

# 2014

## Commercial Vehicle Safety Plan



**Oklahoma  
Motor Carrier Safety  
Assistance Program**

# **Oklahoma**

## **Commercial Vehicle Safety Plan**

**for the**

**Federal Motor Carrier Safety Administration's**

**Motor Carrier Safety Assistance Program**

**Fiscal Year 2014**

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## Part 1 – GENERAL OVERVIEW

### Section 1.1 – Mission or Goal Statement

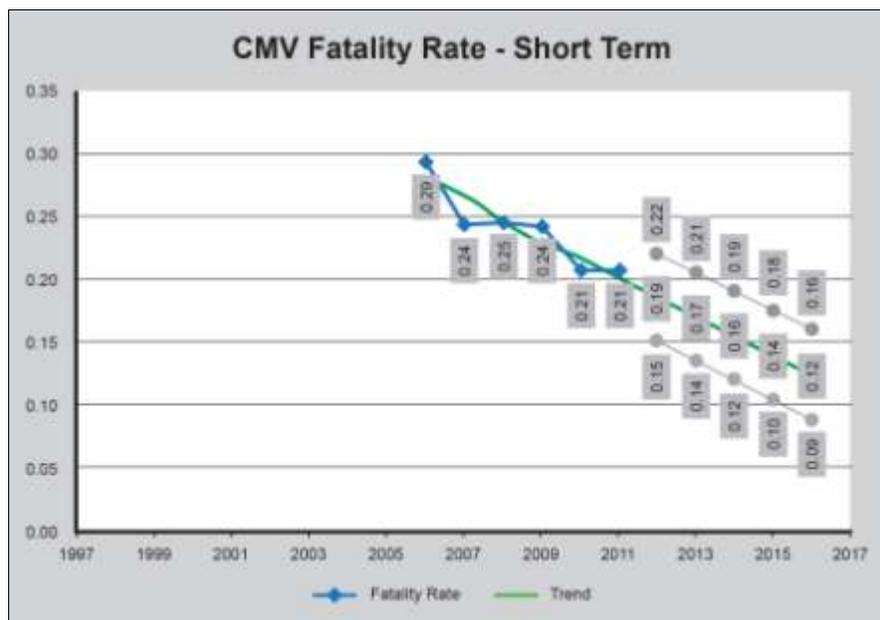
#### Oklahoma Highway Patrol, Troop S

##### Motor Carrier Safety Enforcement

The Oklahoma Highway Patrol (OHP) is dedicated to protecting the lives and property of the people of the State of Oklahoma, which has a population of approximately 3,814,820 according to the 2012 estimate from the U.S. Census Bureau. By employing innovative and effective enforcement strategies based upon statistical data, the Oklahoma Highway Patrol Commercial Vehicle Enforcement Unit will pursue public safety interests through the reduction of commercial motor vehicle (CMV) collisions. Focusing on problem-specific activities in the CMV industry will ultimately aid in the reduction of CMV collision fatalities and criminal activity.

Oklahoma will assist the Federal Motor Carrier Safety Administration (FMCSA) in meeting its national goal to reduce the rate of large truck and bus-related fatalities per 100 million vehicle miles traveled (VMT). According to data compiled by Tracy Thomas, Statistician from the University of Central Oklahoma, the fatality rate per 100 million VMT for Calendar Year (CY) 2013 was projected to be 0.21.

In Oklahoma, an analysis of the CMV fatality collisions revealed a fatality rate of .25 per 100 million VMT for CY 2008 and 0.24 per 100 million VMT in CY 2009 (See chart below). In CY 2010, this dropped to .21 per 100 million VMT and remained at .21 in CY 2011. The fatality rate increased slightly to 0.22 in 2012 but was projected to decline again to a fatality rate of 0.21 per 100 million VMT in CY 2013. The gradual decline is expected to continue into CY 2014 with a projected fatality rate of .19 per 100 million VMT.



*Data provided by Tracy Thomas, University of Central Oklahoma.  
Information reflects Oklahoma CMV fatality rates per 100 million VMT.*

All State and Federal laws and regulations pertaining to size, weight, driver, vehicle safety, and hazardous materials (HM) will be administered fairly and impartially, focusing upon the ultimate goal of saving lives through highway safety. This effort will be approached as a partnership between State and Federal enforcement, FMCSA-regulated industry, the motoring public, and other entities concerned with highway safety. All available resources, including education and enforcement activities, will be utilized.

The Oklahoma Commercial Vehicle Safety Plan (CVSP) is prepared by Schatz Publishing Group, a commercial outside organization contracted by Troop S of the Oklahoma Highway Patrol. Troop S is designated by the Secretary of Safety and Security, Michael C. Thompson, and at the direction of Governor Mary Fallin, as the lead Motor Carrier Safety Assistance Program (MCSAP) agency for the State. Troop S is responsible for the regulation and enforcement of the Federal Motor Carrier Regulations (49 CFR Parts 40, 303, 325, 350-399), Hazardous Material Regulations (49 CFR Parts 100-185), and Oklahoma Statute Title 47. The Oklahoma Department of Public Safety (DPS) provides Troop S full financial and material support to execute this assigned task.

## **Section 1.2 – Program Structure**

**Program Structure:** Troop S is comprised of 57 uniformed personnel (State Troopers), 5 civilian clerical staff, 1 civilian IT staff member, 1 civilian attorney and 1 vacant Budget Analyst. Troop S is planning to employ a MCSAP Program Consultant in lieu of the Budget Analyst position in Federal Fiscal Year (FFY) 2014. Troop S personnel are dedicated to CMV enforcement activities, including size and weight activity. Troop S Troopers attend all required Troop meetings for CMV enforcement and inspection training updates and changes. Through mobile enforcement of CMVs, Troop S is able to emphasize FMCSA highway safety regulations to help reduce collisions, injuries, and fatalities. All roadside inspectors, safety auditors, and Compliance Review investigators meet FMCSA and Commercial Vehicle Safety Alliance standards and certification requirements.

Troop S is currently assessing civil penalties on out-of-service (OOS) violations discovered during roadside inspections. Civil penalties are assessed according to CVSA standards. Troop S collected \$921,869.00 in civil penalties in calendar year in 2012.

### **Commercial Vehicle Traffic Enforcement Program (CVTEP)**

Troopers from various field Troops throughout the State are assigned to the Commercial Vehicle Traffic Enforcement Program (CVTEP). Troop S currently offers 25 positions within CVTEP. CVTEP Troopers meet the North American Standard Level I Inspection certification requirement. CVTEP program allows Troop S to provide additional enforcement personnel in areas of the State that have been identified as high collision areas. Members of CVTEP also provide additional enforcement for seat belt compliance. This program serves to fulfill the DPS career path for those members of OHP who desire to become full time CMV enforcement Troopers. CVTEP Troopers are given an opportunity to become certified in Hazardous Material and Cargo Tank inspections as classes are offered. DPS does not seek reimbursement from FMCSA for CVTEP activity but uses CVTEP eligible hours based on a unit cost rate compiled by the DPS Finance Division and Troop S to help meet our maintenance of effort (MOE).

### **Traffic Trooper Enforcement Program (TTEP)**

To further enhance the traffic enforcement efforts of Troop S, a statewide training program was initiated in 2006. The Traffic Trooper Enforcement Program (TTEP) has been implemented to train

field traffic Troopers to conduct driver/vehicle inspections with the goal of reducing the number of collisions involving CMVs and increasing seat belt compliance. TTEP Troopers are primarily used in traffic enforcement/driver behavior type inspections and must have a state probable cause violation or a visible Federal regulation violation before making a stop and conducting an inspection on a CMV. Currently, 39 roadside Troopers have maintained their North American Standard (NAS) Inspection certification during SFY 2013. Of those 39, there were 24 Troopers who maintained Level I NAS inspection certification and 15 who maintained a Level II or Level III certification.

DPS does not seek reimbursement from FMCSA for TTEP activity but uses eligible hours based on a unit cost rate compiled by the DPS Finance Division and Troop S to help meet our MOE.

<b>Participating Agency</b>	<b>Column A Number of Certified CMV Inspectors (Non-Sworn)</b>	<b>Column B Number of Certified CMV Officers (Sworn)</b>	<b>Column C Number of Officers in Column B supported by MCSAP Funds</b>
Oklahoma Department of Public Safety	2	112	50
<b>Total</b>	<b>2</b>	<b>112</b>	<b>50</b>

### **Mobile Enforcement and Special Emphasis**

Troop S conducted 30 special emphasis projects in SFY 2013 in different areas of the State. These special emphases activities were conducted in areas found to be high collision corridors, resulting in various inspections that placed drivers and/or vehicles out of service. Emphasis was also placed on traffic enforcement activity which included speed arrests, following too closely and unsafe lane changes. During Road Check 2013, some 975 inspections were completed, with 55 drivers and 135 vehicles placed out of service. Using current crash data, special emphasis will be conducted in locations identified as high priority areas (including high collision corridors and work zones) with a high volume of driver behavior-related collisions. Special emphasis projects (including Road Check) conducted in SFY 2013 (as of July) resulted in:

<b>Special Emphasis Projects</b>	
3,540	Completed Inspections
350	CMVs Placed OOS
174	CMV Drivers Placed OOS
1,082	Speed Violations
149	Following too Closely Violations
43	Changing Lanes Unsafely Violations

### **Impaired Driver Recognition**

OHP Troopers receive Standard Field Sobriety Testing training for impaired driver recognition. They are instructed on the use of intoxilyzer equipment and procedures, and they receive information on new techniques and safety precautions. Troop S Troopers receive training and education required by OHP for impaired driver recognition as well as training for commercial vehicle enforcement. Troop S Troopers participate in the ARIDE Program developed by the National Highway Traffic Safety Administration (NHTSA) to further enhance detecting impaired drivers.

### Section 1.3 – MCSAP Minimum Requirements:

Existing	Planned	Activities aimed at removing impaired CMV drivers from the highways through adequate enforcement of restrictions on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment. Check all that apply:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide basic training for roadside officers and inspectors to detect drivers impaired by alcohol or controlled substance.
<input type="checkbox"/>	<input type="checkbox"/>	Make portable breath testers available to roadside officers and inspectors.*
<input type="checkbox"/>	<input type="checkbox"/>	Other
Existing	Planned	Interdiction activities affecting the transportation of controlled substances by CMV drivers and training on appropriate strategies for carrying out those interdiction activities. Check all that apply:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide training for roadside officers and inspectors to detect indicators of controlled substance trafficking.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ensure interdiction officers are available as a resource if an officer/inspector suspects controlled substance trafficking.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engage in interdiction activities.
<input type="checkbox"/>	<input type="checkbox"/>	Other
Existing	Planned	Activities to enforce registration (i.e., operating authority) requirements under 49 U.S.C. 13902, 49 CFR Part 365, 49 CFR Part 368, and 49 CFR 392.9a by prohibiting the operation of (i.e., placing out of service) any vehicle discovered to be operating without the required operating authority or beyond the scope of the motor carrier’s operating authority. Check all that apply:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Have a policy requiring officers/inspectors to check the operating authority status of every vehicle inspected.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Have a policy requiring officers/inspectors to place out of service any vehicle found to be operating without sufficient authority.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide training for officers/inspectors to check the operating authority status of every vehicle inspected, including training for the system the State uses to conduct the checks.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Implement management reporting to track officer/inspector compliance with policy.
<input type="checkbox"/>	<input type="checkbox"/>	Other

\* While Portable Breath Testers (PBTs) have been made available to a number of Oklahoma Highway Patrol Troopers throughout the State there is neither an existing plan nor a future plan to make PBTs available specifically to roadside officers and inspectors.

Existing	Planned	<b>Activities to enforce financial responsibility requirements under 49 U.S.C. 13906, 31138, 31139, and 49 CFR Part 387. Check all that apply:</b>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conduct reviews of intrastate motor carriers and, as part of the review, check Part 387 compliance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legislation exists to enforce financial responsibility.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Implement a policy requiring officers/inspectors to check the financial responsibility status of every vehicle inspected.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Train officers/inspectors to check the financial responsibility status of every vehicle inspected.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Implement management reporting to track officer/inspector compliance with policy.
<input type="checkbox"/>	<input type="checkbox"/>	Other

## Part 2 – PROGRAM EFFECTIVENESS SUMMARY

For CVSP planning purposes, Troop S will utilize the CY. Current CMV collision data (based on CY) is provided by the Oklahoma Highway Safety Office (OHSO) and the Oklahoma Department of Transportation (ODOT) and reflects the following total CMV collision numbers as of December 31, 2012:

Year	Number
CY 2008	4,695
CY 2009	3,876
CY 2010	4,009
CY 2011	4,242
CY 2012	4,678

Based on the data for calendar years 2008–2012, there was less than a 1 percent decrease in CMV collisions. Troop S will continue to work toward a greater reduction of collisions for FFY 2014. Data is monitored by Troop S as updates and new information is available. The data is analyzed for development of strategic enforcement and education plans in areas such as high collision corridors, work zones, and No Zones (the area around CMVs where violations by non-commercial vehicles often occur). With the exception of Oklahoma and Tulsa Counties, Oklahoma is comprised of rural roads, by FMCSA definition. A strong emphasis will be placed on decreasing the number of CMV fatality and injury collisions through roadside enforcement targeting causation factors.

In addition, Troop S will participate in activities aimed at removing impaired CMV drivers from the highways through engagement in Level III inspections utilizing commercial driver’s license (CDL) and driver’s license check points, as well as special emphasis activities designed to identify CMV driver alcohol and drug related violations. Troop S Troopers will utilize Drug Recognition Experts (DREs), available to assist in determination of CMV driver impairment.

Furthermore, Troop S has taken an aggressive stance in identifying and inspecting CMVs that transport illegal substances. Some of Troop S Troopers have attended the “Desert Snow” interdiction school, which is highway interdiction training that teaches Troopers to identify suspicious or deceptive driver behavior (that may indicate possible criminal or terrorist activity) during roadside interviews. Continued training is also offered to Troop S personnel to further Troopers’ abilities to detect the illegal transportation of these substances.

Motor Carrier Operating Authority is checked and verified through various forms of communications. Troop S Troopers have been trained and provided access to the FMCSA portal to determine operating status on motor carriers, and they now have the ability to identify motor carriers operating under a Federal Out-of-Service Order during both interstate and intrastate roadside inspections. Query Central and the Commercial Vehicle Information Exchange Window (CVIEW) are primarily used to verify operating authority and financial responsibility. If any of the systems go down or are unavailable, the Trooper can call the OHP office to check a carrier’s status or utilize Inspection Selection System (ISS). Carriers found operating outside the scope of their authority are placed out of service. Troop S also confirms that carriers have the proper amount of financial responsibility in place for their operation.

While conducting roadside inspections (mobile enforcement), officer and public safety is the first priority. To ensure safety, choosing a safe location is the primary decision made on each traffic stop.

All Troop S Troopers are required to follow step 1 of the North American Standard Criteria for “selecting a safe location” when conducting an inspection.

The Oklahoma DPS Finance Division coordinates with Troop S to ensure that the budgetary needs meet MCSAP grant certification requirements per the State Certification. The MCSAP grant utilizes unit cost rate calculations to seek reimbursement. DPS has and will continue to provide necessary budgeting, accounting, and expenditure tracking procedures to ensure that Troop S successfully fulfills the MCSAP mission.

Troop S has and will maintain a current copy of the EEO/Affirmative Action Plan.

## Section 2.1 – State Fatality Reduction Goals: 2008–2012

DATA SOURCE: *Safe-T*, capture date: 06/05/13

Measurement Period		Fatalities	Goal	Actual
Begin Date	End Date	Number of Lives	Actual	Indicate Outcome
1 Jan. 2008	31 Dec. 2008	119	5% reduction	.25 per 100 million VMT
1 Jan. 2009	31 Dec. 2009	112	5% reduction	.24 per 100 million VMT
1 Jan. 2010	31 Dec. 2010	99	5% reduction	.21 per 100 million VMT
1 Jan. 2011	31 Dec. 2011	98	5% reduction	.21 per 100 million VMT
1 Jan. 2012	31 Dec. 2012	111	2.5% reduction	Data available fall 2013

### Narrative:

Troop S reduction goals for number of fatalities in previous CVSPs were tracked by fatality rate. Moving forward, Troop S will track the fatality goal by the number of lives lost. Beginning in FFY 2014, Troop S will strive to reduce CMV fatalities by 5 lives. Due to the increase of work zones in CY 2012, the number of crashes increased throughout the state resulting in more lives lost.

## Section 2.2 – State Motorcoach/Passenger Fatality Reduction Goals: 2008–2012

DATA SOURCE: *Safe-T*, capture date: 06/05/13

Measurement Period		Fatalities	Goal	Actual
Begin Date	End Date	Number of Lives (excluding school bus)	Actual	Indicate Outcome
1 Jan. 2008	31 Dec. 2008	3	5% reduction	4% reduction
1 Jan. 2009	31 Dec. 2009	0	5% reduction	6% reduction
1 Jan. 2010	31 Dec. 2010	0	5% reduction	13% reduction
1 Jan. 2011	31 Dec. 2011	2	5% reduction	10% increase
1 Jan. 2012	31 Dec. 2012	1	3% reduction	Data available fall 2013

### Narrative:

Troop S reduction goals for the number of motorcoach/passenger fatalities in previous CVSPs were not tracked based on number of lives. However, Troop S did set goals to reduce the number of motorcoach crashes by 3 percent in FFY 2013. In FFY 2014, the goal for motorcoach fatalities will be zero.

## Section 2.3 – State Hazardous Materials Incident Reduction Goals: 2008–2012

DATA SOURCE: *Safe-T*, capture date: 06/05/13

Measurement Period		Fatalities	Goal	Actual
Begin Date	End Date	Number of Lives	Actual	Indicate Outcome
1 Jan. 2008	31 Dec. 2008	4	See note below	See note below
1 Jan. 2009	31 Dec. 2009	5	See note below	See note below
1 Jan. 2010	31 Dec. 2010	5	See note below	See note below
1 Jan. 2011	31 Dec. 2011	3	See note below	See note below
1 Jan. 2012	31 Dec. 2012	4	See note below	See note below

### Narrative:

Troop S was not required to set reduction goals for the number of Hazardous Materials fatalities in previous CVSPs. In FFY 2014, Troop S will strive to reduce the number of fatalities by 1.

