

Memorandum

Date: June 21, 2019

Reply to Attn. of: MC-ESS

Subject: Fiscal Year 2020 Motor Carrier Safety Assistance
Program Application

From: John Van Steenburg
Acting Associate Administrator, Office of Enforcement

To: Field Administrators; Division Administrators;
State Program Managers

PURPOSE:

This announcement provides important information for use by Motor Carrier Safety Assistance Program (MCSAP) Lead Agencies in the preparation and submission of their Fiscal Year (FY) 2020 Commercial Vehicle Safety Plans (CVSPs) through the Electronic Commercial Vehicle Safety Plan (eCVSP) tool and necessary application materials through Grants.gov. This document supplements the “Commercial Vehicle Safety Plan Development Memorandum” issued by the Office of Enforcement to MCSAP Lead Agencies on April 23, 2019. FMCSA will not publish a Notice of Funding Opportunity (NOFO) for the FY 2020 MCSAP formula grants.

This document will be posted to the FMCSA website “Motor Carrier Safety Assistance Program Grant - Application, Evaluation, and Approval” page for public availability. Please share this information with your MCSAP Lead Agencies as soon as possible.

BACKGROUND:

Improving the safety of the Nation’s transportation system is the top priority of U.S. Department of Transportation Secretary Elaine L. Chao. The goal of FMCSA’s MCSAP formula grant is, “to ensure that the Secretary of Transportation, States, and U.S. Territories work in partnership to

establish and maintain programs that improve motor carrier, commercial motor vehicle (CMV), and driver safety, and support an efficient surface transportation system by:

- (1) making targeted investments to promote safe CMV transportation, including the transportation of passengers and hazardous materials;
- (2) investing in activities likely to generate maximum reductions in the number and severity of CMV crashes and in fatalities resulting from such crashes;
- (3) adopting and enforcing effective motor carrier, CMV, and driver safety regulations and practices consistent with Federal requirements; and
- (4) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks¹.”

The Fixing America’s Surface Transportation (FAST) Act, Pub. L. No. 114-94, §§ 5101(a) and 5101(c) (2015) authorize MCSAP. In addition, the MCSAP is governed by 49 U.S.C. §§ 31102 (a-k) and 31104, as amended by the FAST Act, and by 49 CFR part 350, and any other requirements under the annual appropriations act.

For the purposes of MCSAP, the term “State” includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands.

FY 2020 CVSP PLANNING INFORMATION:

FY 2020 MCSAP Funding Levels

FMCSA will allocate the FY 2020 MCSAP funding per the interim funding formula, as prescribed within the FAST Act § 5106(d)(1), and outlined within 49 CFR § 350.323. FMCSA estimates it will award \$304,069,500 in FY 2020 to States, subject to the availability of funds and enacted appropriations. In addition to the estimated funding table provided in conjunction with this document, FMCSA will provide the estimated MCSAP funding level for each State in the eCVSP tool for the State’s use when completing their estimated budget.

FY 2020 Program Information and Emphasis Areas

MCSAP is comprised of national program elements derived from 49 U.S.C. § 31102, and further outlined in 49 CFR § 350.109. Please refer to Section 3.3 within the MCSAP Comprehensive Policy (MCP) for a detailed description of these program elements for inclusion in the CVSP.

Additional information on the MCSAP emphasis areas relevant to completion of the FY 2020 CVSPs is summarized below. Please reference the *full descriptions of these activities* in the CVSP Development Memorandum *issued on April 23, 2019*. Please note that States are required to meet all eligibility and program requirements outlined in 49 U.S.C. §§ 31102 and 31104; and 49 CFR part 350 to receive MCSAP funds.

1) Driver and Vehicle Inspections

¹49 U.S.C. § 31102(b)(1)(A-D)

Driver and vehicle inspections are one of the most successful strategies used in the MCSAP to improve safety. Please review Sections 2 and 3 of the MCP and carefully read the directions within the eCVSP application for details on how to reflect CMV inspection data and projections.

