the scenarios that follow.

Adjudication Outcome	Sample Scenarios	SAFETY NET Code
Conviction of original charge	<p>Citation for Speeding (15 or more over) and convicted of Speeding (15 or more over)</p> <p>Citation for Driving under the Influence and convicted of Driving under the Influence</p> <p>Citation for Log Not Current dismissed, but driver required to pay fine of \$240. (Still a “conviction” per 49 CFR §§ 383.5 and 390.5)</p> <p>Citation included three separate violations, A, B, and C. Driver was convicted or paid a fine associated with violation B and therefore SAFETYNET code 1 should be entered for violation B. In this example, violations A and C were dismissed. SAFETYNET code 3 should be entered for violations A and C.</p>	1
Conviction of different charge	Citation for Careless Driving (15 or more MPH over speed limit) and convicted of different charge of Speeding (5 miles over) through a plea agreement	2

Not guilty or Dismissed	<p>Found not guilty Dismissed by prosecutor (nolle prosequi) Dismissed by judge (e.g., officer failed to show) Citation included three separate violations X, Y and Z. Violations X and Y were dismissed therefore SAFETYNET code 3 should be entered for violations X and Y. In this example, the driver was convicted or paid a fine associated with violation Z, therefore SAFETYNET code 1 should be entered for violation Z</p>	3
N/A	<p>Default value for violations in SAFETYNET State has held matter in abeyance (e.g., continued the case or otherwise not resolved the charge, entered a plea but holds it for a year before citation is adjudicated)</p>	

The following are examples of adjudication outcomes for a violation that would be classified as “Convicted of Original Charge” based on the definition of conviction in FMCSR §§ 390.5 and 383.5:

- a) Payment of fine and/or punitive court costs in exchange for dismissal;
- b) Adjudication of guilt by a judicial officer or administrative tribunal; or
- c) Payment of the fine associated with a citation without appearing in court or acknowledging responsibility for the violation, or failure to appear and resulting forfeiture of bail or collateral.
- d) Entry into a diversion program that requires costs and results in dismissal of the original charge.

The following are examples of adjudication outcomes that would be classified as “Not Guilty or Dismissed”:

- a) Dismissal
 - 1) Original citation dismissed by a prosecutor (e.g., nolle prosequi); or
 - 2) Original citation dismissed by a judicial officer without a hearing (e.g., officer failed to show for hearing)
 - 3) Original citation stricken (e.g., dismissed with leave to refile or dismissed without prejudice)
- b) A finding of Not Guilty by a judicial officer or administrative tribunal.

The following are examples of adjudicated citation outcomes that would be classified as “Convicted of a Different Charge”:

- a) Original charge on citation dismissed but defendant pleads guilty to a modified charge.

- b) Plea agreement in which the initial charges are dismissed in exchange for defendant's guilty plea to a single different charge (defendant charged with log violations, failing to stop at a scale, and improper vehicle registration; and agrees to plead guilty to a new violation of "overweight civil infraction" upon dismissal of the original charges.). The different charge need not be related to the initial violation(s) (e.g., Speeding violation dismissed in exchange for plea to disorderly conduct).

5.7.3.4 Citations Held in Abeyance

DataQs analysts must not modify the citation adjudication record in SAFETYNET for a citation that has been held in abeyance (without the payment of fines or court costs) until the requestor produces sufficient documentation confirming the final adjudication of the matter. A citation that is held in abeyance has not been fully adjudicated until the court or administrative tribunal takes some final action and the matter is closed.

5.7.3.5 Multiple and Enhanced Violations on a Citation

The FMCSA recognizes that some States allow enforcement officers to list multiple violations on a single citation document, which results in multiple violations with the same citation number entered on the inspection report. The outcome for one charged violation on the citation does not necessarily mean that all violations on the same citation resulted in the same outcome. The DataQs analyst must carefully review the adjudication outcome for each violation charged in order to determine which violations are appended with an outcome, and must document the results accordingly in SAFETYNET.

In addition, FMCSA recognizes that in some cases the inspector may take into consideration two or more violations on the inspection report and add an "umbrella" violation such as operating an unsafe vehicle.

IF:

- ✓ a citation is only issued for the "umbrella" violation (not the underlying violations), and,
- ✓ the "umbrella" violation results in a not guilty or dismissal, or a conviction of a different charge, and,
- ✓ the documentation indicates which underlying violations caused the officer to cite the "umbrella" violation,

THEN:

- ✓ the analyst should append the "umbrella" violation and/or all associated violations in SAFETYNET.

If there is no record of which underlying violations caused the "umbrella" violation, THEN the analyst should only append the umbrella violation in SAFETYNET.

5.7.3.6 Erroneous Violations

If a citation is dismissed because the associated violation was cited *erroneously* on the inspection report (e.g., incorrect USDOT number noted), then the violation should be removed from the motor carrier's inspection file according to the existing DataQs Guidance Manual.

5.7.3.7 Existing State Laws on the Removal of Violations due to Citation Results

This policy establishes the minimum requirements for States in addressing citation adjudication in SAFETYNET. However, some States have laws requiring the complete removal of violations from an inspection report if an associated citation is adjudicated as "not guilty". These States should continue to follow their State law and, if necessary, remove the violation from the inspection report. No State that removes a violation from an inspection report in accordance with its State laws will be in violation of this policy.

However, the State must append the inspection report consistent with this policy for all other adjudication results.

5.7.3.8 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 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.

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

The 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

- The FMCSA requires that each MCSAP partner complete 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/or 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 USDOT, 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. The 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)**².

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 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.

² Technical terms have been bolded to assist MCSAP partners with communicating recommended solutions with their respective IT departments.

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

[49 CFR § 350.311\(b\)](#) establishes that equipment expenses, to the extent necessary and directly attributable to the State's MCSAP, are allowable. The 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 partners must coordinate with their own IT departments to ensure sufficient data protection methods are in place. If a MCSAP partner 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 partners 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 partners that provide funding to sub-grantees are not required to maintain administrative control of sub-grantee laptop computers. However, MCSAP partners 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 partners must implement a solution that overwrites data a sufficient number of times to prevent data recovery.

The 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

5.8 Performance and Registration Information Systems Management

The PRISM program improves motor carrier safety by leveraging the use of State CMV registration sanctions on motor carriers who are prohibited from operating by FMCSA. Information exchanges with State CMV registration agencies allow FMCSA to link a motor carrier's safety fitness to their State vehicle registration record. Targeted motor carrier and vehicle safety data is provided to States CMV registration agencies to 1) conduct safety checks prior to issuing or renewing vehicle registration and license plates; 2) identify motor carriers prohibited from operating by FMCSA and; 3) suspend or revoke and deny registration to immobilize carrier operations until they improve their safety deficiencies.

Section 5101 of the FAST Act made participation in the PRISM program a requirement of MCSAP eligibility. Thus, MCSAP State grant recipients must "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," no later than October 1, 2020. FMCSA defines "a motor carrier with serious safety deficiencies" as a motor carrier prohibited from operating by FMCSA.

Previously, implementation that meets the requirements of full participation for PRISM was defined as Step 6 within the PRISM implementation model. FMCSA has eliminated the use of "Step 6" as the terminology for compliance and, instead now uses the term "fully participate."

FMCSA defines "fully participating" in PRISM, for the purpose of determining eligibility for MCSAP as:

- A State's IRP or CMV registration agency suspending or revoking and denying registration if the motor carrier responsible for safety of the vehicle is under any Federal OOS order; and
- Denying registration if the motor carrier possesses an inactive or de-active USDOT number for motor carriers operating CMVs in commerce that have a GVW of 26,001 pounds or more.

This definition of “fully participate” incorporates the statutory direction provided by Congress and a definition that is consistent with implementation requirements to complete the former Step 6 in the PRISM process.

Previously, implementation of all PRISM requirements beyond “fully participate” were defined as Step 8. FMCSA has eliminated the use of “Step 8” and instead now uses the term “enhanced participation.” It should be noted here that while FAST specifically mandated “full participation” in PRISM by States by October 1, 2020, “enhanced participation” is voluntary, although encouraged by FMCSA in order to maximize the safety benefits available under the PRISM program.

States must comply with specific requirements to achieve “full” and “enhanced” participation in order to meet the conditions of MCSAP and HP grant eligibility.

PRISM requirements were previously defined based on an IRP framework. Since the FAST Act made full participation in PRISM a mandatory requirement of the MCSAP, FMCSA recognized that this might present a challenge for MCSAP jurisdictions that do not participate in IRP. FMCSA updated the PRISM requirements to adapt to any non-IRP CMV registration agency and allowed flexibility in how the requirements are implemented for jurisdictions that seek to use a non-technical or FMCSA- approved alternative approach for implementing PRISM.

As such, States should work directly with their FMCSA Division Offices and the Enforcement Division to develop an implementation strategy to overcome any challenges and plan to comply with the requirements for full participation by the October 1, 2020 deadline. A jurisdiction newly participating in PRISM must have an FMCSA-approved implementation plan prior to receiving grant funding.

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.

More information on law enforcement requirements can be found within Section 4.3.1 of the MCP.

For more information:

- To access the PRISM Procedural Manual and the full range of reference materials, please visit the PRISM Document Library at www.fmcsa.dot.gov/information-systems/prism/prism-document-library.
- For an overview of the PRISM Implementation Map, requirements and national progress, please visit www.fmcsa.dot.gov/information-systems/prism/states-using-prism

6.0 Innovative Technology Deployment Program

The 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 (ITD) discretionary grant program with the goal to deploy, support, and maintain CMV information systems and networks. [49 U.S.C. § 31102\(l\)\(3\)](#). FMCSA will set aside an allocation of 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 as determined by FMCSA each fiscal year will be included in the NOFO.

The terms “core” and “expanded” do not appear in the FAST Act’s provisions regarding ITD. These terms and the corresponding funding restrictions were intentionally eliminated from FMCSA’s authorizing legislation to provide more flexibility in program funding. The elimination of the terms in the FAST Act did not relax the standards for program participation, however the FMCSA acknowledges that new technology and innovation may provide unanticipated opportunities to make immediate contributions to the safety mission. FMCSA’s ITD program policy will still refer to “core” and “expanded” level projects as a way to reference the specific standards originally established in connection with these terms. Other terminology and definitions are also incorporated in this policy.