## Section 2.4 – Data Quality Improvement Goal from Previous Year – Report on Outcomes

SSDQ Category	Goal in CVSP	Actual
Crash Record Completeness	Green	Green
Non-Fatal Crash Completeness	Green	Red
Fatal Crash Completeness	Green	Green
Crash Timeliness	Green	Yellow
Crash Accuracy	Green	Green
Crash Consistency	NA	NA
Inspection Record Completeness	Green	Green
Inspection VIN Accuracy	Green	Green
Inspection Timeliness	Green	Yellow
Inspection Accuracy	Green	Green

### **Narrative:**

*Data pulled from A&I 6/27/13*

As of June of 2013, overall standing fell from green to yellow. Prior to May, Oklahoma’s overall standing was green for the remainder of SFY 2013. The drop at the end of SFY 2013 was due in part to contributing factors such as a Troop move that left Troop S without the DPS computer network for approximately 6 weeks and a change in reporting non-fatal crash completeness that greatly increased the quantity being entered into the system.

Troop S has made necessary adjustments to accommodate for the backlog of reports by dedicating additional staff to the task of maintaining the reporting system. Once reports are brought up to date, Troop S will be able to elevate standings from yellow back to green. Troop S has reviewed its internal processes to ensure proper resources are in place to bring the State rating back to green.

## Section 2.5 – Outreach and Education Goals from Previous Years – Report on Outcomes

<b>Activity:</b> <i>In SFY 2013, Troop S conducted CMV traffic safety talks or presentations for the general public, law enforcement agencies, State legislators, schools, and affiliated associations.</i>	
<b>Goal:</b> <i>10 percent increase to 88 safety talks/presentations</i>	<b>Actual:</b> <i>89 safety talks/presentations</i>
<b>Narrative:</b> <i>Troop S addressed the general public, law enforcement agencies, State legislators, schools, and affiliated associations concerning CMV traffic safety issues. The Troopers provided responses to questions that increased the knowledge base of the groups in regards to sharing the road safely with CMVs.</i>	
<b>Activity:</b> <i>In SFY 2012, Troop S conducted CMV traffic safety talks or presentations for the general public, law enforcement agencies, State legislators, schools, and affiliated associations.</i>	
<b>Goal:</b> <i>10 percent increase to 80 safety talks/presentations</i>	<b>Actual:</b> <i>79 safety talks/presentations</i>
<b>Narrative:</b> <i>Troop S heightened awareness for the latest rules, regulations, and CMV safety procedures throughout State law enforcement agencies. Acting as subject matter experts during safety talks, Troop S advised on CSA Program elements and special emphasis projects in Oklahoma.</i>	
<b>Activity:</b> <i>In SFY 2011, Troop S conducted CMV traffic safety talks or presentations for the general public, law enforcement agencies, State legislators, schools, and affiliated associations.</i>	
<b>Goal:</b> <i>10 percent increase to 84 safety talks/presentations</i>	<b>Actual:</b> <i>127 safety talks/presentations</i>
<b>Narrative:</b> <i>Upon request, Troop S addresses civic groups, industry, and the general motoring public concerning CMV and CMV driver behavior traffic issues. In addition, Troop S advises local law enforcement agencies of special emphasis projects and offers assistance on CMV matters.</i>	
<b>Activity:</b> <i>In SFY 2010, Troop S conducted CMV traffic safety talks or presentations for the general public, law enforcement agencies, State legislators, schools, and affiliated associations.</i>	
<b>Goal:</b> <i>10 percent increase to 35 safety talks/presentations</i>	<b>Actual:</b> <i>76 safety talks/presentations</i>
<b>Narrative:</b> <i>When new CMV drivers are educated at specialty schools or affiliated associations meet, Troop S will raise awareness through outreach projects or safety talks. In addition, Troop S will work to educate law enforcement agencies, State legislators, organizations, and schools on the need for safer CMV procedures.</i>	

## Section 2.6 – State Specific Goals from Previous Year – Report on Outcomes

<b>Activity:</b> <i>Special Emphasis Projects</i>	
<b>Goal:</b> 26	<b>Actual:</b> 30
<b>Narrative:</b> <i>In SFY 2013, Troop S conducted 30 special emphasis projects in different areas of the State. These special emphasis activities were conducted in areas found to be in high collision corridors, resulting in vehicles placed out-of-service, speed arrests, enforcement of vehicles following too closely, and many inspections. In SFY 2013, Troop S set a goal for 26 special emphasis projects that was exceeded by 10 percent. In SFY 2014, Troop S will strive for a for a total of 24 special emphasis projects and focus on work zones, statewide Hazardous Materials transportation, and passenger carriers.</i>	

<b>Activity:</b> <i>Crash Reduction/work zone</i>	
<b>Goal:</b> 2.5 percent reduction in collisions	<b>Actual:</b> 7 percent decrease in CY 2012
<b>Narrative:</b> <i>Oklahoma’s top CMV collision problems occur in work zones and account for 7 percent of total collisions. Troop S addressed the problem by concentrating on driver behavior violations and special emphasis projects.</i>	

<b>Activity:</b> <i>Driver/Vehicle Inspections</i>	
<b>Goal:</b> 23,000 inspections	<b>Actual:</b> 26,613 inspections
<b>Narrative:</b> <i>To keep unsafe CMVs and CMV drivers off Oklahoma roads, Troop S worked to increase the number of inspections conducted each year. The inspection activities helped to achieve the national goal of reducing CMV collisions and collision related fatalities.</i>	

## Part 3 – FY 2014 STATE CMV SAFETY PROGRAM OBJECTIVES

### Section 3.1 – Crash Reduction Goal

**CMV Crash Reduction** – Oklahoma’s top CMV collision problems occur in work zones and high collision corridors. These are addressed through concentration on driver behavior violations and identification of problem areas for Trooper deployment, utilizing inspections and special emphasis projects.

#### **Problem Statement Narrative:**

SAFE-T indicates the number of CMV collisions occurring in work zones increased in CY 2012 as compared to CY 2011. Below is a 5-year snapshot of Oklahoma’s total CMV collisions compared to work zone collisions as of May 2013:

<b>CY</b>	<b>Total CMV Collisions</b>	<b>Work Zone Collisions</b>
2012	4,678	343
2011	4,242	369
2010	4,009	347
2009	3,876	273
2008	4,695	259

In 2009, the crash reduction goal was 5 percent. As the data has been reviewed and crashes are climbing in association with increased work zones, the goal has been adjusted to a 2.5 percent crash reduction. As of July 2013, total CMV collision numbers showed a 9 percent increase (from 4,242 in CY 2011 to 4,678 in CY 2012). Data showed that there were 259 CMV work zone collisions in CY 2008, 273 in CY 2009, 347 in CY 2010, 369 in CY 2011, and 343 in CY 2012. Although there was an increase in total collisions throughout the year, work zone collisions had a 7 percent decrease from CY 2011 to CY 2012. According to statistician Tracy Thomas of University of Central Oklahoma, CMV fatality rates were 0.25 per 100 million VMT in 2008 but had a decline in 2009 to 0.24. In 2010, the fatality rate had a sharp decline to 0.21 per 100 million VMT and held at that rate in 2011. In 2012, there was a slight increase to .22 per 100 million VMT. However, fatality rates are expected to decline back to 0.21 in SFY 2013. That downward trend is projected to continue into 2014 and 2015 with a fatality rate of 0.19 and 0.18 respectively.

For 2014, Troop S anticipates ongoing and new road construction projects throughout Oklahoma. Therefore, work zones, already accounting for 7 percent of total CMV collisions, will continue to be a top priority and State safety objective for FY 2014.

A major factor in the increase is the fact that the number of work zones in Oklahoma has almost doubled. As a result of this, as well as FMCSA’s large truck causation study that detailed associated factors of driver behaviors, Troop S will continue to focus on preventing driver behavior-related CMV collisions in its targeted problem areas. This includes increasing efforts on special emphasis activities in work zones and high collision corridors, and Troop S will also emphasize driver behavior enforcement, such as speeding, unsafe lane changes, and following too closely.

An alternative possibility for the data showing a rise in crashes could be an underreporting of CMV crashes in years past. Changes made over the past two years have resulted in better identification of CMV related crashes whereas in the past law enforcement may have inadvertently misidentified CMVs.

**Performance Objective (can reflect multi-year goals):**

Beginning: 2014    Ending: 2019    Crash Reduction Goal: *A reduction of 15 CMV collisions per FFY*

To meet this goal, the State intends to conduct activities under the following strategies and will describe these activities in greater detail in the respective sections IN PART 4 (CHECK ALL THAT APPLY):

- Conduct Driver and Vehicle Inspections (insert activity projections in Table 4.1)
- Conduct Traffic Enforcement Activities (insert activity projections in Section 4.3)
- Conduct Carrier Interventions (insert activity projections in Table 4.4)
- Conduct Public Education and Awareness (describe activities in Section 4.5)
- Conduct Effective Data Collection and Reporting (describe activities in Section 3.2)

**Program Activity Plan:**

Troop S will continue to work towards the goal of reducing the number of collisions in which CMV driver behavior was cited as a contributing factor. In CY 2008, there were 110 work zone collisions, 118 in CY 2009, 172 in CY 2010, 161 in CY 2011, and 168 in CY 2012 where CMV driver behavior was cited as a contributing factor. However, the totals only count for violations of following too closely, speeding, and changing lanes unsafely. The target goal is a reduction of 15 CMV collisions for FFY 2014.

The State will monitor and evaluate the effectiveness of its CMV Crash Reduction Goal quarterly and annually by evaluating the following data elements:

**Performance Measurement:**

Each month Troop S will use SAFE-T data to determine the number of CMV crashes and identify the high collision corridors to best deploy certified Troopers.

Each quarter, the OHP will monitor the number of special emphasis and Level III inspections uploaded to the Safety and Fitness Electronic Records System (SAFER) and use the data to determine the effectiveness of the inspection activities. SAFE-T data, in combination with SafetyNet, will be used to measure the progress.

The number of collisions in which speed and driver behavior were contributing factors for CMV collisions will also be used as a performance measure. This will be accomplished using quarterly reports generated by the SAFE-T program.

**Status Update Section:**

In FFY 2013, the Troop S goal was 8,280 Level III inspections. Often times Level III inspections are elevated from Level III to Level II once Troopers observe vehicle violations. This

contributes to a lower number of Level III inspections. Oklahoma currently has the fewest number of Troopers statewide in over 20 years. This results in many Troopers assigned to Commercial Vehicle Enforcement to be periodically assigned non-MCSAP activities to fill the void.

## Section 3.2 – State CMV Safety Program Data Quality Objective

*Per FMCSA's A&I system snapshot dated: 07/05/13*

State is green in all safety data quality elements.

OR:

### **Problem Statement Narrative:**

Currently, CMV collision data collected by DPS is uploaded to the Oklahoma Department of Transportation (ODOT). The location information is added to the file by ODOT and then compiled into the Statewide Analysis for Engineering and Technology (SAFE-T) database. This data is used to prepare quarterly reports in order to monitor and measure the performance objectives regarding CMV collision reduction written in the CVSP. For the SSDQ Evaluation Ratings, as of July 2013, Oklahoma was rated “good” in all areas except Inspection Timeliness and Crash Timeliness, which are the only sections rated yellow (fair), and Non-Fatal Crash Completeness, with a red (poor) rating.

The two measures rated yellow deserved a closer look: Crash Timeliness and Inspection Timeliness.

***Crash Timeliness*** – At 87 percent of records reported within 90 days, this rating has slipped 3 points since March 2013. Previously, Crash Timeliness had been in the mid-90s since November 2012. It is important to note that after some changes were made to the extraction program, all the collections are currently up to date. However, due to reporting timeliness with A&I, it will take up to 6 months for the data to reflect. One administrative personnel has been tasked with checking daily crash reports and making corrections as needed.

***Inspection Timeliness*** – For the first time in many years, this measure has dropped into the yellow rating. The decline was due in part to a Troop relocation that left Troop S without the DPS computer network for approximately 6 weeks. As a result, Troop S was not able to upload inspections in a timely manner. Furthermore, there was an increase in paper inspections with the addition of TTEP Troopers. The combination resulted in an approximate 3-month backlog in paper inspections and the pile-up ensued roughly 6 months. To correct the problem, Troop S assigned 2 administrative employees the task of catching up and keeping up with the additional paper inspections. To further aid the staff, a Troop S supervisor was assigned to all TTEP Troopers and, to encourage timeliness, the Troop S Supervisor spoke with each TTEP Trooper and explained the importance of submitting paper inspections to Troop S on a weekly basis. With the increased emphasis on Inspection Timeliness, Troop S expects the rating to elevate from yellow to green rapidly.

The measure in red also deserves a closer look: Non-Fatal Crash Completeness.

***Non-Fatal Crash Completeness*** – Approximately 3 years ago, it was brought to the attention of DPS that Oklahoma was not accurately reporting CMV crashes. To resolve the issue, vehicle VIN numbers

were added in the electronic collision forms to capture any vehicle with a GVWR of 10,000 lbs. or more. This additional measure advises the law enforcement officer that a crash may involve a CMV. In the past, Oklahoma had also been underreporting CMV crashes due to officers not realizing that smaller trucks could be regulated as CMVs. The changes made by Oklahoma Records Division has shown the number of reported CMV crashes has gone from 1,707 crashes in 2009, 1,876 in 2010, 2,717 in 2011, to 2,937 in 2012. The data confirms that, with the adjustment in collision forms, CMV crashes are now accurately reported in Oklahoma.

After the implementation of the new Non-Fatal Crash Completeness measure on the SSDQ map, Oklahoma fell into the red during the second quarter of SFY 2013. Because the preview has been available for some time, Troop S anticipated this and was very proactive in making some changes for quick improvements.

**Performance Objective:** The goal for Oklahoma is to increase each month the SSDQ Category into the “Good” or “Green” range. The table below shows where the State currently sits for each category as of July 2013, and the goal for FY 2014.

<b>SSDQ Category</b>	<b>Current</b>	<b>Goal in FY 2014</b>
Crash Record Completeness	Green	Green
Non-Fatal Crash Completeness	Red	Green
Fatal Crash Completeness	Green	Green
Crash Timeliness	Yellow	Green
Crash Accuracy	Green	Green
Crash Consistency	No Flag	Green
Inspection Record Completeness	Green	Green
Inspection VIN Accuracy	Green	Green
Inspection Timeliness	Yellow	Green
Inspection Accuracy	Green	Green

**Program Activity Plan:** Here are some steps Troop S took and will continue to monitor and make adjustments as necessary to address the problem with State Safety Data Quality (SSDQ):

- The extraction program at Oklahoma Department of Public Safety (OKDPS) has been modified to query VIN, make, and vehicle configuration to determine if the vehicle meets the requirements of the collection standards.
- On a daily basis, one Troop S Administrative personnel reviews each collision where a VIN indicates a possible CMV. If the vehicle is determined to be a CMV, then it is manually entered into SafetyNet, which gets uploaded into MCMIS.
- Law Enforcement Technology Division (LETD), with OKDPS, is building new crash software called PARIS. They are working with Troop S to ensure the system contains edit

checks and rules when a Trooper fills out the collision form. As of July 2013, PARIS is ongoing and ready to implement the pilot program. LETD has worked with Troop S to make changes to make the TRACS system for more accurate reporting.

The State will monitor and evaluate the effectiveness of its CMV Safety Program Data Quality Objective quarterly and annually by evaluating the following data elements:

**Performance Measurement 1:** Troop S partners with DPS to continue to monitor the A&I reports and make any program changes and/or training of officers and/or data entry operators necessary to ensure the reporting of convictions and collisions completely, accurately, and in a timely manner. Troop S will use data from the DPS DB-2 database (the database where CMV collision data is stored and disseminated), as well as the TraCS and CRS databases. The current number of TraCS users is in excess of 1,000. This has increased from last year, where OHP had approximately 800 users statewide. The Oklahoma Highway Safety Office and OHP have been expanding outside of OHP and will be continuing to add in other law enforcement agencies.

**Performance Measurement 2:** To correct the problem, Troop S assigned 2 administrative employees the task of catching up and keeping up with the additional paper inspections. In addition, internal processes were established to keep staff on track and ensure inspections are submitted in a timely manner. To further aid the staff, a Troop S supervisor was assigned to all TTEP Troopers and, to encourage timeliness, the Troop S Supervisor spoke with each TTEP Trooper and explained the importance of submitting paper inspections to Troop S on a weekly basis. With the increased emphasis on Inspection Timeliness, Troop S expects the rating to elevate from yellow to green rapidly.

Troop S will continue to monitor the Inspection Timeliness through A&I and make any adjustments as needed in the upcoming months. Troop S will use data from A&I for report monitoring.

**Performance Measurement 3:** Updates to the extraction program have been made so that DPS is collection a more accurate number of collisions on a daily basis. Edit checks were added to TracCs to encourage Troopers to investigate further if the vehicle meets a certain quality that could make it a large vehicle (10,000 lbs.).

## Section 3.3 – State-Specific CMV Safety Program Objectives

### Section 3.3.1 – Passenger Transportation Safety

As evidenced by the data indicated in Part 2 – Program Effectiveness Summary, the State does not have a passenger transportation safety problem and will not establish a specific passenger transportation crash reduction goal in FY 2014. However, the State will continue traffic enforcement and continue to enforce the FMCSRs against passenger transportation CMVs in a manner consistent with its enforcement for all CMVs and other activities as described either below or in Part 4 – National Program Element Activities.

### Section 3.3.2 – Hazardous Materials Transportation Safety

As evidenced by the data indicated in Part 2 – Program Effectiveness Summary, the State does not have a hazardous materials safety problem that warrants a separate program or plan. As a result, the State will not establish a specific hazardous materials crash reduction goal in FY 2014. However, the State will continue to conduct traffic enforcement and enforce the FMCSRs against hazardous materials CMVs in a manner consistent with its enforcement for all CMVs as described either below or in Part 4 – National Program Element Activities.

### Section 3.3.3 – State-Specific Safety Program Objective 1: *Crash Reduction/Work Zone Collision Reduction*

***Special Emphasis Project*** - As used in the CVSP, means commercial vehicle enforcement utilizing three or more MCSAP Troopers, one or more of which is a supervisor, assigned to a designated area including but not limited to work zones and high risk corridors, to target various traffic violations such as speeding, following too closely, unsafe lane change, inattention, as well as motor carrier safety violations such as cargo securement, hazardous materials, or specific level of inspection.

#### **Problem Statement Narrative:**

Based on the current data for 2008–2012, Oklahoma’s CMV collisions are rising. Therefore, Troop S was unable to meet its 2013 goal of a 2.5 percent decrease in CMV collisions. Troop S will continue to focus on preventing driver behavior-related CMV collisions in its targeted problem areas. This includes increasing efforts on special emphasis activities in work zones and high collision corridors, and Troop S will also emphasize driver behavior enforcement, such as speeding, unsafe lane changes, and following too closely.

