# THE COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS AND GRANTS WORKFORCE PLAN REPORT TO CONGRESS

Pursuant to Section 32605 of the
Moving Ahead for Progress in the 21st Century Act (P.L. 112-141)
June 2013

## INTRODUCTION

Section 32605 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) requires the Secretary of Transportation to submit a report to Congress that includes information about the established timeframes and milestones for resuming the Commercial Vehicle Information Systems and Networks (CVISN) program and a strategic workforce plan for its grants management office to ensure that it has determined the skills and competencies that are critical to achieving its mission goals.

The Federal Motor Carrier Safety Administration (FMCSA) is the agency within the U.S. Department of Transportation (DOT) responsible for administering grants to States to improve commercial motor vehicle (CMV) compliance with safety regulations. The FMCSA's mission is to reduce crashes, injuries, and fatalities involving CMV transportation through education, innovation, regulation, enforcement, financial assistance, partnerships, and full accountability. Grant funding represents over 50 percent of FMCSA's appropriated budget each year. The CVISN program is authorized $25 million each year to improve the safety and productivity of commercial vehicles and drivers. The CVISN program provides resources to States to develop, implement, and maintain commercial vehicle information systems and networks and other innovative technologies that the Secretary determines improve CMV safety.

## COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROGRAM

The CVISN program is authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59), §§ 4101(c)(4), 4126, 119 Stat. 1144, 1715, and 1738-41 (2005), *as amended by* MAP-21 (P.L. 112-141), §§ 32603(c) and 32605 (2012). The CVISN program is governed by 49 United States Code 31106, Historical and Statutory Notes, as amended.

The CVISN program is a key component of the FMCSA's drive to improve CMV safety. The CVISN program supports the Agency's safety mission through the deployment of technology to target enforcement resources at non-compliant or high-risk motor carriers and CMVs and to improve sharing of motor carrier and commercial vehicle safety and credentialing information across jurisdictional boundaries. The CVISN functionality also improves the operational efficiency of motor carriers, as well as the Federal and State agencies tasked with regulating the motor carrier and motorcoach industries.

The CVISN program consists of both Core and Expanded CVISN functionality. Core CVISN capabilities include the following three areas:

- **Safety Information Exchange**—designed to assure the safety of motor carriers and commercial vehicles through improved data collection and enhanced data sharing (e.g., inspection reports, credentials status) across agency and jurisdictional boundaries.

- **Electronic Credentials Administration**—designed to automate the application, processing, and issuance of motor carrier operating credentials and permits in order to improve the efficiency of both the motor carriers and the State credentialing agencies.

- **Electronic Screening**—designed to target enforcement resources at high-risk and non-compliant motor carriers and CMVs by identifying a commercial vehicle and verifying its safety and credentials information, as well as its weight while it remains in motion. Vehicles known to be non-compliant or with histories of poor safety performance are targeted for inspection while vehicles with the necessary operating credentials that are operated by a motor carrier with a history of good safety performance are allowed to bypass an inspection facility.

Once a State is certified as having deployed all of the Core CVISN functionality, it is deemed to be Core CVISN Compliant and must maintain these capabilities. Once Core CVISN Compliant, a State may use its Federal CVISN Deployment Grant funding to deploy Expanded CVISN functionality. The Expanded portion of the CVISN 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 but rather are able to choose the capabilities that they wish to deploy that support their overall CVISN program goals. This "cafeteria approach" allows States to customize their Expanded CVISN programs and focus their technology grant resources on the projects that are most important to them and their constituencies.

The CVISN program was placed on hold from May 2010 to May 2011 as a result of a DOT program review and a Government Accountability Office (GAO) study to examine financial irregularities related to State eligibility and funding amounts. These efforts identified statutory violations in Fiscal Years (FY) 2006 through 2010. More information can be found in the GAO report at http://www.gao.gov/products/GAO-11-517R.