The ITD program also supports information sharing involving a partnership of government agencies, motor carriers, and other stakeholders. As a partnership formed around a common goal of sharing information, the ITD program allows FMCSA to benefit from maximum nationwide participation by public and private partners. The ITD grant program replaces the previous Commercial Vehicle Information Systems and Networks (CVISN) grant program with the following financial and programmatic FAST Act revisions: removes related core and expanded funding caps; provides at least an 85/15 Federal-to-State funding match split (previously 50/50), defines a maximum period of performance to include the year of award plus 4 fiscal years (previously unrestricted); and creates an exemption from the IRP or IFTA membership requirement as a Core requirement if a jurisdiction is not afforded membership.

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. The FMCSA may award ITD funds to agencies of States, the District of Columbia, or U.S. Territories that have an approved plan as outlined in the FAST Act. Individuals and businesses are not eligible to apply.

6.3 ITD Eligible Activities and Costs

The FMCSA's primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. The ITD grant program supports that safety mission by providing States funding to:

- Improve safety and productivity of motor carriers, commercial vehicles, and their drivers;
- Streamline enforcement operations;
- Improve efficiency and effectiveness of commercial vehicle safety programs through targeted enforcement;
- Improve security of data and the sharing of commercial vehicle data within States, and between States and FMCSA;
- Reduce Federal/State and industry regulatory and administrative costs; and
- Achieve nationwide deployment of the ITD program, with all jurisdictions participating at least at the Core deployment level.

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 goals of the program. 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.

The FMCSA will award ITD funds in three categories: 1) CMV systems and networks deployment activities (including hardware and software applications); 2) ITD planning activities including the development or updating of a 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 category names, definitions and most common types of eligible costs.

Category 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 goal and objectives of the ITD program. States may apply for activities that fall under one or more of the following program areas:

Core Deployment

Core functionality must be deployed by all participating States. This focus area can be utilized by States to implement ITD projects in the areas of safety information exchange, credentials administration, and electronic screening in their effort to become—or remain—Core compliant.

- **Safety Information Exchange.** Projects that facilitate the exchange of motor carrier credential 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 area requires the implementation of Aspen (or approved third-party* equivalent) roadside inspection application and a Commercial Vehicle Information Exchange Window (CVIEW), or equivalent, that houses and exchanges State credential and safety data with the national Safety and Fitness Electronic Records (SAFER) database.

*Note: The MCP includes a “State Procurement of Third-Party Inspection Software” policy that outlines requirements if software other than Aspen is to be used to collect and upload roadside inspection information. See Section 5.3.9 for additional information.

- **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

under 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 percent 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 particular Core requirement.

- **Electronic Screening (E-Screening).** Projects that electronically identify a commercial vehicle, verify its size, weight, and credentials 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/motor 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

This focus area can be utilized by States to implement projects that exceed the requirements of Core deployment, improve safety and productivity of CMV operations, and enhance transportation security.

A State that has achieved Core compliance status is considered ready to deploy Expanded activities. The 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. The Expanded portion of the program is designed to be more flexible than the Core component. States are not required to deploy a set of fixed capabilities, but may rather choose the capabilities they wish to deploy, allowing the States to customize their Expanded ITD programs and focus their resources on the projects that are most beneficial to their needs. Expanded ITD capabilities are segmented into four program areas:

- **Improved Driver Information Sharing.** Activities in this area improve an enforcement officer's ability to check driver credentials for safety problems.
- **Enhanced Safety Information Sharing.** Activities in this area include storing and sharing additional safety and credential information in CVIEW.

- **Smart Roadside Systems/Applications.** Activities in this area achieve interoperable technology and information sharing between in-vehicle, on-the-road, and freight facility systems.
- **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.

Category 2: ITD Planning Grants. States may 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 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.

A State may apply for, and receive funds, to develop the PP/TLD and begin deployment activities during the period of performance of the grant agreement. However, the State is prohibited in the grant agreement from beginning deployment activities until the State receives prior approval from FMCSA.

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

Category 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 previously in section 5.2.

Acceptable uses of O&M funding are, but 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 improves the efficiency of that system such that it would be considered an improvement, not just a routine update, would not be covered under O&M funding. For example, converting from one operational platform to another, upgrading from 'Professional' to 'Enterprise' level of software, or the changing of vendors despite similar functionality would be considered 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 of this document.

See Appendix H for the ITD cost eligibility table that provides additional examples of eligible ITD activities and projects.

6.4 ITD Match and Period of Performance

The FMCSA provides ITD Federal funding of at least 85 percent of the total project cost. The FMCSA may adjust the matching amount based on project priority as published in 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 4 fiscal years. All new application project timelines will be evaluated to ensure they can be achieved within this timeframe. 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

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

Note: While the MCP outlines the application requirements and evaluation criteria; the grantee should review the NOFO to ensure the requirements and/or criteria are consistent with the MCP.

If a State applies for ITD deployment activity funding, the application must also include the following items:

- An ITD program plan/top level design (PP/TLD) approval letter. The approved plan must describe the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of CMV information systems and networks capabilities;
- 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.
- Certify that the applicant has coordinated within the State for projects and activities impacting Statewide CMV systems and networks to avoid any duplication of effort.

In addition to the discretionary grant review elements discussed in Chapter 7, the FMCSA will also consider the following factors prior to 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 status of the Core ITD elements of: Safety Information Exchange, E-Screening, Electronic Credentials Administration projects;
- Consider findings in any Core Compliance Review or the State's risk assessment (see Section 6.9);
- Verify that a memorandum of understanding or other such agreement exists among State agencies whereas significant ITD deployment (system and network) coordination is critical to project success (if applicable); and
- Assess previously funded CMV systems and networks activities at the State level to mitigate or eliminate efforts that may be considered duplicative.

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 continue its use for application of awards.

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: The PP/TLD review and approval process should not be considered or inferred as an indication from FMCSA that an application will be recommended for an award.

The FMCSA provides a template that States may use to develop the PP/TLD. Once the plan is developed, States must forward the completed PP/TLD through their State's FMCSA Division Office to the FMCSA ITD Program Office for evaluation and approval prior to the State beginning deployment activities.

See Appendix I for the PP/TLD template.

6.7 Certifications

A State achieves 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 this current Policy document. Once a State has completed deployment of related Core projects, FMCSA will conduct a certification evaluation process for the State to be considered Core compliant and thereby become eligible for future (Expanded) program funding.

- 1. CVIEW:** As part of Core functionality, and before they can be considered Core certified, States are required to 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 deskside authorized State inspectors and officials. States are required to work with FMCSA's SAFER system administrator to execute interface certification tests, tailored as needed to match their own system implementations. Upon successful completion of the interface certification testing, the system administrator will submit a written request to the FMCSA ITD Program Office for approval of the CVIEW or CVIEW-equivalent system 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 SAFER production system. The system administrator will then coordinate the commencement of that State's CVIEW transactions with SAFER.

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

2. **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 and use these checklists to keep track of their commercial motor vehicle information systems and networks 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 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.

To access the COACH, you must log into the FMCSA portal then click on the following link:

https://portal.fmcsa.dot.gov/itd_sso/DocumentView/Index?topNavCategoryDescription=Core%20Compliance&sideNavCategoryDescription=COACH%20-%20Part%201&sideNavParentCategoryDescription=Core%20Compliance&sideNavCategoryCode=coach_part_1

6.8 Compliance Monitoring

Once FMCSA certifies a State as Core compliant, the State must maintain compliance, ensuring their systems continue to function as required. This expectation is for 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 time table 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 are required to 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 their plan to maintain Core compliance and the timelines necessary to retain that compliance. States will be provided an opportunity 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 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 above.

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

Programmatic Risk Assessment: 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. 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 are required to 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.

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.

Technical Risk Assessment: Since ITD (formerly CVISN) 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 both 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 as part of a State's overall risk evaluation during any grant application review.

6.10 ITD Communication

The FMCSA conducts monthly ITD Program Manager (PM) and ACCB calls to monitor the States' ITD activities, provide programmatic and technical guidance, and to foster the exchange of peer-to-peer information. 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.

The 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 prior to 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 of 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): The ACCB is 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 to review, analyze, discuss, and make recommendations about proposed changes to the ITD architecture and generic top-level design. Besides the main tasks of tracking the ITD national architecture, ACCB focus groups currently concentrate on e-screening and data integrity.

Aspen: Aspen 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 electronically transfer inspection results to SAFER.

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): The COACH provides 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): CVIEW is 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: Management framework and system architecture to guide a State's ITD deployment and to carry out ITD capabilities in the areas of 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: 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 are able to 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, which would improve 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: Innovative technology means the deployment or maintenance of CVO systems, networks, and application 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 the safety, efficiency, and sustainability of surface transportation. 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): IFTA is 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 is used to determine the net tax or refund due and to redistribute taxes from collecting States to States that it is due.

International Registration Plan (IRP): IRP is a registration reciprocity agreement between the contiguous United States and the Canadian provinces, which 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 which 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: An ITD Program Plan/Top-Level Design document (PP/TLD) which 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): SAFER is a national repository that offers company safety and credential data to industry and the public over the internet, 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 own purposes and share the data seamlessly to improve motor carrier safety, operational efficiency, and freight mobility. This vision will be achieved through the application of interoperable technology and information sharing between in-vehicle, on-the-road, and freight facility systems.

Technical Risk Assessment: The 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 as part of 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.

7.0 General Grants Information

7.1 Grant Application Announcement Guidance

The FMCSA will notify prospective applicants on each grant program available for funding through a NOFO. The NOFO will contain, at a minimum, the requirements in [2 CFR part 200](#). Every NOFO will include, but not necessarily be limited to: 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; and the due date for applications.

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 U.S.C. §§ 6301-6308](#)) and operate as grants; however, cooperative agreements require more substantial involvement by FMCSA than do 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, the FMCSA reserves the right to determine whether an award should be treated as a grant or cooperative agreement. The NGA presented to the recipient for acceptance will specify the type of award instrument and any special award terms and conditions, if applicable.

The FMCSA will announce, in the NOFO, the National Priorities for each 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.

The FMCSA will only post opportunity announcements on the Grants.gov public portal. The FMCSA will not accept unsolicited applications. Additionally, FMCSA will not accept application project plans or budget narratives outside of Grants.gov unless specified within the NOFO (e.g., use of the MCSAP formula grant program electronic software program for submission of the State Plans and related MCSAP program eligibility certification documents).

The NOFO will contain directions on how prospective applicants should submit their application materials.

All prospective applicants should read the NOFO thoroughly and completely as it contains important application submission instructions. Using the NOFO helps ensure that the application meets the established minimum requirements. The 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 be deferred from further review. A late application may only be accepted if there is a large scale natural disaster or a Grants.gov system 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 issues.

