



ISSUE #1 FLEXIBILITY IN STATE GRANT PROGRAMS

PROBLEM

With commercial motor vehicle (CMV) traffic projected to increase significantly over the next five to ten years, increases in education, compliance and enforcement efforts are needed to reduce crashes and fatalities from their existing levels and, overall funding levels and programmatic flexibility must be increased significantly for states to make the necessary level of effort to achieve reductions.

SAFETEA-LU established a provision within the Motor Carrier Safety Assistance Program (MCSAP) to permit traffic enforcement activity on CMVs not tied to an inspection, as well as on passenger cars operating in an unsafe manner around CMVs. The problem is that in some states these activities take money from basic MCSAP activities, and can also unfairly penalize a state on its Maintenance of Effort (MOE) calculations.

BACKGROUND

The current state grant program structure (2008 figures) as defined in SAFETEA-LU is as follows:

MCSAP

\$202,000,000 Total MCSAP (up to 5% of state grant may be used for non-CMV T.E.)	
\$15,000,000 High Priority Grants	(takedown)
\$29,000,000 New Entrants	(takedown)
\$10,000,000 Incentive	(takedown)
\$2,500,000 Training & Administration	(takedown)
<hr/>	
\$145,500,000 (remaining for core MCSAP program)	

High priority grants are 100% funded (90% of this takedown must go to states).
New Entrant grants are also 100% funded.

STATE SAFETY GRANT PROGRAMS

\$25,000,000 CDL Grant Program	
\$32,000,000 Southern and Northern Border grant programs	
\$5,000,000 PRISM	
\$25,000,000 CVISN	
\$3,000,000 Safety Data Improvement	
\$8,000,000 CDLIS Modernization	
<hr/>	
\$98,000,000	

\$300,000,000 Total state grant program



CVSA DOT Reauthorization Policy Issues



SAFETEA-LU did not do much to increase the overall MCSAP program, created new state grant programs, and established a significantly funded takedown: the new entrant program.

Even if the funding levels are increased according to the above structure, states will likely be hampered in achieving their goals. Funding for the takedowns and categorical state grant programs cannot be used for any other part of the basic MCSAP program such as carrier compliance reviews or more targeted roadside inspections. For example, one state may want to allocate more money for their motorcoach/bus safety program while another may need to improve its Commercial Driver's License (CDL) program. Under the existing structure, states cannot shift funds around to best meet their needs which has and will continue to present a variety of problems if changes are not instituted.

The Commercial Vehicle Information Systems and Networks (CVISN) program has been a vital tool to help enhance technology deployment within the states to enable safety and credentialing efforts. However, its resource levels and delivery capacity has been problematic because it is only a 50/50 program. This has caused many states to forgo participation since they have been unable to meet the matching requirements, which has slowed the implementation and deployment of important technology programs essential to modern enforcement programs as well as for keeping high quality, reliable data.

Many states believe that as funding levels of takedowns and state grant programs are increased, they are done so at the expense of the basic MCSAP program and take away the flexibility of states to meet changing safety priorities. This also greatly increases the administrative and accounting burdens on states, which in turn takes away from their ability to use the funding for efforts that will directly impact safety.

SAFETEA-LU permitted states to utilize a portion of the basic MCSAP grant not to exceed 5% for traffic enforcement efforts. At the same time, other state motor carrier safety activities were required to be maintained at a level at least equal to the average of the previous three years. The principle intent of this provision was to conduct highly visible traffic enforcement activities in high crash corridors, as well as to take enforcement action against passenger cars that are creating a safety hazard around commercial vehicles.

The SAFETEA-LU provision exists to encourage more traffic enforcement in general on all drivers in high CMV crash corridors, and to encourage cooperative efforts among law enforcement agencies in conducting joint strike forces and saturation details. However, it must be pointed out that as currently structured, in a number of cases the 5% non-CMV traffic enforcement provision has resulted in a bleeding of funds from the core MCSAP program. The consequence has been that this requirement has actually hurt and not helped efforts to increase motor carrier safety.

SOLUTION(S)

The overall MCSAP funding pot must be increased and provide more flexibility in its execution. For example, the current (2008) \$46 million in MCSAP takedowns (New



CVSA DOT Reauthorization Policy Issues



Entrants, High Priority, and Training & Administration), and the current total of the other state grant programs (\$98 million) should be added to the MCSAP pot for a grand total of \$300 million. In return for an increase in funding and flexibility, states should be held accountable to a true performance-based program but one in which the states decide what their safety, compliance, and enforcement priorities are (i.e. roadside inspections, new entrant safety audits, compliance reviews, traffic enforcement, CDL, outreach, technology deployment or other issues).

