



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

# Memorandum

**Subject:** **INFORMATION:** Fiscal Year 2009  
Commercial Vehicle Safety Plan

**Date:**

**From:** William A. Quade  
Associate Administrator  
for Enforcement and Program Delivery

**Reply to Attn. of:** MC-ESS

**To:** Field Administrators  
State Program Managers  
Division Administrators

Improving the safety of the Nation's transportation system is the top priority of U.S. Department of Transportation (DOT) Secretary, Mary Peters. The Federal Motor Carrier Safety Administration (FMCSA) has established a goal of reducing the rate of truck-related fatalities to no more than 0.16 per 100 million vehicle miles traveled (VMT) by 2011 from a baseline rate of 0.184 per 100 million VMT in 2005. In 2006, the rate of truck-related fatalities dropped to 0.176 per 100 million VMT. This reduction represents an estimated 25 lives saved per year. Although we are making solid progress in reducing the large truck and bus fatality rate, we must continue our safety focus if we are to achieve our goal by 2011.

This memorandum provides important information on agency priorities and program direction to consider when preparing the Fiscal Year (FY) 2009 Commercial Vehicle Safety Plans (CVSPs). Please share this information with your State Motor Carrier Safety Assistance Program (MCSAP) partners immediately for inclusion in the State's FY 2009 CVSP.

## **GENERAL INFORMATION**

**CVSP Format:** Each State requesting FY 2009 funds must submit a performance-based CVSP meeting all requirements of 49 CFR Part 350.213, using the CVSP model format introduced last year. The Model CVSP Outline updated for FY 2009 will be available shortly in electronic format at [www.fmcsa.dot.gov/documents/safetyprograms/2009-model-CVSP-outline.doc](http://www.fmcsa.dot.gov/documents/safetyprograms/2009-model-CVSP-outline.doc). The CVSP development in the context of the model format will be the topic of a breakout session during the MCSAP Leadership Conference in Denver, Colorado, next week.

A FY 2009 CVSP Line-Item Budget format is included with this memo (Attachment 1: 2009 CVSP Line-Item Budget). As a result of the MCSAP reviews conducted to date, it was discovered that many States are unable to demonstrate how Maintenance of Effort (MOE) requirements have been met. A line-item budget similar to the MOE template format will ensure proper planning to meet MOE requirements. Therefore, the budget must include all MCSAP

eligible expenses, including indirect costs, regardless of whether they are reimbursed by a grant. Because the CVSP budget is based on *estimated* awards, it should be noted that the budget will have to be revised to reflect the *actual* FY 2009 grant awards. The actual award amounts will be used to execute the grant agreement.

The MOE calculation template (Attachment 2: MOE Calculation Template) has been revised to more accurately reflect the application of indirect costs as a function of total direct costs. Indirect costs are MCSAP-eligible expenses as defined in 49 CFR 350.311 and include such costs as overhead personnel (including accounting or human resources staff), as well as office space, supplies, utilities, etc. Although the State may choose not to seek MCSAP reimbursement for indirect costs, indirect costs (either the State's approved indirect cost rate or actual indirect costs) are MCSAP-eligible expenses and, therefore, must be included in the State's MOE calculation. Specific information regarding indirect costs and indirect cost rates is forthcoming.

It is essential that Divisions objectively review the State's CVSP, with a specific focus on program quality which includes quantifiable performance measurements that address program effectiveness. The CVSP and the safety activities proposed must be developed based on reliable data; implemented as planned; continually reviewed and adjusted as needed to accomplish the stated goals; and thoroughly evaluated annually. Based upon the evaluation results, subsequent CVSP activities are to be modified, where applicable, to use more effective safety strategies.

**MCSAP Grant Forms:** The MCSAP grant application (MCSAP-1), grant agreement (MCSAP-2), and grant amendment (MCSAP-2a) forms include sections for recording the State's Data Universal Numbering System (DUNS) number. Please note that the DUNS number is required on the MCSAP-1 and MCSAP-2 grant forms.

