

**Department of Transportation
Office of the Chief Information Officer**

**SUPPORTING STATEMENT
MOTOR CARRIER SAFETY ASSISTANCE PROGRAM**

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) renewed three-year approved clearance for the information collection request (ICR) entitled, "Motor Carrier Safety Assistance Program"(OMB Control No. 2126-0010), which is due to expire November 30, 2007.

Part A. Justification.

1. Circumstances that make collection of information necessary.

Sections 401 through 404 of the Surface Transportation Assistance Act of 1982 (STAA)(P.L. 97-424) (Attachment A) established a program of financial assistance to the States to implement programs to enforce: (a) Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety; and (b) compatible State rules, regulations, standards and orders. This grant-in-aid program is known as the Motor Carrier Safety Assistance Program (MCSAP). Section 402 (c) of the STAA requires that the Secretary of Transportation (Secretary), on the basis of reports submitted by the States and the Secretary's own inspections, make a continuing evaluation of the manner in which each State is carrying out its approved safety enforcement plan.

The Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, 112 Stat. 107 (June 8, 1998) (Attachment B) further revised the MCSAP to broaden its purpose beyond enforcement activities and programs by requiring participating States to assume greater responsibility for improving motor carrier safety. TEA-21 required States to develop performance-based plans reflecting national priorities and performance goals, revised the MCSAP funding distribution formula, and created a new incentive funding program. As a result, States are given greater flexibility in designing programs to address national and State goals of reducing the number and severity of commercial motor vehicle (CMV) accidents.

Section 4106 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, 119 Stat.1144 (August 10, 2005) amended 49 U.S.C. 31102(b) (1) (Attachment C) to modify and augment the conditions a State must meet to qualify for basic program funds under the MCSAP. The statute requires a State to document in the State Commercial Vehicle Safety Plan (CVSP) its commitment to meet the following additional conditions:

- Deploy technology to enhance the efficiency and effectiveness of CMV safety programs;
- Include, in both 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 driving safely in the vicinity of noncommercial and commercial motor vehicles;

- Conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors; and
- 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 station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop.

Additionally, Section 4106 of SAFETEA-LU amended 49 U.S.C. § 31102(c) to provide that a State may use a portion of MCSAP grant funds to conduct documented enforcement of State traffic laws – both laws and regulations designed to promote the safe operation of CMVs and laws and regulations relating to non-CMV, when necessary to promote the safe operation of CMVs.

In order for the Federal Motor Carrier Safety Administration (FMCSA) to evaluate program effectiveness, it is necessary for the State to provide and maintain information concerning past, present and future program activity. The Final Rule that revised Part 350 (MCSAP) to comply with the congressionally-mandated provisions of TEA-21 was published in the Federal Register (65 FR 15092) on March 21, 2000 (Attachment D). Part 350 is currently being revised to implement the changes to the MCSAP made by SAFETEA-LU. The State's grant application, known as the Commercial Vehicle Safety Plan (CVSP), must contain the information required by 49 CFR § 350.201, 350.211 and 350.213 (Attachment E). This information is necessary to enable the FMCSA to determine whether a State meets the statutory and administrative criteria to be eligible for a grant. It is necessary that a State's work activities and accomplishments be reported so that the FMCSA can monitor and evaluate a State's progress under its approved plan and make the determinations and decisions required of 49 CFR §§ 350.205 and 350.207 (Attachment E). The FMCSA is required to determine whether each State's efforts meet the intended objectives of its plan. In the event of nonconformity with any approved plan and failure on the part of a State to remedy deficiencies, the FMCSA is required to take action to cease Federal participation in that State's plan.

This information collection supports the DOT Strategic Goal of Safety (i.e., reducing commercial truck-related fatalities by providing financial and technical support to State CMV enforcement efforts.

