



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

Refer to: MC-MMI
Control No. 2009-0617

Mr. Paul D. Cullen, Jr.
The Cullen Law Firm, PLLC
1101 30th Street, NW, Suite 300
Washington, DC 20007

AUG 20 2009

Dear Mr. Cullen, Jr.:

This is in response to your email dated May 19, 2009, requesting any documentation relating to the State of Minnesota's (Minnesota) participation in the Federal Motor Carrier Safety Administration (FMCSA) Motor Carrier Safety Assistance Program (MCSAP) between fiscal years 2005 and 2009, including any review of MCSAP qualification standards by FMCSA. In addition, you request any review of Minnesota's enforcement of motor carrier safety laws and regulations conducted by FMCSA under 49 U.S.C. § 31141, and any communications between FMCSA and Minnesota on Minnesota's enforcement of motor carrier safety laws and regulations.

It is my understanding that in a conversation with Mr. Paul Saenz, of our office, on July 7, 2009, you narrowed your request to only include *any review of Minnesota's enforcement of motor carrier safety laws and regulations conducted by FMCSA under 49 U.S.C. § 31141.*

To process your request, we searched for responsive records in the State Programs Division of the Associate Administrator for Enforcement & Program Delivery at FMCSA headquarters and at the FMCSA Minnesota Division. These were the most likely locations for responsive records. We have contacted these offices and have determined that the FMCSA responsive records is its 2008 Minnesota State MCSAP Review, dated April 2008.

In accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, we are enclosing a copy, in its entirety, of said Minnesota MCSAP Review conducted in April of 2008.

Sincerely yours,

Tiffanie C. Coleman
FOIA Officer

Enclosure

2008 Minnesota State MCSAP Review

Summary Findings, Recommendations, and Noteworthy Practices

April 2008

1. Introduction

The Minnesota Summary Findings, Recommendation, and Noteworthy Practices Report presents the summary findings, recommendations, and noteworthy practices for the Motor Carrier Safety Assistance Program (MCSAP) Review for the State of Minnesota. The review was conducted between April 8-9, 2008, in St. Paul, Minnesota, by Federal Motor Carrier Safety Administration (FMCSA) officials and contractors in meetings with officials from the Minnesota State Patrol (MSP) and the Minnesota Department of Transportation (MnDOT). The report consists of the following sections:

- **Section 1: Introduction** – This section provides the date the MCSAP Review was performed and identifies the remaining content in this document.
- **Section 2: Findings** – This section lists current standards (statutes, regulations, and interpretations supporting existing program activities) identified as **MN/FI**.
- **Section 3: Recommendations** – This section lists program improvements (policies, practices, programmatic activities that affect internal operations, the national program, or both), identified as **MN/REC**.
- **Section 4: Noteworthy Practices** – This section lists the State practices (policies, practices, programmatic activities that affect internal operations, the national program, or both) that are unique and beneficial to the national MCSAP, identified as **MN/NP**.
- **Section 5: Minnesota State MCSAP Review Attendees List** – This section identifies the FMCSA, State of Minnesota, and contractor personnel who participated in the review.
- **Section 6: Glossary of Terms and Acronyms** – This section contains definitions and acronyms associated with the **Minnesota State MCSAP Review Report**.

2. Findings

MN/FI-1. 49 CFR 350.201(a) – Compatible Adoption and Enforcement – The State does not appropriately adopt and enforce State safety laws and regulations that are compatible with the Federal Motor Carrier Safety Regulations (FMCSRs) and Hazardous Materials Regulations (HMRs) as specified below:

- a. **Interstate Motor Carriers, CMVs, and Drivers** – Minnesota has not adopted or incorporated by reference any of the FMCSRs applicable to interstate transportation in either State statutes or State regulations.

Regarding interstate Commercial Motor Vehicles (CMVs) and motor carriers, the State has no regulations and no inherent State laws, which contain text of the safety requirements, except in the context of more general traffic laws (Minnesota Statutes [Minn. Stat.] Chapter 169). In Minn. Stat. 221.605, subdivision (subd.) 1 – Federal regulations and State rules, the law mandates that

- (i) Interstate carriers and private carriers engaged in interstate commerce shall comply with the Federal motor carrier regulations in Code of Federal Regulations, title 49, parts 40, 382, 383, 387, and 390 through 398 and with the rules of the commissioner concerning inspections, vehicle and driver out-of-service restrictions and requirements, and vehicle, driver, and equipment checklists.

Nothing in the language of Minn. Stat. 221.605 indicates any intention to incorporate the text of those parts of the Code of Federal Regulations (CFRs) into the State's laws or regulations, where they could be enforced as State provisions, which it clearly did in Minn. Stat. 221.0314 for intrastate commerce. The language of Minn. Stat. 221.605, however, uses no language indicating intention to adopt or incorporate; there are no conforming amendments indicating ownership or any administrative involvement by Minnesota; and there is no mention of the disposition of amendments to the Federal rules. Although Minnesota's Administrative Procedures Act (APA), Minn. Stat. Chap. 14, §§ 14.001 to 14.69, is the only statutory prescription for incorporation by reference, those provisions pertain only to regulatory actions by an executive branch agency, after delegation of authority from the legislature. The purported adoption or incorporation in Minn. Stat. 221.605 was taken by the legislature, for which no specific rules apply.