Electronic versions of updated MCSAP grant forms (MCSAP-1, MCSAP-2, and MCSAP-2a) and the updated FY 2009 State Certification are available at [www.fmcsa.dot.gov/safety-security/safety-initiatives/mcsap/mcsapforms.htm](http://www.fmcsa.dot.gov/safety-security/safety-initiatives/mcsap/mcsapforms.htm). Please use that site to access forms, as only current versions of the forms and State certification will be accepted.

**Quarterly Reporting:** Also note new requirements will be initiated in FY 2009 in accordance with the internal FMCSA Management and Processing Manual for Grant Programs, available to the Divisions at [https://knowzone.fmcsa.dot.gov/HQ-Offices/FMCSA/MC-M/index.htm#related\\_Docs](https://knowzone.fmcsa.dot.gov/HQ-Offices/FMCSA/MC-M/index.htm#related_Docs). In summary, each grantee must submit a quarterly Financial Status Report on Standard Form 269 (SF-269) to the Division Administrator (DA) no later than 30 days after the end of each quarterly reporting period. A separate SF-269 report must be submitted for each grant the grantee receives from FMCSA. In addition, requests for reimbursement must be submitted on the Standard Form 270 (SF-270), Request for Advance or Reimbursement. To ensure strong financial management, States are encouraged to voucher for expenses on a regular basis, at least quarterly, with the SF-270 form.

Electronic versions of the SF-269 and SF-270 forms may be found at [www.whitehouse.gov/omb/grants/](http://www.whitehouse.gov/omb/grants/). Copies of the quarterly SF-269 reports must be entered into the Electronic Document Management System (EDMS) and transmitted by the DA to Therese Phillips (therese.phillips@dot.gov) in the FMCSA Finance and Accounting Division.

In addition to the quarterly financial reports, States are reminded that they must submit a quarterly program status report to the Division office. The quarterly program status report should include a specific focus on program quality with quantifiable performance measurements

that address program effectiveness to include a comparison of actual accomplishments to the performance objectives established in the CVSP.

**Grants.gov:** The FMCSA will continue to use the grants.gov application procedures for FY 2009 MCSAP high priority and new entrant grants. Announcements concerning the availability of these funds will be made later this fiscal year or in early FY 2009. All grant applicants must register with grants.gov before they may apply electronically.

All applications for FY 2009 MCSAP high priority and new entrant grants **must** be submitted electronically through [www.grants.gov](http://www.grants.gov). Only applications submitted in this manner will be considered for funding. A State must submit its high priority and new entrant grant proposals to the State's FMCSA DA for review and written concurrence prior to submission. A copy of the DA's concurrence letter must be submitted along with the grant application through grants.gov.

**States will continue to submit their MCSAP Basic and MCSAP Incentive grant applications and CVSPs to FMCSA in accordance with 49 CFR Part 350.**

## **FY 2009 MCSAP GRANTS**

MCSAP funding consists of five categories: basic grants, performance incentive grants, high priority safety grants, new entrant grants, and State training and administration. The FMCSA's *proposed* FY 2009 funding breakdown for these categories is as follows:

Basic MCSAP Grants	\$152,387,000
Performance Incentive Grants	\$ 10,000,000
High Priority Safety Grants	\$ 15,000,000
New Entrant Grants	\$ 29,000,000
State Training & Administration	\$ 2,613,000
<b>TOTAL</b>	<b>\$209,000,000</b>

### **1. BASIC PROGRAM GRANTS**

The basic program is the core State safety program. In FY 2009, basic MCSAP grants will be awarded to the States to support:

- Safety data collection;
- Uniform driver and vehicle safety inspections;
- Passenger carrier safety inspections;
- Commercial motor vehicle (CMV) and CMV-related non-CMV traffic enforcement;
- Commercial driver's license (CDL) verification and enforcement;
- Hazardous materials training and enforcement;
- Public information and education;
- Compliance review (CR) activities; and
- Equipment and services to support these activities.