2. How, by whom, and for what purpose is the information used.

The FMCSA uses the information in the CVSP to determine whether a State has the necessary resources and authority to undertake the program intended by Congress. After a grant has been awarded to a State, a continuing and final evaluation of the State's activities is performed to determine whether continued funding is appropriate and if revisions in the State's CVSP should be made. A quarterly report in narrative form is submitted by the States to provide the minimum necessary information to assist in appropriate monitoring of a State's performance, compared to its CVSP, and to permit the FMCSA to determine whether the effort of a State is cost efficient

and whether Federal assistance should be continued. In addition, inspection data and reports are submitted electronically by the inspecting officer from the field to the FMCSA at the time of completion of the inspection.

SAFETEA-LU provides that States may now conduct traffic enforcement activities against non-CMV's to promote the safe operation of CMV's. The States have been routinely conducting traffic enforcement activities on CMV's and have been reimbursed, provided an appropriate inspection was conducted at the time. Previously, non-CMV traffic enforcement was not an eligible MCSAP activity for reimbursement so the States have not captured activity levels for this type of enforcement. It is anticipated that the number of non-CMV enforcement activities conducted by the States will be minimal since SAFETEA-LU limits the amount of MCSAP grant funding that can be used for non-CMV traffic enforcement activities to no more than five percent of the basic amount the State receives annually.

The quarterly report is created by the State and submitted to the FMCSA using inspection data and other information. The collection of uniform data permits analysis and comparison of State programs and facilitates program administration and reporting; e.g., comparison of the data from a single State to the national average, equipment violation and out-of-service trends, etc.

The FMCSA routinely uses quarterly report information to measure individual and collective State program accomplishments and to assist with future program development.

Description of MCSAP forms:

- a. Form MCSAP-1, Motor Carrier Safety Assistance Program: The MCSAP-1 form is submitted with the CVSP grant application. It specifies the name of the applicant agency, the amount applied for, and contains the signatures of the responsible State authorities.
- b. Form MCSAP-2, Grant Agreement: The MCSAP-2 form is the grant agreement that specifies the total amount of the State Program, the State and Federal participating shares, the period of the grant, and the signatures of the responsible State official and the FMCSA Division Administrator. The reverse side of the MCSAP-2 contains the "General Provisions for the Agreement."
- c. Form MCSAP-2A, Grant Amendment for Fiscal Year__: The MCSAP-2A form is used to modify the terms of the grant. It is used to increase or decrease the amount of the grant, or to extend the period of the grant. It contains the signatures of the responsible State official and the FMCSA Division Administrator.

In addition, the following documents are provided as part of the CVSP package:

- a. State Training Plan (optional format): This document is a request for commercial vehicle training courses. It is used by the FMCSA's National Training Center to more effectively schedule training courses to meet the needs of State enforcement agencies.

b. State Certification: The CVSP must contain a State Certification signed by the Governor, the State Attorney General, or other specially designated State official. The Certification contains requirements of conditions that must be met by the State to receive MCSAP grant funds.

3. Extent of automated information collection.

Virtually all (99%) of the information required by the MCSAP grant program is submitted electronically. This includes over three million inspection reports, which are uploaded electronically from laptop computers at inspection sites in the field to the FMCSA annually. The near-universal use of laptops for submitting these inspection reports has resulted in a dramatic cut of the time burden. The annual CVSPs require signed certifications by State personnel and are not, therefore, electronically transmitted.

4. Efforts to identify duplication.

The FMCSA is the only Federal agency given authority to enforce safety regulations applicable to commercial trucks and buses in interstate commerce. The type of information to be gathered from the States through this information collection is unique to the MCSAP. No duplication was identified through the rulemaking process to implement relevant sections of SAFETEA-LU.

5. Efforts to minimize the burden on small businesses.

The information to be collected under this program is furnished only by the States. There is no burden on small businesses or other small entities.

6. Impact of less frequent collection of information.

The legislative requirement is that grants be extended to the States predicated on annual submission of CVSPs. The FMCSA has determined that although monthly or bimonthly reports are not needed, a semiannual report would not be sufficiently frequent to allow for timely evaluation and changes in State program direction. Therefore, quarterly reports were determined to be the most appropriate, considering burden and Federal need. If the reports were submitted less frequently, the FMCSA would be unable to exercise appropriate oversight and administration of the program as envisioned by the Congress.