7.2 Grant Program Applicant Eligibility Definitions

The FAST Act establishes different applicant organizations that are eligible to receive an FMCSA grant program award. In general, FMCSA grants may be awarded to a State, Territory, or local government (including county, city, township, special district), and Federally-recognized Native American tribal governments. Some programs are also eligible to other entities such as institutions of higher education (public, private, and State-controlled), non-profit organizations with or without having a 501(c)(3) status with the Internal Revenue Service, for-profit entities (including small businesses), and other persons. Other persons is defined as an entity not included above and may not be an individual, foreign entity, hospital, public/Indian housing authority, or Federal institution.

7.3 Application Evaluation Process and Award

The FMCSA reviews all applications through a formal process, considering the legislative and regulatory requirements and published selection criteria established for each program. The FMCSA has two types of financial assistance awards: discretionary and formula. Discretionary 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 worthy of funding. Formula grants are noncompetitive awards based on a predetermined formula. Formula programs are sometimes referred to as State-administered programs. The FMCSA has one formula program, MCSAP, with the remaining programs being discretionary.

All discretionary (competitive) grant program applications undergo a series of reviews prior to award selection as required in [2 CFR §§ 200.204](#) and [205](#). These reviews include: 1) technical review; 2) suitability review; 3) past performance review; and 4) budget/cost analysis. An overview of each review is provided below:

- **Technical Review:** 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.

- **Suitability Review (also known as the Business Management Review):** This review provides a risk assessment on each applicant's organization to ensure the applicant is suitable to receive and manage Federal funds. The risk assessment is conducted in several parts: 1) a debarment and suspension review that includes a check against the applicant's records in the System for Award Management (www.sam.gov); 2) a review of the applicant's history with other Federal agencies in the Single Audit Clearinghouse Database; and 3) an evaluation of the applicant's Single Audit submitted in accordance with the Single Audit Act, if applicable.
- **Past Performance Review:** This review provides information that is considered as a possible indicator for predicting future performance. Many applicants for FMCSA programs have received FMCSA funding in the past 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. Applicants with no prior FMCSA grant awards will not be eliminated from funding consideration.
- **Budget/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.

The 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 for project success. Formula grant applications are subject to Federal review under [2 CFR § 200.205](#). See Chapter 3 for specific MCSAP criteria for the application, evaluation, and approval of MCSAP State plans in accordance with [FAST Act section 5101\(i\)\(1\)](#).

Because the MCSAP is a formula grant and eligible State agencies are not competing for program funds, FMCSA is permitted to engage closely 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 also 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. Unsuccessful applicants are notified through electronic mail.

7.4 Purpose of the Grant Agreement

The grant agreement (commonly referred to as the Notice of Grant Award (NGA)) is a legal instrument of financial assistance between a Federal awarding agency and a grant recipient or grant recipient pass-through entity and another non-Federal sub-recipient consistent with the definitions in [31 U.S.C. §§ 6302, 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 sub-recipient) to carry out a public purpose authorized by a law of the United States.

The grant agreement purpose is not to be used to acquire property or services for the Federal awarding agency or pass-through entity's direct benefit or use.

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, executive orders, OMB circulars, and terms and conditions of the award. The 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 sub-recipients or contractors employed in the completion of the project to comply with the grant agreement and all applicable statutes, regulations, executive orders, OMB circulars, and terms and conditions of the grant agreement.

7.5 Availability of Funds and Period of Performance

In an effort to use FMCSA grant funds more efficiently and effectively, the FAST Act requires that funds to recipients (and sub-recipients, if applicable) will be disbursed, and all activities completed, during a specific timeframe in which funds are available. Any funds not disbursed by the grantee within the period of availability will be de-obligated and returned to FMCSA. All

of FMCSA grant programs contain a limitation on the use of funds within the period of availability; 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 § 200.210](#). 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 timeframe allows. All allowable periods of performance are located in 49 U.S.C. § 31104(f), as amended by the FAST Act.

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. For example, a HP enforcement project with an allowable maximum period of performance of the fiscal year in which it was awarded plus two fiscal years may begin on May 1, 2018, and end on September 30, 2020. Information on FMCSA grant program funds availability and periods of performance can be found within the MCP chapters dedicated to each program.

Because 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.

Recipients may, at their own risk and without FMCSA prior approval, incur obligations and expenditures without an executed MCSAP grant agreement, provided that the costs are necessary to conduct the project(s) and would be allowable under the grant agreement, if awarded, and provided the expenses are not incurred prior to October 1 of the fiscal year of award. It must be noted that incurring these [pre-award costs](#) in anticipation of a MCSAP grant award imposes no obligation on FMCSA either to make the award or to increase the amount of the approved budget if an award is made for less than the amount anticipated and is inadequate to cover the pre-award expenses incurred.

7.6 Grant Program Sub-awards

All FMCSA grant programs allow [sub-awards](#). A sub-award is an award provided by a pass-through entity (the entity named on the FMCSA grant agreement) to a sub-recipient for the sub-recipient to carry out part of a Federal award received by the pass-through entity. Sub-awards do not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A sub-award 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 sub-award, the pass-through entity (entity named on the FMCSA grant agreement) must ensure that sub-recipients conduct their portions of projects in compliance with all applicable terms and conditions of awards and sub-awards and that project costs incurred by sub-recipients are reasonable and allowable. Agreements with contractors (vendors) for the purchase of services, however, typically do not bind vendors to the full set of sponsor 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§ 200.330](#) (Sub-recipient and Contractor Determinations) of the Uniform Grant Guidance, as well as §§ [200.22](#) (Contractor) and [200.92](#) (Sub-award) provides guidance on making sub-recipient and contractor determinations.

7.7 Grant Program Cost Principle Guidance

The [OMB cost principles \(2 CFR part 200\)](#) permit 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 sub-recipients, as noted, in each OMB regulation.

The MCP includes chapters and appendices dedicated to each FMCSA grant program that includes specific cost eligibility guidance. Generally, across all programs, FMCSA will reimburse for eligible and necessary personnel (including fringe benefits), travel and training, supplies, equipment, and contractual (including sub-recipient) 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 cognizant agency. Costs considered as “Other” will be evaluated to ensure they are clearly linked to application projects/activities. The FMCSA will not approve or reimburse “miscellaneous” costs or other such costs that are not documented as to how they were derived, eligible and necessary for project success.

The 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 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.

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.

Guidance on specific cost eligibility is included in the various chapters for each grant program.

7.8 Match and Third-Party In-Kind Contributions

The FAST Act sets minimum matching requirements for each grant program. [Matching](#) (also called cost sharing) means the portion of project costs not paid by Federal funds. For example, FMCSA grant programs require that FMCSA reimburse no less than 85% of eligible project costs, while the recipient provides the remaining 15% share. 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.

The FAST Act allows FMCSA to modify the Federal share of a grant program from the standard 85/15 threshold (85% Federal, 15% recipient share). Additionally, FMCSA may opt to offer 100% Federal financial assistance for a specific project(s) and/or priorities within a grant program. Specific projects that will be funded at 100% Federal share throughout the FAST Act authorization have been added to the MCP. Other projects funded at 100 percent 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 in-kind contributions may not be made retroactive prior to FMCSA approval of the grant agreement or amendments thereto. Recipients (or sub-recipients) 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 part 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 sub-recipient and these records must show how the value placed on the third party in kind contributions was derived.

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

7.9 Applicability of Program Income

[Program income](#) 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, and fines (including revenues collected from citations for traffic enforcement) raised by a recipient and/or sub-recipient, and interest earned on any of them.

7.10 Post-Award Financial and Reporting Requirements

The FMCSA requires recipients to provide performance progress and financial reports as a condition of the award. 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) Performance Progress Report (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. The FMCSA has standardized the information required in the performance report; however, at a minimum, each performance report must contain the following information:

- An account of significant progress (findings, events, trends, etc.) made during the reporting period;
- A description of any technical and/or cost problem(s) encountered or anticipated that will affect completion of the grant within the time and fiscal constraints as set forth in this Agreement, together with recommended solutions or corrective action plans (with dates) to such problems, or identification of specific action that is required by the FMCSA, or a statement that no problems were encountered;
- An outline of work and activities planned for the next reporting period; and
- Provide status update/resolution for all outstanding findings from program reviews and/or audits.

All FMCSA grant programs are cost reimbursable. Reimbursement means that grant recipients must first expend their own money 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.

The 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 may be required to reimburse FMCSA an amount appropriate to address the deficient match.

Appendix A: MCSAP and HP Cost Eligibility Table

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.

For example, an air card 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 that the air card is being used for purposes of the grant. If this trooper is only conducting MCSAP-supported inspections during one-half of the work week and spends the rest of the time conducting impaired driving enforcement under a grant from another agency, the State must prorate the costs of the air card accordingly or clearly demonstrate in its records that the connectivity provided by the air card serves no purpose other than that associated with the MCSAP-supported activities. Conversely, while an inspector may use a brake chamber measuring tool only during one-half of the work week, the tool serves no purpose beyond that of inspecting trucks and cannot be allocated to another non-MCSAP activity. In this instance, 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 extreme example, while computers may be allowable and allocable, purchasing two backup computers for each employee in a grant program is neither a reasonable use of grant funds nor necessary for the success of the program or projects.

Although FMCSA strives to include as many costs as possible in this table, it 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.

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 the cost 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.