In addition to increasing the total amount of funding and improving state flexibility, the current matching requirement also must be changed. Currently states are required to provide a 20% match. This should be changed to a 10% match (90/10 program).

The annual grant period should also be changed from one to three years, and the clock on a grant, regardless of its duration, should start the day the state actually receives the money. This has been a significant problem over the last number of years due to congressional delay in approving annual appropriations and the need for a series of Continuing Resolutions (CRs) at the start of each Fiscal Year. This particular problem is compounded by the fact that most state fiscal years start July 1 of each year and are inconsistent with the federal fiscal year. Under the present structure, some states are unable to actually utilize the full year's funding requiring them to "roll" the funds over to future years.

The CVISN program also needs to be brought in line with other programs. Today it is a 50/50 matching program and should be changed to be at the same level as the MCSAP Basic grant. It should also be structured in a "cafeteria" style approach that gives states more flexibility in deploying technologies that can best meet their needs.

Traffic enforcement on passenger vehicles is funded from NHTSA 402 program activities. A portion of the state 402 grant should help fund traffic enforcement against trucks and passenger cars driving in the vicinity of trucks. At the present time, this is not possible because statutorily 402 funds cannot be co-mingled with MCSAP funds. This restriction should be lifted so that enforcement agencies can use resources to focus on problems as needed. Funding requirements should not limit their abilities to improve safety on their roadways.

While non-CMV traffic enforcement activity should be an allowable expense under the MCSAP, the specified percentage of MCSAP funding that can be used should be lifted. It should be left to each jurisdiction to determine how best to use these funds.

Finally, if the current MOE structure is maintained, passenger vehicle traffic enforcement activities should not count toward the MOE calculations as this is a disincentive toward conducting these types of activities.

Performance Incentives

To compliment the MOE proposal and in keeping with its performance based focus, a new incentive system that goes above and beyond the one currently used would be



CVSA DOT Reauthorization Policy Issues



desirable. This system should be designed to foster unique programs above and beyond those required to meet the basic MOE. Today, performance is really only limited to data quality and timeliness issues. However, performance in terms of the MCSAP program is much more than just data quality and timeliness. At the very least, the incentive program should also look at the productivity and results produced by states as well as their performance relative to specific projects.

Today's incentive program is helpful, but offers only a small amount of assistance to states. This must change if we are to truly improve motor carrier safety. Incentive funds need to be of a sufficient level as to make it worth a state's time and effort to undertake the work required to achieve the goals necessary to obtain additional funding. The funds also must be reliable, meaning that if a state is able to consistently achieve results year in and out, the incentive monies should continue to be available at the same levels and not fluctuate randomly. Similar to the previous recommendation for a three year funding cycle for basic grants, incentive grants should also be offered for a three year period of time. With this type of stability, states will have the ability to utilize the funds on programs and people in a much more organized and reliable manner and greatly improve motor carrier safety over the long term.

To address the current problems associated with providing states with an incentive to perform at a higher level; one solution would be to establish an incentive grant that is divided between the four main areas as proposed in the MOE revision (roadside inspections, traffic enforcement, compliance reviews and safety audits). In each area a state would be eligible for a specific amount of money. Furthermore, within each broad area the funds would be further split into different sub-categories (i.e. quantity, quality, timeliness) that would measure different types of performance by the states. States would receive funds based upon their performance in each broad category and sub-categories. Separate levels of eligibility would be established for each category and sub-category and funds could be weighted to incent performance in certain areas. For example, in the area of compliance reviews, such a model might look like the following:

Compliance Reviews

Quantity (Number above MOE) = 30%

Exceed MOE Amount by 20% = 30% of Eligible Amount

Exceed MOE Amount by 30% = 60% of Eligible Amount

Exceed MOE Amount by 40% = 100% of Eligible Amount

Quality (Correction Rate) = 50%

To qualify must have a correction rate of no more than 5%

Correction rate under 4% = 30% of Eligible Amount

Correction rate under 2% = 60% of Eligible Amount

Correction rate under 1% = 100% of Eligible Amount

Timeliness = 20%

Baseline = 10 Days

Under 8 = 30%

Under 6 = 60%

Under 4 = 100%