States should also include strategies and activities that address State-specific CMV safety problems. Attachment 3: Estimated FY 2009 MCSAP Funding Distribution and Incentive Fund Distribution provides *estimated* basic program awards by State, based on statistics used for the

FY 2008 awards. This formula will be updated at the time of final distribution, and the FY 2009 CVSP budget must be revised at that time to reflect actual award amounts.

**FY 2009 Emphasis Areas:** To ensure maximum operational effectiveness and efficiency, State resource decisions must be based on the highest quality data possible and sound statistical analysis of that data. The goal of saving lives and reducing injuries by preventing truck and bus crashes may require a realignment of resources focused on identified problem areas rather than traditional statewide program activities. The CMV safety program areas requiring added emphasis in FY 2009 are as follows:

**Rural Road CMV Initiatives:** Nationwide data collected by the Federal Highway Administration over the past few years indicates that over 50 percent of all fatal crashes occur on rural roadways. The average CMV rural fatality rate is three times the average CMV urban fatality rate. FMCSA encourages States to identify rural road crash/fatality problems and direct basic funding to focus safety efforts in those areas either independently or by coordinating activities with local jurisdictions and/or subcontractors. States with identified rural road problems should specifically address those issues as they relate to CMVs in their CVSP.

**Increased Driver-Focused Inspections:** The Large Truck Crash Causation Study published in March 2006 determined that driver behavior is ten times more likely to be the cause of the crash than other factors such as weather, road conditions, and vehicle performance. States must increase their focus on the behaviors of both CMV and non-CMV drivers to further reduce the incidence of fatal and serious injury crashes. Because Level III inspections focus specifically on CMV drivers, States are expected in FY 2009 to increase the number of Level III inspections to meet or exceed the national average of 30 percent. Increased driver focus should also be accomplished by increasing traffic enforcement activities in identified high-risk areas.

An example of an effective program is the “Operation Safe Driver” initiative, sponsored by the Commercial Vehicle Safety Alliance (CVSA), in partnership with FMCSA. This program improves commercial and non-commercial driver behavior and performance through effective enforcement, education and awareness strategies. Additional information about Operation Safe Driver strategies can be found at [www.cvsa.org](http://www.cvsa.org). States are encouraged to support Operation Safe Driver and identify those activities in their CVSPs.

Additionally, many crashes involving CMVs are the result of driver error. States must increase scrutiny of all CMV drivers to ensure compliance with regulations, including conducting a CDL status check through the Commercial Driver’s License Information System (CDLIS), the National Law Enforcement Telecommunications System, or the State driver licensing agency during **every** inspection and take appropriate enforcement action when deficiencies are discovered. FMCSA encourages the use of CDLIS, if available, as the primary method to verify CDL status.

**Traffic Enforcement:** Each State’s CVSP must include plans to conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors. The Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) provided new authority for traffic enforcement, specifically allowing for reimbursement of CMV traffic enforcement without

an accompanying inspection, and non-CMV traffic enforcement when necessary to improve CMV safety. By expanding the previous traffic enforcement authority, States are encouraged to partner with other State and local agencies in traffic enforcement efforts. Specific cost eligibility requirements for traffic enforcement against non-CMV are detailed in State Programs Policy Reference Guideline SP-07-001-CE dated October 26, 2006, and must be adhered to in order for these costs to be reimbursed.

In planning for comprehensive and highly visible traffic enforcement activities, States must identify the targeted area with data substantiating its high crash history and high CMV traffic at the time of the enforcement activity. The enforcement effort may involve several officers, including officers from other State and local agencies. The number of written warnings and citations issued during the activity must be documented. This comprehensive and highly visible method of traffic enforcement focuses resources in areas with demonstrated CMV crash and safety risks. The FMCSA encourages States to incorporate traffic enforcement strategies into their core basic program, minimizing the use of overtime, as a way to bolster a vigorous CMV and non-CMV traffic enforcement program.