Consolidated Cost Eligibility Table

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Aerial Traffic Enforcement (e.g., airplane or helicopter fuel costs, usage costs, etc. not including Unmanned Aerial Vehicles (drones))	Yes	Yes	No
Air cards for mobile internet connectivity	Yes	Yes	Yes
Alcoholic Beverages	No	No	No
Ammunition – standard issue and replacement (for age and/or if used for required firearms training to maintain certification as police officer)	Yes, if 100% dedicated officer; otherwise prorated	No	No
Audio-Visual Presentation Equipment	Yes, if part of outreach and education or internal training	Yes, if specifically included in an approved project plan and budget	No
Audit Costs (Single Audit - if required by Federal regulations)	Yes	Yes	Yes

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Alcohol Testing Devices for Breath (non-portable evidentiary testing device)	No	No	No
Alcohol Testing Devices for Breath (portable breath testing devices if on NHTSA conforming products list (82 FR 50940))	Yes, if 100% dedicated officer; otherwise prorated	Yes, if specifically included in an approved project plan and budget	No
Automated External Defibrillators (AED)	No	No	No
Bar Code Readers	Yes	Yes, if specifically included in an approved project plan and budge	Yes, if specifically included in an approved project plan and budget
Body Cameras (these are portable, electronic devices that record audio and video of activities of individual officers/inspectors)	Yes, if part of an approved project plan	No	No
Bus Ramps (Portable)	Yes	Yes, if specifically included in an approved project plan and budget	No
Canine (new) procurement and training.	No	No	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Canine (supplies only for canines previously acquired under a FMCSA grant)	Yes, if canine is assigned to a 100% MCSAP dedicated officer; otherwise prorated appropriately	No	No
Commercial Driver's License 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 (internet connectivity, fax line directly related to project activity if not included in a grantee's indirect cost rates)	Yes	Yes	Yes
Computer (desktop)	Yes	Yes, if specifically included in an approved project plan and budget	Yes
Compliance Investigations	Yes	Yes, if specifically included in an approved project plan and budget	No
Computer (laptop)	Yes	Yes, if specifically included in an approved project plan and budget	Yes

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Computer (tablet)	Yes	Yes, if specifically included in an approved project plan and budget	Yes, if specifically included in an approved project plan and budget
Conference Attendance (i.e., travel, registration, and time) related directly to enforcement activity training and standardization (e.g., CVSA, COHMED, DIAP, NAIC)	Yes, if specifically included in an approved project plan and budget	Yes, for non-MCSAP-lead agencies ONLY, if specifically included in an approved project plan and budget	No
Conference Attendance (i.e., travel, registration, and time) not directly related to enforcement activities (e.g., AAMVA, etc.)	No	Yes – if approved as part of the program or project	Yes, if specifically included in an approved project plan and budget
Conference Attendance (i.e., travel, registration, and time) related directly to FMCSA programs (MCSAP, High Priority, PRISM, Data Quality, and ITD)	Yes	Yes	Yes
Conference/Training Refreshments for grantee/sub-grantee-hosted event (e.g., snacks, food, and beverages such as coffee, tea, soft drinks, etc.)	No	No	No
Conference room fees for grantee-hosted training or outreach events	Yes	Yes, As part of an approved application	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Contractual costs for consultants, IT Staff, data analysis as part of an approved project	Yes	Yes	Yes
Crash Investigation	No	No	No
Crash Investigation Analysis Tools for CMVs (training, equipment, software)	Yes	Yes- if specifically authorized in the grant agreement	No
Crash Reconstruction Analysis Tools for CMVs (training, equipment, software)	Yes	Yes- if specifically authorized in the grant agreement	No
Crash Reconstruction	No	No	No
Criminal Interdiction Activities, including human trafficking, that are the result of a CMV safety inspection and are the logical extension of an officer's responsibility (towing vehicles, unloading vehicles, storage of seized goods or contraband, etc.)	Yes	Yes, if specifically included in an approved project plan and budget	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
CSA Investigations	Yes	Yes, if specifically included in an approved project plan and budget	No
CVIEW Operations and Maintenance	Yes, if related to approved component of the CVSP ³ for innovative technology	No	Yes
CVIEW Improvements	No	No	Yes
ITD Architecture development and system design	No	No	Yes
ITD Operations and Maintenance costs	Yes, if related to approved component of the CVSP for innovative technology	No	Yes
CVSA Decals	Yes	Yes, for local agencies only if specifically included in an approved project plan and budget	No

³ 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.

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
CVSA Membership Fees/Dues (Specific to Local/Municipal Law Enforcement Agency membership or membership type necessary for the MCSAP Lead Agency)	Yes	Yes, for local agencies only if specifically included in an approved project plan and budget	No
Drug Interdiction (DIAP) Training (provided by FMCSA)	Yes	Yes, if specifically included in an approved project plan and budget	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 Interdiction Activities that are conducted in conjunction with a CMV safety inspection and are the logical extension of an officer's responsibility (towing vehicles, unloading vehicles, storage of seized goods, etc.)	Yes	Yes, if specifically included in an approved project plan and budget	No
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, if specifically included in an approved project plan and budget	Yes

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Enforcement/Inspection Tools/Equipment (e.g., chamber mates, creepers, etc.)	Yes	Yes	No
E-Screening Annual Registration Fees (e.g., PrePass, NORPASS)	Yes, if related to approved ITD O&M component of the CVSP for innovative technology and included in approved budget	No	Yes
Facility Construction Costs (e.g., new inspection facilities, upgrades, etc.)	No	No	No
Facility Improvement Costs (e.g., inspection pit covers, lighting to allow night inspections,)	Yes, if specifically included in an approved project plan and budget	Yes, if specifically included in an approved project plan and budget for agencies other than the MCSAP lead agency	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
Fuel (gasoline, diesel)	Yes	Yes	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
GPS Devices (installed as a standalone device specifically for officer tracking purposes)	Yes	Yes, if specifically included in an approved project plan and budget	No
Graphical 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 plan and budget	No
HazMat Emergency First Responder Equipment	Yes, if needed to comply with OSHA standards for first responders and prorated based on percentage of MCSAP activities	No	No
HazMat Placard Readers (similar to a License Plate Reader) *Eligible expense under other programs, including ITD	Yes*, if used away from fixed facilities (ex: bypass routes) for enforcement purposes, not generalized inspection screening/selection	Yes*, if used away from fixed facilities (ex: bypass routes) for enforcement purposes, not generalized inspection screening/selection	Yes
HazMat Software (third party software that assists inspectors in identifying violations during HazMat inspections)	Yes, if specifically included in an approved project plan and budget	Yes, if specifically included in an approved project plan and budget	No
HazMat Package Inspection Program (HMPPI) or similar State /local HM package inspection activities	No	No	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
HazMat Shipper Reviews	No	No	No
In-car Video Equipment	Yes, if required to be present in all organizational vehicles and prorated based on percentage of grant-related activities	Yes, if specifically included in approved project plan and budget	No
Infrared Brake Inspection Devices (AFIS, IRIS, etc.)	Yes	Yes, if specifically included in an approved project plan and budget	Yes, at fixed locations if used for electronic screening
Inspection Pit (new) Construction	No	No	No
Inspection Pit Covers	Yes, if specifically included in an approved project plan and budget	No	No
Inspections (scheduled in advance with a motor carrier or owner-operator)	Yes –if specifically planned and approved in the CVSP	Yes – if specifically planned and approved in the grant application	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Inspections (State-mandated program)	No	No	No
Inspections (conducted at the request of the Federal Government)	Yes	Yes	No
Inspections (carrier or driver request at roadside)	Yes – only if a specific safety defect is alleged	Yes – only if a specific safety defect is alleged	No
Inspector Championships (state and national)	Yes	No	No
International Fuel Tax Association Fees/Dues	Yes, if related to approved ITD O&M component of the CVSP	No	Yes
International Registration Plan Fees/Dues	Yes, if related to approved ITD O&M component of the CVSP	No	Yes

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Intrastate CR/Investigations	Yes, if conducted in accordance with FMCSA's eFOTM procedures or similar State procedures	Yes, if specifically included in an approved project plan and budget and if conducted in accordance with FMCSA eFOTM procedures or similar State procedures	No
IT Application Development (not related to CVIEW or e-Screening devices/projects)	Yes, if directly related to CMV safety enforcement and not otherwise excluded by policy	Yes, if specifically included in an approved project plan and budget	No
IT Application Maintenance (e.g., licenses, upgrades, etc. not related to CVIEW 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	No, unless specifically included in approved project plan and budget	No
IT Equipment (e.g., servers, etc. related to CVIEW 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. NOT related to CVIEW or e-Screening devices/projects)	Yes	Yes, if specifically included in an approved project plan and budget	No
Law Enforcement Officer Uniform components (e.g., boots, radios, handcuffs, uniforms, etc.)	Yes, if 100% dedicated officer; otherwise prorated	Yes, if specifically included in approved project plan and budget	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
License Plate Readers	Yes, if specifically included in approved project plan and budget in support of O&M	Yes, if part of an approved HP project plan and budget	Yes, if part of an approved ITD program plan and budget
New Entrant Safety Audit Program activities (Intrastate)	Yes, provided intrastate program does not negatively impact interstate SA program	No	No
New Entrant Safety Audit Program activities (Interstate)	Yes	No	No
New Entrant Safety Audit Program education and outreach presentations and handout printing (when open to all carriers and focusing on the requirements to implement safety management practices; not just pass the audit)	Yes	No	No
Office Space (lease and rent costs to the extent that they are measurable)	Yes	No	No
Outreach and Education advertising and announcement materials (signs, banners, etc., used at safety events), excluding promotional items – subject to necessary and reasonableness determination) See also – Promotional Items and Printing	Yes	Yes, if part of an approved project	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Motor Oil (and other vehicle fluids)	Yes	Yes	No
Passports	Yes – if specifically noted and approved in the CVSP	No	No
Printing Paper	Yes	Yes	Yes
Performance-Based Brake Testers (PBBT)	Yes	Yes, if specifically included in an approved project plan and budget	No
Personnel (salaries)	Yes	Yes	Yes
Personnel (fringe benefits)	Yes	Yes	Yes
Personnel (overtime)	Yes (cannot exceed 15% of total approved MCSAP project cost, including State	Yes	Yes

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
	match, without prior approval)		
Phones (landline, wireless)	Yes, if 100% dedicated officer; otherwise prorated	Yes, if specifically included in an approved project plan and budget	Yes
Plaques or awards for employee recognition	No	No	No
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.	Yes, prorated based on percentage of use by grant-supported unit	Yes, if specifically included in an approved project plan and budget	Yes, if specifically included in an approved project plan and budget
Portable Scales	Yes, with adequate justification in CVSP	Yes, if non-MCSAP Lead Agency and with strong supporting justification	No
Postage	Yes	Yes	Yes

