

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

**SUPPORTING STATEMENT  
MOTOR CARRIER SAFETY ASSISTANCE PROGRAM  
OMB Control Number 2126-0010**

**INTRODUCTION**

This is to request the Office of Management and Budget's (OMB) approval to revise the OMB Control Number 2126-0010, "Motor Carrier Safety Assistance Program," information collection request (ICR), which is due to expire February 28, 2011. This ICR is being revised due to an increase in the estimated number of State inspections that will be performed annually.

**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 21<sup>st</sup> Century (TEA-21), Public Law 105-178, 112 Stat. 107 (June 8, 1998) (Attachment B) further revised 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, 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-CMVs, 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 to implement the changes to the MCSAP made by SAFETEA-LU was published in the Federal Register on July 5, 2007 (72 FR 36769) (Attachment D). The State's grant application, known as the 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 FMCSA can monitor and evaluate a State's progress under its approved plan and make the determinations and decisions required by 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, 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 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 is submitted by the States using Standard Form PPR along with a narrative addendum to provide the minimum necessary information to assist in appropriate monitoring of a State's performance, compared to its CVSP, and to permit 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 FMCSA at the time of completion of the inspection.

SAFETEA-LU provides that States may 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 did not capture activity levels for this type of enforcement. The number of non-CMV enforcement activities conducted by the States has been relatively 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 completed by the State and submitted to 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.

Additionally, FMCSA previously requested and received OMB approval to use the existing Forms MCSAP-2 and MCSAP-2A in this ICR to also collect the same information required by FMCSA's Border Enforcement Grant (BEG), Commercial Driver License (CDL) Grant, Commercial Driver License Improvement System (CDLIS) Grant, and Performance and Registration Information System Management (PRISM) Grant programs. The FMCSA provides its rationale for this information collection renewal request as follows:

**Border Enforcement Grant (BEG) Program:** Section 4110 of SAFETEA-LU, amended 49 U.S.C. 31107(b) (1) to provide general authority to the Secretary of Transportation (Secretary) to make a border enforcement grant in a fiscal year to an entity or State that shares a land border with another country for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects. The statute also provides that the Secretary shall reimburse a State under a grant agreement pursuant to this section in an amount not more than 100 percent of the costs incurred by the State in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

**Commercial Driver License (CDL) Grant Program:** Section 4124 of SAFETEA-LU amended title 49, U.S.C., by adding a new § 31313 that provides general authority to the Secretary to make a grant to a State for commercial driver's license (CDL) program improvements in a fiscal year. This enables the State to comply with the requirements of the CDL program and to improve implementation of its CDL program. A grant may also be made to a State agency, local government or other person to perform research, development,

demonstration projects, public education, emerging issues, and other special activities and projects relating to commercial driver licensing and motor vehicle safety to benefit all jurisdictions of the United States or to address national safety concerns. The statute also provides that the Secretary shall reimburse a State, local government, or other person under a grant agreement pursuant to this section in an amount that is not more than 100 percent of the costs incurred by the State, local government or other person.

**Commercial Driver License Improvement System (CDLIS) Grant Program:** Section 4124 of SAFETEA-LU amended title 49, U.S.C., by adding a new § 31313 that provides general authority to the Secretary to make a grant to a State for CDL program improvements in a fiscal year. This enables the State to comply with the requirements of the CDL program and to improve implementation of its CDL program. The statute also provides that the Secretary shall reimburse a State, local government, or other person under a grant agreement under this section in an amount that is not more than 100 percent of the costs incurred by the grantee.

**The Performance and Registration Information System Management (PRISM) Grant Program:** TEA-21 directed the FMCSA to implement, on a national basis, the Performance and Registration Information Systems Management (PRISM) Program. This program links the motor carrier safety information system of the Department of Transportation and similar State systems with State commercial motor vehicle registration and licensing systems. The purpose of PRISM is to: 1) determine the safety fitness of the motor carrier prior to issuing license plates; and 2) cause the carrier to enhance its safety performance through an improvement process, and where necessary, apply sanctions to include Denial, Suspension, and/or Revocation of commercial vehicle registrations. The Act also provides that the Secretary shall reimburse a State under a grant agreement in an amount not more than 100 percent of the costs incurred by the State in complying with the program.