Special Emphasis Areas

a. Passenger Carrier Safety

Passenger carrier CMV safety and enforcement remains a major safety focus, especially as related to migrant worker transportation in rural areas.

- i. **Special Emphasis Area – Migrant Worker Transportation in Rural Areas**
FMCSA requests that, where data indicates a need, special emphasis be placed on the development and implementation of a targeted enforcement plan which incorporates recurring roadside enforcement in high density agricultural regions (during peak harvest seasons) for the specific purposes of improving the safe transportation of seasonal and migrant agricultural workers.

Applicants are referred to 49 CFR part 398 for definitions relating to agricultural worker classifications and requirements regarding the transportation of these individuals. States that have identified safety concerns regarding the transportation of seasonal and migrant farm workers are encouraged to work closely with their FMCSA Division Office and local offices of the U.S. Department of Labor to institute an effective safety intervention effort.

b. Enforcement of Out of Service (OOS) Orders at Roadside

For FY 2020, FMCSA requires all States to look at ways to strengthen their ability to identify and immobilize OOS carriers during enforcement activities. Checking a carrier's USDOT number or other identifiable information to ensure they are not OOS is a critical component of all enforcement activities and required by 49 CFR § 350.211.

Although FMCSA requires that States identify and immobilize all OOS carriers inspected, for this purpose, 85 percent of OOS carriers with a current declaration of **Imminent Hazard** or **determined to be Unsatisfactory/Unfit**, must be identified. As part of this requirement, FMCSA will provide each State with a report indicating its identification rate. This report will be the basis for a State's planning in this national priority area.

c. Electronic Logging Devices (ELD)

The ELD Final Rule published on December 16, 2015, and effective February 16, 2016, is intended to create a safer work environment for drivers and make it more efficient to accurately track, manage, and share records of duty status (RODS) data. Please note that States were required to adopt the ELD regulations by February 16, 2019.

States choosing to use MCSAP funds for ELD implementation must clearly identify and articulate these activities in their CVSP.

For more details on ELD implementation and compliance, the FMCSA ELD web page may be found at: <https://eld.fmcsa.dot.gov/>.

2) **Traffic Enforcement**

Traffic enforcement activities may be specifically targeted to CMVs (including vehicles operating in foreign commerce) and/or non-CMV, and are eligible under the MCSAP grant, if approved in the applicable grant agreement. Please reference the CVSP Development Memo and the MCP Sections 2, 3, and 5 for specific information on eligible activities.

Special Emphasis Area – Work Zone Safety

Reducing CMV crashes is the primary focus of MCSAP, and those occurring in construction work zones remains an emphasis area. FMCSA requests that special emphasis be placed on the development and implementation of a data-driven enforcement plan, targeting CMV and non-CMV traffic in the immediate vicinity of CMVs, that incorporates recurring enforcement efforts within marked construction work zones and congested areas immediately before and after construction work zones.

3) **Other MCSAP Priority Areas**

Additional information on the following priority areas may be found in the previously referenced CVSP Development Memorandum and within the MCP. States are strongly encouraged to thoroughly review these documents when preparing their CVSP.

- 1) Compliance Reviews/Investigations
- 2) Public Education and Awareness
- 3) Data Collection and Quality
- 4) New Entrant Safety Audits
- 5) Border Enforcement
- 6) Performance and Registration Information Systems Management
- 7) Innovative Technology Deployment

Applicants should also consider (when applicable) the following key Departmental objectives identified by the FMCSA Administrator when developing goals, objectives and costs within their CVSPs:

- 1) Supporting economic vitality at the national and regional level;
- 2) Utilizing alternative funding sources and innovative financing models to attract non-Federal sources of infrastructure investment, if applicable;
- 3) Accounting for the life-cycle costs of the project to promote the state of good repair;
- 4) Using innovative approaches to improve safety and expedite project delivery; and
- 5) Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

FY 2020 MCSAP INFORMATION:

Award Funding and Period of Performance

MCSAP provides formula grant awards to States. These formula awards are based on an annual allocation formula. FMCSA expects to award a total of \$304,069,500 from FY 2020 appropriations. These funds are available for use for the fiscal year in which the financial assistance agreement is approved and for the next fiscal year, supporting a period of performance for MCSAP awards of October 1, 2019 through September 30, 2021. This memorandum does not constitute an obligation by the Federal government to make awards. Awards are made based on the availability of Federal funds and awards may be made in increments.