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Printer Ink	Yes	Yes, if specifically included in an approved project plan and budget	Yes
Printers (portable, desktop, or all-in-one devices)	Yes, if 100% dedicated officer; otherwise prorated	Yes, if specifically included in an approved project plan and budget	Yes
Printers (multi-function printers in common office areas)	Yes, prorated based on percentage of use by grant-supported unit	No	Yes
Printing (e.g., outreach and education materials)	Yes	Yes	Yes
PRISM Program-related costs including operations & maintenance	Yes	Yes, if specifically included in an approved project plan and budget in accordance with agency eligibility limitations.	No
Professional Association dues not specifically authorized in this policy	No	No	No
Promotional Items (t-shirts, mugs, trinkets, giveaways, etc.)	No	No	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Property Improvement Costs (e.g., addition of lights for night inspections)	Yes, if specifically included in an approved project plan and budget	Yes, if specifically included in an approved project plan and budget	Yes, if specifically included in an approved project plan and budget
Recruitment of new employees when not included in a State's indirect cost rate	Yes	No	No
Regulation Books (grantee program staff)	Yes	Yes	No
Regulation Books (for public and industry handout)	No	No	No
Roadside Inspections	Yes	Yes, if specifically included in an approved project plan and budget	No
Safety Audit and/or Compliance Review or CSA Enforcement Actions such as court and other administrative proceedings (other than pass/fail safety audit)	Yes	Yes, if specifically included in an approved project plan and budget	No
Scanners (portable document)	Yes	No	Yes

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Shipping Costs (FedEx, UPS, etc.)	Yes	Yes	Yes
Size & Weight Enforcement	Yes, only at non-fixed locations, steep terrain, and at seaports in conjunction with an inspection	Yes, if specifically included in approved project plan and budget	No
Skills Performance Evaluation	Yes, for MCSAP lead agencies to perform SPEs on non-CDL drivers and on CDL drivers when the SDLA does not perform SPEs	No	No
Software (commercial off the shelf)	Yes, if specifically included in an approved project plan and budget	Yes, if specifically included in an approved project plan and budget	Yes
Speed Measuring Devices (VASCAR, Lidar, Radar)	Yes	Yes, if specifically included in an approved project plan and budget	No
State required training (as a condition of employment if not included in approved indirect cost rate)	Yes, with FMCSA approval	No	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
State-mandated vehicle inspection programs	No	No	No
Supplies (all tangible personal property other than “equipment” as defined in 2 CFR 200.33)	Yes	Yes, if specifically included in an approved project plan and budget	Yes
Targets (firearms qualification to maintain police officer certification)	Yes	No	No
Terminal Inspections (at carrier’s request with advanced notice)	No	No	No
Terminal Inspections (unannounced or part of strike forces/special enforcement activities)	Yes	Yes	No
Tires	Yes	No	No
Toner	Yes	Yes, if specifically included in an approved project plan and budget	Yes

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Third Party Inspection Software	Yes, if requirements in Section 5.3.9 have been met	No	No
Traffic Enforcement	Yes, See Section 5.4	Yes, if specifically included in an approved project plan and budget	No
Training of new employees (academy, basic certification, etc.)	Yes, only a) if 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
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, etc.)	Yes	Yes	Yes
Truck Wraps: Large message decals applied to the trailer of a CMV, generally covering the entire body of the trailer with a specific message	No	No	No

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Truck Driving Championships (travel and attendance costs)	Yes, If the State is judging and providing an education or outreach component	No	No
Tuition for training (project related)	Yes	Yes, if specifically included in an approved project plan and budget	Yes
Uniforms	Yes	No	No
Unmanned Aerial Vehicles (i.e., Drones)	Yes, if specifically included in an approved project plan and budget	Yes, if specifically included in an approved project plan and budget	No
Utility Costs (e.g., electric, gas, water, etc.)	Yes, if not included in approved indirect cost rate	No	Yes, if not included in approved indirect cost rate
Vehicles (new)	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

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
Vehicle Fluids (e.g., oil, antifreeze, transmission fluid, etc.)	Yes	Yes	No
Vehicle Lease Costs (allowable only up to the cost of vehicle if it were to be purchased)	Yes	No	No
Vehicle Maintenance (e.g., routine oil changes, etc. 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 Repair (collision)	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

EXPENSE	MCSAP	HIGH PRIORITY	HP-INNOVATIVE TECHNOLOGY DEPLOYMENT RELATED PROJECTS
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 justification	No
Virtual Weigh Stations	No	No	Yes
Watering and Lawn Care (maintenance of facility)	No	No	No
Weapons	Yes, as required by department for all sworn personnel	No	No
Weigh-in-Motion (WIM) Scales (fixed or portable)	No	No	Yes
Workman's Compensation (see 2 CFR 200.431 for guidance)	Yes	Yes	Yes

Appendix B: Common Abbreviations

A&I	Analysis and Information Online
BASICs	Behavior Analysis and Safety Improvement Categories
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
CMV	Commercial Motor Vehicle
CVISN	Commercial Vehicle Information Systems and Networks (replaced by ITD)
CVSA	Commercial Vehicle Safety Alliance
CVSP	Commercial Vehicle Safety Plan
eCVSP	Electronic Commercial Vehicle Safety Plan
eFOTM	Electronic Field Operations Training Manual
FAST Act	Fixing America's Surface Transportation Act
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FMCSR	Federal Motor Carrier Safety Regulations
HM	Hazardous Material
HMR	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 st Century Act
MCMIS	Motor Carrier Management Information System
MCSAP	Motor Carrier Safety Assistance Program
NAS	North American Standard
NASI	North American Standard Inspection
NGA	Notice of Grant Award
NHTSA	National Highway Traffic Safety Administration
NOFO	Notice of Funding Opportunity
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
SDLA	State Driver Licensing Agency
SMS	Safety Measurement System
USDOT	U.S. Department of Transportation

Appendix C: MCP-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. A&I also includes a link to the eCVSP for a MCSAP lead agency. <https://ai.fmcsa.dot.gov/>

Catalog of Federal Domestic Assistance (CFDA): The CFDA public site 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. www.cfda.gov

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 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. <https://dataqs.fmcsa.dot.gov/>

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. The FMCSA authority is located in Title VI of the FAST Act.
<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. www.fmcsa.dot.gov/mission/grants

FMCSA Grant and Program Regulations: <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&=PART&n=pt49.5.350>

Grants.gov: This is the public location where FMCSA publishes application announcements (commonly called the Notice of Funding Availability, or NOFA) and related application submission information. 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. <https://nationalregistry.fmcsa.dot.gov/>

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200): 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.
http://www.eCFR.gov/cgi-bin/text-idx?tpl=/eCFRbrowse/Title02/2CFR200_main_02.tpl

Appendix D: MCSAP Grant Overview

Program Name:	Motor Carrier Safety Assistance Program Grant (<i>Abbreviation: MCSAP</i>)
Assistance Type:	Formula grants
Catalog for Domestic Assistance Number:	20.218
Purpose:	Reduce the number and severity of crashes and hazardous materials incidents involving CMVs through consistent, uniform, and effective CMV safety programs.
Applicant Eligibility Requirements:	Eligible for State MCSAP lead agencies (as designated by the Governor), defined by 49 U.S.C. § 31101 in each State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of Northern Mariana Islands.
Authorization and Regulatory Reference:	FAST Act, Pub. L. No. § 114-94, §§ 5101(a) and 5101(c) (2015) . 49 U.S.C. §§ 31102(a)-(k), 31104 (2016) , <i>as amended</i> . See 49 CFR part 350 , <i>as amended</i> . States agree to adopt and enforce 49 CFR parts 390-397 and 107 (subparts F and G only), 171–173, 177, 178 & 180 .
Core Objectives:	<p>Enforce regulations, conduct roadside inspections, and 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 eight National Priorities.</p>
Funding Availability and Grant Period of Performance:	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.
Match/Cost Share Requirements:	At least 85% of the total project cost is borne by the Federal government and 15% by the grantee.
Maintenance of Effort (MOE) Requirements:	MOE required in 49 U.S.C. § 31102(f) , as amended. States have to submit CVSP and agree to conditions listed in 49 USC § 31102(c) , as amended.

Appendix E: HP Grant Overview

Program Name:	MCSAP High Priority Grant Program (<i>Abbreviation: HP</i>)
Assistance Type:	Discretionary grants and cooperative agreements
Catalog for Domestic Assistance Number:	20.237
Purpose:	Under HP: 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.
Applicant Eligibility Requirements:	States, local governments, federally recognized Indian tribes, other political jurisdictions, and any person.
Authorization and Regulatory Reference:	FAST Act, Pub. L. No. § 114-94, §§ 5101(a) and 5101(c) (2015) . 49 U.S.C. §§ 3112(l)(2) and (3), 31104 (2016), as amended.
Core Objectives:	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.
Funding Availability and Grant Period of Performance:	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.
Match/Cost Share Requirements:	85% of the total project cost is borne by the Federal government and 15% by the grantee.
Maintenance of Effort (MOE) Requirements:	None.

Appendix F: HP- ITD Grant Overview

Program Name:	High Priority - Information Technology Deployment Grant Program (<i>Abbreviation: ITD</i>)
Assistance Type:	Discretionary grants and cooperative agreements
Catalog for Domestic Assistance Number:	see 20.237 for current ITD description
Purpose:	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.
Applicant Eligibility Requirements:	States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of Northern Mariana Islands.
Authorization and Regulatory Reference:	FAST Act, Pub. L. No. § 114-94, §§ 5101(a) and 5101(c) (2015) . 49 U.S.C. §§ 3112(l)(3) 31104 (2016), as amended.
Core Objectives:	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.
Funding Availability and Grant Period of Performance:	<p>Funds obligated remain available for the fiscal year in which they are obligated and for the next four fiscal years.</p> <p>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.</p>
Match/Cost Share Requirements:	85% of the total project cost is borne by the Federal government and 15% by the grantee.
Maintenance of Effort (MOE) Requirements:	None.

Appendix G: Certification of MCSAP Conformance (State Certification) Format

I (name), (title), on behalf of the State (or Commonwealth) of (State), as requested by the Administrator as a condition of approval of a grant under the authority of 49 U.S.C. § 31102, as amended, do hereby certify as follows:

1. The State has adopted commercial motor carrier and highway hazardous materials safety regulations, standards and orders that are compatible with the FMCSRs and the HMRs, and the standards and orders of the Federal Government.
2. The State has designated (name of Lead State Agency) as the Lead State Agency to administer the Commercial Vehicle Safety Plan throughout the State for the grant sought and (names of agencies) to perform defined functions under the CVSP. The Lead State Agency has the legal authority, resources, and qualified personnel necessary to enforce the State's commercial motor carrier, driver, and highway hazardous materials safety laws, regulations, standards, and orders.
3. The State will obligate the funds or resources necessary to provide a matching share to the Federal assistance provided in the grant to administer the plan submitted and to enforce the State's commercial motor carrier safety, driver, and hazardous materials laws, regulations, standards, and orders in a manner consistent with the approved plan.
4. The laws of the State provide the State's enforcement officials right of entry (or other method a State may use that is adequate to obtain the necessary information) and inspection sufficient to carry out the purposes of the CVSP, as approved, and provide that the State will grant maximum reciprocity for inspections conducted pursuant to the North American Standard Inspection procedure, through the use of a nationally accepted system allowing ready identification of previously inspected CMVs.
5. The State requires that all reports relating to the program be submitted to the appropriate State agency or agencies, and the State will make these reports available, in a timely manner, to the FMCSA on request.
6. The State has uniform reporting requirements and uses FMCSA designated forms for record keeping, inspection, and other enforcement activities.
7. The State has in effect a requirement that registrants of CMVs demonstrate their knowledge of the applicable Federal or State CMV safety laws or regulations.
8. The State must ensure that the total expenditure of amounts of the Lead State Agency will be maintained at a level of effort each fiscal year in accordance with 49 CFR 350.301.
9. The State will ensure that MCSAP funded enforcement of activities under 49 CFR 350.309 will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, CMV, and driver safety.