#### **Performance Objective:**

CMV collision data provided by SAFE-T will be used for development of strategic enforcement and education plans in high collision corridors and work zones where unsafe speed, changing lanes unsafely, and following too closely were collision factors. A Lieutenant will be utilize SAFE-T on a monthly basis to determine the effectiveness of the strategic enforcement in the work zones and high collision areas with a goal of reducing the total number of collisions by 100.

To meet this goal, the State intends to conduct activities under the following strategies and will describe these activities in greater detail in the respective sections:

- Conduct Driver and Vehicle Inspections (insert activity projections in Table 4.1)
- Conduct Traffic Enforcement Activities (insert activity projections in Section 4.3)
- Conduct Carrier Interventions [CSA] (insert activity projections in Table 4.4)
- Conduct Public Education and Awareness (describe activities in Section 4.5)

**Program Activity Plan:** Complete special emphasis projects in work zones and high collision corridors, with a goal of 6 per quarter, totaling 24 in SFY 2014, as well as maintain the number of Level III inspections conducted. Troop S will assign a minimum of 3-5 Troopers for each special emphasis project, totaling a minimum of 24-40 man hours for each project. In SFY 2013, Troop S performed 30 special emphasis projects in high collision corridors and work zones, a significant increase over the 22 completed in SFY 2012.

**Performance Measurement 1:** Traffic enforcement type inspections will be utilized and activities are measured by the number of special emphasis projects deployed in work zones and high collision corridors as well as problematic areas that are identified. Troop S and CVTEP Troopers will be deployed to the identified areas. The measurement will be based on how many inspections are performed, how many vehicles/drivers are placed out of service, and driver behavior violations that are discovered. Troop S will focus on Level III violations during traffic enforcement special emphasis projects.

Each quarter, the OHP will monitor the number of special emphasis and Level III inspections uploaded to SAFER and use the data provided by SAFE-T to determine the effectiveness of the inspection activities. Evaluations of decreases in the number of driver behavior-related collisions in work zones and high collision corridors will also be completed.

**Performance Measurement 2:** Of the 24 special emphasis projects, a minimum of 4 will be statewide Hazardous Material (HazMat) focused. A Lieutenant within Troop S will assign a particular 24 hour day where all HazMat trained inspectors will focus on HazMat cargo statewide. This will be measured by the number of HazMat inspections performed during the 24 hour period.

### Section 3.3.4 – State-Specific Safety Program Objective 2: *Driver/Vehicle Inspections*

**Problem Statement Narrative:** The Troop S mission is to reduce the number of commercial vehicle accidents and fatalities within the state of Oklahoma by conducting driver/vehicle inspections with a focus on driver behavior violations. In CY 2012 there were 4,678 commercial motor vehicle crashes in Oklahoma which resulted in 111 fatalities. With an aggressive CMV inspection program Troop S will strive to lower this number by 100 crashes and 5 lives.

**Performance Objective:**

To meet this goal, the State intends to conduct activities under the following strategies and will describe these activities in greater detail in the respective sections.

- Conduct Driver and Vehicle Inspections (insert activity projections in Table 4.1)
- Conduct Traffic Enforcement Activities (insert activity projections in Section 4.3)
- Conduct Carrier Interventions [CSA] (insert activity projections in Table 4.4)
- Conduct Public Education and Awareness (describe activities in Section 4.5)

**Program Activity Plan:** Each Trooper in Troop S is required to conduct a minimum of 410 inspections annually. In addition, each CVTEP Trooper is required to conduct a minimum of 85 inspections annually. TTEP Troopers are required to conduct a minimum of 50 inspections annually. All certified Troopers are required to maintain all certifications by completing the minimum number of inspections required to maintain their certification. For example, NASI, passenger vehicle inspection (PVI), HazMat, and cargo tank inspections.

**Performance Measurement:** Each Lieutenant in Troop S will spot check each inspector throughout the year to ensure the inspectors are on track to complete Troop S goal of 23,000 total inspections for SFY 2014. Troop S will submit a quarterly report that will track total number of inspections.

### Section 3.3.5 – State-Specific Safety Program Objective 3: *Traffic Enforcement*

#### **Problem Statement Narrative:**

Troop S’s traffic enforcement includes an inspection program incorporated into the main MCSAP effort, and also focuses on enforcement of CMV driver behavior and non-CMV traffic violations.

#### **Performance Objective:**

The State intends to conduct activities under the following strategies and will describe these activities in greater detail in the respective sections.

- Conduct Driver and Vehicle Inspections (insert activity projections in Table 4.1)
- Conduct Traffic Enforcement Activities (insert activity projections in Section 4.3)
- Conduct Carrier Interventions [CSA] (insert activity projections in Table 4.4)
- Conduct Public Education and Awareness (describe activities in Section 4.5)

#### **Program Activity Plan:**

Troop S Troopers are required to have a minimum of 102 traffic enforcement inspections per year. CVTEP and TTEP Troopers main focus while patrolling Oklahoma’s highways is to look for traffic enforcement type violations on CMV’s. TTEP Troopers must have a probable cause violation before stopping and inspecting a CMV.

#### **Performance Measurement:**

Activities will be measured by the quality and quantity of traffic enforcement inspections and citations and warnings issued. Troop S Lieutenants will evaluate the data to further target driver behavior and traffic enforcement violations.

### **Section 3.3.6 – State-Specific Safety Program Objective 4: *Checking Federal Out-of-Service Orders***

#### **Problem Statement Narrative:**

During FY 2013 Troop S was deficient in checking for Out-of-Service (OOS) carriers during roadside inspections, missing 25% or more of the carriers.

#### **Performance Objective:**

The State's goal is to have a 100% percent rate in checking for OOS carriers during roadside inspections.

#### **Program Activity Plan:**

Troop S is changing the State portion of ASPEN to include a check box for inspectors to acknowledge the inspector has checked the motor carrier for any outstanding Federal OOS orders. Additionally, the pre-printed inspection forms are being modified as well to add the check box.

#### **Performance Measurement:**

Troop S Supervisors will check inspection reports to insure roadside inspectors are checking for OOS carriers. Additionally, Troop S receives reports from FMCSA stating if any OOS carriers were not checked and were OOS. Troop S will investigate to determine the cause\* and take appropriate action to correct.

\* If a motor carrier has a Federal OSS order to cease interstate operations but is found to be operating in intrastate commerce at the time of the inspection the motor carrier is allowed to proceed. Troop S has drafted legislation to amend Oklahoma law to prohibit intrastate operations by a motor carrier with a Federal OOS order ceasing interstate operations.

## **Part 4 – FY 2014 NATIONAL PROGRAM ELEMENTS ACTIVITIES**

For the State of Oklahoma, Troop S addresses each section of the FY 2014 CVSP national program elements. Troop S takes every precaution to ensure that safety standards are practiced by all commercial vehicle operators in the State of Oklahoma. Troop S has continued its dedication to safety and met program objectives utilizing CSA intervention strategies. Documentation of roadside inspection and violation data performed by Troop S is verified by MCMIS and SafetyNet. Challenges to the data are validated through 49 CFR, Out-of-Service violations, and Troopers' testimony, providing standardized processes for handling the information. Troopers adhere to CSA guidelines and are aware of the high-level goals of the inspection program.

### **Crash Causation Factors**

Troop S will continue to work toward a greater reduction of collisions for FY 2014. Data is monitored by Troop S and analyzed, utilizing the findings for development of strategic enforcement and education plans in areas such as high collision corridors, work zones, high risk corridors, and No Zones. With the exception of Oklahoma and Tulsa Counties, Oklahoma is comprised of rural roads, by FMCSA definition. A strong emphasis will be placed on decreasing the number of CMV fatality and injury collisions through roadside enforcement targeting causation factors. Inspection activities focus on driver behavior violations that result in collisions involving CMVs. Enforcement personnel concentrate their efforts on violations committed by CMV drivers, such as unsafe speed, following too closely, unsafe lane changes, or negligent driving.

### **Enforcement of Limiting the Use of Wireless Communication Devices**

As part of its emphasis on unsafe driver behaviors, Troop S is conscious of the rule prohibiting mobile electronic device use by CMV drivers and is watching for it during traffic enforcement. In May 2012, Oklahoma amended its laws, making it a traffic offense and a CDL disqualification offense to operate a CMV while reading, writing, or sending a text message.

In December 2011, 49 CFR Part 392.82 was added to the regulations, prohibiting the use of handheld mobile telephones while operating a commercial motor vehicle. Oklahoma currently does not have a statutory prohibition regarding this activity. DPS will submit proposed legislation to amend Title 47 O.S. §11-901c to prohibit the use of hand-held mobile phones while operating a CMV, as well as amending 47 O.S. §6-205.2 to provide for disqualification of a CDL upon conviction for violating the new law. Troop S is also trying to educate drivers and carriers by addressing this issue during their outreach/safety talks.

### **Data Collection**

The CMV collision data that is collected by DPS is uploaded to ODOT. The location information is added to the file by ODOT and then compiled into the Statewide Analysis for Engineering and Technology (SAFE-T) database. The SAFE-T data is current within 30 days of the collision, and this data is used to prepare the CVSP. Oklahoma's data quality rating fell to "fair," but data collection system updates are improving and progress is ongoing for the State.

The CSA Program implementation will also mean an increase in DataQ Requests for Data Review. Troop S is meeting this challenge by assigning three members of its staff to address the reviews. Many are simply requests for inspection documents and do not present a challenge or increase workload. Final decisions to overturn any violations are made by the primary and secondary MCSAP contacts. From SFY 2013, 560 DataQs were completed. Of those, there are 2 open in review, 323 closed with action taken

(57.9 percent), 235 closed with no action taken (42.1 percent). Troop S has received an additional lieutenant to assist with the workload associated with the DataQ processes. Troop S is also utilizing the “DataQs User’s Guide and Best Practices Manual” as a resource in resolving Requests for Data Reviews.

**Section 4.1 – Driver/Vehicle Inspections**

<b>FY 2014 Driver/Vehicle Inspection Goals</b>											
<b>Agency 1: Oklahoma Highway Patrol</b>											
<b>Inspection Level</b>	<b>2014 Goal</b>				<b>Percentage by Level</b>	<b>Results (To be updated quarterly)</b>					<b>Percentage by Level</b>
	<b>Non-Hazmat</b>	<b>Hazmat</b>	<b>Passenger</b>	<b>Total</b>		<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>	
Level 1	3,470	430	10	3,910	17.0					0	
Level 2	9,355	1,200	25	10,580	46.0					0	
Level 3	8,250	0	30	8,280	36.0					0	
Level 4	0	0	0	0	0					0	
Level 5	45	0	185	230	1.0					0	
Level 6	0	0	0	0	0					0	
Level 7	0	0	0	0	0					0	
<b>Sub Total Agency 1</b>	21,120	1,630	250	23,000	100.0	0	0	0	0	0	
<b>Agency 2 Name</b>											
<b>Inspection Level</b>	<b>2014 Goal</b>				<b>Percentage by Level</b>	<b>Results (To be updated quarterly)</b>					<b>Percentage by Level</b>
	<b>Non-Hazmat</b>	<b>Hazmat</b>	<b>Passenger</b>	<b>Total</b>		<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>	
Level 1				0						0	
Level 2				0						0	
Level 3				0						0	
Level 4				0						0	
Level 5				0						0	
Level 6				0						0	
Level 7				0						0	
<b>Sub Total Agency 2</b>	0	0	0	0		0	0	0	0	0	
<b>Total ALL Agencies</b>	0	0	0	0		0	0	0	0	0	

**NOTE:** TO UPDATE THE “TOTAL” FIELDS, RIGHT CLICK ON THE NUMBER; CLICK ON “UPDATE FIELD”.

## Section 4.2 – General Roadside and Fixed-Facility Inspection Program

Troop S maintains a strong statewide CMV driver/vehicle inspection program to keep unsafe CMVs and CMV drivers off Oklahoma roadways. Level III inspections are a top priority, in line with FMCSA’s goal of making Level III inspections at least 33 percent of the state’s total inspections. For 2012, the goal was increased to 27,240. Due to manpower reductions, Troop S did not reach their goal, completing 24,065 total inspections. In SFY 2013, total inspections increased by 10 percent with 26,613 total inspections. Level III inspections accounted for 34.8 percent of the total. Goals for this year are set in accordance with the smaller size of the Troop. The goal for SFY 2014 will remain at 23,000. Inspection activities focus on driver behavior violations that result in collisions involving CMVs. Enforcement personnel concentrate their efforts on violations committed by CMV drivers, such as unsafe speed or negligent driving.

Inspection Level	SFY 2012	SFY 2013
Level I	4,301	4,940
Level II	11,030	10,461
Level III	8,402	10,856
Level IV	0	38
Level V	332	318
Total	24,065	26,613

Currently, Oklahoma has the fewest number of Troopers in over 20 years, pulling many Troop S Troopers into non-MCSAP activities to fill the void. In addition to the overall reduced manpower of the department, Troop S has 10 fewer Troopers. Due to this reduction in manpower, the goal for SFY 2014 for the number of inspections is actually lower but is relative to the smaller size of the Troop. The goal is a total of 23,000 inspections, including Troop S, CVTEP, and TTEP Troopers, all working to ultimately satisfy the national goal of reducing CMV collisions and CMV collision-related fatalities. Troop S continually utilizes Level III inspections to keep unsafe CMV drivers off Oklahoma roadways.

Existing	Planned	To ensure excellence in its inspection program, the State will (CHECK ALL THAT APPLY):
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use management reports to ensure that staff are meeting established inspection quantity, quality, and timeliness goals.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Track violation and out-of-service rates of individual staff as compared to statewide, regional, and national averages to ensure the quality and effectiveness of inspections is maintained. Take actions where anomalies exist.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use management reports to ensure that the State is meeting established quantity, quality, and timeliness goals.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Monitor checks of financial responsibility at roadside to ensure that they are being performed consistently and properly.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Monitor checks of CDL status at roadside to ensure they are being performed consistently and properly.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Monitor checks of OOS carriers inspected at roadside to ensure that they are being performed and not allowed to proceed.
<input type="checkbox"/>	<input type="checkbox"/>	Other
<input type="checkbox"/>	<input type="checkbox"/>	Other
<input type="checkbox"/>	<input type="checkbox"/>	Other

Existing	Planned	To ensure uniformity among inspectors, the State will (CHECK ALL THAT APPLY):
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Develop and implement policies regarding the quantity, quality, and timeliness of inspections.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide refresher training on statutory (USC) and regulatory (CFR) changes.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide refresher training on OOS criteria changes and inspection bulletin updates.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide refresher training on program policy (interpretations and program policy memos) and procedural changes (guidance and procedural documents such as the New Applicant Screening Procedure or electronic Field Operations Training Manual).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Analyze management reports regarding the quantity, quality, and timeliness of inspections for individuals and the program as a whole.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Conduct direct observation and monitoring of staff.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide individual coaching and training to staff having difficulty meeting required goals.
<input type="checkbox"/>	<input type="checkbox"/>	Other
<input type="checkbox"/>	<input type="checkbox"/>	Other
<input type="checkbox"/>	<input type="checkbox"/>	Other

### Section 4.3 – Traffic Enforcement

Troop S’s traffic enforcement includes an inspection program incorporated into the main MCSAP effort, also focusing on enforcement of CMV driver behavior and non-CMV traffic violations.

A&I data showed that in FFY 2011, 4,672 violations were cited for speeding, compared to 6,166 in 2012 and 4,663 in FFY 2013. In addition, the A&I violation summary total for FFY 2013 was 6,303, continuing a downward trend from 9,982 in 2012 and 8,224 in 2011. Traffic enforcement has resulted in this continued decrease in driver-related violations.

As of July 2013, total CMV collision numbers showed a 9 percent increase (from 4,242 in CY 2011 to 4,678 in CY 2012). In SFY 2013, there were a total of 3,028 citations and 13,238 warnings issued during CMV and non-CMV traffic enforcement reported by Troop S.

Troop S will continue an aggressive inspection program, incorporated into the main MCSAP effort and focusing on traffic enforcement and CMV driver behavior. The goal is to increase the total number of inspections initiated by a traffic enforcement stop, thereby reducing the number of collisions statewide. In SFY 2013, according to A&I, Troop S conducted 5,794 inspections as a result of traffic enforcement.

Existing	Planned	To ensure excellence in its traffic enforcement program, the State will (CHECK ALL THAT APPLY):
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use management reports to ensure that officers conducting traffic enforcement activities have an acceptable number of vehicle contacts per time period worked.
<input type="checkbox"/>	<input type="checkbox"/>	Use management reports to ensure that the percentage of CMV and non-CMV contacts do not exceed the program policy of not more than 5 percent of reimbursed activities will be towards non-CMVs.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Monitor the type and quantity of citations issued (though not establishing a quota) compared to other officers to ensure program quality and effectiveness.
<input type="checkbox"/>	<input type="checkbox"/>	Other
<input type="checkbox"/>	<input type="checkbox"/>	Other
<input type="checkbox"/>	<input type="checkbox"/>	Other

Existing	Planned	To ensure uniformity among traffic enforcement officers, the State will (CHECK ALL THAT APPLY):
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Develop and implement policies regarding the quantity, quality, and timeliness of traffic enforcement activities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide refresher training on statutory (USC) and regulatory (CFR) changes.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Analyze management reports regarding the quantity, quality, and timeliness of traffic enforcement activities for individuals as well as the program as a whole. Take action when anomalies are identified.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Conduct direct observation and monitoring of staff.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide individual coaching and training to staff having difficulty meeting required goals.
<input type="checkbox"/>	<input type="checkbox"/>	Other
<input type="checkbox"/>	<input type="checkbox"/>	Other
<input type="checkbox"/>	<input type="checkbox"/>	Other

## Section 4.4 – Carrier Interventions

Compliance Reviews are conducted on interstate carriers by 4 OHP investigators. Reviews also include hazardous materials carrier reviews. Investigators are required to adhere to the certification process required by Section 211 of the Motor Carrier Safety Improvement Act of 1999 to ensure that all personnel have the proper training and experience to perform the inspection and compliance activities of FMCSA. Therefore, all investigators maintain North American Standard A&B, HM, and Compliance Review certifications.

During SFY 2013, these investigators conducted 101 Compliance Reviews. In addition, Troop S investigators assisted in Compliance Reviews for the Oklahoma Division of FMCSA. The Troop met their goal of 72 Compliance Reviews and surpassed it by 29 percent. At the end of the first and second quarters of SFY 2013, the investigators had completed 79 percent of their goal. For SFY 2014, the projected goal for Compliance Reviews is 72. Troopers conducting carrier investigations in outlying areas are authorized departmentally approved lodging and per diem.