**Data Quality:** States with fair/yellow or poor/red data quality ratings as depicted on the map in FMCSA's State Safety Data Quality (SSDQ) Module, available on Analysis and Information (A&I) Online at <http://ai.fmcsa.dot.gov>, must intensify efforts to improve the timeliness and accuracy of data uploads. These data are a critical factor in identifying the highest risk carriers, drivers, vehicles, and roadways. The SSDQ analysis evaluates the completeness, timeliness, accuracy and consistency of the State-reported crash and roadside inspection data in the Motor Carrier Management Information System (MCMIS).

For States with fair or poor ratings, data quality problems must be addressed in the CVSP, and basic funds must be directed to address those problems. Should basic MCSAP or other funds be insufficient to address data quality problems, States are encouraged to request high priority funding. States are expected to participate in their Traffic Records Coordinating Committee to address their data quality issues.

**Passenger Carrier Inspections:** The CVSPs must continue to focus on passenger carrier safety by maintaining and, as appropriate, increasing the number of passenger carrier inspections compared to those conducted in FY 2008. Emphasis should be placed on conditionally-rated motor coach carriers and motor coach carriers with safety ratings over five years old. Also, new entrant safety audits of passenger carriers within the first nine months of operation must take priority.

**Compliance Reviews:** Any State not already conducting compliance reviews on interstate motor carriers is strongly encouraged to obtain the authority, training, and resources to join FMCSA in this important effort. Research has shown that compliance reviews are an effective tool in improving motor carrier safety. In addition, having experience in conducting compliance reviews under FMCSA's current regulatory oversight scheme will provide a solid foundation for the more focused reviews we will be undertaking through our CSA 2010 initiative.

In an effort to enhance the identification and selection of problem intrastate carriers for a CR, States are encouraged to adopt a U.S. Department of Transportation numbering system for intrastate carriers operating within their State. States currently conducting CRs should maintain at least a level equal to the number conducted in FY 2008. Intrastate CRs are MCSAP-eligible expenses if uploaded into MCMIS, provided that:

- The State has methods to prioritize carriers who will receive a CR;
- The State ensures CRs are conducted in accordance with FMCSA regulations and guidance;
- The State's intrastate regulations are compatible with the Federal Motor Carrier Safety Regulations and Hazardous Materials (HM) Regulations; and
- The State has an enforcement program ensuring compliance will be achieved by carriers subject to a CR.

Intrastate carrier Safestat lists are now available by State within the A&I Online Safestat Module, under the "Safestat Reports" tab. States are also encouraged to adopt FMCSA's CR rating methodology for intrastate carriers. States lacking authority to issue intrastate USDOT numbers or to conduct CRs are strongly encouraged to seek these authorities from their State legislature. The State's CR program must be identified in the CVSP.

**Hazardous Materials Program:** States that do not automatically adopt Federal regulations are encouraged to pass enabling legislation to enforce the new HM Safety Permit Regulations as soon as practicable. Participating in the Cooperative HM Enforcement Development Conference (COHMED) and the Alliance for Uniform HM Procedures, as well as exploring the use of HM regulation software as an inspection tool, are all ways to help broaden a State's HM program.

In an effort to enhance and support the safe transportation of HM, States are encouraged to increase inspections of MC 330/MC 331 and non-specification cargo tanks used to transport liquefied compressed gas. In May 1994, the Pipeline and Hazardous Materials Safety Administration (PHMSA), formerly known as the Research and Special Programs Administration, issued a final rule to retrofit MC 330/MC 331 and non-specification cargo tanks used to transport liquefied compressed gas with emergency discharge control equipment by July 1, 2006. Recent incidents and inspections have identified cargo tanks not in compliance with the requirement. As a result, States are encouraged to focus on the compliance of these cargo tanks during annual cargo tank check and road check.