10. The State will ensure that CMV size and weight enforcement activities funded with MCSAP funds will not diminish the effectiveness of other CMV safety enforcement programs.
11. The State will ensure that violation sanctions imposed and collected by the State are consistent, effective, and equitable.
12. The State will (1) establish and dedicate sufficient resources to a program to provide FMCSA with accurate, complete, and timely reporting of motor carrier safety information that includes documenting the effects of the State's CMV safety programs; (2) participate in a national motor carrier safety data correction program (DataQs); (3) participate in appropriate FMCSA systems including information technology and data systems; and (4) ensure information is exchanged in a timely manner with other States.
13. The State will ensure that the CVSP, data collection, and information data systems are coordinated with the State highway safety improvement program under sec. 148(c) of title 23, U.S. Code. The name of the Governor's highway safety representative (or other authorized State official through whom coordination was accomplished) is _____. (Name)
14. The State has undertaken efforts to emphasize and improve enforcement of State and local traffic laws as they pertain to CMV safety.
15. The State will ensure that it has departmental policies stipulating that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel.
16. The State will ensure that MCSAP-funded personnel, including sub-grantees, meet the minimum Federal standards set forth in 49 CFR part 385, subpart C for training and experience of employees performing safety audits, compliance reviews, or driver/vehicle roadside inspections.
17. The State will enforce registration (i.e., operating authority) requirements under 49 U.S.C 13902, 31134, and 49 CFR § 392.9a by prohibiting the operation of any vehicle discovered to be operating without the required registration or beyond the scope of the motor carrier's registration.
18. The State will cooperate in the enforcement of financial responsibility requirements under 49 U.S.C. 13906, 31138, 31139 and 49 CFR part 387.
19. The State will include, in the training manual for the licensing examination to drive a non-CMV and the training manual for the licensing examination to drive a CMV, information on best practices for safe driving in the vicinity of noncommercial and commercial motor vehicles.
20. The State will conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors.

21. The State will ensure that, except in the case of an imminent or obvious safety hazard, an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where motor carriers may make planned stops (excluding a weigh station).
22. The State will transmit to its roadside inspectors the notice of each Federal exemption granted pursuant to 49 U.S.C. § 31315(b) and 49 CFR 390.32 and 390.25 as provided to the State by FMCSA, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.
23. Except for a Territory of the United States, the State will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under 49 U.S.C. § 31144(g). The State must verify the quality of the work conducted by a third party authorized to conduct safety audits under 49 U.S.C. §31144(g) on its behalf, and the State remains solely responsible for the management and oversight of the activities.
24. The State willfully participates in the performance and registration information systems management program under 49 U.S.C. §31106(b) not later than October 1, 2020, or demonstrates to FMCSA an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety.
25. In the case of a State that shares a land border with another country, the State may conduct a border CMV safety program focusing on international commerce that includes enforcement and related projects or will forfeit all MCSAP funds based on border-related activities.
26. In the case that a State meets all MCSAP requirements and funds operation and maintenance costs associated with innovative technology deployment with MCSAP funds, the State agrees to comply with the requirements established in 49 CFR 350.319 and 350.329

Date _____

Signature _____

Appendix H: High Priority - ITD (formerly CVISN) Cost Eligibility Table

The list below includes typical activities and costs associated with ITD activities funded by the Federal Motor Carrier Safety Administration. This list is not necessarily exhaustive. The FMCSA may authorize funding for other activities/costs.

INNOVATIVE TECHNOLOGY DEPLOYMENT(ITD) ELIGIBLE DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
PLANNING	Core ITD Program Plan/Top-Level Design (PP/TLD)	Update Core ITD PP/TLD
PROGRAM MANAGEMENT	Program Management	ITD Program Manager salaries and/or services
	System Architect	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
CORE ITD ELECTRONIC CREDENTIALING	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 Electronic payment interface for IRP/IFTA System maintenance/license fees Software replacement/upgrade Hardware replacement/upgrade User training/documentation
	IRP Clearinghouse	IRP Clearinghouse fees System interface to/from IRP System interface to/from CVIEW

INNOVATIVE TECHNOLOGY DEPLOYMENT (ITD) ELIGIBLE CORE DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
CORE ITD ELECTRONIC CREDENTIALING	IFTA Clearinghouse	IFTA Clearinghouse fees IFTA Regional Processing Center (RPC) fees System interface to/from IFTA System interface to/from CVIEW
CORE ITD SAFETY INFORMATION EXCHANGE	Commercial Vehicle Information Exchange Window (CVIEW)	Project management RFP development/issuance System requirements/design Computer hardware and network connections CVIEW database and application Interfaces to/from Federal systems (e.g., SAFER) Interfaces to/from State systems (e.g., IRP, IFTA Laptop computers, modems Air cards, signal boosters, antennas, mounts Query interface(s) (e.g., enforcement, motor carriers, credentialing staff) Wireless connectivity usage fees System maintenance/license fees Software replacement/upgrade Hardware replacement/upgrade User training/documentation
	ASPEN	Laptop computers, modems Air cards, signal boosters, antennas, mounts User training/documentation

Appendix H— ITD Eligible Activities/Costs

INNOVATIVE TECHNOLOGY DEPLOYMENT (ITD) ELIGIBLE CORE DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
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

Appendix H— ITD Eligible Activities/Costs

Innovative Technology Deployment (ITD)		
ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
Planning	Expanded ITD Program Plan/Top-Level Design (PP/TLD)	Develop/update Expanded ITD PP/TLD
Program Management	Program Management	ITD Program Manager salaries and/or services
	System Architect	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
Expanded ITD Electronic Credentialing	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

Appendix H— ITD Eligible Activities/Costs

Innovative Technology Deployment (ITD)		
ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
Expanded ITD Electronic Credentialing (con't)	Electronic Credentialing for Unified Carrier Registration (UCR)	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
	Electronic Credentialing for Intrastate Vehicle Registration/Other Intrastate Credentials	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

Appendix H— ITD Eligible Activities/Costs

Innovative Technology Deployment (ITD)		
ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
Expanded ITD Electronic Credentialing (con't)	Electronic Credentialing Portal	Credentialing Portal/Single Sign-on Portal Project management RFP development/issuance System requirements/design Computer hardware and network connections User interface System database Single Sign-on functionality Interfaces to/from State system (e.g., IRP, IFTA, CVIEW) Interfaces to/from outside credentialing systems (e.g., UCR, vendor website) Electronic payment interface for credentials System maintenance/license fees Software or hardware replacement/upgrade User training/documentation
	Hazardous Material (HM) Credentialing	HM Credentialing System Project management RFP development/issuance System requirements/design Computer hardware and network connections User interface System database Interfaces to/from State systems (e.g., IRP, IFTA, CVIEW) Interfaces to/from outside credentialing systems (e.g., UCR, vendor website) Electronic payment interface for HM credentials System maintenance/license fees Software or hardware replacement/upgrade User training/documentation

Appendix H— ITD Eligible Activities/Costs

Innovative Technology Deployment (ITD)		
ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
Expanded ITD Smart Roadside	Virtual Weigh/Inspection Station (VWS)	Project Management RFP development/issuance System requirements/design Computer hardware Screening software Interface to/from CVIEW or equivalent Interface to/from SAFER/PRISM Warning/citation generation system Historical size and weight compliance database VWS Infrastructure (e.g., communication, power, poles, roadside cabinets) WIM sensors/scales Dimensional sensors Camera (digital imaging) system License plate reader and Optical Character Recognition (OCR) system USDOT number reader and OCR system Transponder reader/transmitter Transponder ID repository Thermal imaging and other safety-related technologies Scale house user interface Mobile user interface Laptop computers, modems Wireless connectivity usage fees Driver identification system System maintenance/license fees Software or hardware replacement/upgrade User training/documentation

Appendix H— ITD Eligible Activities/Costs

Innovative Technology Deployment (ITD)		
ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
Expanded ITD Smart Roadside (con't)	Augmented (Enhanced) Electronic Screening Site	<ul style="list-style-type: none"> Project management RFP development/issuance System requirements/design Computer hardware Screening software Overhead signage Infrastructure (e.g., communication, power, poles, roadside cabinets) to accommodate added functions Interface to/from CVIEW or equivalent Interface to/from SAFER/PRISM WIM sensors/scales Dimensional sensors Camera (digital imaging) system License plate reader and OCR system USDOT number reader and OCR system Thermal imaging and other safety-related technologies System integration (with existing screening system) Enhanced scale house user interface System maintenance/license fees Software and hardware replacement/upgrade User training/documentation

Appendix H— ITD Eligible Activities/Costs

Innovative Technology Deployment (ITD)		
ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
Expanded ITD Smart Roadside (con't)	Mobile Inspection Station	Project management RFP development/issuance System requirements/design Mobile inspection station vehicle and/or trailer Computer hardware Screening software Interface to/from CVIEW or equivalent Interface to/from SAFER/PRISM Portable message boards Portable WIM system Camera (digital imaging) system License plate reader and OCR system USDOT number reader and OCR system Thermal imaging and other safety-related technologies Reader mounts Workstation user interface Laptop computers, modems Wireless connectivity usage fees Air cards, signal boosters, antennas, mounts System maintenance/license fees Software replacement/upgrade Hardware replacement/upgrade User training/documentation