The BEG, CDL, CDLIS improvement and PRISM grant programs utilize the Forms MCSAP-2 and MCSAP-2A for the same purposes as the MCSAP grant program. The title of the grant program on the respective forms will be changed from Motor Carrier Safety Assistance Program to the Border Enforcement Grant Program, the Commercial Driver License Grant Program, the Commercial Driver License Improvement System Grant Program, and the Performance and Registration Information System Management Grant Program, as appropriate. The references to Forms MCSAP-2 and MCSAP-2A will be shown as BEG-2 and BEG-2A, CDL- and CDL-2A, and CDLIS-2 and CDLIS-2A, PRISM-2 and PRISM-2A, respectively.

Description of MCSAP forms:

- a. Form MCSAP-1, Motor Carrier Safety Assistance Program: Use of the MCSAP-1 form is being discontinued. States will be required to submit their grant applications electronically using grants.gov beginning in Fiscal Year 2011. The SF-424 form (OMB No. 4040-0004), available via grants.gov, will be used in place of the previously approved MCSAP-1 form.
- 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.

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 funding of the grant, or to extend the period of performance of the grant. It contains the signatures of the responsible State official and the FMCSA Division Administrator.

In addition, the following document is provided as part of the CVSP package:

a. 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 includes conditions that must be met by the State to receive MCSAP grant funds.

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

### **3. Extent of automated information collection.**

Virtually all (99%) of the information required by the MCSAP grant program is submitted electronically. This includes over 3.4 million inspection reports, which are uploaded electronically from laptop computers at inspection sites in the field to 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 these certification documents are not, therefore, electronically transmitted.

### **4. Efforts to identify duplication.**

The FMCSA is the only Federal agency authorized 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 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.**

The FMCSA published a notice in the Federal Register with a 60-day public comment period to announce this proposed information collection on September 9, 2010 (75 FR 54943) (see Attachment F). No comments were received in response to this notice.

The FMCSA published a notice in the Federal Register on November xx 2010 (75 FR xxxxx) with a 30-day public comment period that announced this ICR would be sent to OMB for approval (see Attachment G).

**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 3.4 million total

inspection reports are uploaded each year.

The MCSAP 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 (CVSP) preparation: 52 respondents x 79.5 hours each = 4,134 hrs x .20 = 826.8.

**Estimated Annual Burden:** 826.8 hours (rounded to 827) .

IC 2: Form MCSAP-2: 266 responses x .5 hour each = 133 hrs x .20 = 26.6 (rounded to 27)

IC 2: Form MCSAP-2:

Form BEG-2	15 responses x .5 hour each	= 7.5 hours (rounded to 8).
Form CDL-2	35 responses x .5 hour each	= 17.5 hours (rounded to 18).
Form CDLIS-2	51 responses x .5 hour each	= 25.5 hours (rounded to 26).
Form PRISM-2	6 responses x .5 hour each	= 3.0 hours.

**Estimated Annual Burden for Form MCSAP-2 IC-2: 82 hours** [27 hours for MCSAP-2+8 hours for BEG-2 + 18 hours for CDL-2 + 26 hours for CDLIS-2 + 3 hours for PRISM = 82 hours].

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

IC 3: Form MCSAP-2A:

Form BEG-2A	5 responses x .5 hour each	= 2.5 hours (rounded to 3)
Form CDL-2A	5 responses x .5 hour each	= 2.5 hours (rounded to 3)
Form CDLIS-2A	5 responses x .5 hour each	= 2.5 hours (rounded to 3)
Form PRISM-2A	6 responses x .5 hour each	= 3.0 hours

**Estimated Annual Burden Increase for Form MCSAP-2A IC-3: 17 hours** [5 hours for MCSAP-2A+3 hours for BEG-2A + 3 hours for CDL-2A + 3 hours for CDLIS-2A +3 hours PRISM -2A = 17 hours]].

IC 4: Data uploads: 3.4 million inspection data uploads x 1 minute each = 56,667 hrs x .20 = 11,333.4 (rounded to 11,333).