The transportation of alternative fuels such as ethanol, gasohol and bio-diesel is increasing. PHMSA amended the HM regulations to update, clarify and provide relief from certain requirements governing the transportation of ethanol and gasoline blends. PHMSA adopted a new proper shipping name and identification number for fuel blends composed of ethanol and gasoline. The effective date of this rule is October 1, 2008. However, voluntary compliance was authorized as of January 28, 2008. FMCSA is encouraging States to coordinate with their emergency response community to increase awareness of the risks associated with transporting these types of hazardous materials.

States are encouraged to continue or establish a HM shipper compliance review program using FMCSA's HM Packaging Inspection Program software, and participate in the 2009 HM shipper and cargo tank checks.

**Safety Belt Enforcement:** The 2007 CMV driver safety belt usage study showed 65 percent of CMV drivers wear safety belts, compared to 81 percent of passenger vehicle drivers. In 2006, 393 of the 805 large truck occupants who died in crashes were not wearing safety belts. Increased safety belt usage by CMV drivers will reduce the high number of CMV driver fatalities and injuries on our Nation's highways. States should promote greater safety belt usage by CMV drivers through enforcement, education, and outreach activities. These efforts could be integrated with the National Highway Traffic Safety Administration's Section 402 State and local projects grant programs to leverage resources and align enforcement activities with the State's Strategic Highway Safety Plan.

## 2. PERFORMANCE INCENTIVE GRANTS

In FY 2009, FMCSA will continue to award performance incentive funds to States that have shown improvement in any of the five categories in 49 CFR 350.327. Incentive funds may be used for any eligible CMV safety purpose. These performance incentive funds will be provided to States at 80 percent Federal funding. Attachment 3 (Estimated FY 2009 MCSAP Funding Distribution and Incentive Funding Distribution) provides *estimated* incentive fund awards based on the number of incentive shares earned for FY 2008 awards. The incentive formula will be updated at the time of final distribution, and the FY 2009 CVSP budget must be revised at that time to reflect actual award amounts.

## 3. HIGH PRIORITY GRANTS

In FY 2009, high priority funds will be awarded for safety initiatives such as State data quality improvement, high visibility CMV and non-CMV traffic enforcement, public information and education, enhancements to State training, HM safety and special research efforts (if not conducted with MCSAP basic or incentive funds), and particularly for innovative State-specific efforts that have a demonstrable potential for nationwide implementation. States that intend to submit high priority applications for projects that will create recurring costs must identify, in their proposals, the funding source in future years; **FMCSA will not guarantee any future high priority funding for these costs.** As a condition of receiving MCSAP high priority funding, States identified by FMCSA as having poor/red data quality must address their State data problems before requests for other high priority initiatives will be considered. This can be accomplished through dedication of basic or incentive grant funding, Safety Data Improvement Program grant funding (which provides discretionary funding for States to improve the quality of large truck and bus crash and inspection data reported to FMCSA), or high priority grant funding.

These projects may include (but are not limited to) the following examples:

**Traffic Enforcement Activities:** In an effort to increase CMV and non-CMV traffic enforcement activity, FMCSA will dedicate \$5 to \$10 million in FY 2009 high priority funding to traffic enforcement projects.

**Ticketing Aggressive Cars and Trucks (TACT):** The TACT program includes high visibility messaging, targeted enforcement activities in selected high-risk traffic areas, and post-activity evaluation to reduce fatalities and injuries caused by unsafe driving behaviors (e.g., cutting off, tailgating, speeding). TACT programs have already been implemented in several States (Georgia, Kentucky, North Carolina, and Washington). The FMCSA will continue to fund TACT programs that include the three key components—communication, enforcement, and evaluation—to build awareness and educate passenger and CMV drivers about safe driving behaviors. It is essential that the State clearly address these three components to be considered for the TACT program. States are encouraged to use their MCSAP basic grant funding for TACT programs. They may also apply for MCSAP high-priority grant funding to support TACT.