Appendix H— ITD Eligible Activities/Costs

Innovative Technology Deployment (ITD)		
ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
Expanded ITD Smart Roadside (con't)	Roadside Communications (Roadside Data Access)	Project management Requirements/design Procurement Mobile user interface Laptop computers, modems Wireless connectivity usage fees Air cards, signal boosters, antennas, mounts Ultra-high band radios, antennas
	Exchanging Additional Safety Information	Each Pair of Systems Exchanging Safety Data Project management Requirements/design System-to-system interfaces Systems database modification Computer hardware and network connections Query interface(s) (e.g., enforcement, DOT safety staff) System maintenance/license fees Software replacement/upgrade Hardware replacement/upgrade User training/documentation
Expanded ITD Safety Information Exchange	Ensuring Safety Data Quality	System error checking software Data processing controls Data refresh cycles Updated user input forms Rules/requirements for data entry

Appendix H— ITD Eligible Activities/Costs

Innovative Technology Deployment (ITD) ELIGIBLE EXPANDED DEPLOYMENT ACTIVITIES/COSTS		
PROGRAM AREA	PROGRAM ELEMENT	ELIGIBLE ACTIVITIES/COSTS
Expanded ITD Driver Information Sharing	Driver Information/Photo Sharing	Driver Licensing System Modification Project management Requirements/design System database modification Interfaces to/from Federal systems (e.g., Commercial Drivers Licensing Information System (CDLIS), criminal justice information network) Interfaces to/from State systems (e.g., vehicle registration, criminal justice information network, CVIEW) System maintenance/license fees Software replacement/upgrade User training/documentation
	Enhanced CDL and Hours of Service Enforcement	Project management Requirements/design Driver Licensing System database modification (to accommodate query requirements) Query Central interface (e.g., enforcement) Laptop computers, modems Wireless connectivity usage fees Air cards, signal boosters, antennas, mounts Ultra-high band radios, antennas

Other Projects	The above list summarizes the most common types of projects and associated components that are eligible for Expanded ITD funding. At the discretion of the FMCSA ITD Program Officer, 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 CVISN 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 Clearinghouse and e-clearance program fees with Expanded ITD funding.

Appendix I: ITD PP/TLD Template

Core/Expanded ITD Program Plan and Top-Level Design

For the State of (INSERT STATE)

Insert Date

EXECUTIVE SUMMARY

[The Executive Summary should provide readers with a high-level understanding of the mission/purpose of the state's Expanded 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, safety data improvement, border crossings) with which a state's ITD program will be coordinated.]

Optional high level diagrams and tables may be included at the state's discretion, such as those shown in subsequent chapters.

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.]

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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 Expanded ITD program. The introduction should be no more than 2-3 pages in length.]

1.1 Purpose and Scope of Document

[This subsection should describe the purpose of the document.]

1.2 Background

[This subsection should provide background information/context regarding the state's Expanded ITD program. Elements of this section should include:

- Brief statement describing the national ITD program and the state's commitment to deploying a program of projects to implement Expanded ITD capabilities.
- Overview of the state's Core ITD deployment – including the date on which the state was certified as Core ITD compliant.
- Overview of the state's Expanded ITD program goals and objectives.
- Description of project team (e.g., lead agency, member agencies, motor carrier association, FHWA/FMCSA Division Offices, key participants, and key responsibilities (e.g., contact for each ITD agency, and key project responsibilities – coordination with other programs, project management, procurement).
- Reference to the relationship between the participating agencies (e.g., Memorandum of Understanding).
- Business case (rationale) for the state's participation in the Expanded ITD program – benefits that will be realized by motor carrier industry, by state agencies, and by the public through the state's deployment of Expanded ITD functionality and/or augmented Core ITD capabilities.]

1.3 Organization of this Document

[This subsection should describe the remaining contents of the document. Each subsequent major section should be listed and described.]

2. Expanded ITD Program

[This section should serve as a general introduction to the state's Expanded ITD program. The section should identify the focus of the state's Expanded ITD program (e.g., deploying Expanded ITD capabilities, re-deploying Core ITD capabilities, augmenting previously deployed Core ITD capabilities).]

2.1 State Expanded ITD Goals

[This section should list the state's Expanded ITD goals and objectives building upon the goals and objectives established in the state's ITS/CVO Business Plan, Core ITD Program Plan and Top-Level Design document(s).]

2.2 Current Expanded ITD Related Activities/Projects

[If applicable, this subsection should describe ongoing projects that are part of the state's Expanded ITD program or projects that support the state's Expanded ITD program.]

2.3 Planned Expanded ITD Deployment Projects

[This section should include a description of the Expanded ITD projects that the state is planning to deploy. The description should include an overview of project objectives, expected benefits, identification of lead agency, and high-level requirements for implementation. The description also should 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, the state also should 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).

The format suggested below in Table 2-1 lends itself to inclusion in deployment funding applications and also helps the state in defining the steps/phases required for project implementation.]

Table 2-1 Project Description #1 [Repeat for each project]

PROJECT NAME:	
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:	
	1.
	2.
	3.

3. System Design

[The System Design section should present the proposed system design for the state's Expanded ITD deployment. It is intended to provide an overview of the existing state and national systems/networks involved in the state's Expanded ITD deployment, new systems/connectivity to be implemented to complete deployment, and a summary of the system changes required to implement Expanded ITD capabilities. This section also should define the interfaces required between/among systems and the

interface documents (i.e., interface control documents) that will be followed and/or developed. This section is expected to be approximately 15 pages in length.

This section should 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; and
- Expanded ITD guidelines (to be provided by FMCSA as additional detail is known about the Expanded ITD capabilities).]

3.1 Architecture Overview

[This section should provide an overview of the state's ITD architecture. It should summarize the key concepts (e.g., single sign-on for enforcement officers to access any information they need) that shape the design. It should summarize key aspects (e.g., Web services) of the approach chosen to implement the state's Expanded ITD programs. It should include the System Design and State Computers and Networks diagrams (Figures 3-1 and 3-2), 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.]

Figure 3-1. Expanded ITD System Design Diagram

[This diagram should show the systems related to your Core ITD and Expanded ITD programs.]

Figure 3-2. State Computers and Networks Diagram

[This diagram should summarize the host computers and networks.]

3.2 Description of System Components

[This section should describe the state legacy systems involved in the Expanded ITD deployment, 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 ITD design. This information can be excerpted and incorporated into RFPs or work scopes for vendors, contractors, and in-house staff in the deployment phase. This section also should describe the network environment for each agency.]

3.3 Project Design Elements

[This section should include a subsection for each of the state's planned Expanded ITD deployment 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. Identify other interface documents (e.g., interface control documents) that will be followed or developed. This section also should 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 Table 3-1).]

Table 3-1 System Change Summary

System	Description of Modifications Required				

3.4 System Testing

[This section should 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 ITD program.]

4. Procurement Strategy/Products

[This section should document the products/services that the state may need to procure for each project. This section also should 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 Table 4-1. This section is expected to be no more than 3-5 pages in length.]

Table 4-1 Products/Procurement

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

5. Program Schedule

[This section should document the state’s planned deployment schedule. Where appropriate, a project should be segmented into its constituent “builds”, indicating the key milestones and sequence in which a project will be implemented. A graphic representing the proposed schedule also should be included. This section is expected to be no more than 3-5 pages in length.]

6. Program Budget

[This section should present an estimate of the total Expanded ITD implementation budget and should indicate the amount of federal and non-federal funding sources. The budget also should identify the sources of matching funds that will be used in support of federal ITD deployment funds. This section also should include the financial and state staff resources required to implement the state’s Expanded ITD program. This section is expected to be no more than 1-2 pages in length.]

Example:

	Projects						
	year		year				

a means of notifying FMCSA reviewers of the fact that the state is actively considering these items and did not omit them in its design.]

Appendix J: Technical Guidance for Compliance with FMCSA’s Medical Certification and National Registry of Certified Medical Examiners Final Rules

Medical Certification Final Rule Information	
Federal Register Publication Date:	December 1, 2008 [73 FR 73096]
Effective Date:	January 30, 2009
State Compliance Date (CDL Changes):	January 30, 2012
State Compliance Date (MCSAP Changes):	N/A
Commercial Driver License Holder Self-Certification Compliance Date:	January 30, 2014
Technical Amendments to Final Rule:	May 21, 2010 [75 FR 28499] and January 14, 2014 [79 FR 2377]
FMCSR parts Affected:	49 CFR parts 383, 384, 390, and 391

National Registry Final Rule Information	
Federal Register Publication Date:	April 20, 2012 [77 FR 24104]
Effective Date:	May 21, 2012
State Compliance Date:	May 21, 2015
FMCSR parts Affected:	49 CFR parts 350, 383, 384, 390, and 391

Rules Summary

The Federal Motor Carrier Safety Regulations (FMCSRs) have been amended to require interstate commercial driver’s license (CDL) holders subject to the physical qualification requirements of the Federal Motor Carrier Safety Regulations (FMCSRs) to provide a current original or copy of their medical examiner’s certificates (MECs) to their State Driver Licensing Agency (SDLA). The SDLA must place certain data elements of the MEC on the driver’s Commercial Driver’s License Information System (CDLIS) motor vehicle record.

If there is no medical certification information on the driver’s CDLIS motor vehicle record, an enforcement officer may accept a current MEC as proof of medical certification until January 30, 2015 during a roadside inspection or at the carrier’s place of business during a New Entrant Safety Audit or investigation. After January 30, 2015, a driver should carry on his person a copy of the current MEC that was submitted to the SDLA for up to 15 days after the date it was issued as proof of medical certification. This allows time for the SDLA to update the driver history

record. Although interstate non-excepted CDL drivers will no longer need to carry a copy of the MEC, drivers must continue to carry any skill performance evaluation (SPE) certificate or medical variance document on their person while on duty pursuant to 49 CFR § 391.41(a)(1)(ii).

The MEC documentation requirements apply only to CDL drivers who are also required to obtain a MEC from a medical examiner indicating that they are physically qualified to operate a commercial motor vehicle (CMV) in interstate commerce (the rule identifies these drivers as “interstate non-excepted”). By January 30, 2014, CDL drivers must certify that they meet the qualification requirements contained in 49 CFR part 391 to operate in interstate commerce by submitting their self-certification form to the SDLA. After January 30, 2015, CDL drivers must submit an original or copy of their MEC to their SDLA as proof of medical certification.

In addition to the medical certification requirements, FMCSA established a National Registry for all medical examiners (MEs) who conduct physical examinations for interstate CMV drivers. In order to be listed on the National Registry, MEs must:

- Complete certain training concerning FMCSA’s physical qualification standards;
- Pass a test to verify an understanding of those standards; and
- Maintain and demonstrate competence through periodic training and testing.