**Estimated Annual Burden:** 11,333.4 hours (rounded to 11,333).

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: 957.5 hours (rounded to 958) [287,240 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
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1	Basic Grant Application	None (CVSP)	52	52	827
2	Grant Agreement	MCSAP-2	159	266	82
3	Grant Amendment for Fiscal Year	MCSAP-2A	73	52	17
4	Inspection Reports Uploads	None	52	3,400,000	11,333
5	Quarterly Reports	SF-PPR	52	208	333
6	Non-CMV Traffic Enforcement Activities	None	52	287,240	958
<b>Total</b>				<b>3,687,818</b>	<b>13,550</b>

**Estimated Total Annual Burden Hours: 13,550 hours** [ 827 hours IC 1 + 82 hours IC 2 + 17 hours IC 3 + 11,333 hours IC 4 + 333 hours IC 5 + 958 IC 6 = 13,550].

IC 1 Basic grant application preparation (CVSP): 827 hrs. x \$28 per hour = \$ 23,156  
 IC 2: Form MCSAP-2 completion: 82 hrs. x \$28 per hour = \$ 2,296  
 IC 3: Form MCSAP-2A completion: 17 hrs. x \$28 per hour = \$ 476  
 IC 4: Inspection report uploads: 11,333 hrs. x \$22 per hour = \$249,326  
 IC 5: Quarterly Reports: 333 hrs. x \$22 per hour = \$ 7,326  
 IC 6: Non-CMV Traffic Enforcement Activities: 958 hrs. x \$22 per hour = \$ 21,076  
**Total respondent salary costs (20%): = \$303,656**

**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 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 for the MCSAP are as follows:

52 Division personnel x 40 hrs. x \$39 per hr.	=	\$81,120
		4 Resource Center personnel x 80 hrs. x \$39 per hr.=
		12,480
4 HQ personnel x 80 hrs. x \$39 per hr.	=	12,480
Total	=	<b>\$106,080</b>



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

15 Division personnel x 40 hours x \$39 per hour	=	\$23,400
4 Resource Center personnel x 80 hours x \$39 per hour	=	\$12,480
2 HQ personnel x 80 hours x \$39 per hour	=	\$6,240
<b>Total</b>	=	<b>\$42,120</b>

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

51 Division personnel x 20 hours x \$39 per hour	=	\$39,780
4 Resource Center personnel x 40 hours x \$39 per hour	=	\$6,240
1 HQ personnel x 80 hours x \$39 per hour	=	<u>\$3,120</u>
<b>Total</b>	=	<b>\$49,140</b>

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

51 Division personnel x 20 hours x \$39 per hour	=	\$39,780
4 Resource Center personnel x 40 hours x \$39 per hour	=	\$6,240
1 HQ personnel x 80 hours x \$39 per hour	=	<u>\$3,120</u>
<b>Total</b>	=	<b>\$49,140</b>

Approximate annual costs associated with review and handling of grant applications by Federal division and headquarters personnel for the PRISM grant program are as follows:

6 Division personnel x 20 hours x \$39 per hour	=	\$4,680
4 Resource Center personnel 40 hours x \$39 per hour	=	\$6,240
1 HQ personnel x 80 hours x \$39 per hour	=	<u>\$3,120</u>
<b>Total</b>	=	<b>\$14,040</b>

**Estimate of Total Annual Cost to the Federal Government: \$260,520** [\$106,080 MCSAP estimated annual cost to the Federal government + \$42,120 for BEG + \$49,140 for CDL + \$49,140 for CDLIS + \$14,040 for PRISM grants programs = \$260,520].

**15. Explanation of program changes or adjustments.**

This program adjustment increase estimates for burden hours contained in this revision are due to an increase in the number of State inspections performed annually (from 3.02 million to 3.4 million).

**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 21<sup>st</sup> 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 part 350, Commercial Motor Carrier Assistance Program, dated March 21, 2000.
- F. 60-day comments request Federal Register Notice (75 FR 54943, dated September 9, 2010.
- G. 30-day comments request Federal Register Notice (75 FR 72858), dated November 26, 2010.

Forms: 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.