**Nationwide Safety Initiatives:** In FY 2009, up to \$5 million of high priority funding will be dedicated to initiatives that promote nationwide safety.

**Rural Road CMV Initiatives:** With the average CMV rural fatality rate three times the average CMV urban fatality rate, addressing rural road crashes will decrease the rate of truck-related fatalities. While States should identify rural road crash/fatality problems and direct basic funding to focus safety efforts in those areas, high priority funding will support State rural road safety efforts as well.

**Work Zone Safety Improvements:** Road construction projects or utility work along the Nation’s highways often involve lane closures or restricted lanes. These work zones present dangers to workers and drivers alike. Preliminary data show that large truck fatalities occurring in work zones account for approximately five percent of the nearly 5,000 average annual large truck fatalities. The FMCSA encourages States to consider and address work zone safety and fatality problems and utilize grant funding to focus safety efforts in those areas in coordination (which can include sub-grants) with local jurisdictions. The FMCSA also encourages States with identified work zone safety problems to specifically address those issues as they relate to CMVs in their CVSP.

**Performance-Based Brake Testers:** In 2002, FMCSA amended the FMCSRs to establish pass/fail criteria for use with Performance-Based Brake Testers (PBBT), to measure the braking performance of commercial motor vehicles. Additionally, CVSA has added an Out-of-Service Criterion based on PBBT minimum overall vehicle brake performance requirements to the North American Standard Out-of-Service Criteria. The FMCSA is supporting an initiative to use PBBT as an enforcement tool and encourages States to consider purchasing new, or upgrading their existing, PBBT equipment. Purchase of these devices are eligible under MCSAP Basic, Incentive and High Priority grants.

#### **4. NEW ENTRANT GRANTS**

In FY 2009, MCSAP grant funding will continue to be available to States to support **interstate** new entrant safety audit programs. New entrant funds may not be used to conduct intrastate safety audits. States may use these funds for salaries and related expenses of State employees completing new entrant audits, including training, and to perform other eligible activities that are directly related to conducting safety audits as defined by State Programs Policy Reference Guideline SP-08-001-CE dated January 25, 2008. New entrant grant applications must be submitted through grants.gov, and must comply with all application requirements.



Note that in FY 2008, the demand for new entrant grants exceeded the available funding. In FY 2009, to ensure funding is equitably distributed across the Nation, past spending patterns will be monitored and unexpended funds information will be reviewed prior to award. State new entrant proposals must not exceed a 12-month period. This will ensure that limited annual funds maximize the effectiveness of the program.

## **5. STATE TRAINING AND ADMINISTRATION**

The FMCSA National Training Center (NTC) uses these funds to provide annual training to over 3,500 State enforcement officers to ensure uniform driver/vehicle roadside inspections, compliance reviews, and new entrant safety audits.

The FY 2009 State Training Plan form and instructions and the Schedule Intake form are attached (Attachment 4: State Training Plan Form and Instructions and Attachment 5: NTC Schedule Intake Form). In addition to the submission of the State Training Plan, States must complete and submit a Schedule Intake Form for each course they wish to schedule. Further, the State must contact NTC at least 8 weeks prior to a scheduled course to ensure instructor and material availability. Division Administrators are required to review and forward a copy of the State's Training Plan and Schedule Intake forms directly to Margie McQueen (margaret.mcqueen@dot.gov) at NTC no later than October 1, 2008. A copy of the State Training Plan must also be uploaded into EDMS as a part of the final approved CVSP.

Attachments:

1. 2009 CVSP Line-Item Budget
2. MOE Calculation Template
3. Estimated FY 2009 MCSAP Funding Distribution and Incentive Funding Distribution
4. State Training Plan Form and Instructions
5. NTC Schedule Intake Form

cc:

Dan Hartman, Associate Administrator, MC-F