7. Special circumstances.

There are no special circumstances associated with this information collection.

8. Compliance with 5 CFR 1320.8.

FMCSA published a notice in the Federal Register with a 60-day public comment period to announce this proposed information collection on September 21, 2007 (72 FR 54096) (see Attachment F). One comment was received in response to this notice that was beyond the scope of this ICR and did not address the burden of this ICR (see Attachment G).

FMCSA published a notice in the Federal Register on November 28, 2007 (72 FR 67337) with a 30-day public comment period that announced this information would be sent to OMB for approval (see Attachment H).

9. Payments or gifts to respondents.

No payments or gifts, other than the grant itself, are provided.

10. Assurance of confidentiality.

None of the information is considered confidential.

11. Justification for collection of sensitive information.

There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested.

The methods used to calculate the hours necessary to prepare grant applications, upload data, and prepare quarterly reports are based on interviews with the State and Federal personnel charged with those responsibilities. The information required to prepare the applications for grants and the subsequent reports is based on general information ordinarily maintained by the States in the general course of business, and only simple computations are required to determine burden hours. The grant applications and reports are submitted by the 50 States, four Territories, Puerto Rico, and the District of Columbia. The four territories of American Samoa, Guam, U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands are funded at 100 percent; therefore they are not included in the computation of burden. Each entity submits one grant request per year and four quarterly reports. In addition, about three million total inspection reports are uploaded each year.

The figures reflect only 20 percent of the total estimated hours to perform the activities, since MCSAP reimburses 80 percent of the eligible costs incurred in the administration of an approved plan as set forth in 49 CFR §§ 350.303, 350.309 and 350.311. Labor hours are estimated and an average hourly rate for professional personnel is applied. The FMCSA estimates burden hours for the annual reporting requirements for the six ICs within this ICR as follows:

IC 1: Basic grant application: 52 respondents x 79.5 hours each = 4,134 hrs x .20 = 826.8
Form MCSAP-1 52 respondents x .5 hour each = 26 hrs x .20 = 5.2

Estimated Annual Burden: 832 hours [827 hours for application + 5.2 hours for Form MCSAP-1 = 832].

IC 2: Form MCSAP-2 175 responses x .5 hour each = 87.5 hrs x .20 = 17.5.
Estimated Annual Burden: 17.5 hours (rounded to 18).

IC 3: Form MCSAP-2A 52 respondents x .5 hour each = 26 hrs x .20 = 5.2
Estimated Annual Burden: 5.2 hours (rounded to 5).

IC 4: Data uploads: 3.02 million inspection data uploads x 1 minute each = 50,333 hrs x .20 = 10,067
Estimated Annual Burden: 10,067 hours.

IC 5: Quarterly Reports: 4 reports x 52 respondents x 8 hours each = 1,664 hrs x .20 = 333
Estimated Annual Burden: 333 hours.

IC 6: Non-CMV Traffic Enforcement Activities: 1,025 hours [307,478 citations/warnings x 1 minute/60 minutes per contact x .20 = 1,025].

Motor Carrier Safety Assistance Program Annual Burden Hour Calculations

IC Number	Title	Form Number	# Respondents	# Responses	Burden Hours
1	Basic Grant Application	MCSAP-1	52	52	832
2	Grant Agreement	MCSAP-2	52	175	18
3	Grant Amendment for Fiscal Year	MCSAP-2A	52	52	5
4	Inspection Reports Uploads	None	52	3,020,000	10,067
5	Quarterly Reports	None	52	208	333
6	Non-CMV Traffic Enforcement Activities	None	N/A	N/A	1,025
Total				3,020,487	12,280

Estimated Total Annual Burden Hours (20%): 12, 280 hours [832 hours IC 1 + 17.5 hours IC 2 + 5.2 hours IC 3 + 10,067 hours IC 4 + 333 hours IC 5 + 1,025 IC 6 = 12,280].