The Oklahoma Division of FMCSA reviews and assigns interstate Compliance Reviews to Troop S personnel. Interstate reviews are uploaded into MCMIS and conducted in response to non-frivolous complaints, certain severe collisions (i.e., fatality or extended road closure), and hazardous material incidents, in accordance with FMCSA guidelines regarding Interstate Compliance Review procedures. In FY 2012, Oklahoma legislation passed a new rule to allow enforcement of intrastate carriers in addition to interstate.

If a passenger carrier Compliance Review is assigned to a Troop S Trooper by FMCSA, it will be completed. However, there is a very limited number of motorcoach carriers based in Oklahoma. Federal investigators are the first assigned to the reviews, and with the small number of motorcoaches in Oklahoma, Troop S may not be assigned many, if any, on an annual basis. For this reason, Troop S will not set goals for Compliance Reviews for motorcoaches for FY 2014.

Effective July 15, 2011, Oklahoma adopted into administrative rule CFR 49 Parts 385 and 386. As the new enforcement starts, Troop S will begin tracking the number of reviews conducted on intrastate carriers. However, at this time, complete legislation has not been passed to allow Oklahoma to fully implement intrastate Compliance Reviews. Troop S will be submitting a proposed law change for the 2014 Oklahoma Legislative session to utilize the Federal Uniform Fine Assessment Program for assessing fines resulting from intrastate Compliance Reviews.

According to an FMCSA study on the effectiveness of Compliance Reviews, on-site Compliance Reviews are determined to be an important resource for improving the safety of commercial vehicle operations. For this reason, Troop S will monitor compliance of motor carriers, creating positive changes for high-risk carriers to ultimately reduce the number of fatality collisions involving CMVs.

Activities are measured by the number of Compliance Reviews initiated on high-risk carriers, complaints, and fatalities.

**Performance Objective:**

Existing	Planned	To ensure excellence in its carrier intervention program, the State will (CHECK ALL THAT APPLY):
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Review work products for errors and ensure that the intervention is conducted in a manner consistent with standard procedures.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide ongoing training to investigators to ensure knowledge of the most current intervention practices.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ensure investigators use the most recent version of the eFOTM.
<input type="checkbox"/>	<input type="checkbox"/>	Other <i>Enter description</i>
<input type="checkbox"/>	<input type="checkbox"/>	Other <i>Enter description</i>
<input type="checkbox"/>	<input type="checkbox"/>	Other <i>Enter description</i>

**Program Activity Plan:**

Conduct Compliance Reviews on interstate carriers identified as high risk by FMCSA and assigned to Troop S. Compliance Reviews will include passenger and HM CRs.

Compliance Reviews will be conducted on carriers involved in fatality collisions in which the CMV driver/motor carrier is determined to be culpable or where any the seven CSA Behavioral Analysis and Safety Improvement Categories (BASICS) were contributing factors: Unsafe Driving, Fatigued Driving (Hours-of-Service), Driver Fitness, Crash History, Vehicle Maintenance, Improper Loading/Cargo Securement, and Controlled Substances/Alcohol.

Compliance Reviews will be conducted on carriers as a result of a non-frivolous complaint made against them.

**Performance Measure:**

Activities will be measured by the number of Compliance Reviews conducted on high-risk carriers. For FFY 2014, the target is 72 Compliance Reviews. Activities will also be measured by the number of Compliance Reviews conducted on carriers involved in fatality collisions. The Compliance Reviews are tracked in A&I and can be tracked by type or reason.

FY 2014 Carrier Investigation Estimates												
Review Type	Estimated	Interstate Results (to be updated quarterly)					Estimated	Intrastate (to be updated quarterly)				
		Q1	Q2	Q3	Q4	Total		Q1	Q2	Q3	Q4	Total
<b>Non Rated Reviews (Excludes CSA &amp; SCRS)</b>												
Non-HM Cargo	0											
Passenger	0											
HM	0											
<b>Non Rated (Excludes CSA &amp; SCRs) Total</b>	<b>0</b>						<b>0</b>					
<b>CSA Off-Site Investigations</b>												
Non HM Cargo CSA Offsite	0											
Passenger CSA Offsite	0											
HM CSA Offsite	0											
<b>CSA Offsite Investigations Sub-Total</b>	<b>0</b>											
<b>CSA On-Site Focused Investigations</b>												
Non HM Cargo CSA On-Site Focused	60											
Passenger CSA On-Site Focused	0											
HM CSA On-Site Focused	0											
<b>CSA On-Site Focused Sub-Total</b>	<b>60</b>											
<b>CSA On-Site Comprehensive</b>												
Non HM Cargo CSA On Site Comprehensive	12											
Passenger CSA On Site Comprehensive	0											
HM CSA On Site Comprehensive	0											
CSA On-Site Comprehensive Sub Total	0											
<b>CSA Investigations (all Types) Total</b>	<b>12</b>											
<b>HM-Related Review Types</b>												
Security Contact Reviews (SCRs) Total	0											
Cargo Tank Facility Reviews Total	0											
Shipper Reviews Total	0											
<b>HM-Related Review Types Total</b>	<b>0</b>											
<b>All Review Types Grand Total</b>	<b>72</b>						<b>Total</b>					

## Section 4.5 – Public Education & Awareness

### **Problem Statement Narrative:**

Troop S strives to educate the public, industry, and law enforcement agencies regarding CMV safety issues. As of July 2013, Troop S has completed 89 outreach/safety talks throughout the State of Oklahoma (including schools and affiliated associations) and was very well received by industry, legislators, and the public.

### **Performance Objective:**

Troop S will continue to raise awareness, through carrier requested presentations and non-New Entrant participants, on issues pertaining to CMV and CMV driver-behavior safety topics throughout the general motoring public. The performance will be measured by an increase in the number of outreach programs addressing traffic safety (CMV and non-CMV) issues conducted by Troop S Troopers. Educational talks and presentations are also provided to companies for a better understanding of the CSA Program, and Troop S is available to answer any questions they may have. During talks and presentations, Troop S will address the Share the Road Safely program and initiatives such as Ticketing Aggressive Cars and Trucks (TACT) and recognizing the No-Zones around CMVs. In addition, as amendments are made to State regulations in SFY 2014 to prohibit the use of hand-held phones while operating a CMV, Troop S will work to bring awareness to this important matter.

For SFY 2014, the target is a 10 percent increase in program activities. As of July 2013, Troop S has completed 89 outreach/safety talks throughout the State of Oklahoma that were very well received by industry, legislators, and the public, with more than 17,310 in attendance in total. In SFY 2012, the troop delivered 80 outreach/safety talks, so the goal of a 10 percent increase was met. Many of the 2013 outreach talks were to large audiences, with as many as 15,000 in attendance throughout the year. For 2014, Troop S will retain the same goal of completing 88 outreach/safety talks throughout the State.

### **Program Activity Plan:**

Troop S will address civic groups and industry concerning traffic safety issues. In addition, Troop S will continue to advise local law enforcement agencies, district attorneys, and judges of CSA Program elements and special emphasis projects, as well as offer technical assistance on CMV matters. When warning letters are sent from FMCSA, Troop S is available to carriers to answer any CSA questions they may have. Troop S will conduct 88 safety talks per State fiscal year and assist industry with enforcement issues.

### **Performance Measurement:**

Activities will be measured by the number of talks conducted and the number of calls for assistance from LE agencies, as well as the number of attendees. The number of talks will be provided quarterly in a report to FMCSA.

## Financial Summary

The Oklahoma Department of Public Safety is appropriated budgetary funding by the Oklahoma State Legislature prior to the beginning of the State fiscal year (July 1). As stated in the Executive Summary, DPS is designated as the lead MCSAP agency in the State and is eligible to receive MCSAP grant funding in accordance with 49 CFR 350.201. Troop S annually submits a projected budget spreadsheet to DPS Budget Director, which includes the funding needing for the maintenance of effort (MOE) and necessary matching funds to receive the MCSAP grant. These funding requirements are then submitted to legislature for approval.

The Unit Cost Rate (UCR) is a provisional hourly rate consisting of MCSAP eligible expenses which include Personnel Cost, Operating Costs, and Vehicle Depreciation Cost, minus any expenditure direct billed to FMCSA or used in MOE. This provisional rate is calculated yearly based on the previous State Fiscal Year's financial activity. The Unit Cost Rate documentation has been submitted to the U.S. Department of Justice (cognizant agency) for approval.

DPS utilizes the Unit Cost Rate (UCR) to request eligible reimbursement from FMCSA for billable hours generated from eligible MCSAP activities. DPS Finance provides Troop S the financial documents necessary to administer the program.

The current UCR is \$92.23. The Salary Portion of the UCR is calculated by taking the payroll expenditures for all MCSAP eligible personnel, minus the direct billed and MOE expenditures, divided by an average of MCSAP eligible man hours worked in Troop S, divided by the total number of MCSAP Troopers.

DPS does not seek reimbursement from FMCSA for Commercial Vehicle Traffic Enforcement Program (CVTEP) or Traffic Enforcement Program (TTEP) activities. However, CVTEP and TTEP billable hours will be recorded and tracked by Troop staff for satisfying the MOE and MCSAP 20% match requirements.

## Incentive Funds

In keeping with the State program element of collision reduction, Troop S will conduct premium pay projects throughout the year targeting driver-related behavior violations in high collision corridors and work zones.

**Table 1. Calculation of Actual Unit Cost Rate**

CALCULATION OF ACTUAL UNIT COST RATE					
SFY 2013(FY 2013 CVSP)					
REPORTING PERIOD JULY 1, 2012 THROUGH JUNE 30, 2013					
OBJECT CODE	DESCRIPTION	EXPENDED	LESS DIRECT BILLED	GRAND TOTALS LESS DIRECT BILLED	HOURLY RATE AMT/1240/50
<b>PERSONAL SERVICES</b>					
11	SALARY & BENEFITS **	4,960,161.64	212,236.90	4,747,924.74	
	<b>SUBTOTAL</b>	<b>4,960,161.64</b>	<b>212,236.90</b>	<b>4,747,924.74</b>	
<b>OPERATING COSTS</b>					
21	TRAVEL REIMBURSED	41,733.39	38,934.95	2,798.44	
22	TRAVEL DIRECT EXPENDITURE	21,037.13	19,967.30	1,069.83	
31	MISCELLANEOUS ADMINISTRATIVE EXPENS	118,489.27	57,499.50	60,989.77	
32	RENT EXPENSE	49,198.59	1,558.00	47,640.59	
33	MAINTENANCE & REPAIR EXPENSE	95,427.58	8,899.51	86,528.07	
34	SUPPLIES AND MATERIAL EXPENSES	280,361.86	61,865.19	218,496.67	
35	PRODUCTION EXPENSE	20,520.07	14,796.86	5,723.21	
36	OFFICE EXPENSE	14,977.51	0.00	14,977.51	
37	SHOP EXPENSE	20,006.62	0.00	20,006.62	
39	INTER & INTRA AGENCY PMTS-ADMIN EXPE	0.00	0.00	0.00	
41	OFFICE FURNITURE & EQUIPMENT	93,175.91	90,730.00	2,445.91	
42	EQUIPMENT - LIBRARY	5,182.58	5,142.58	40.00	
46	BLDG & OTHER STRUC-PURCH & RENOVATIO	0.00	0.00	0.00	
53	INDEMNITIES, RESTITUTIONS, SETTLEMENTS	0.00	0.00	0.00	
54	PROGRAM REIMBURSEMENT (O.U.)	0.00	0.00	0.00	
61	INCENTIVE PAYMENTS, LOANS, TAXES	79.79	0.00	79.79	
	<b>SUBTOTAL</b>	<b>760,190.30</b>	<b>299,393.89</b>	<b>460,796.41</b>	
<b>VEHICLE DEPRECIATION</b>					
	VEHICLE DEPRECIATION - (2011, 2012 & 2013)	509,759.49		509,759.49	
	<b>SUBTOTAL</b>	<b>509,759.49</b>	<b>0.00</b>	<b>509,759.49</b>	
<b>TOTAL</b>		<b>6,230,111.43</b>	<b>511,630.79</b>	<b>5,718,480.64</b>	<b>92.230000</b>
<b>Total Unit Cost Rate</b>					<b>92.23</b>
NOTES **	<p>SALARY PORTION BASED ON AVERAGE STRENGTH OF 47TROOPERS AND 3 TURNPIKE TROOPERS.            DOES NOT INCLUDE NEW ENTRANT.  <b>Rate: Total MCSAP Hours for SY-13-(62034) MCSAP troopers (50)</b>            EXPENDITURES ARE BASED UPON DEPARTMENT OF PUBLIC SAFETY REPORTS FOR STATE FISCAL YEAR 2013.            DIRECT BILLED EXPENSES FROM 2013-MCSAP HAVE BEEN DEDUCTED.            VEHICLE DEPRECIATION BASED UPON 2011, 2012 &amp; 2013 VEHICLES.</p>				

**Table 2. MCSAP MOE Baseline Calculation (MAP-21)**

**MCSAP MOE BASELINE CALCULATION (MAP-21)  
FOR THE STATE OF Oklahoma  
LEAD MCSAP AGENCY FOR FFY 2013 - Department of Public Safety**

**Check the box that most appropriately describes the State's ability to document the FFY 2004/2005 expenditures:**

<input checked="" type="checkbox"/>	The State Lead Agency has access to all supporting documentation to support the 2004/2005 expenses.	
<input type="checkbox"/>	The State Lead Agency does not have all of the supporting documents to support the 2004/2005 expenses and has used the 2004/2005 expenses from the 2008 CVSP MOE Template act	
<input type="checkbox"/>	The State Lead Agency does not have the supporting documents to support the 2004/2005 expenses and the MOE submitted represents an estimate based on the best data availat	
	<b>FFY 2004</b>	<b>FFY 2005</b>
<b>AWARD AMOUNTS</b>		
Federal Basic Award	\$2,820,041.00	\$2,165,187.00
Federal Incentive Award	\$316,726.00	\$759,436.00
<b>Total Basic and Incentive Award Amounts</b>	<b>\$3,136,767.00</b>	<b>\$2,924,623.00</b>
<b>MCSAP-ELIGIBLE EXPENSES</b>		
<b>Personnel (Payroll Costs)</b>		
Salary	\$3,548,492.86	\$3,605,336.61
Overtime	\$215,885.52	\$322,190.82
EBC-FICA Savings Account	\$9,155.87	\$14,054.05
(Specify)		
(Specify)		
(Specify)		
<b>Subtotal for Personnel - Insert in Line 6a (Form 424A)</b>	<b>\$3,773,534.25</b>	<b>\$3,941,581.48</b>
<b>Fringe Benefit Costs (Health, Life Insurance, Retirement, etc.)</b>		
Approved Fringe Benefits Rate <i>(Insert approved rate in line below, if applicable)</i>		
(approved fringe benefits rate here)		
(Specify)		
(Specify)		
<b>Subtotal for Fringe Benefits - Insert in Line 6b (Form 424A)</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Program Travel</b>		
Routine MCSAP-related Travel (Lodging/Meal Allowance)	\$4,296.65	\$43,585.84
Conference Travel <i>(Identify conferences in Budget Narrative)</i>		\$2,540.00
Training Travel <i>(Identify training courses in the Budget Narrative)</i>		
(Specify)		
(Specify)		
(Specify)		
<b>Subtotal for Program Travel - Insert in Line 6c (Form 424A)</b>	<b>\$4,296.65</b>	<b>\$46,125.84</b>
<b>Equipment (Enter description and quantity of items in Budget Narrative)</b>		
<b>Vehicles and Related Vehicle Equipment</b>		
Vehicles		
Other Inspection Vehicle Equipment (Radios, etc.)		
Equipment (Non-Expendable) Ok Correctional, Dell, Steve's Wholesale, Grainger	\$59,929.96	\$58,052.68
Equipment (Expendable) Memindez and Lube-N-Go	\$70,026.15	\$1,020.75
<b>Subtotal for Vehicles and Related Vehicle Equipment</b>	<b>\$129,956.11</b>	<b>\$59,073.43</b>

<b>Non-Vehicle Equipment</b>		
Other Equipment (Not included above)		
(Specify)		
(Specify)		
(Specify)		
<b>Subtotal for Non-Vehicle Equipment</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Subtotal for Equipment - Insert in Line 6d (Form 424A)</b>	<b>\$129,956.11</b>	<b>\$59,073.43</b>
<b>Supplies</b>		
Office Supplies	\$3,992.07	\$29,827.29
Uniforms and Other Related Supplies		
Computers (Enter quantity and unit cost in Budget Narrative)		
Printers (Enter quantity and unit cost in Budget Narrative)		
(Office Expense)	\$3,742.30	\$643.81
Misc-Roy Courtright-fuel reimburse-\$88.20 and Oklahoma League for the blind	\$2,357.53	\$82.79
<b>Subtotal for Supplies - Insert in Line 6c (Form 424A)</b>	<b>\$10,091.90</b>	<b>\$30,553.89</b>
<b>Contractual (Consultant Services, etc.)</b>		
(Administrative Expense)	\$68,635.99	\$86,251.59
(Rent)	\$2,055.14	\$3,813.15
(Specify)		
<b>Subtotal for Contractual - Insert in Line 6f (Form 424A)</b>	<b>\$70,691.13</b>	<b>\$90,064.74</b>
<b>Other Expenses</b>		
Training Costs (Tuition, materials, etc.)		
CVSA Decals (Enter quantity and unit cost in Budget Narrative)		
Conferences Costs (Registration fees, etc.)		\$17,610.00
Fuel Costs	\$115,455.65	\$208,250.21
Maintenance of Vehicles Not Under Contract		
Fleet Cost (Mileage/Repairs)		
Communications (aircards, mobile phones, etc.)		
(Vehicle Depreciation)	\$479,480.73	\$306,443.91
(Specify)		
<b>Subtotal for Other Expenses including Training &amp; Conferences - Insert in Line 6h</b>	<b>\$594,936.38</b>	<b>\$532,304.12</b>
<b>Subtotal for Direct Costs - Insert in Line 6i (Form 424A)</b>	<b>\$4,583,506.42</b>	<b>\$4,699,703.50</b>
(approved Indirect Cost Rate here)		
Indirect Costs (Insert approved rate in above row) Insert in Line 6j (Form 424A)		
<b>Total MCSAP Eligible Costs Expended</b>	<b>\$4,583,506.42</b>	<b>\$4,699,703.50</b>
<b>Federal Grant Funds Expended for the Fiscal Year</b>	<b>\$2,820,041.00</b>	<b>\$2,882,732.27</b>
<b>Associated State Grant Matching Funds Expended</b>	<b>\$705,010.25</b>	<b>\$720,683.07</b>
<b>Total Grant Funds Expended<sup>3</sup></b>	<b>\$3,525,051.25</b>	<b>\$3,603,415.34</b>
<b>MOE Funds Expended</b>	<b>\$1,058,455.17</b>	<b>\$1,096,288.16</b>
<b>Aggregate Average Maintenance of Effort to be met for all federal fiscal years during the MAP-21 Authorization</b>	<b>\$1,077,371.67</b>	