The program resumed operation in May 2011 for 21 States where no violations were found and resumed operation in January 2012 for an additional 27 States once the violations identified in those States were resolved. Subsequently, FMCSA was able to announce the availability of FY 2011 and FY 2012 grant funding. Key accomplishments for the CVISN program in 2011 through 2012 include the following:

- The FMCSA distributed $17,010,364 in FY 2011 Federal CVISN Deployment funding to 20 States. These funds supported the deployment of 69 CVISN projects. The FMCSA distributed $ 12,960,930 in FY 2012 Federal CVISN Deployment funding to 16 States. These funds supported the deployment of 71 CVISN projects.

- In 2011, nine States (Arkansas, Iowa, Louisiana, Maine, New York, South Carolina, South Dakota, Texas, and Virginia) completed their deployment of Core CVISN functionality and were certified as being Core CVISN Compliant. By the end of 2012,

thirty States had completed their deployment of Core CVISN functionality and are now Core CVISN Compliant.

- The FMCSA is developing a new CVISN deployment monitoring program in order to document the program's quantitative benefits on an ongoing basis. Once implemented, the CVISN monitoring process will track a State's deployment of CVISN functionality and document the public- and private-sector benefits (e.g., safety, productivity, efficiency, effectiveness) of a State's deployment of CVISN functionality. These State-level metrics are designed to be "rolled-up" so national benefits of the CVISN also can be documented.

- The FMCSA provided CVISN technical assistance to the States of Georgia, Maine, New Hampshire, New Jersey, New Mexico, North Carolina, Rhode Island, Tennessee, Indiana and West Virginia as well as the District of Columbia.

- In response to the GAO findings, FMCSA implemented new grants management processes for the CVISN program in 2011 and administered the FY 2011 and FY 2012 grants program using these new processes.

The FMCSA is working toward having all States Core CVISN Compliant by the end of December 2015. In support of the nationwide deployment of CVISN functionality, FMCSA continues to administer the CVISN deployment grant program and continues to make technical assistance available. This customizable support is tailored to meet each State's unique needs and includes the option for onsite training and planning support by national CVISN experts.

**GRANTS WORKFORCE PLAN**

In addition to reviewing the CVISN program, FMCSA reviewed all of its policies and procedures to strengthen the internal controls for each grant program in its portfolio. In December 2011, GAO released a report of the actions FMCSA has taken to improve its oversight of safety grants (http://www.gao.gov/products/GAO-12-158). The GAO found that FMCSA had made many improvements to its grants program and issued four recommendations for executive action: 1) conduct a strategic grants management workforce planning evaluation; 2) add details regarding roles and responsibilities in the Grants Management Manual; 3) work with DOT to modify its training tracking system to allow management to determine which staff have taken required training; and 4) create a strategic plan with measurable goals, objectives, and timelines. This report focuses on the first recommendation, conducting a workforce evaluation.

The FMCSA has determined that creating a separate Grants Management Office (GMO) within the Office of the Chief Financial Officer is needed to ensure internal controls are in place and followed. The GAO agreed with this approach. The report states:

"The GMO should help reduce the risk of grant award mismanagement by providing centralized and consistent oversight and reviews of all grant programs and holding all grant programs and grant managers to the same standard policies. In addition, according to some FMCSA officials we interviewed, by assuming administrative grant responsibilities now held by program staff, the GMO could ease the burden on those programmatic staff so they could focus on responsibilities related to their subject matter expertise. As a result, management

should be in a better position to help ensure that grants are managed consistently and in line with policies and procedures, reducing the risk for award irregularities."

The main responsibility of the GMO is to manage the entire grant lifecycle of funding awarded by FMCSA. The GMO will be responsible for pre-award activities such as issuing the Notice of Funding Availability, managing award activities such as coordinating the Notice of Grant Award workflow, providing advice to Grants Managers in the field during the post-award monitoring phase, and ensuring grants are closed out properly. The GMO will also manage the indirect cost rate proposals and agreements, develop and implement additional grants training, provide continuous improvement services such as issuing additional standard operating procedures and refining policy statements, and communicate with all grants staff to ensure consistent adherence to grant procedures.