IC 1 Basic grant application preparation: 826.8 hrs. x \$28 per hour = \$23,150
 IC 1: Form MCSAP-1 completion: 5.2 hrs. x \$28 per hour = \$ 146
 IC 2: Form MCSAP-2 completion: 17.5 hrs. x \$28 per hour = \$ 490
 IC 3: Form MCSAP-2A completion: 5.2 hrs. x \$28 per hour = \$ 146
 IC 4: Inspection report uploads: 10,067 hrs. x \$22 per hour = 221,474
 IC 5: Quarterly Reports: 333 hrs. x \$22 per hour = 7,326
 IC 6: Non-CMV Traffic Enforcement Activities: 1,025 hrs. x \$22 per hour = 22,550
Total respondent salary costs (20%): = \$ 275,282

13. Estimate of total annual costs to respondents.

The total annual cost burden related to data collection and transmission, other than that shown in #12 above, is limited to computer equipment. It is anticipated that States will continue to purchase about 500 laptop computers (new and replacement) each year, at about \$2,500 each. As discussed in #12 above, since this equipment is funded through the MCSAP, the States' contribution is 20 percent and is calculated as follows:

$$500 \text{ laptop computers} \times \$2,500 \text{ each} = \$1,250,000 \times .20 = \mathbf{\$250,000}$$

14. Estimate of cost to the Federal government.

Approximate annual costs associated with review and handling of grant applications and inspection data by Federal division and headquarters personnel are as follows:

52 Division personnel x 40 hrs. x \$35 per hr.	=	\$72,800
		4 Resource Center personnel x 80 hrs. x \$35 per hr.=
		11,200
4 HQ personnel x 80 hrs. x \$35 per hr.	=	11,200
Total	=	\$95,200

15. Explanation of program changes or adjustments.

The program changes made to MCSAP by SAFETEA-LU may possibly require an increase in burden due to the inclusion of non-CMV traffic enforcement activities as an eligible MCSAP activity. Although States have conducted eligible traffic enforcement activities against CMVs, they have not documented past traffic enforcement activity taken against non-CMV. Due to statutory restrictions on the amount of reimbursement a State may receive for non-CMV traffic enforcement, it is anticipated that the number of traffic contacts that will be documented for reimbursement will be minimal. States collect traffic enforcement activity data as a normal course of business but some additional effort will be required for States to document this activity for reimbursement.

Increased estimates for burden hours contained in this renewal are the result of adjusted calculations, reflecting the decreased number of State inspections (from 3.2 million to 3.02 million annually) performed and the reduction of the number of applicants for basic grants (from 53 to 52) and the addition of non-CMV traffic enforcement activities

16. Publication of results of data collection.

The data reported by the States are distributed internally within FMCSA and to the reporting States. They are available to the public upon request.

17. Approval for not displaying the expiration date for OMB approval.

There is no request to not display the expiration date of the OMB approval for this information

collection.

18. Exceptions to certification statement.

There are no exceptions to the certification statement for this information collection.

ATTACHMENTS

- A. Sections 401- 404 of the Surface Transportation Assistance Act of 1982 (STAA) Public Law 97-424, January 6, 1983.
- B. Transportation Equity Act for the 21st Century (TEA-21) Public Law 105-178, 112 Stat. 107, June 8, 1998.
- C. Section 4106 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, 119 Stat. 1144, August 10, 2005.
- D. Final Rule entitled Motor Carrier Safety Assistance Program (65 FR 15092), dated March 21, 2000.
- E. 49 CFR 350, Commercial Motor Carrier Assistance Program, dated March 21, 2000.
- F. 60-day comments request Federal Register Notice (72 FR 54096), dated September 21, 2007.
- G. Comment to 60-day Federal Register Notice.
- H. 30-day comments request Federal Register Notice (72 FR 67337), dated November 28, 2007.

Forms: MCSAP-1, MCSAP-2, and MCSAP-2A

State Training Plan (Optional)
State Certification

Part B. Collections of Information Employing Statistical Methods.

This ICR does not employ statistical methods.