Type of Award

The planned award type under this memorandum is a formula grant.

Applications are for new FMCSA awards only. FMCSA will not renew or supplement existing awards.

Degree of Federal Involvement

Substantial involvement is not expected between FMCSA and the recipient when carrying out the activities outlined in the grant agreement. FMCSA provides financial assistance, technical expertise, and oversight. Grantees provide the effort and expertise necessary to carry out the approved activities to improve CMV safety. FMCSA grantees are responsible for achieving the work described in their grant award, complying with the grant requirements laid out in the grant award's Terms and Conditions, the local administration of the grant, and monitoring and oversight of any sub-grantees.

Eligible Applicants

Only the State lead agency (as designated by the Governor) is eligible to apply for MCSAP grant funding. Individuals and businesses are not eligible for awards under this program. The State is responsible for administering a CVSP, submitted to FMCSA for approval, of activities throughout the State. Details regarding the content and approval of the State Plan is found in 49 U.S.C. § 31102 (b)(2) of the FAST Act, 49 CFR part 350, and in the CVSP instructions.

Cost-Sharing and Matching Requirements

FMCSA will reimburse 85% of eligible costs incurred in the administration of an approved CVSP. A State match of 15% is required and must consist of eligible costs under the MCSAP. Eligible costs that are acceptable in meeting the State's matching share is described in 2 CFR part 200, 49 CFR part 350, and the MCP. States may not apply their maintenance of effort to the State match. The FMCSA Administrator waives the requirement for matching funds for the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

Amounts generated under 49 U.S.C. § 14504a (unified carrier registration fees agreement) that are received by a State and used for motor carrier safety purposes, may be included as part of the State's match required under 49 U.S.C. § 31104 or maintenance of effort (MOE).

Maintenance of Effort (MOE) Baseline

In accordance with the provisions of 49 U.S.C. § 31102(f), a State plan shall provide that the total expenditure amounts of the State lead agency responsible for administering the plan will be maintained at a level each fiscal year that is at least equal to the average level of that expenditure for FYs 2004 and 2005. At the request of a State, the Secretary may waive or modify the requirements of MOE for a total of one fiscal year, if the Secretary determines that the waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of CMV enforcement activities in the State.

For more information on the MOE requirements, please refer to the MCP Section 3.6 and FMCSA's MOE information page on the Agency's website.

APPLICATION SUBMISSION INFORMATION:

Application Due Date

All MCSAP grant application materials are due to the Agency on **August 16, 2019, by 5:00 pm Eastern Time**. The application process for MCSAP funding involves two parts and two systems: Grants.gov and the eCVSP tool.

Grants.gov

Applicants can search Grants.gov by Funding Opportunity number: **FM-MCG-20-002** to submit all required forms for FY 2020 MCSAP funding. The Funding Opportunity includes all documents necessary to be considered as being responsive to this memorandum. Applicants should use amounts specified in FMCSA's estimated funding allocations table (**located in Grants.gov under attachments**) when completing the Application for Federal Assistance SF-424 and Federal Budget Information for Non-Construction Programs SF-424A.

FMCSA utilizes Grants.gov for accepting specific forms required for application under the MCSAP grant. Grants.gov is the Federal system for searching and applying for all Federal funding. FMCSA does not own or maintain Grants.gov, thus, all technical issues should be directed to Grants.gov.