Table 3. FY 2014 Proposed CVSP Budget

FY 2014 PROPOSED CVSP BUDGET  
 FOR THE STATE OF: (Oklahoma)  
 STATE LEAD MCSAP AGENCY: (Oklahoma)

	80 % Federal Share	20 % State Match	Total Grant Expenditures	MOE Expenditures
<b>AWARD AMOUNTS</b>				
Federal Basic Award (Anticipated Amount)	\$3,231,022.00	\$858,456.00	\$4,089,478.00	
Federal Incentive Award (Anticipated Amount)	\$202,802.00	\$0.00	\$202,802.00	
<b>Total Basic and Incentive (Anticipated Amount)</b>	<b>\$3,433,824.00</b>	<b>\$858,456.00</b>	<b>\$4,292,280.00</b>	
<b>MCSAP-ELIGIBLE EXPENSES</b>				
<b>Personnel (Payroll Costs)</b>				
Salary (MCSAP hours 41815 @ \$92.23)	\$3,085,277.96	\$771,319.49	\$3,856,597.45	
Overtime - Basic Funded (Not to exceed 15% of Basic Award amount in Line 6B)	\$0.00	\$0.00	\$0.00	
Overtime - Incentive Funded	\$102,241.60	\$40,560.40	\$202,802.00	
MCSAP Program Consultant	\$65,708.74	\$16,427.18	\$82,135.92	
Attorney	\$37,500.77	\$9,375.19	\$46,875.96	
IT	\$37,500.00	\$9,375.00	\$46,875.00	
CY21P, Taropika, JEP, Additional Hours for MBE (0821)				\$795,114.83
<b>Subtotal for Personnel - Insert in Line 6a (Form 4244)</b>	<b>\$3,388,229.07</b>	<b>\$846,682.26</b>	<b>\$4,234,911.33</b>	<b>\$795,114.83</b>
<b>Fringe Benefit Costs (Health, Life Insurance, Retirement, etc.)</b>				
Approved Fringe Benefits Rate (Insert approved rate in line below, if applicable)			\$0.00	\$0.00
(approved fringe benefits rate here)			\$0.00	\$0.00
(Specify)			\$0.00	\$0.00
(Specify)			\$0.00	\$0.00
<b>Subtotal for Fringe Benefits - Insert in Line 6b (Form 4244)</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Program Travel</b>				
Routine MCSAP-related Travel (Lodging/Misc Allowances)	\$3,392.41	\$848.10	\$4,240.51	\$12,122.13
Conference Travel (Identify conferences in Budget Narrative)	\$18,022.52	\$4,505.64	\$22,528.16	\$0.00
Training Travel (Identify training courses in the Budget Narrative)				\$4,274.43
			\$8.00	
<b>Subtotal for Program Travel - Insert in Line 6c (Form 4244)</b>	<b>\$21,414.93</b>	<b>\$5,353.74</b>	<b>\$44,933.28</b>	<b>\$16,396.56</b>
<b>Equipment (Enter description and quantity of items in Budget Narrative)</b>				
<b>Vehicles and Related Vehicle Equipment</b>				
Vehicles			\$0.00	
Other Inspection Vehicle Equipment (Radios, etc.)			\$0.00	
<b>Subtotal for Vehicles and Related Vehicle Equipment</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Non-Vehicle Equipment</b>				
Other Equipment (Not included above)			\$0.00	
(Specify)			\$0.00	
(Specify)			\$0.00	
(Specify)			\$0.00	
<b>Subtotal for Non-Vehicle Equipment</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Subtotal for Equipment - Insert in Line 6d (Form 4244)</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Supplies</b>				
Office Supplies			\$0.00	\$7,301.52
Uniforms and Other Related Supplies			\$0.00	\$6,000.00
Computers (Enter quantity and unit cost in Budget Narrative)			\$0.00	\$65,865.00
Printers (Enter quantity and unit cost in Budget Narrative)			\$0.00	\$2,399.85
Antennas for computers			\$0.00	\$3,750.00
Hazard Manuals, Out of Service Criteria Manuals, FMCSA Reg Manuals			\$0.00	\$5,142.58
Reagan			\$0.00	\$24,865.00
<b>Subtotal for Supplies - Insert in Line 6e (Form 4244)</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$115,323.95</b>
<b>Contractual (Subgrantees, Consultant Services, etc.)</b>				
Schata	\$12,320.00	\$3,080.00	\$15,400.00	
Ikou			\$0.00	\$2,500.00
Cyren Items			\$0.00	\$11,600.00
Alk			\$0.00	\$3,196.00
Galt Temporary Service			\$0.00	\$65,000.00
<b>Subtotal for Contractual - Insert in Line 6f (Form 4244)</b>	<b>\$12,320.00</b>	<b>\$3,080.00</b>	<b>\$15,400.00</b>	<b>\$102,296.00</b>
<b>Other Expenses</b>				
Training Costs (Tuition, materials, etc.)	\$0.00	\$0.00	\$0.00	
CVSA Decals (Enter quantity and unit cost in Budget Narrative)	\$0.00	\$0.00	\$0.00	\$1,512.00
Conferences Costs (Registration fees, etc.)	\$12,160.00	\$3,040.00	\$15,200.00	\$0.00
Fuel Costs	\$0.00	\$0.00	\$0.00	\$0.00
Maintenance of Vehicles Not Under Contract	\$0.00	\$0.00	\$0.00	\$0.00
Fleet Cost (Mileage/Repairs)	\$0.00	\$0.00	\$0.00	\$0.00
Communications (aircards, mobile phones, etc.)	\$0.00	\$0.00	\$0.00	\$46,728.31
			\$0.00	
			\$0.00	
<b>Subtotal for Other Expenses including Training &amp; Conferences - Insert in Line 6g (Form 4244)</b>	<b>\$12,160.00</b>	<b>\$3,040.00</b>	<b>\$15,200.00</b>	<b>\$48,240.31</b>
<b>Subtotal for Direct Costs - Insert in Line 6h (Form 4244)</b>	<b>\$3,434,324.00</b>	<b>\$858,156.00</b>	<b>\$4,292,280.00</b>	<b>\$1,077,371.67</b>
(approved Indirect Cost Rate here)				
<b>Indirect Costs (Insert approved rate in above row) Insert in Line 6j (Form 4244)</b>			\$0.00	
<b>Total Costs Budgeted</b>	<b>\$3,434,324.00</b>	<b>\$858,156.00</b>	<b>\$4,292,280.00</b>	<b>\$1,077,371.67</b>

## Justification

*Budget Narrative for FFY-2014  
October 1, 2013 through September 30, 2014*

### **MCSAP HOURS**

The Motor Carrier Safety Assistance Program has 50 full time MCSAP Troopers that conduct MCSAP eligible activities. The 50 MCSAP Troopers consist of one Troop Commander (MCSAP Coordinator), 7 Lieutenants (Supervisors), and 42 roadside Troopers. There is also five administrative staff that assists the Troopers with MCSAP eligible activities.

All MCSAP Troopers track their eligible MCSAP activity hours each month and provide them to the Program Consultant. The Program Consultant, who tracks all the hours each month, multiplies them by a Unit Cost Rate (UCR). The UCR is a provisional hourly rate consisting of Personnel Cost, Operating Costs and Vehicle Depreciation Cost minus any expenditure direct billed to FMCSA. This provisional rate is calculated yearly based on the previous State Fiscal Year's financial expenditures. The calculated total is then divided by an average of man hours worked, then divided by the total number of MCSAP Troopers to determine a UCR. The number of hours tracked and billed to the grant varies from year to year. The number of hours projected for FY 2014 is 41,815. This number is multiplied by the current UCR of \$92.23, which equals \$3,856,597.45 and used in lieu of direct billing salaries for MCSAP Troopers.

Troop S tracks CVTEP, Turnpike and TTEP hours. These hours are tracked and calculated at the same UCR. These hours are used towards the State's MOE. The number of hours projected for FY 2014 is 9,910@ \$92.23, which equates to \$913,999.30.

*Budget Narrative for FY-2014  
October 1, 2013 through September 30, 2014*

**A. PERSONNEL COST:**

<b>Position</b>	<b>Salary with Benefits</b>	<b>Level of Effort</b>	<b>Cost</b>
MCSAP Troopers-incentive overtime	\$202,802.00	N/A	\$202,802.00
MCSAP Program Consultant	\$82,135.92	100%	\$82,135.92
Attorney	\$93,751.92	50%	\$46,875.96
IT	\$46,500.00	100%	\$46,500.00
<b>Total</b>			<b>\$378,313.88</b>

**JUSTIFICATION:** The MCSAP Program Consultant completes a number of duties for the MCSAP program. Some of those duties include: Prepares purchase orders, analyzes financial information concerning division personnel, capital projects, supplies, equipment, payroll-including overtime, and other expenditures to determine requirements by function and activity. The MCSAP Program Consultant also prepares grant applications and supporting documents through Grants.gov and maintains tracking of financial data for all grants through spreadsheets. The overall goal of the MCSAP Program Consultant is to ensure that the requirements for the MCSAP grant are met. The DPS Attorney completes a number of duties for the MCSAP program which include holding administrative hearings for MCSAP cases in which a civil penalty has been assessed and the motor carrier has made a timely request for a hearing. The attorney issues proposed final orders after holding the hearing containing findings of acts and conclusions of law, files suits in Oklahoma County District Court against motor carriers who have failed to pay civil penalties assessed as a result of a MCSAP inspection. The attorney helps drafts legislation to create new laws or amend existing laws so Oklahoma statutes conform to Federal code and regulations regarding motor carrier safety, provides legal opinions to the MCSAP Coordinator and Lieutenant over the MCSAP grant regarding various issues as they arise. The attorney also provides legal assistance to Commercial Driver’s License Division and the Size and Weight Permitting Division. Overtime will consist of Troopers providing policing directed at achieving safer roadways and reducing crime through pro-active investigations, education, and patrol services.

**B. PROGRAM TRAVEL:**

Purpose of Travel	Location	Item	Rate	Cost
Compliance Reviews	State rate	Hotel	\$77.00 a night	\$2,450.00
Compliance Reviews	Varies by area	Per Diem	Varies by area	\$2,450.00
National Road Check	Scale houses	Per Diem	Varies by area	\$4,293.39
National Road Check	Scale houses	Hotel	\$77.00 a night	\$4,262.89
Special Emphasis	State rate	Hotel	\$77.00 a night	
		Per Diem	Varies by area	\$2,964.27
<b>Total</b>				<b>\$16,420.55</b>

**JUSTIFICATION:** Troop S is dedicated to conducting Compliance Reviews for motor carriers that include property, passenger, and hazardous material carriers. Compliance Reviews are conducted on identified high-risk carriers. Currently, Troop S has four full-time Troopers that are dedicated solely to conducting Compliance Reviews. Each of the Troopers are required to complete a minimum of 20 Compliance Reviews each year. In FY-13, Oklahoma conducted 96 Compliance Reviews and one Intrastate Compliance Review. Compliance Reviews require travel across the state, some of which are overnight. Special Emphasis activities are being done in FY -13 which consists of several activities, one of which is identifying CMV driver alcohol and drug related violations. Special Emphasis also requires Troopers to stay overnight. Troop S also places a strong emphasis on Road Check which occurs in June each year. Road Check is used is to decrease high-risk carriers, who are violating basic safety standards, which put others at risk. Road Check is usually held at four different locations across the state for a period of one week. Program travel is needed so that all MCSAP Troopers can perform their job duties.

**C. CONFERENCES:**

<b>Name of Conference</b>	<b>Location</b>	<b>Item</b>	<b>Rate</b>	<b>Cost</b>
COHMED	Sarasota, FL	Airfare	\$550.00 X 2 travelers	\$1,100.00
COHMED	Sarasota, FL	Hotel	\$112.00 X 5 nights X 2 travelers	\$1,120.00
COHMED	Sarasota, FL	Per Diem	\$56 a day X 5 days X 2 travelers	\$560.00
CVSA Spring	Los Angeles, CA	Airfare	\$550.00 X 5 travelers	\$2,750.00
CVSA Spring	Los Angeles, CA	Hotel	\$125.00 X4 nights X 5 travelers	\$2,500.00
CVSA Spring	Los Angeles, CA	Per Diem	\$71.00 X 5 days X 5 travelers	\$1,775.00
CVSA Fall	Unknown location	Airfare	\$550.00 X 5 travelers	\$2,750.00
CVSA Fall	Unknown location	Hotel	\$120.00 X 4 nights X 5 travelers	\$2,400.00
CVSA Fall	Unknown location	Per Diem	\$56.00 day X 5 travelers X 5 days	\$1,400.00
NAIC	Pittsburg, PA	Airfare	\$550.00 X 2 travelers	\$1,100.00
NAIC	Pittsburg, PA	Hotel	\$119.00 X 6 days X 2 travelers	\$1,428.00
NAIC	Pittsburg, PA	Per Diem	\$71.00 X 6 days X 2 travelers	\$852.00
Grant Management	Atlanta, GA	Airfare	\$623.48 X 2 travelers	\$1,246.96
Grant Management	Atlanta, GA	Hotel	\$133.00 X 4 nights X 2 travelers	\$1,064.00
Grant Management	Atlanta, GA	Per Diem	\$56.00 X 4 days X 2 travelers	\$448.00
<b>Total</b>				<b>\$22,493.96</b>

JUSTIFICATION: Troop S is dedicated to ensuring that all MCSAP Troopers are knowledgeable with regulation changes, staying in contact and communicating with other MCSAP state agencies, and apply changes as they occur. Troop S attends various conferences through Commercial Vehicle Safety Alliance (CVSA). CVSA promotes commercial motor vehicle safety and security by providing leadership to enforcement, industry, and policy makers. The cost budgeted for FY-2014 is for two individuals to attend COHMED, five individuals to attend the CVSA Spring conference, and five individuals to attend the CVSA fall conference and two individuals to attend NAIC in Pittsburgh, PA. Two individuals have been budgeted for Grant Management training in the spring.

Conferences are out of state and require airfare, hotel, and per diem for each individual traveling.

**D. TRAINING**

<b>Name of Training</b>	<b>Location</b>	<b>Item</b>	<b>Rate</b>	<b>Cost</b>
Cargo Tank	OKC, OK	Class materials	Varies	\$500.00
NASI part A	OKC, OK	Trainer hotel/per diem/materials	\$77.00 a night Varies by area	\$1,000.00
NASI part B	OKC, OK	Trainer hotel/per diem/materials	Varies by area	\$1,000.00
Hotel for training	OKC, OK	RTI hotel	\$31.00 a night	\$2,500.00
<b>Total</b>				<b>\$5,000.00</b>

**JUSTIFICATION:** The majority of Troop S Troopers are certified in Hazardous Materials; however, our CVTEP program is a career path and will need to be able to inspect cargo tanks as a bulk inspection. Troop S will attempt to conduct a hazardous material special emphasis to maintain and increase focus on the compliance of motor carriers, shippers and other transporters. NASI part A and NASI part B is held each year to train and recertify Troopers on inspections. Inspections are conducted to ensure trucks and buses driving on the highways are operating safely. The amount requested for FY-2014 will cover per diem and class materials.

<b>Item</b>	<b>Cost</b>	<b>Quantity</b>	<b>Total</b>
Holsters	\$120.00 each	50	\$6,000.00
Mobile Cop License	\$123.75 each	59	\$7,301.52
Panasonic CF-31, Win 7, Intel Core i5-332 Om 2.60 GHZ, V Pro, 13.1 XGA Touch, 500 GB, 4GB, Intel Wifi a/b/g/n, TPM, Bluetooth, Dual Pass. Gobi, Emissive Backlit keyboard Toughbook	\$3,487.00 each	15	\$52,305.00
Panasonic Toughbook Protection Plus, 4 year “no fault” warranty	\$370.00 each	15	\$5,550.00
Panasonic car adaptor 120 watt, 12-32-Volt	\$103.00 each	15	\$1,545.00
Panasonic docking station with dual high-grain pass	\$431.00 each	15	\$6,465.00
HP Laser Jet Pro-P1102 W Workgroup, Monochrome wireless	\$159.99 each	15	\$2,399.85
Antenna Plus-AP Navigator	\$250.00 each	15	\$3,750.00
FMCSA Regulation Manuals	\$7.89 each (plus shipping cost for MCSAP portion: \$183.33)	150	\$1,366.83
Hazmat Manuals	\$16.99 each (plus shipping: \$168.75)	100	\$1,867.75
Out-of-Service Manuals	\$20.00 each (plus shipping cost for	90	\$1,908.00

Item	Cost	Quantity	Total
	MCSAP portion: \$108.00)		
RegScan Software	Yearly fee	one price	\$24,865.00
<b>Total</b>			<b>\$115,323.95</b>

**JUSTIFICATION:** The state requests to purchase holsters for all MCSAP Troopers. These holsters will be used for service weapons to provide the Trooper with a better means of weapon retention. This is not standard issue by the patrol for Class B uniforms but is necessary for the safety of Troop S Troopers while performing MCSAP duties. Mobile Cop is a software program used by Troop S that will provide the Troopers information on stolen vehicles, vehicle registration, financial responsibility verification and driver's license information. It also gives the Trooper access to a number of other things such as the ability to log stops. The state requests to purchase 15 HP Laser Jet Pro P 1102-W Work Monochrome Wireless Printers. FMCSA and the state have agreed to replace computers that are three years old or older. In addition to the computers, Troop S would like to request 15 docking stations, 15 adapters, and 15 extended warranties. Fifteen printers will be assigned to the 15 Troopers that are assigned new computers. Troop S Troopers receiving new computers will also need an antenna installed for the internal air card. Manuals provide the Trooper with the latest information in regards to policy and law changes. In FY-2013 three different manuals, FMCSA Regulation Manuals, Hazmat Manuals, and Out of Service Manuals were purchased for MCSAP Troopers. Regscan is a software program that helps the CMV enforcement Trooper to inspect CMV's carrying Hazmat. It has modules that tell the inspector the proper segregation, truck markings, and other information for CMV's carrying Hazmat. It provides accurate information to the inspector regarding Haz Mat regulations and creates uniformity in the inspection procedures across the country. These supplies are needed for the successful operation of the MCSAP program.