Prior to the establishment of the GMO, FMCSA continued to develop and refine grant policies and procedures during FY 2012. The Agency issued Version 3 of its grants management manual in April 2012. The FMCSA also issued Version 2 of its grantee manual and provided in-person training for many of its grantees outlining the Agency's expectations for grantees' proper management of Federal grant funds. The Agency also created a grantee resources section on its website to provide additional information including online versions of the training provided to grantees so that future and potential grantees have access to the same information. In FY 2011 and FY 2012, FMCSA completed a training program for its entire grants staff on the policies laid out in the grants manual.

To assist the Agency in determining the proper level of human resources required to start up the GMO, FMCSA secured a contract with Lindholm and Associates to conduct a strategic grants management workforce planning evaluation. The study was also a recommendation from GAO in its December 2011 report.

Lindholm and Associates analyzed tasks and responsibilities of the grants workforce at FMCSA, focusing mainly on the headquarters functions. The group conducted interviews with staff, reviewed documentation, and compiled workload data to make several recommendations as to the initial staffing required for setting up a GMO. Specifically, the report provided the following recommendations:

1. Separate the programmatic aspects of grant management from the administrative functions while retaining a close working relationship and interdependence between those operations.

2. Establish the GMO with eight positions initially, while providing continued contractor support for an interim period. Minimum start-up staffing should include a GS-15 Grants Management Officer, a GS-13 Financial Specialist, a GS-14 Grants Policy Analyst, a Grants Training Analyst, and four Grant Specialists. Secure funding for additional positions to support the Grants Policy Analyst and Grants Training Analyst positions from the outset.

3. Ensure that Grants Program Managers in the GMO have sufficient subject matter expertise in order to provide authoritative guidance and support to the grantees and field staff on highly specialized functions such as cost analysis, funding, allowable indirect costs, and other financial matters.

4. As funding and position availability permits, have Federal employees assume contractor functions.

5. Going forward, clarify roles and responsibilities of the technical program managers and the new GMO staff vis-a-vis Technical Review Panels, field audits, application reviews, and communication with field staff on grants matters.

6. As resources permit, the GMO should have at least one full-time Attorney-Advisor working exclusively on grant concurrence memos, policy reviews, and legal support. This attorney should continue to report to the Office of the Chief Counsel, but have a portfolio dedicated to grants matters.

7. Develop grants management curriculum and establish milestones for continuous training and recertification of knowledge and expertise, at headquarters and in the field.

8. Develop robust performance elements into the performance plan standards and requirements for employees with grants responsibilities (i.e., State Program Managers and State Program Specialists) and ensure that direct reports standards are aligned with managers in the chain.

The FMCSA concurs with the recommendations and has continued to move forward with setting up the GMO. As for the initial staffing level, the study recommends eight staff. While the Agency agrees that a training position and a policy position are important additions to the office, FMCSA lacks the resources to fund those positions. To date, the Agency has recruited a Grants Officer (GS-1109-15) and a Financial Specialist (GS-501-13). The FMCSA plans to transition additional staff from existing resources in the spring of 2013 but will continue to require contractor support to keep the GMO functioning for the foreseeable future. The contractors provide help desk, training development, cost analysis, and grant specialist support. As resources become available for Federal staff, the Agency expects the need for contractor support to diminish. Agency resources are limited, so the current approach contractor-supported will help improve the program but will not provide the ideal, fully-staffed GMO.

### CONCLUSION

The CVISN program reviewed its procedures to ensure that internal controls are in place, and adhered to, to avoid additional financial issues in the future. The FMCSA continues to review and improve the grants policies, processes, and procedures to strengthen its management of grants funds. Creating a GMO under the direction of the Chief Financial Officer is an important step in institutionalizing the changes that have already been made and continuing to improve how the Agency manages grants. Setting up the GMO will assist with management of the grant lifecycle but it will not solve all grant management issues immediately. However, despite limited Agency resources, the evolution of the grant management program at FMCSA continues to grow and mature.