- Grants.gov technical support information is located at:
<http://www.grants.gov/web/grants/support.html>.
- Grants.gov training on how to apply in the Grants.gov system is available at:
<http://www.grants.gov/applicants/apply-for-grants.html>.

Applicants are encouraged to complete registration in the System for Award Management (SAM) and obtain a valid Dun and Bradstreet Universal Numbering System (DUNS) Number before application submission in Grants.gov. Both a valid SAM registration and DUNS number are required to complete the MCSAP application components in Grants.gov.

eCVSP

Applications for the MCSAP grant program include a review of the CVSP as provided in 49 CFR § 350.213.

The CVSP is submitted separately from the rest of the application documents via the eCVSP tool at the eCVSP Website login page. For access to eCVSP, contact your FMCSA Division Office or Service Center.

Technical support with the eCVSP tool, including access issues, can be found at <https://ai.fmcsa.dot.gov/ecvsp/Data/ContactUs.aspx>.

FMCSA will host a series of webinars for State lead agencies that will provide guidance in: 1) using and navigating the eCVSP tool; 2) identifying problem statements and best practices to aid in

application development; and 3) preparing the budget narrative and spending plan. The dates, times, and registration information for the eCVSP training webinars will be posted on the FMCSA website and shared with applicants.

The FY 2020 eCVSP tool is currently scheduled for release in June 2019. States will be allowed to begin working on their FY 2020 CVSP once the system is deployed, with **all CVSPs due** to FMCSA on **August 16, 2019**.

As part of the CVSP, States are required to complete Certifications regarding adherence to the requirements of participation (49 CFR §§ 350.211 & 213), an annual review of State laws and regulations for compatibility (49 CFR § 350.213), and any new law, regulation, or policy affecting CMV safety that was adopted by the State since the last CVSP or annual update (49 CFR § 350.213). These certifications should be submitted via the eCVSP tool.

As provided in 49 U.S.C. § 31102(c)(1), FMCSA instituted Multi-Year CVSP functionality for States participating on a volunteer basis starting in FY 2018. The below tables specify the states and required submissions for FY 2020.

The following states used the multi-year format for FY 2019 and must submit their **annual** updates for FY 2020:

Alabama	Kansas	South Carolina
California	Michigan	Texas
Colorado	Minnesota	US Virgin Islands
Connecticut	Mississippi	Vermont
Florida	Montana	Washington
Georgia	Ohio	West Virginia
Wyoming	North Carolina	Arkansas
Oklahoma	Kentucky	New York
South Dakota	Iowa	Pennsylvania
Utah	Tennessee	New Mexico
Hawaii	North Dakota	

The following states are new multi-year users for FY 2020 and must submit a **multi-year eCVSP covering FYs 2020-2022**:

Alaska	Illinois	Nebraska
American Samoa	Indiana	Nevada
Arizona	Louisiana	New Hampshire
Delaware	Maine	New Jersey
District of Columbia	Maryland	Northern Mariana Islands
Guam	Massachusetts	Puerto Rico
Idaho	Missouri	Rhode Island
Virginia	Wisconsin	

Title VI Program Requirements

All FY 2020 MCSAP awards will be conditional until the required FY 2020 Title VI Program Compliance Plan (including the signed/dated FMCSA Title VI Program Assurance) is approved. However, do not include the Title VI Program Compliance Plan with the Grants.gov application submission, or upload in the eCVSP with the other required documents. Title VI Program Compliance Plans are to be submitted directly to Lester Finkle, FMCSA National Title VI Program Manager, by email at lester.finkle@dot.gov) for review and approval. Please contact Mr. Finkle directly for guidance on content and submission requirements. Mr. Finkle may also be reached at 202-366-4474.