**E. CONTRACTUAL:**

<b>Name</b>	<b>Service</b>	<b>Cost</b>
Schatz	Grant Writers	\$15,400.00
Ricoh	Monthly copy charges	\$2,500.00
CVIEW	Software	\$31,600.00
ALK	PC Miler	\$3,196.00
Galt	Temporary services for data entry and IT	\$65,000.00
Total		\$117,696.00

**JUSTIFICATION:** The Commercial Vehicle Safety Plan is completed by Schatz, an outside organization contracted by Troop S of the Oklahoma Highway Patrol. Schatz assists Troop S personnel with the writing of the CVSP to ensure that all information has been provided and submitted in the plan and meets FMCSA guidelines. Troop S contracts with Ricoh on a year-to-year basis. Ricoh provides Troop S with the ability to copy, fax, scan, etc and is necessary to provide internal functions as well as provide information to other agencies. Commercial Vehicle Information Exchange Window (CVIEW) is a data-exchange agreement between the Oklahoma Department of Public Safety, the Oklahoma Department of Transportation, Oklahoma Corporation Commission, and the Federal Motor Carrier Safety Administration. It provides Troop S the ability to exchange information. Troop S uses PC Miler software from ALK Associates. This is the highway mileage and routing software. It is designed to help roadside inspectors, New Entrant Auditors and Compliance Review Investigators verify motor carriers compliance with federal safety regulations as specified by FMCSR. Troop S also utilizes temporary employees, which are hired through Galt. Temporary employees will be used on a part- or full-time basis and will be used for Administrative purposes.

**F. OTHER EXPENSES**

<b>Item</b>	<b>Service</b>	<b>Cost</b>
CVSA decals	Decals for inspectors. Each quarter approximately 1,350 decals (\$378.00 per quarter) are used.	\$1,512.00
Conference cost	CVSA registration fees for two individuals for COHMED, 5 individuals for CVSA Spring and 5 individuals for fall at \$450.00 each for a total of \$5,400.00 and yearly membership dues of \$9,800.00	\$15,200.00
Communication cost Sprint, AT&T, Verizon	Aircards for 50 MCSAP Troopers, Blackberry service and supplies for 50 Troopers	\$46,728.31
<b>Total</b>		<b>\$63,440.31</b>

**JUSTIFICATION:** A commercial motor vehicle that passes a Level I or Level V roadside inspection is awarded a Commercial Vehicle Safety Alliance decal. The “pass inspection” means that no violations are found on those items listed in the Critical area of the CVSA Out-of-Service Criteria. Decals are affixed to the vehicle by the certified inspector. Decals are ordered each quarter (four quarters a year). The average number of decals that Troop S uses each quarter is 1,350 and the cost is \$.28. Troop S pays a one-time membership fee each year to be a CVSA member. The cost of this membership is \$9,800.00. Also budgeted for FY-2014 is for two individuals to attend the COHMED conference in January, five individuals to attend the CVSA conference in the fall and spring conference. A total of 12 individuals will need conference registration fees. Registration cost for all CVSA conferences in FY-2014 is \$5,400.00. Troop S Troopers, Lieutenants, and Captain have Blackberrys and Aircards, which enable them to access individuals, DPS and other agencies as needed. The Aircards enable the Troopers to access computer programs from the roadway. Communication devices are needed for all MCSAP Troopers to perform their job functions.

## Program Contacts

### Primary MCSAP Coordinator

CPT. Jim Upchurch #23  
MCSAP Coordinator  
220 NE 38th Terrace  
Oklahoma City, OK 73105  
405-521-6060  
[jupchur@dps.state.ok.us](mailto:jupchur@dps.state.ok.us)

### Secondary MCSAP Coordinator

LT. James Watson #123  
Assistant Coordinator  
220 NE 38th Terrace  
Oklahoma City, OK 73105  
405-521-6060  
[dgandy@dps.state.ok.us](mailto:dgandy@dps.state.ok.us)

### New Entrant Contact

LT. Bill Jackson #98  
New Entrant Coordinator  
220 NE 38th Terrace  
Oklahoma City, OK 73105  
405-521-6060  
[bjackson@dps.state.ok.us](mailto:bjackson@dps.state.ok.us)

### SafetyNet Coordinator

Edith Booker  
Administrative Program Officer  
220 NE 38th Terrace  
Oklahoma City, OK 73105  
405-521-6060  
[ebooker@dps.state.ok.us](mailto:ebooker@dps.state.ok.us)

### CDL Contact

Tamara Shepherd  
CDL Programs Administrator  
PO BOX 11415  
Oklahoma City, OK 73136  
405-425-2015  
[tshepher@dps.state.ok.us](mailto:tshepher@dps.state.ok.us)

### DIAP Contact

CPT. Sheridan O'Neal #39  
Coordinator  
PO BOX 11415  
Oklahoma City, OK 73136  
405-425-2301  
[Soneal@dps.state.ok.us](mailto:Soneal@dps.state.ok.us)

## **State Training**

The total number of classes anticipated to be requested during FY 2014:  
Three classes: NAS Part A, NAS Part B, and Cargo Tank

The estimated total cost for Oklahoma's training:  
\$5,000.00

## Appendix – Grant & Certifications Documents

## State Certification

### STATE CERTIFICATION OF CONFORMANCE WITH THE MOTOR CARRIER SAFETY ASSISTANCE PROGRAM - Fiscal Year 2014

I, *Michael C Thompson, Commissioner of Public Safety*, on behalf of the State (or Commonwealth) of *Oklahoma*, as requested by the Administrator as a condition of approval of a grant under the authority of 49 U.S.C. 31102, as amended, do hereby certify as follows:

1. The State has adopted commercial motor carrier and highway hazardous materials safety rules and regulations that are compatible with the FMCSRs and the HMRs.
2. The State has designated *Department of Public Safety* as the lead agency to administer the CVSP for the grant sought and *Oklahoma Highway Patrol, Troop S* to perform defined functions under the plan. These agencies have the legal authority, resources, and qualified personnel necessary to enforce the State's commercial motor carrier, driver, and highway hazardous materials safety laws or regulations.
3. The State will obligate the funds or resources necessary to provide a matching share to the Federal assistance provided in the grant to administer the plan submitted and to enforce the State's commercial motor carrier safety, driver, and hazardous materials laws or regulations in a manner consistent with the approved plan.
4. The laws of the State provide the State's enforcement officials right of entry and inspection sufficient to carry out the purposes of the CVSP, as approved, and provide that the State will grant maximum reciprocity for inspections conducted pursuant to the North American Standard Inspection procedure, through the use of a nationally accepted system allowing ready identification of previously inspected CMVs.
5. The State requires that all reports relating to the program be submitted to the appropriate State agency or agencies, and the State will make these reports available, in a timely manner, to the FMCSA on request.
6. The State has uniform reporting requirements and uses FMCSA designated forms for record keeping, inspection, and other enforcement activities.
7. The State has in effect a requirement that registrants of CMVs demonstrate their knowledge of the applicable Federal and State CMV safety laws and regulations.
8. The State must maintain the total expenditure of amounts of the lead State agency responsible for implementing the CVSP, exclusive of Federal assistance and State matching funds, for CMV safety programs eligible for funding under the Basic program at a level at least equal to the average level of that expenditure for fiscal years 2004 and 2005. These expenditures must cover at least the following four program areas, as applicable:
  - a. Motor carrier safety programs in accordance with 49 CFR 350.109.

- b. Size and weight enforcement programs in accordance with 49 CFR 350.309(c)(1).
- c. Drug interdiction enforcement programs in accordance with 49 CFR 350.309(c)(2).
- d. Traffic safety programs in accordance with 49 CFR 350.309(d).

9. The State will ensure that CMV size and weight and drug interdiction enforcement activities funded with MCSAP funds will not diminish the effectiveness of the development and implementation of other CMV safety enforcement programs.

10. The State will ensure that sanctions imposed by the State are consistent, effective, and equitable.

11. The State will establish and dedicate sufficient resources to a program to ensure that accurate, complete, and timely motor carrier safety data is collected and reported to FMCSA; participate in a national motor carrier safety data correction program (DataQs); ensure participation in appropriate FMCSA systems and other information systems by all appropriate jurisdictions receiving MCSAP funding; and ensure information is exchanged in a timely manner with other States.

12. The State will ensure that the CVSP, data collection, and information systems are coordinated with the State highway safety program under title 23, U.S. Code. The name of the Governor's highway safety representative (or other authorized State official through whom coordination was accomplished) is *Michael C Thompson*.

13. The State has undertaken efforts to emphasize and improve enforcement of State and local traffic laws as they pertain to CMV safety.

14. The State will ensure that MCSAP agencies have departmental policies stipulating that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel.

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 385, Subpart C for training and experience of employees performing safety audits, carrier interventions, compliance reviews, or driver/vehicle roadside inspections.

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 387 as applicable to CMVs subject to the provisions of 49 CFR 392.9a.

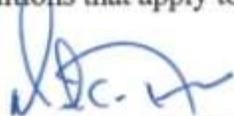
19. The State will include, in the training manual for the licensing examination to drive a non-CMV and the training manual for the licensing examination to drive a CMV, information on best practices for safe driving in the vicinity of noncommercial and commercial motor vehicles.

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.

22. The State will ensure that it transmits to its roadside inspectors the notice of each Federal exemption granted pursuant to 49 U.S.C. Section 31315(b) and provided to the State by the FMCSA, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.

Signature

 7/22/13

Name and Title

Michael C. Thompson, Commissioner

Date

7/22/13

**Additional Comments or Footnotes:**

MT:jg

## Regulatory Compatibility Review

### OKLAHOMA DEPARTMENT OF PUBLIC SAFETY REGULATORY COMPATIBILITY REVIEW

In accordance with 49 CFR, Parts 350 and 355, as COMMISSIONER for the Oklahoma Department of Public Safety, State of Oklahoma, I do hereby certify the State of Oklahoma is compatible with appropriate parts of the Federal Motor Carrier Safety Regulations (FMCSR) and the Federal Hazardous Material Regulations (FHMR) as follows:

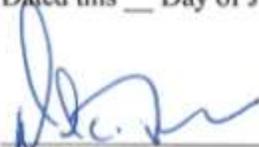
Oklahoma has adopted the Federal Motor Carrier Safety and Hazardous Material Regulations under statutory authority of O.S. Title 47, 230.1. The adoption of the regulations has been codified in Agency Rules, Title 595, Oklahoma Department of Public Safety, Chapter 35, Enforcement of Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act. Rules under this title are listed in Sections 595:35-1-1 through 595:35-1-11.

Listed below is a table that provides an overview of Federal Regulations (INTERSTATE) currently adopted by the DPS and where compatible rules exist for INTRASTATE Carriers:

49 CFR, PART	For Hire Carriers (Y=Compatible Rules Exist)	Private Carriers (Y=Compatible Rules Exist)	Exempt Carriers (Y=Compatible Rules Exist)
40	Y	Y	Y
382	Y	Y	Y
383	N	N	N
385	Y	Y	Y
386	Y	Y	Y
390	N	N	N
391	Y	Y	Y
392	Y	Y	Y
393	Y	Y	Y
395	N	N	N
396	Y	Y	Y
397	Y	Y	Y
107	Y	Y	Y
171	Y	Y	Y
172	Y	Y	Y
173	Y	Y	Y
177	Y	Y	Y
178	Y	Y	Y
180	Y	Y	Y

OKLAHOMA DEPARTMENT OF PUBLIC SAFETY  
P.O. Box 11415  
Oklahoma City, OK 73136  
405/425-2148

Dated this \_\_\_ Day of July 2013



Michael C. Thompson, Commissioner

# FMCSA Administrative Capability Questionnaire

## FMCSA Administrative Capability Questionnaire (Self Certification Form) For State and Local Governments and Non-Profit Organizations

### OVERVIEW

States, local governments, and non-profit organizations that receive Federal Motor Carrier Safety Administration (FMCSA) financial assistance funds are subject to the administrative and financial standards set forth in the relevant Code of Federal Regulation (CFR) sections and Office of Management and Budget (OMB) Circulars. The CFR sections and OMB Circulars that apply specifically to State, local government, and non-profit organization recipients of Federal grant funds are:

- 2 CFR 215, "Uniform Administrative Requirements for Grants and Cooperative Agreement with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB A-110)"
- 2 CFR 220, "Cost Principles for Educational Institutions (OMB A-21)"
- 2 CFR 225, "Cost Principles for State, Local, and Indian Tribal Governments (OMB A-87)"
- 2 CFR 230, "Cost Principles for Non-Profit Organizations (OMB A-122)"
- 49 CFR Part 18, "Transportation – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (OMB Circular A-102 codified at 49 CFR Part 18)"
- OMB Circular A-133, "Audits of States, Local Government, and Non-Profit Organizations"

### PURPOSE

The purpose of this questionnaire is to provide States, local governments, and non-profit organizations seeking FMCSA grant funds with a tool to assess their ability to successfully manage Federal grant funds against administrative and financial standards. If an organization's policies and procedures do not fully comply with the requirements in the questionnaire, then the organization may need revised or new policies in order to comply with Federal financial management standards.

### SUBMISSION INSTRUCTIONS

Complete and sign the questionnaire and include it as part of the organization's application for FMCSA grant funds. If your organization experiences challenges pertaining to submitting your Self Certification Form, it is recommended that your organization provide a hard copy to the Division Office who will deliver the Form to the Program Manager via email.

PART I – Contact Information		
1.	Legal name of your organization associated with the Dun and Bradstreet Data Universal Numbering System (DUNS) Number	Department of Public Safety (DPS)
2.	DUNS Number	0824700017
3.	Address associated with your DUNS Number	3600 N Martin Luther King Ave Oklahoma City OK 73111
4.	Employer Identification Number (EIN)	736017987
5.	Congressional District	5 <sup>th</sup> District
6.	Organization Phone Number	405-425-2001
7.	If applicable, please list any affiliated organizations that may influence actions related to the grant	
8.	Name of the primary application point of contact (POC) for the grant(s)	LT Justin Gandy #100
9.	POC Phone Number	405-521-6060
10.	POC E-mail Address	dgandy@dps.state.ok.us

<b>PART II – General Information and Assurances</b>		
1.	Is your organization in compliance with applicable Anti-Lobbying Policies included in Lobbying Form GG and, if applicable, the SF-LLL Disclosure of Lobbying Activities?	YES
2.	Have any key personnel listed in the application for your organization been debarred or suspended from participation in Federal assistance programs?	NO
3.	Does your organization have any findings related to violations of the Civil Rights Act, Age Discrimination Act, Americans with Disabilities Act, and other civil rights laws?	NO
4.	Does your organization maintain a Drug-Free Workplace per the FMCSA Financial Assistance Agreement General Provisions and Assurances?	YES

<b>PART III – Audit History</b>		
1.	Is your accounting system accrual based or cash based?	ACCRUAL
2.	Is your accounting system manual, automated, or a combination?	COMBINATION
3.	Has an audit been performed on the organization's financial statement?	YES
4.	What was the audit opinion?	No Reportable Findings
5.	If your organization has expended more than \$500,000 in Federal grant funds within the last year, has OMB A-133 Audit been performed?	Yes
6.	If yes, were there any major findings?	NO
7.	In no, please explain why an audit was not performed.	N/A
8.	If your organization was subject to any other audits in the last two years (e.g., Office of Inspector General (OIG), Programmatic, State) please describe whether or not there were audit findings.	N/A

<b>PART IV – Administrative Capability</b>			
<b>Instructions:</b> Check the appropriate box to the right for each item. If your organization meets the requirement, check the box in the "Yes" column. If your organization does not meet the requirement described, check the box in the "No/Explain" column. If applicable, provide explanations in the "No/Explain" column or in an attachment.		<b>Yes</b>	<b>No/Explain</b>
<b>Financial Management</b>			
1.	Does your organization provide procedures for determining the reasonableness, allocability and allowability of costs in accordance with the applicable cost principles?	YES	
2.	Does your organization provide for effective control and accountability for all grant cash, real and personal property, and other assets? (49 CFR 18.20(b)(3))?	YES	
3.	Does your organization provide accurate, current, and complete disclosure of the financial results of the financially assisted activities required by the financial reporting requirements of the grant? (49 CFR 18.20(b)(1))?	YES	

<b>PART IV – Administrative Capability</b>			
<b>Instructions:</b> Check the appropriate box to the right for each item. If your organization meets the requirement, check the box in the "Yes" column. If your organization does not meet the requirement described, check the box in the "No/Explain" column. If applicable, provide explanations in the "No/Explain" column or in an attachment.		<b>Yes</b>	<b>No/Explain</b>
4.	Does your organization permit preparation of reports required by the applicable statutes and regulations? (49 CFR 18.20(a)(1))?	YES	
5.	Does your organization permit the documentation of funds to a level of expenditure adequate to establish that funds have not been expended in violation of applicable statutes (49 CFR 18.20(a)(2))?	YES	
6.	Does your organization contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, expenditures, and income sufficient to identify the source and application of funds provided for financially-assisted activities? (49 CFR 18.20(b)(2))?	YES	
7.	Does your organization have an approved indirect cost rate with the Federal Government that covers the entire proposed period of performance for the grant application?	YES	
<b>Procurement Standards</b>			
1.	When procuring property, including equipment and services under grants, does your organization's contract administration system thoroughly document and inventory all equipment purchased with grant funds? (49 CFR 18.32(d)(1))	YES	
2.	Does your organization provide controls to ensure safeguards against loss, damage, or theft of the property? (49 CFR 18.32(d)(3))?	YES	
3.	Does your organization provide adequate maintenance of the property? (49 CFR 18.32(d)(4))?	YES	
4.	Does your organization follow written procurement procedures which (1) avoid unnecessary purchases; (2) provide an analysis of lease and purchase alternatives; and (3) provide a process for soliciting goods and services that maximizes competition to obtain good value? (49 CFR 18.32(d)(5))?	YES	
5.	Does your organization define equipment as property that is non-expendable, tangible personal property having a useful life of more than one year and is an acquisition cost valued at \$5,000 or the lesser of the capitalization level established by the State or local government? (2 CFR 225 Appendix B, 15.a.(2) and 2 CFR 230, Section 15.a.(2))?	YES	

<b>PART IV – Administrative Capability</b>			
<b>Instructions:</b> Check the appropriate box to the right for each item. If your organization meets the requirement, check the box in the "Yes" column. If your organization does not meet the requirement described, check the box in the "No/Explain" column. If applicable, provide explanations in the "No/Explain" column or in an attachment.		<b>Yes</b>	<b>No/Explain</b>
<b>Personnel</b>			
1.	Does your organization maintain written standards of conduct governing the performance of employees engaged in the award and administration of contracts (e.g., conflict of interest forms)? (49 CFR 18.36(b)(3))?	YES	
2.	Does your organization maintain a personnel system which provides for the submission of personnel activity reports on the activities of each employee whose compensation is charged to an assistance agreement? (2 CFR 225 Appendix B, 8.h.(5) and 2 CFR 230 Appendix B, Section 8.m.)	YES	
3.	Are your organization's fringe benefits applied reasonably and consistently to all grants and identified by individual employee or allotted by a fringe benefit rate?	YES	
<b>Sub-Award System</b>			
1.	Does your organization's sub-award administration system meet Federal requirements? (OMB Circular A-133, Subpart D§ .400(d); 49 CFR Part 18)	N/A	
2.	Does your organization maintain written procedures outlining sub-grantee responsibilities and include: 1) clauses required by Federal statute and EO's and their implementing regulations, and; 2) a provision for compliance with 49 CFR Part 18.42 in the sub-grantee agreement?	N/A	

**PART V - CERTIFICATION AND SUBMISSION**

**CERTIFICATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE (REQUIRED):**

I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

Name JUSTIN GANDY

Title LIEUTENANT

Signature 

Date 07-11-2013

## Oklahoma Administrative Code (OAC)

### Chapter 35. Enforcement of Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act

[Authority: 47 O.S., § 230.4(1) and (2); 75 O.S., § 250.4(A)(8)]

### Chapter 35 - Enforcement of Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act

#### 595:35-1-1. Purpose

The purpose of this Chapter is to implement standards and procedures designed to enhance public safety without placing an undue burden on motor carriers who engage in the transportation of hazardous and nonhazardous materials within this state [47 O.S. §230.4(1)].

