SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

PART 350—COMMERCIAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

Subpart A—General

Sec. 350.101 What is the Motor Carrier Safety Assistance Program (MCSAP)?

The MCSAP is a Federal grant program that provides financial assistance to States to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of the MCSAP is to reduce CMV-involved accidents, fatalities, and injuries through consistent, uniform, and effective CMV safety measures.

350.103 What is the purpose of this part?

The purpose of this part is to outline the requirements for participation in the MCSAP, including eligibility criteria, application procedures, and funding distribution.

350.105 What definitions are used in this part?

The definitions used in this part include terms such as “CVSP,” “MCSAP,” “Incentive Funds,” and “High Priority Activity Funds.”

350.107 What jurisdictions are eligible for MCSAP funding?

Jurisdictions eligible for MCSAP funding include States and territories that meet the eligibility criteria set forth in this part.

350.109 What are the national program elements?

The national program elements include traffic safety enforcement, driver educational programs, and vehicle inspection programs.

350.111 What constitutes traffic enforcement for the purpose of the MCSAP?

Traffic enforcement for the purpose of the MCSAP includes activities such as roadside inspections, driver proficiency tests, and enforcement of safety regulations.

Subpart B—Requirements for Participation

350.201 What conditions must a State meet to qualify for Basic Program Funds?

A State must demonstrate that it satisfies the conditions for Basic Program funding, as outlined in this part, to qualify for funds.

350.205 How and when does a State apply for MCSAP funding?

A State applies for MCSAP funding by submitting a CVSP to the Federal Motor Carrier Safety Administration (FMCSA).

350.207 What response does a State receive to its CVSP submission?

FMCSA provides a response to the CVSP submission, detailing the approval or denial of funding and any specific conditions for funding.

350.209 How does a State demonstrate that it satisfies the conditions for Basic Program funding?

A State demonstrates compliance with the conditions for Basic Program funding through a CVSP that clearly outlines the State’s efforts to improve motor carrier safety.

350.211 What is the format of the certification required by §350.209?

The certification must include a detailed description of the State’s compliance with the conditions for Basic Program funding.

350.213 What must a State CVSP include?

A State CVSP must include information on traffic safety enforcement, driver educational programs, vehicle inspection programs, and any other relevant activities.

350.215 What are the consequences for a State that fails to perform according to an approved CVSP or otherwise fails to meet the conditions of this part?

A State that fails to perform according to an approved CVSP or otherwise fails to meet the conditions of this part may have its funding revoked.

Subpart C—Funding

350.301 What level of effort must a State maintain to qualify for MCSAP funding?

A State must maintain a level of effort sufficient to demonstrate its commitment to improving motor carrier safety.

350.303 What are the State and Federal shares of expenses incurred under an approved CVSP?

The state and Federal shares of expenses incurred under an approved CVSP are determined based on the level of effort maintained by the State.

350.307 How long are MCSAP funds available to a State?

MCSAP funds are available for a specific period, as determined by the Federal Motor Carrier Safety Administration.

350.309 What activities are eligible for reimbursement under the MCSAP?

Activities eligible for reimbursement under the MCSAP include traffic safety enforcement, driver educational programs, and vehicle inspection programs.

350.311 What specific items are eligible for reimbursement under the MCSAP?

Specific items eligible for reimbursement under the MCSAP include materials, equipment, and personnel costs.

350.313 How are MCSAP funds allocated?

MCSAP funds are allocated based on the State’s level of effort and its compliance with the conditions for Basic Program funding.

350.315 How may Basic Program Funds be used?

Basic Program Funds may be used for activities that improve motor carrier safety, such as traffic safety enforcement and driver educational programs.

350.317 What are Incentive Funds and how may they be used?

Incentive Funds are allocated to States that demonstrate exceptional performance in reducing accidents and fatalities.

350.319 What are permissible uses of High Priority Activity Funds?

High Priority Activity Funds may be used for activities that address the most critical safety issues, such as driver education and training.


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Subpart A—General

§ 350.101 What is the Motor Carrier Safety Assistance Program (MCSAP)?

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safety programs. Investing grant monies in appropriate safety programs will increase the likelihood that safety defects, driver deficiencies, and unsafe motor carrier practices will be detected and corrected before they become contributing factors to accidents. The MCSAP also sets forth the conditions for participation by States and local jurisdictions and promotes the adoption and uniform enforcement of safety rules, regulations, and standards compatible with the Federal Motor Carrier Safety Regulations (FMCSRs) and Federal Hazardous Material Regulations (HMRs) for both interstate and intrastate motor carriers and drivers.

§ 350.103 What is the purpose of this part?

The purpose of this part is to ensure the Federal Motor Carrier Safety Administration (FMCSA), States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, CMV, and driver safety to support a safe and efficient transportation system.

§ 350.105 What definitions are used in this part?

10-year average accident rate means for each State, the aggregate number of large truck-involved fatal crashes (as reported in the Fatality Analysis Reporting System (FARS)) for a 10-year period divided by the aggregate vehicle miles traveled (VMT) (as defined by the Federal Motor Carrier Safety Administration (FMCSA)) for the same 10-year period.

Accident rate means for each State, the total number of fatal crashes involving large trucks (as measured by the FARS for each State) divided by the total VMT as defined by the FMCSA for each State for all vehicles.

Agency means Federal Motor Carrier Safety Administration.

Administrative Takedown Funds means funds deducted by the FMCSA each fiscal year from the amount made available for the MCSAP for expenses incurred in the administration of the MCSAP, including expenses to train State and local government employees.

Administrator means Federal Motor Carrier Safety Administrator.

Basic Program Funds means the total MCSAP funds less the High Priority Activity, Border Activity, Administrative Takedown, and Incentive Funds.

Border Activity Funds means funds provided to States, local governments, and other persons carrying out programs, activities, and projects relating to CMV safety and regulatory enforcement supporting the North American Free Trade Agreement (NAFTA) at the U.S. border. Up to 5 percent of total MCSAP funds are available for these activities.

Commercial motor vehicle (CMV) means a motor vehicle that has any of the following characteristics:

1. A gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), or gross combination weight rating (GCWR) of 4,537 kilograms (10,001 pounds) or more.
2. Regardless of weight, is designed or used to transport 16 or more passengers, including driver.
3. Regardless of weight, is used in the transportation of hazardous materials and is required to be placarded pursuant to 49 CFR part 172, subpart F.

Commercial vehicle safety plan (CVSP) means the document outlining the State’s CMV safety objectives, strategies, activities and performance measures.

Compatible or Compatibility means State laws and regulations applicable to interstate commerce and to intrastate movement of hazardous materials are identical to the FMCSRs and the HMRs or have the same effect as the FMCSRs. State laws applicable to intrastate commerce are either identical to, or have the same effect as, the FMCSRs or fall within the established limited variances under § 350.341.

High Priority Activity Funds means funds provided for carrying out high-priority activities and projects that improve CMV safety and compliance with CMV safety regulations (including activities and projects that are national in scope), increase public awareness and education, demonstrate new technologies, and reduce the number and rate of accidents involving CMVs.

Incentive Funds means funds awarded to States achieving reductions in CMV