Beginning May 21, 2014, interstate drivers must be certified as physically qualified by MEs on the National Registry. SDLAs and enforcement officers will only accept as valid those MECs issued by MEs listed on the National Registry. Existing certificates issued to CMV drivers remain valid after that date until the expiration date.

Maintenance of MCSAP Compatibility

Medical Certification

Assuming your State is currently in compliance with its MCSAP grant agreement, you are not required to take any action to comply with the requirements of the medical certification final rule. The requirement for CDL drivers operating in non-excepted, interstate transportation to present a MEC to the SDLA is contained in part 383. States are not required to adopt 49 CFR part 383 as a condition of participation in MCSAP. Also, States are not required to place medical certification status information for intrastate CDL drivers on the CDLIS driver record, but may do so. If you do not place intrastate medical certification status information on the CDLIS driver record, the SDLA must continue to require intrastate CDL drivers subject to State medical certification requirements to carry either the original or a copy of the MEC (as required by your State) while on duty pursuant to 49 CFR § 391.41(a)(1)(i).

As a reminder, under current MCSAP compatibility requirements, a driver expected to operate entirely in intrastate commerce is subject to your State’s driver qualification requirements. This means that intrastate drivers must meet the intrastate driver qualification requirements adopted as a condition of MCSAP grant eligibility. State intrastate driver qualification requirements must be identical to or have the same effect as the federal regulations (i.e., 49 CFR parts 390 and 391) or fall within the established variances under 49 CFR § 350.341.

National Registry

To maintain MCSAP Basic and Incentive grant funding eligibility, States must adopt regulations that are compatible with the final National Registry regulations no later than May 21, 2015. See 77 FR at 24109-24110. Specifically, your State must adopt regulations that require all interstate and intrastate drivers that are subject to medical certification requirements to be examined by a ME on a registry of trained and certified MEs. Interstate drivers must use MEs from FMCSA's National Registry. States are not required to establish their own registry if they choose to require intrastate operators to use a ME on the FMCSA National Registry.

If your State has variances from certain physical qualification requirements in effect for drivers operating CMVs in intrastate commerce, the State is not required to establish a separate registry of MEs that are trained and qualified to apply the State standards (49 CFR § 350.341(h)(3)). However, the State must adopt regulations or requirements to ensure that intrastate drivers receiving a variance in your State:

1. Meet the physical qualification requirements in subpart E of 49 CFR part 391 for CMV operators except for the specific condition(s) for which the State grants an intrastate variance allowed for in 49 CFR § 350.341; and
2. Are examined by MEs from FMCSA's National Registry or the State's intrastate ME registry if it chooses to create one, that are knowledgeable of the standards established by the State for the variance.

In both instances described above, if the State chooses to establish a separate intrastate registry it may not use MCSAP grant funds for the purpose of establishing that registry.

Exception

FMCSA will not add MEs from the jurisdictions listed below to the National Registry. FMCSA has concluded that it would be a significant financial burden for these jurisdictions to establish their own registry compatible with the National Registry. Because neither option is available to these jurisdictions, pursuant to 49 CFR §350.201(a), FMCSA waives the requirement that these jurisdictions require CMV drivers to be examined by an ME from FMCSA's National Registry or the jurisdiction's own ME registry. These jurisdictions must continue to impose medical qualification requirements compatible with 49 CFR parts 390 and 391.

The following jurisdictions are granted this exemption:

- American Samoa
- Commonwealth of Puerto Rico
- Commonwealth of Northern Mariana Islands
- Guam
- United States Virgin Islands

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

Electronic Logging Device Final Rule Information	
Federal Register Publication Date:	December 16, 2015
Effective Date:	February 16, 2016
Compliance Date:	December 18, 2017
State MCSAP Compliance Date:	February 16, 2019
FMCSR Parts Affected:	49 CFR Parts 385, 386, 390, and 395

Please note that this Appendix is used as a reference per the date of publication. For updated ELD implementation information please visit the FMCSA ELD page at <https://www.fmcsa.dot.gov/hours-service/elds/electronic-logging-devices> regularly.

Rules Summary

The Federal Motor Carrier Safety Administration (FMCSA) amends the Federal Motor Carrier Safety Regulations (FMCSRs) to establish: minimum performance and design standards for hours-of-service (HOS) electronic logging devices (ELDs); requirements for the mandatory use of these devices by drivers currently required to prepare HOS records of duty status (RODS); requirements concerning HOS supporting documents; and measures to address concerns about harassment resulting from the mandatory use of ELDs. The requirements for ELDs will improve compliance with the HOS rules.

The electronic logging device (ELD) rule, published December 16, 2015, is intended to help create a safer work environment for drivers, and make it more efficient to accurately track, manage, and share records of duty status (RODS) data. An ELD integrally synchronizes with a vehicle engine to automatically record driving time for easier and more accurate recording of hours of service (HOS). The rule applies to most carriers and drivers who are required to maintain RODS. - See more at: <https://www.gpo.gov/fdsys/pkg/FR-2015-12-16/pdf/2015-31336.pdf>. The following is a brief description of the requirements of each of the three ELD Implementation phases.

As part of implementation of the ELD Final Rule, the National Training Center (NTC) developed ELD training that corresponds with the three implementation phases. Each State has both a Federal and State ELD subject matter expert trained to provide ELD instructor lead

training. Pre-recorded webinar training is available upon request from NTC as well.

- Phase III training is anticipated to be online.
- For new inspectors and investigators: All phases of training will be instructor-led classroom training.

States will need to begin considering which type of electronic data transfer method they will utilize; telematics or local. In addition, they need to identify what equipment and/or software are needed to ensure that proper data transfer will occur at roadside. Software support needed for ELD enforcement may include Web services and eRODS. The eRODS program is software that will analyze the HOS data collected by the ELD and identify potential HOS violations. For instructions on installing eRODS email ELDTech@dot.gov or ELDenforcement@dot.gov. Web service is a method of software development which is web browser based and supported by the latest versions of Internet Explorer, Google Chrome and Firefox.

Implementation Timeline

The ELD rule is being implemented in three phases:

The **Effective Date** February 16, 2016 is the date 60 days after the rule's publication in the Federal Register.

The **Compliance Date** December 18, 2017 is two years from the publication date.

Implementation Phase Compliance Table

	ELD	AOBRD	Logging Software	Paper
Phase 1	■	■	■	■
Phase 2	■	■		
Phase 3	■			

Phase 1: Awareness and Transition Phase: The two-year period following publication of the ELD rule February 16, 2016 to December 18, 2017.

Phase 1 has been completed, carriers and drivers are now subject to Phase 2 requirements except as specified under active extensions and waivers as listed at: <https://www.fmcsa.dot.gov/hours-service/elds/electronic-logging-device-eld-exemptions-and-waivers> .

Phase 2: Phased-In Compliance Phase: The two-year period from the Compliance Date to the Full Compliance Phase (four years following ELD rule publication) December 18, 2017 to December 16, 2019.

Carriers and drivers subject to the rule can use:

- AOBDRS that were installed prior to December 18, 2017.
- Certified, registered ELDs following rule publication December 16, 2015.

Phase 3: Full Compliance Phase: After December 16, 2019, all drivers and carriers subject to the rule must use certified, registered ELDs that comply with requirements of the ELD regulations.

Enforcement Partners

What do I need to know?

The ELD rule is intended to make HOS compliance and enforcement easier. The [phased approach](#) for the ELD rule requires that enforcement partners understand:

- Who must comply with (and who is exempt from) the ELD rule.
- Which HOS recording methods are permitted during each implementation phase – along with the specific regulations that apply to each.
- Specific processes for displaying and transferring ELD data.

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 currently 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.

Compliance Phases

Phase 1: Awareness and Transition Phase (February 16, 2016 to December 18, 2017)

This was the two-year period following publication of the final ELD rule. Phase 1 has been completed, carriers and drivers are now subject to Phase 2 requirements except as specified under active extensions and waivers as listed at: <https://www.fmcsa.dot.gov/hours-service/elds/electronic-logging-device-eld-exemptions-and-waivers> .

Phase 2: Phased-In Compliance Phase: The two-year period from the Compliance Date to the Full Compliance Phase (four years following final rule publication) December 18, 2017 to December 16, 2019.

Carriers and drivers subject to the rule can use:

- AOBDRS that were installed prior to December 18, 2017.
- Self-certified and [registered ELDs with FMCSA](#).

During this second phase, information technology software tools (eRODS and Web Services) will be available to securely transmit ELD record of duty status (RODS) information to FMCSA officials and law enforcement for enforcement and compliance purposes. The rule's new supporting document requirements for drivers and motor carriers using either device will also begin during this phase.

Phase 3: Full Compliance Phase: After December 16, 2019, all drivers and carriers subject to the rule must use self-certified, registered ELDs that comply with requirements of the ELD regulations.

What do I need to do?

Take Advantage of FMCSA Training

FMCSA will be providing a variety of webinars. [Check the training page](#) for availability and schedules.

Take Appropriate Action During Inspections or Stops

- Confirm that the driver is subject to the ELD rule.
- Verify HOS via the appropriate method; electronic data transfer, display screen or printout.

- Cite the driver for ELD and HOS violations.

Updated: Monday, March 7, 2016

Frequently Asked Questions (FAQs) - ELD Rule

ELD FAQs are available at: <https://www.fmcsa.dot.gov/hours-service/elds/faqs>

***NOTE:** The ELD FAQs are intended to provide plain language information regarding the ELD rule. They do not modify or replace applicable Federal Motor Carrier Safety Administration (FMCSA) regulations or substantive standards.*

***NOTE 2:** For the purposes of this Rule, the term “electronic onboard recorders” or EOBRs is not used due to a change of terminology following MAP-21.*

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

Date: May 01, 2017

From: William A. Quade
Associate Administration for Enforcement

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 §§ 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.

[Section 200.454 of title 2, Code of Federal Regulations](#), 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 unallowable**.

- (e) Costs of membership in organizations whose primary purpose is **lobbying are unallowable**.

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 unallowable 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 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: FMCSA grant funds **may not** be expended by a grantee or sub-grantee 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 Availability and 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 sub-grantee'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:

1. 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?
2. Does the organization serve as a central clearinghouse for fees and taxes and distributes the funding to the States?
3. 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?
4. 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.

IMPLEMENTATION DATE: This policy is effective immediately.

Should you have any questions or need additional information, please contact Thomas Liberatore, Chief, State Programs Division at (202) 366-3030, or by email at Thomas.Liberatore@dot.gov.