#### 595:35-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act [47 O.S. § 230.1 et seq.].

"**Commissioner**" means the Commissioner of Public Safety.

"**Compliance Review**" as defined by 49 C.F.R. 385.3.

"**Department**" means the Department of Public Safety.

"**Representative**" means any employee of the Department authorized by the Commissioner to carry out the provisions of the Act or a rule adopted by the Commissioner to carry out the Act.

"**Respondent**" means the individual, corporation, or entity charged with a violation of the Act or of a rule adopted by the Commissioner to carry out the Act.

"**Troop S**" means the Oklahoma Highway Patrol Troop of the Department authorized by the Commissioner to enforce the provisions of the Act or of any rule adopted by the Commissioner to carry out the Act.

#### 595:35-1-3. General

(a) Any statute, law, or regulation of the United States or statute of the State of Oklahoma now existent, or duly enacted in the future shall supersede any conflicting provision of this Chapter to the extent of such conflict, but shall not affect the remaining provisions herein.

(b) Any violation of the rules of this Chapter or of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act may result in the assessment of an administrative penalty. [47 O.S. §§ 230.6 and 230.9]

(c) Interested parties may obtain information or make submission related to this Chapter by contacting: Commercial Vehicle Enforcement Section, Troop S, Department of Public Safety, 200 NE 38<sup>th</sup> Terrace, Oklahoma City, Oklahoma 73105, Phone: (405) 521-6060.

#### 595:35-1-4. Adoption by reference

The Department of Public Safety adopts by reference the United States Department of Transportation regulations pertaining to motor carrier safety and hazardous materials transportation, as contained in Title 49 of the Code of Federal Regulations (49 CFR) [47 O.S. § 230.5(2)]. Information relative to this adoption is available through various sources, such as the Labelmaster publication, "Federal Motor

Carrier Safety Regulations." Copies of this publication are available by contacting the Oklahoma Trucking Association at (405) 525-9488. Those regulations pertaining to motor carrier safety and hazardous materials transportation adopted by reference under this Section are:

- (1) Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs. [49 CFR § 40.1 et seq.]
- (2) Part 107 Hazardous Materials Programs and Procedures. [49 CFR § 107.1 et seq.]
- (3) Part 171 Hazardous Materials Regulations...General Information, Regulations, and Definitions. [49 CFR § 171.1 et seq.]
- (4) Part 172 Hazardous Materials Tables and Hazardous Material Communication Regulations and Emergency Response Information Requirements. [49 CFR § 172.1 et seq.]
- (5) Part 173 Shippers-General Requirements for Shipments and Packagings. [49 CFR § 173.1 et seq.]
- (6) Part 177 Carriage by Public Highway. [49 CFR § 177.800 et seq.]
- (7) Part 178 Shipping Container Specifications. [49 CFR § 178.0 et seq.]
- (8) Part 180 Continuing Qualification and Maintenance of Packagings. [49 CFR § 180.00 et seq.]
- (9) Part 382 Controlled Substances and Alcohol Use and Testing. [49 CFR § 382 et seq.]
- (10) Part 383 Commercial Driver's License Standards; Requirements and Penalties [49 CFR § 383.1 et seq.], in so much as it does not conflict with state law
- (11) Part 385 Safety Fitness Procedures. [49 CFR § 385.1 et seq.]
- (12) Part 386 Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings. [49 CFR § 386.1 et seq.]
- (13) Part 390 Federal Motor Carrier Safety Regulations: General. [49 CFR § 390.1 et seq.]
- (14) Part 391 Qualifications of Drivers. [49 CFR § 391.1 et seq.]
- (15) Part 392 Driving of Motor Vehicles. [49 CFR § 392.1 et seq.]
- (16) Part 393 Parts and Accessories Necessary for Safe Operation. [49 CFR § 393.1 et seq.]
- (17) Part 395 Hours of Service of Drivers. [49 CFR § 395.1 et seq.]
- (18) Part 396 Inspection, Repair, and Maintenance. [49 CFR § 396.1 et seq.]
- (19) Part 397 Transportation of Hazardous Materials; Driving and Parking Rules. [49 CFR § 397.1 et seq.]

#### **595:35-1-5. Applicability**

(a) The hazardous materials regulations found in 49 CFR Parts 107, 171, 172, 173, 177, 178, and 180 are applicable to:

- (1) Motor carriers and their agents, employees, or representatives currently subject to the federal regulations regarding the transportation of hazardous materials.
- (2) Motor carriers and their agents, employees and representatives participating in intrastate commerce transporting hazardous materials.
- (3) Hazardous materials shippers who offer or ship hazardous materials in intrastate commerce.

(b) The motor carrier safety regulations found in 49 CFR Parts 40, 382, and 390 through 397 are applicable to:

- (1) Motor carriers and their agents, employees, or representatives participating in interstate commerce who are currently subject to the federal regulations concerning motor carrier safety indicated by 49 CFR §390.1.
- (2) Motor carriers and their agents, employees and representatives participating in intrastate commerce.

(A) Using vehicles with:

- (i) a gross vehicle weight rating or a gross combination weight rating in excess of 26,000 pounds, or
  - (ii) a gross vehicle weight or gross combination weight in excess of 26,000 pounds.
- (B) Using a vehicle designed to transport more than 8 passengers, including the driver, for compensation.
- (C) Using a vehicle designed to transport more than 15 passengers, including the driver, but which is not used to transport passengers for compensation.
- (D) Using a vehicle in the transportation of hazardous material in a quantity requiring placarding as per 49 CFR Part 172 Subpart F.

**595:35-1-6.<sup>2</sup> Deletions, substitutions, and additions to federal rules adopted by reference**

- (a) **Changes.** The changes in this Section to the federal rules adopted by reference in 595:35-1-4 apply only to intrastate commerce.
- (b) **Terminology.** Unless otherwise specified, the following terminology shall apply:
- (1) "Department," as defined in 595:35-1-2, shall be substituted wherever the term "Department of Transportation" or "Federal Motor Carrier Safety Administration" is used.
  - (2) "Commissioner," as defined in 595:35-1-2, shall be substituted wherever the term "Federal Motor Carrier Safety Administrator" or "Regional Director" is used.
  - (3) "Troop S," as defined in 595:35-1-2, shall be substituted wherever the term "Office of Motor Carriers" or "Motor Carrier Division" is used.
- (c) **Scope of Definitions.** The definitions provided in (b) of this Section are limited in application to the Act and the rules adopted to carry out the Act. These definitions do not alter, replace or change any other definitions contained in Title 47 of the Oklahoma Statutes.
- (d) **Exceptions in the transportation of hazardous materials.**
- (1) Cargo Tank Specifications [49 CFR § 173.33(a)], concerning the qualifications and maintenance of cargo tanks used to transport hazardous materials, shall include the following exemption: Intrastate movements of petroleum products in nonspecification cargo tanks of 3,500 gallons and less by motor carriers transporting petroleum products solely in intrastate commerce may continue, provided the cargo tanks meet the general packaging requirements of 49 CFR § 173.24, except specification packages as stated in paragraph (c), and have been in actual operation transporting similar materials prior to October 1, 1987. This provision will expire on January 1, 1999. Any retrofitting of cargo tanks after October 1, 1987 shall be made to meet specification requirements for the type of hazardous material transported in them. This exemption does not apply if at any time after October 1, 1987 the cargo tank is sold or ownership of the cargo tank is otherwise transferred.
  - (2) The transportation of agricultural product other than a Class 2 material, over local roads between fields of the same farm, is excepted from the requirements of 49 CFR §§ 100 through 199 when transported by a farmer who is an intrastate private motor carrier.
  - (3) The transportation of an agricultural product to and from a farm, within 150 miles of the farm, is excepted from the requirements in subparts G and H of part 172 of 49 CFR §§ 100 through 199 when:
    - (A) It is transported by a farmer who is an intrastate private motor carrier.
    - (B) The packaging conforms to the requirements of 49 CFR § 173.24 in so far as it does not leak, and the total amount of the agricultural product being transported on a single vehicle does not exceed:
      - (i) 16,094 pounds (7,300 kilograms) of ammonium nitrate fertilizer properly classed as Division 5.1, PG III, in a bulk packaging, or

(ii) 502 gallons (1,900 liters), for liquids or gases, or 5,070 pounds (2,300 kilograms), for solids, of any other agricultural product.

(C) Each person having any responsibility for transporting the agricultural product or preparing the product for shipment has been instructed in the applicable requirements of 49 CFR §§ 100 through 199.

(D) Formulated liquid agricultural products in specification packagings of 58 gallons (220 liters) or less capacity, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices, may be transported by a private motor carrier between a final distribution point and an ultimate point of application or transported for loading aboard an airplane for aerial application.

(E) Pertaining to nurse tanks of anhydrous ammonia [see 49 CFR § 173.315(m)].

(4) Permission to drive a transport vehicle in intrastate commerce containing a hazardous material in an emergency without the proper markings or placards, as provided under Marking and Placarding Motor Vehicles [49 CFR § 177.823(a)(2)] shall be obtained from the following: Department of Public Safety, Troop S, Commercial Vehicle Enforcement Division, P. O. Box 11415, Oklahoma City, OK 73136-0415, Phone: (405) 521-6104.

(e) **Motor Carrier Identification Report.**

(1) **Applicability.** All motor carriers conducting operations in intrastate commerce shall file a Motor Carrier Identification Report (Form MCS-150) before commencing operations, or if already operating, as soon as practical.

(2) **Availability.** The Motor Carrier Identification Report with complete instructions, is available from:

(A) Department of Public Safety:

(i) in person: Troop S Headquarters, 220 NE 38th Terrace, Oklahoma City

(ii) by mail: Troop S, 200 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105

(iii) by telephone: (405) 521-6060

(B) Corporation Commission:

(i) in person: 2101 N. Lincoln Blvd., Oklahoma City

(ii) by mail: P.O. Box 52000, Oklahoma City, OK 73152-2000

(iii) by telephone: (405) 521-2251

(C) Oklahoma Division Office of the Federal Motor Carrier Safety Administration:

(i) in person or by mail: 300 N. Meridian, Suite 106 S., Oklahoma City, OK 73107

(ii) by telephone: (800) 823-5660

(iii) from the internet: <http://www.fmcsa.dot.gov/>

(3) **Filing.** The completed Motor Carrier Identification Report shall be filed:

(A) **Intrastate carriers.** For intrastate carriers, the Report must be filed with either:

(i) Department of Public Safety, Commercial Vehicle Enforcement Section, 200 NE 38th Terrace, Oklahoma City, OK 73105, or

(ii) Corporation Commission, 2101 N. Lincoln Blvd., P.O. Box 52000, Oklahoma City, OK 73152-2000.

(B) **Interstate carriers.** For interstate carriers, the Report must be filed at the address as indicated on the Motor Carrier Identification Report.

(4) **Motor carrier name.** Only the legal name or single trade name of the motor carrier may be used on the Motor Carrier Identification Report.

(5) **Penalties.** A motor carrier who fails to file a Motor Carrier Identification Report or who, upon the report, furnishes misleading information or makes false statements is subject to the penalties prescribed in 47 O.S., § 230.9.

(6) **Issuance and display of USDOT number.** Upon receipt and processing of the Motor Carrier Identification Report, an identification number (USDOT number) will be issued to the motor carrier. The motor carrier must display the number on each self-propelled commercial motor vehicle, as defined in 595:35-1-5, along with the additional information required by 49 C.F.R., Part 390.21. Intrastate USDOT numbers shall be displayed as follows:

- (A) the letters "USDOT",
- (B) the identification number itself, and
- (C) the suffix letters "OK".

(f) **Qualification of drivers.** The following addition is made to the federal requirement in Qualifications of Drivers [49 CFR § 391.11(b)(1)] that a driver be twenty-one (21) years of age or older: A driver in solely intrastate commerce must be at least eighteen (18) years old and be at least twenty-one (21) years old for the transportation of hazardous materials which are required to be placarded or marked in accordance with 49 CFR § 177.823 or for transporting more than eight (8) passengers for compensation or more than fifteen (15) passengers not for compensation.

(g) **Relief from regulations.**

(1) Anyone requesting relief from the hours of service regulations must contact the Troop Commander or, if declared to be unavailable by personnel at the Troop headquarters, the duty supervisor at the Troop headquarters for the region in which the emergency exists. This contact must be made and the prior approval obtained before the requesting party may claim relief from the regulations. The requesting party must provide the following information:

- (A) the type of emergency,
- (B) if applicable, the company on whose behalf the requesting party is seeking the exception,
- (C) the region the emergency covers,
- (D) the type of work required to restore services in the area, and
- (E) the approximate time to restore those services.

(2) The decision to declare an emergency and grant relief from the regulations rests in the sound discretion of the Troop Commander or duty supervisor.

(3) Upon completion of the emergency restoration services, any on duty hours accumulated during the emergency will be counted against the driver's allowable on duty hours and the driver may not drive as long as the amount of accumulated on duty hours exceeds those allowed by 49 CFR § 395.3. However, any period of eight (8) consecutive days may end with the beginning of an off-duty period of twenty-four (24) or more successive hours when taken at the end of any emergency restoration service.

(4) Within thirty (30) days after completion of the emergency restoration services, the individual who had been granted relief from the hours of service regulations must submit a report detailing the following:

- (A) Nature and extent of the emergency,
- (B) Type of services restored during the emergency,
- (C) Names and driver license numbers of those drivers for which the exemption was granted, and
- (D) Total hours on duty during the declared emergency for each driver.

(5) Said report must be sent to the following address: Department of Public Safety, Troop S, 200 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105.

### **595:35-1-7. Investigations**

(a) The Commissioner's powers to authorize representatives to make investigations in carrying out the objectives of the Act are listed in 47 O.S. §230.4. In stopping and inspecting a vehicle, as authorized under 47 O.S. §230.4(4)(c), the representative may utilize the standards recommended by the Commercial Vehicle Safety Alliance to make the inspection and may further use the out of service criteria recommended by the Commercial Vehicle Safety Alliance to declare any driver, vehicle or container covered by the Act out of service.

(b) The Act authorizes the entry upon business premises to examine records and properties to the extent that they pertain to enforcement of the Act. Those inspections:

(1) shall be done during the course of a normal business day i.e. Monday-Friday, between 8:00 a.m. and 5:00 p.m., unless the parties agree to another time.

(2) shall be done by a representative of the Commissioner at a time and date set by them. The representative may, but is not required to, provide advance notice to the motor carrier whose files are to be inspected.

(3) will be of documents that pertain to the motor carrier's compliance with this Act and all rules adopted pursuant to the authority granted, and may include an inspection of any vehicles in the motor carrier's possession that are subject to compliance.

(c) Investigations which are initiated pursuant to a complaint alleging an environmental insult will be promptly completed. Initial onsite contact will be made within seventy-two (72) hours. Should initial contact indicate support of the allegations, a thorough investigation will be conducted and completed within thirty (30) days of the initial onsite contact.

### **595:35-1-8. Administrative penalty and notice of claim**

The Commissioner or the Commissioner's representative may assess an administrative penalty against a person or entity that the Commissioner or the representative has determined violated the Act [47 O.S. §§ 230.6 and 230.9].

(1) Where the Commissioner or the representative has determined that a minor violation or violations exist which may be readily corrected by the person involved, the Commissioner or the representative may informally notify such person by mail or telephone of the minor violation within a specified period of time. If the person does not correct the violation within the specified time, the Commissioner or the representative may then assess the administrative penalty with the procedure specified. However, whether the violation is one justifying an administrative penalty or a request for compliance is a decision purely within the discretion of the Commissioner or the representative.

(2) When the Commissioner or the representative has determined that a violation justifying the imposition of an administrative penalty has taken place, the Department shall send a Notice of claim to the respondent at the respondent's last known address. The Notice of claim shall contain:

(A) the amount of the administrative penalty that the Commissioner or the representative has assessed;

(B) a statement of the maximum civil penalty for which the respondent may be liable, and

(C) a description of the manner in which the respondent makes payment of the penalty to the Department,

(3) The administrative penalty shall be due and owing twenty-five (25) days after the date the Notice of claim was sent, unless the concerned party requests a hearing as provided in 595:35-1-9.

## **595:35-1-9. Hearings**

(a) In responding to the Notice of Claim, the respondent may submit to the official who issued the notice written explanations, information, or arguments in response to the allegations or the amount of the assessed penalty set forth in the Notice of Claim. The contents of the informal response will be reviewed by the Commissioner's representative who may choose to amend, dismiss, or let the Notice of Claim remain as issued. If the Commissioner's representative does not dismiss the administrative penalty in whole, the respondent shall be notified as soon as reasonably possible. The respondent shall then be given either the longer of the twenty-five (25) days still outstanding or at least ten (10) days to pay the penalty. Should a proposed settlement be rejected by the respondent, the amount of the assessed penalty set forth in the Notice of Claim shall be reinstated.