Late Applications

State lead agencies that, for good cause, cannot submit their applications by the deadline may request an extension in writing (i.e., e-mail) of no more than 30 calendar days from the FMCSA Division Administrator/State Director (as allowed within 49 CFR § 350.205) with a copy provided to the Chief, State Programs Division, and the FMCSA Grants Management e-mail box for your region as listed here:

Western Service Center: FMCSAWSCGMOHelpDesk@dot.gov
Midwestern Service Center: FMCSAMSCGMOHelpDesk@dot.gov
Eastern Service Center: FMCSAESCgMOHelpDesk@dot.gov
Southern Service Center: FMCSASSCGMOHelpDesk@dot.gov

The application for MCSAP funding involves two parts and two systems: Grants.gov and the eCVSP tool.

APPLICATION REVIEW INFORMATION:

All applications received by the August 16, 2019, due date will undergo an initial intake review to determine if the application includes all required documents. Funding may be delayed for applications that do not contain all required documentation.

The State's CVSP is then reviewed to ensure its compliance with the requirements for funding under 49 U.S.C. §§ 31102 and 31104, as amended by the FAST Act, and by 49 CFR part 350. Additional information on the CVSP requirements and review process may be found within Section 3.8 of the MCP.

OTHER MCSAP GRANT INFORMATION:

Grant Reporting and Other Requirements

The grant terms and conditions outline the reporting requirements that the recipient must meet after award. Reporting responsibilities include quarterly program performance reports using the Performance Progress Report (SF-PPR) and quarterly financial status using the Federal Financial Report (SF-FFR, also known as the SF-425). Recipients may elect to submit financial reports electronically through GrantSolutions and/or by email to their Division Office. Recipients should

submit quarterly performance reports via email to their FMCSA Division Office. Additional quarterly report information and other required forms and templates are available at:

<http://www.fmcsa.dot.gov/mission/grants/grantee-resources>

FMCSA will continue to notify recipients of grant approval by issuing a Notice of Grant Award via GrantSolutions (www.grantsolutions.gov), FMCSA's grant management system. States will need to ensure that they continue to have access to this application for the FY 2020 MCSAP grant.

All FMCSA grant programs are cost reimbursable and all recipients must submit vouchers for reimbursement on at least a quarterly basis as required by the FAST Act. Reimbursement means that grant funded entities must first expend their own money for activities identified in the grant application. Entities will then be reimbursed by FMCSA for actual costs incurred. All costs must be in line with the approved budget, Office of Management and Budget cost principles and FMCSA policies. Recipients must submit requests for reimbursement electronically through the Delphi eInvoicing System (iSupplier). This request must include a Request for Advance or Reimbursement (SF-270) and a detailed expenditures worksheet outlining how the funds were utilized. Additional information is available at: <http://www.dot.gov/cfo/delphi-invoicing-system>.

Post award, recipients must submit reimbursement requests (SF-270s) as part of the reporting process, providing FMCSA another opportunity to determine the status of the project. Quarterly interim reports are due no later than 30 days after the end of each reporting period. Final reports are due no later than 90 days after the project or grant period end date.

Grantees are also required to report in accordance with 2 CFR § 170.100 for information on sub-awards and executive total compensation, as required by the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), as amended by section 6202 of Public Law 110-252, hereafter referred to as “the Transparency Act.”

Public Posting of CVSPs

In accordance with the FAST Act, FMCSA is required to post copies of the approved FY 2020 CVSPs for each State on a website accessible to the public. States will have the option to redact safety sensitive information prior to the Plan being posted. Further guidance on this process will be provided following the issuance of the final grant award for FY 2020.

Contacts

The MCSAP grant program is managed by the FMCSA Associate Administrator for Enforcement. However, for more information related to this announcement or application submission, the State lead agency may contact the FMCSA Division Office in its State, the FMCSA Grants Management Help Desk at FMCSA_GrantMgmtHelpDesk@dot.gov, or Mr. Tom Liberatore, Chief, State Programs Division at:

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
MC-ESS
Washington, DC 20590

Phone: 800-832-5660
Thomas.Liberatore@dot.gov

Additional Resources

Commercial Vehicle Safety Plan Development Memorandum

FY 2020 Estimated Funding Tables

Required Application Documents Checklist

MCSAP Comprehensive Policy (MCP)