§ 350.213  What must a State CVSP include?

The State’s CVSP must reflect a performance-based program, and contain the following eighteen items:

(a) A general overview section that must include the following two items:

(1) A statement of the State agency goal or mission.

(2) A program summary of the effectiveness of the prior years’ activities in reducing CMV accidents, injuries and fatalities, and improving driver and motor carrier safety performance. Data periods used must be consistent from year to year. This may be calendar year or fiscal year or any 12-month period of time for which the State’s data

15. The State will ensure that requirements relating to the licensing of CMV drivers are enforced, including checking the status of CDLs.

16. The State will ensure that MCSAP-funded personnel, including sub-grantees, meet the minimum Federal standards set forth in 49 CFR part 365, subpart C for training and experience of employees performing safety audits, compliance reviews, or driver/vehicle roadside inspection.

17. The State will enforce operating authority requirements under 49 CFR 392.9a by prohibiting the operation of any vehicle discovered to be operating without the required operating authority or beyond the scope of the motor carrier’s operating authority.

18. The State will enforce the financial responsibility requirements under 49 CFR part 397 as applicable to CMVs subject to the provisions of 49 CFR 392.9a.

19. The State will include, in 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 safe driving in the vicinity of noncommercial and commercial motor vehicles.

20. The State will conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors.

21. The State will ensure that, except in the case of an imminent or obvious safety hazard, 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 motor carriers may make planned stops.

Date
Signature

is current. The summary must show
trends supported by safety and pro-
gram performance data collected over
several years. It must identify safety
or performance problems in the State
and those problems must be addressed
in the new or modified CVSP.
(b) A brief narrative describing how
the State program addresses the na-
tional program elements listed in
§350.109. The plan must address these
elements even if there are no planned
activities in a program area. The ra-
tionale for the resource allocation de-
cision must be explained. The narrative
section must include a description of
how the State supports the activities
identified in §350.201(q) and (t).
(1) Activities aimed at removing im-
paired CMV drivers from the highways
through adequate enforcement of re-
strictions on the use of alcohol and
controlled substances and by ensuring
ready roadside access to alcohol detec-
tion and measuring equipment.
(2) Activities aimed at providing an
appropriate level of training to MCSAP
personnel to recognize drivers impaired
by alcohol or controlled substances.
(3) Interdiction activities affecting
the transportation of controlled sub-
stances by CMV drivers and training on
appropriate strategies for carrying out
those interdiction activities.
(4) Activities to enforce registration
requirements under 49 U.S.C. 13902 and
49 CFR part 365 and financial responsi-
bility requirements under 49 U.S.C.
13906, 31138 and 31139 and 49 CFR part
387.
(c) A definitive problem statement
for each objective, supported by data or
other information. The CVSP must
identify the source of the data, and
who is responsible for its collection,
maintenance, and analysis.
(d) Performance objectives, stated in
quantifiable terms, to be achieved
through the State plan. Objectives
must include a measurable reduction in
highway accidents or hazardous mate-
rials incidents involving CMVs. The ob-
jective may also include documented
improvements in other program areas
(e.g., legislative or regulatory author-
ity, enforcement results, or resource
allocations).
(e) Strategies to be employed to
achieve performance objectives. Strat-
egies may include education, enforce-
ment, legislation, use of technology
and improvements to safety infrastruc-
ture.
(f) Specific activities intended to
achieve the stated strategies and objec-
tives. Planned activities must be eligi-
ble under this program as defined in
§§350.309 and 350.311.
(g) Specific quantifiable performance
measures, as appropriate. These per-
formance measures will be used to as-
sist the State in monitoring the
progress of its program and preparing
an annual evaluation.
(h) A description of the State’s meth-
od for ongoing monitoring of the
progress of its plan. This should in-
clude who will conduct the monitoring,
the frequency with which it will be car-
rried out, and how and to whom reports
will be made.
(i) An objective evaluation that dis-
cusses the progress towards individual
objectives listed under the “Perform-
ance Objectives” section of the pre-
vious year’s CVSP and identifies any
safety or performance problems discov-
ered. States will identify those prob-
lems as new objectives or make modi-
fications to the existing objectives in
the next CVSP.
(j) A budget which supports the
CVSP, describing the expenditures for
allocable costs such as personnel and
related costs, equipment purchases,
printing, information systems costs,
and other eligible costs consistent with
§§350.311 and 350.309.
(k) A budget summary form includ-
ing planned expenditures for that fiscal
year and projected number of activities
in each national program element, ex-
cept data collection.
(l) The results of the annual review
to determine the compatibility of
State laws and regulations with the
FMCSRs and HMRs.
(m) A copy of any new law or regu-
lation affecting CMV safety enforce-
ment that was enacted by the State since the
last CVSP was submitted.
(n) Executed State Certification as
outlined in §350.211.
(o) Executed MCSAP–1 form.
(p) List of MCSAP contacts.
(q) Annual Certification of Compat-
ibility, §350.331.
§ 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) If a State is not performing according to an approved plan or not adequately meeting conditions set forth in §350.201, the Administrator may issue a written notice of proposed determination of nonconformity to the Governor of the State or the official designated in the plan. The notice will set forth the reasons for the proposed determination.

(b) The State will have 30 days from the date of the notice to reply. The reply must address the deficiencies or incompatibility cited in the notice and provide documentation as necessary.

(c) After considering the State's reply, the Administrator will make a final decision.

(d) In the event the State fails timely to reply to a notice of proposed determination of nonconformity, the notice becomes the Administrator's final determination of nonconformity.

(e) Any adverse decision will result in immediate cessation of Federal funding under this part.

(f) Any State aggrieved by an adverse decision under this section may seek judicial review under 5 U.S.C. chapter 7.

Subpart C—Funding

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

(a) The State must maintain the average aggregate expenditure of the State and its political subdivisions, exclusive of Federal funds and State matching funds, for CMV safety programs eligible for funding under this part at a level at least equal to the average level of expenditure for the 3 full fiscal years beginning after October 1 of the year 5 years prior to the beginning of each Government fiscal year.

(b) Determination of a State's level of effort must not include the following three things:

(1) Federal funds received for support of motor carrier and hazardous materials safety enforcement.

(2) State matching funds.

(3) State funds used for federally sponsored demonstration or pilot CMV safety programs.

(c) The State must include costs associated with activities performed during the base period by State or local agencies currently receiving or projected to receive funds under this part. It must include only those activities which meet the current requirements for funding eligibility under the grant program.

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

(a) The FMCSA will reimburse up to 80 percent of the eligible costs incurred in the administration of an approved CVSP.

(b) In-kind contributions are acceptable in meeting the State's matching share if they represent eligible costs as established by 49 CFR part 18 or agency policy.

§ 350.305 Are U.S. Territories subject to the matching funds requirement?

The Administrator waives the requirement for matching funds for the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

§ 350.307 How long are MCSAP funds available to a State?

The funds obligated to a State will remain available for the rest of the fiscal year in which they were obligated and the next full fiscal year. The State must account for any prior year's unexpended funds in the annual CVSP. Funds must be expended in the order in which they are obligated.

§ 350.309 What activities are eligible for reimbursement under the MCSAP?

The primary activities eligible for reimbursement are:

(a) The five national program elements listed in §350.109 of this part.