(b) Any request for a hearing must be filed by the respondent with the Department of Public Safety, Troop S, 200 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105 within twenty-five (25) days after the Notice of Claim was sent.

(c) The request for a hearing must be in writing and must:

- (1) state the name and address of the respondent and of the person submitting the request if different from the respondent,
- (2) state which allegations of violations, if any, are admitted,
- (3) state generally the issues to be raised by the respondent at the hearing, but issues not raised in the written request are not barred from presentation at the hearing, and
- (4) be addressed to the official who issued the notice.

(d) If the hearing is timely requested, such hearing shall be scheduled either at the Department or by telephone.

(e) The Commissioner shall designate the hearing officer. Each party shall be afforded the opportunity to respond and present evidence and argument on all issues involved. Either party may make application for a continuance of the hearing. The granting or denial of such a continuance is within the reasonable discretion of the hearing officer.

(f) The Commissioner or the hearing officer will determine, at his discretion, whether the hearing will be conducted in person or telephonically. Where a telephonic hearing is designated, the procedure specifically applicable to telephonic hearings will be provided to the respondent and the respondent's attorney, if designated, along with the notice letter confirming that the hearing has been scheduled.

(1) Within ten (10) days after receiving notice that the hearing is being held telephonically, the respondent must provide to the Department:

- (A) the name, mailing address, and phone number of the respondent's attorney, if the respondent is being represented by an attorney,
- (B) the name, mailing address(es), and telephone numbers of any witnesses on the respondent's behalf who the respondent desires to have present, and
- (C) the telephone number at which the respondent will be available.

(2) If the respondent, the investigating officer, or a witness desires to have additional exhibits or documentary evidence included in the hearing, the exhibits or evidence must be delivered to the Department's Legal Division at least ten (10) days prior to the hearing. The hearing officer may consider documentary evidence if it is received in time for the hearing. The materials shall be mailed to: Department of Public Safety, Legal Division MCSAP Hearing Officer, P.O. Box 11415, Oklahoma City, OK 73136-0415.

(3) At or near the time scheduled for the hearing, the hearing officer will call all parties to the hearing at the telephone number(s) provided. If the telephone line for any of the parties is busy, or a party fails to answer, the hearing officer will call again approximately three (3) minutes later.

- (A) All parties will be sworn in prior to testimony.
  - (B) If the rule of sequestration is invoked pursuant to 12 O.S. § 2615, the appropriate witness will be disconnected from the conference call by the hearing officer and reconnected prior to testimony.
- (4) When the respondent or the designated attorney fails to provide a telephone number or to answer the telephone number provided to the Department, or the line is busy after the hearing officer has attempted a second call after the three (3) minutes as provided in (3) of this subsection, the hearing officer will not call again and an order of default will be entered. It is the responsibility of the respondent to keep the line(s) open to receive the call from the hearing officer.
- (5) Should a necessary witness adverse to the licensee, such as an officer, fail to provide a telephone number or to answer or the line is busy, after the procedure provided in (3) of this subsection has been followed, the case will be set aside.
- (g) The hearing officer shall render a decision based upon the law and the evidence presented. Each party shall be promptly notified of the decision either personally or by mail.
- (h) Unless the hearing officer timely receives a written request for a rehearing, reopening, or reconsideration of the decision as provided by the Administrative Procedures Act [75 O.S. § 317], the hearing officer shall, after twenty (20) days from the entry of the decision, enter an appropriate final order. Each party shall be notified of the final order personally or by mail.
- (i) If the respondent fails to appear at the scheduled hearing without good cause, the hearing officer shall record the nonappearance and enter a final order reflecting the effective date of twenty-five (25) days after the date of the Notice of Claim in lieu of the decision and final order as described in (h) of this Section.
- (j) If the representative fails to appear without good cause, the hearing officer shall record the nonappearance and enter a final order dismissing the administrative penalty action, with prejudice. The parties shall be notified that the department action has been dismissed with prejudice. However such a dismissal affects only those violations listed in the Notice of Claim and does not affect the same or other violations occurring at another time.
- (k) A party aggrieved with the hearing officer's decision may file an appeal with the Commissioner requesting reopening or reconsideration of the case [75 O.S. § 317]. Such an appeal must:
- (1) be in writing,
  - (2) be within twenty (20) days of the entry of the decision by the hearing officer, and
  - (3) state the grounds for the appeal and include all arguments and information pertinent to the grounds for appeal.
- (l) Where a timely written request for a rehearing, reopening, or reconsideration of the case is received, the administrative penalty will be suspended until a final order has been entered. Grounds for rehearing are limited to those in the Administrative Procedures Act [75 O.S. § 317].
- (m) The administrative penalty assessed shall be due immediately upon issuance of the final order. If, within twenty-five (25) days after the issuance of a final order, the concerned party does not comply with the terms of the order by paying any administrative penalty assessed or correcting the violation, or both, if required, or by filing an appeal of the final order, the case may be prosecuted by the Commissioner or the representative for enforcement through the Oklahoma County District Court.
- (n) A respondent aggrieved with both the hearing officer's and the Commissioner's decisions may file an appeal with the Oklahoma County District Court.
- (o) At any time prior to the Commissioner or the representative bringing an action in Oklahoma County District Court for enforcement of the final order, either the respondent or the Commissioner's representative, whose names appears on the Notice of Claim, may recommend a compromise of the amount of the penalty by submitting an offer for a specific amount to the other party. An offer of

compromise shall be submitted to the representative who may, after consultation with the Troop S Commander, accept or reject it.

(1) A compromise offer stays the running of any response period then outstanding.

(2) Any compromise agreed to by the parties is also subject to approval by the hearing officer. If a compromise is agreed to by the parties and approved by the hearing officer, the respondent will be notified in writing. Upon receipt of payment by the Department, the respondent will be notified in writing that acceptance of the payment is in full satisfaction of the administrative penalty proposed or assessed, and the Department closes the case with prejudice to the respondent.

(3) If a compromise cannot be agreed to, the respondent will be notified, either personally or by mail, and shall be given ten (10) days or the amount of time remaining in the then outstanding response period, whichever is longer, to respond to whatever action has been taken by Troop S or any other representative authorized to enforce the provisions of the Act.

(p) The administrative penalty is not a substitute for compliance and is not intended to preclude injunctive relief or other non-duplicative remedies, particularly if the Commissioner has determined an order requiring compliance is necessary under the circumstances. Money penalties are not fees allowing the concerned party to continue to operate in violation of the Act or of any rules adopted to carry out the Act. [47 O.S. § 230.9(F)]

#### **595:35-1-10. Administrative penalty assessment guidelines**

(a) **General.** The Act does not recommend or suggest specific penalties for violation of the Act or any rules adopted to carry out the Act. Instead, the Act lists certain elements which the Commissioner or the Commissioner's representative may take into account in assessing penalties and establishes the maximum penalty for categories of violations. These guidelines serve to ensure the public and the respondent that assessment decisions will be made rationally and objectively on the merits of each case. [47 O.S. §§ 230.6 and 230.9]

(1) These guidelines are not meant to be used to determine when enforcement action will be taken, nor are they meant to be a rigid requirement. Instead, they are meant to assist the Commissioner or the representative in assessing each administrative penalty based on the seriousness of the underlying offense. For example, the fine for violations such as stop light violations or horn or other similar equipment failure violations would not exceed that authorized by statute if adjudged in a court of competent jurisdiction. However, repeated violations of this nature would evidence a pattern of safety violations which would fall within one of the categories set forth in (b) of this Section.

(2) If a hearing is necessary, the hearing officer may eventually assess an administrative penalty which is different than the original administrative penalty imposed in the Notice of Claim.

(3) Because of the volume of violations, the examples in this section are not all inclusive; they are only intended to serve as a guide for the types of violation categories. The Code of Federal Regulations incorporated by reference contains the complete listing of all violations covered by this Act.

(b) **Categories of violations.** The Act separates the types of violations into the following four categories:

(1) **Record keeping violations.** [47 O.S. § 230.9(B)(1)] These are violations of the administrative requirements of the Act, including failure to make, require, or keep records, or the falsification of entries in the records required by the Department of Transportation regulations pertaining to motor carrier safety as adopted and contained in Title 49 of the Code of Federal Regulations (CFR).

(A) The Act provides for a penalty not to exceed one hundred dollars (\$100.00) for each record keeping offense.

(B) The Act further provides that each day of a violation shall constitute a separate offense against any respondent, provided that the total penalties for all offenses relating to any single violation shall not exceed five hundred dollars (\$500.00).

(C) Some examples of record keeping violations include:

(i) Failure to properly maintain complete driver qualification files on each driver employed [49 CFR § 391.51].

(ii) Record of duty status violations [49 CFR § 395.8].

(iii) Failure to keep maintenance and inspection records [49 CFR § 396.3].

(iv) Failure to prepare or retain driver's vehicle inspection reports. [49 CFR § 396.11].

(2) **Serious pattern of safety violations.** [47 O.S. § 230.9(B)(2)] The Act provides for a fine of Two Hundred Dollars (\$200.00) for each offense not to exceed One Thousand Dollars (\$1,000.00) for each serious pattern of safety violation. The Commissioner or the representative may find a serious pattern of safety violations exists if the respondent has repeatedly violated equipment and operational requirements of the Act, and such violations are of a nature which indicates they are not the result of isolated human error but are of a tolerated pattern which the respondent could have detected and corrected if he or she wanted to meet his or her full safety responsibility to the public. Although any single violation may not by itself have a high probability of causing an accident, the violations taken as a whole may collectively demonstrate the respondent's unwillingness to exercise proper safety supervision or control which will eventually lead to accidents. Examples of some violations which may be included in a serious pattern of safety violations are:

(A) Scheduling a run which would necessitate the vehicle being operated at speeds in excess of those prescribed [49 CFR § 392.6].

(B) Light violations [49 CFR § 393.11].

(C) Failure to cover a battery [49 CFR § 393.30].

(D) Failure to protect or support electrical wiring [49 CFR § 393.28].

(E) Making detachable wiring connections by twisting together wires [49 CFR § 393.32].

(F) Failure to maintain a motor vehicle windshield free of prohibited damage, or using prohibited vision reducing matter upon windshield or windows [49 CFR § 393.60].

(G) Failure to mark push out or escape windows [49 CFR § 393.63].

(H) Sleeper berth violations [49 CFR § 393.76].

(I) Heater violations [49 CFR § 393.77].

(J) Failure to maintain a motor vehicle with:

(i) a defroster [49 CFR § 393.79],

(ii) two rear vision mirrors [49 CFR § 393.80].

(iii) an operative horn [49 CFR § 393.81], or

(iv) an operable speedometer [49 CFR § 393.82].

(K) Failure to mark bus emergency exits [49 CFR § 393.92].

(L) Violations of the driver's requirements including:

(i) hours of service violations [49 CFR § 395.3], or

(ii) failure to maintain a log book [49 CFR § 395.8].

(M) Inspection violations as per 49 CFR 396.3(A)(2), § 396.98.

(3) **Substantial health or safety violations.** [47 O.S. § 230.9(B)(3)] The Act provides for a penalty not to exceed One Thousand Dollars (\$1,000.00) per violation. This category includes

any violation which, if allowed to continue, would result in accidents, deaths, injuries, and public property damage. Acts which are substantial health or safety violations are of a nature so blatant that no carriers or drivers could have operated vehicles on the public highway without knowing the defects existed, and therefore chose to disregard public safety. Substantial health or safety violations are listed in the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria and include but are not limited to the following:

- (A) Using a driver lacking training or experience to determine if the cargo or baggage has been properly located or secured [49 CFR § 391.11(b)(4) or (5)], or a physically unqualified or disqualified driver [49 CFR § 391.11(b)(6) and (9)].
- (B) Brake violations:
  - (i) failure to maintain motor vehicle with adequate parking brake [49 CFR § 393.41],
  - (ii) brake hose or tubing violation [49 CFR § 393.45; § 393.46],
  - (iii) failure to maintain motor vehicle with operative brakes [49 CFR § 393.48],
  - (iv) failure to maintain motor vehicle with adequate brake linings [49 CFR § 393.47], or
  - (v) failure to securely attach air or vacuum reservoir to motor vehicle [49 CFR § 393.50].
- (C) Fuel tank violations: Failure to securely attach fuel tank to motor vehicle [49 CFR § 393.65].
- (D) Violations and defects of lower and upper fifth wheels and certain safety devices [49 CFR § 393.70].
- (E) Violations of coupling devices and tow away methods [49 CFR § 393.71].
- (F) Tire violations [49 CFR § 393.75].
- (G) Exhaust system violations [49 CFR § 393.83].
- (H) Failure to load or equip vehicle so as to prevent shifting or falling of cargo [49 CFR § 393.100].
- (I) Failure to maintain vehicle with a header board or similar structure to prevent load shifting [49 CFR § 393.106].
- (J) Failure to obey any hazardous material regulation [49 CFR § 397.2].
- (K) Violations which would normally fall within the "serious pattern" category but which may be of such a severe nature that they constitute a substantial health or safety violation.

(4) **Gross negligence or reckless disregard.** [47 O.S. § 230.9(D)] The Act provides that, except for record keeping violations, an employee shall not be liable for a violation of the Act unless the Commissioner determines that such actions of the employee constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00). Gross negligence exists where the employee acts in such a way which indicates complete disregard or indifference to the safety of other people's property or welfare.

(5) Certain misuses of vehicles or containers. [47 O.S. § 230.6] The Act provides for a civil penalty assessed to an employee of not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00). The Act also provides for a civil penalty assessed to an employer of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars (\$10,000.00). Some examples of certain misuses of vehicles or containers are:

(A) Operating, or requiring or permitting the operation of, a motor vehicle or container declared out of service before all required corrections are made [49 CFR § 396.9 (c)(2)].

(B) For a driver who is declared out of service, operating, or requiring or permitting the driver to operate, a motor vehicle before prescribed off duty or sleeper berth time has been accumulated [49 CFR § 395.13(c)].

(c) **Factors.** The Act requires that the Commissioner or the representative take into account the following factors [47 O.S. § 230.9(E)]:

(1) Nature of the violation. A consideration of the appropriate category of the violation.

(2) Circumstances of the violation. A broad consideration which includes both aggravating as well as mitigating factors known to the Commissioner or the representative at the time of the assessment.

(3) Extent of the violation. Requires the Commissioner or the representative to consider the magnitude, scope, frequency, and range of a violation. This is a major factor where there are numerous violations involving a large number of vehicles or employees of the respondent. It indicates that the respondent has a greater magnitude, frequency, and range of violations.

(4) Gravity of the violation. An evaluation of the seriousness of the violation. The seriousness is to be measured by the likelihood of the occurrence of the event, and the severity of the event if it occurred or were to occur. The gravity is not to be measured abstractly, but on a case-by-case basis taking into account all relevant factors.

(5) Culpability. The quality of the respondent's awareness of his or her actions, and the degree to which he or she was responsible for averting such violations. In determining the culpability of a respondent, ignorance is no excuse. Instead, culpability will be determined on the basis of whether the respondent knew or should have known of the violation, and to what extent the respondent had control of the violation.

(6) History of prior offenses. The Commissioner or representative will consider the respondent's performance record in terms of prior Notices of Claim, prior warnings, citations, and prior compliance efforts of the respondent. Both similar violations and different types of violations in the past should be taken into account, but the similar past violations should be given more weight.

(7) Ability to pay and ability to do business. The Commissioner or the representative may consider the respondent's inability to pay or whether the payment of such a penalty would affect the respondent's ability to do business.

(8) Such other matters as justice and public safety may require. These are other matters, not specifically covered by one of the other factors, which can be either aggravating or mitigating factors and should be taken into account by the Commissioner or the representative in setting the penalty if, in the interests of justice and public safety, a reduction or an increase in the amount of the assessment is required in order to achieve the purposes of the Act. Other matters might be either positive or negative, such as: cooperation or lack of cooperation; general attitude towards compliance; equities; institution or revision of a safety director or safety consultant; comprehensiveness of corrective action, such as whether the action is focused narrowly to the specific violation or broadly to the general area of concern; compliance or noncompliance by the date set in the notice of claim; speed of compliance; and other matters. These matters, both negative and positive, are to be considered together, and they may cancel out one another.

## **595:35-1-11. Intrastate compliance reviews**

### **(a) Intrastate safety rating system.**

(1) The department may issue a safety rating to a motor carrier subject to the provisions of this administrative regulation if all of the commercial motor vehicles operated by the motor carrier are operated exclusively in Oklahoma.

(2) The department shall use the safety standards and rating criteria in 49 C.F.R. 385 in issuing a safety rating.

(3) A motor carrier may request the department to conduct an administrative review if it believes the department has committed an error in assigning its proposed or final safety rating. The request and administrative review shall comply with the procedures in 49 C.F.R. 385.15 except that the request shall be submitted to: OHP Troop S, Compliance Review, 200 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105

(4) A motor carrier that has taken action to correct deficiencies may request the department to change its proposed or final safety rating at any time. The request and determination shall comply with the procedures in 49 C.F.R. 385.17 except that the request shall be submitted to: OHP Troop S, Compliance Review, 200 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105

(5) Safety fitness information.

(A) Final ratings shall be made available to other state and federal agencies in writing, telephonically, or by remote computer access.

(B) The final safety rating assigned to a motor carrier shall be made available to the public pursuant to the Oklahoma Open Records Act [Title 51 O.S. Section 24A.1 et. al.] Any person requesting the rating shall provide the department with the motor carrier's name, principal office address, and if known, the Oklahoma DOT number.

(C) Requests shall be addressed to: OHP Troop S, Compliance Review, 200 NE 38<sup>th</sup> Terrace, Oklahoma City, OK 73105

### **(b) Penalties.**

(1) For violations by motor carriers in intrastate commerce resulting from an investigation, the department shall apply the system of administrative penalties and procedures in 49 U.S.C.521(b) and the U.S. Department of Transportation Uniform Fine Assessment program, subject to the provisions of this administrative regulation.

(2) A respondent shall be liable to the department for any civil penalty assessed. The administrative penalty shall be due and owing twenty-five (25) days after the date the Notice of Claim was sent, unless the concerned party requests a hearing as provided in 595:35-1-9.

(3) A respondent who does not pay the penalty or fails to arrange and abide by an acceptable payment plan for the penalty shall not operate in intrastate commerce beginning on the 91st day after the specified payment date.

(c) **Appeals process.** A respondent may ask for review of the assessed penalty by the Department. The request shall be made in accordance with OAC 595:35-1-9.