In effect, regarding operations in interstate commerce, Minnesota is enforcing Federal regulations as Federal regulations. Absent specific delegation from the Federal agency responsible for enforcement of Federal laws or regulations, State and local agencies lack authority to enforce those laws and regulations. The United States Department of Transportation (USDOT) has never delegated to States its authority to enforce Federal motor carrier safety laws or regulations. Therefore, State and local enforcement officers may enforce only State and local laws. Moreover, the MCSAP condition expressed in 49 CFR 350.201(a) is that

recipients of MCSAP funding must take responsibility for “adopting and enforcing State safety laws and regulations that are compatible with the FMCSRs (49 CFR parts 390-397) and the HMRs (49 CFR parts 107 [subparts F and G only], 171-173, 177, 178, and 180).” (*Per Regulatory Review*)

Action Plan:

Estimated Completion Date:

Date Completed:

- b. **Hazardous Materials Regulations** – The State’s “adoption” of the HMRs, applicable to interstate operations is deficient. In the language of Minn. Stat. 221.033 Regulation of Hazardous Materials, which is the operative section, there is no indication that the legislature’s intent was to take ownership of the HMRs in State law or regulations. The opening paragraph of Minn. Stat. 221.033 provides:

Except as provided in subdivisions 2 to 3 (there is no subdivision 3), no person may transport or offer or accept for transportation within the State of Minnesota a hazardous material, hazardous substance, or hazardous waste except in compliance with United States Code, title 49, sections 5101 to 5126 and the provisions of Code of Federal Regulations, title 49, parts 171 to 199. Those provisions apply to transportation in intrastate commerce to the same extent they apply to transportation in interstate commerce.

The statutory provision uses no language indicating adoption or incorporation; there are no conforming amendments indicating ownership by Minnesota; and there is no mention of future amendments to the Federal rules regarding transportation of hazardous materials (HM) by highway. The effect is that, with respect to interstate transportation, MnDOT is enforcing Federal rules without any authority from the Federal agency responsible for enforcement. The last sentence in the quoted provision and the remainder of Minn. Stat. 221.033 can be construed as an adoption for intrastate commerce as the remainder of the section, i.e., subds. 2, 2a, 2b, 2c, and 2d, provide specific exceptions, which are applicable only to intrastate operations, to the cited Federal law and rules. Although it is not as clear an adoption as provided in Minn. Stat. 221.0314 regarding the applicability of the FMCSRs to intrastate commerce, where the actual language “incorporated by reference” is used, it does indicate an intent to exercise some State involvement in the administration of the referenced HMRs for intrastate purposes. (*Per Regulatory Review*)

Action Plan:

Estimated Completion Date:

Date Completed:

- c. **49 CFR Part 390 – FMCSRs – General** – The State, with the exception of 49 CFR §390.15 (Assistance in investigation and special studies) and the definitions in 49 CFR §390.5 of “accident,” “disabling damage,” and “fatality,” has not adopted or incorporated by reference 49 CFR Part 390 for intrastate requirements. *(Per Regulatory Review)*

Action Plan:

Estimated Completion Date:

Date Completed:

- d. **49 CFR 390.21(b) – Marking of CMVs** – The requirements in Minn. Stat. 221.031, subd. 6(a)(2) are incompatible with 49 CFR 390.21(b) regarding the marking of CMVs.

The provision in Minn. Stat. 221.031, subd.6(a)(2) requires interstate private carriers operating vehicles with a gross vehicle weight (GVW) of more than 10,000 pounds to display the carrier’s address on the power unit of each vehicle, which is not required by the applicable Federal rule at 49 CFR §390.21. The State’s statute is incompatible because it places a burden on interstate private carriers when operating in Minnesota, which is not required of these carriers when operating under the FMCSRs in any other State.

The State identified this inconsistency in its July 9, 2007 Regulatory Compatibility Review, and reported that it had unsuccessfully sought legislation to eliminate the incompatible requirement. The State reported that it would seek reintroduction of its proposal in the next legislative session. *(Per Regulatory Review)*

Action Plan:

Estimated Completion Date:

Date Completed:

- e. **49 CFR 393.43(d) – Breakaway braking requirements for trailers** – State statute Minn. Stat. 169.67, subd. 3(b) is incompatible with 49 CFR 393.43(d) regarding breakaway braking requirements for trailers.

The requirements in Minn. Stat. 169.67, subd. 3(b) increase the allowable gross weight of a trailer that can be operated without automatic and immediate breakaway braking capacity from the maximum of 3,000 pounds in 49 CFR 393.43(d) to 6,000 pounds. Therefore, §169.67, subd. 3(b) is incompatible with Part 393.43(d) because it allows for a significant increase in the risk from trailers that break away from the towing vehicle on the highway. *(Per Regulatory Review)*

Action Plan:

Estimated Completion Date:**Date Completed:**

- f. **49 CFR 171.8 – Definitions** – The State’s definitions of “explosive” and “flammable liquid” in Minn. Stat. 169.01 (19) and (20) are inconsistent with the definitions of those terms in the HMRs. (See 49 CFR 171.8, referring to §§173.50 and 173.52 for the definition of “explosive”, and to §173.120 for the definition of “flammable liquid.”)

For example, the State definitions in Minn. Stat. 169.01 are relatively simple and do not correspond to other transportation requirements in the HMRs. The HMR definitions in 49 CFR §§ 173.50 and 173.52 (Explosives) and 173.120 (Flammable Liquids) contain classifications which determine the marking, labeling and packaging requirements in 49 CFR Part 172.

Because the State definitions of these terms are so vastly different from those in the HMRs, the Minn. Stat. 169.01 definitions are incompatible. Minnesota has adopted by reference the HMRs for transportation in intrastate commerce, but has not repealed the inconsistent definitions in Minn. Stat. 169.01. The existence of inconsistent definitions creates confusion for both compliance and enforcement.

The State identified these inconsistencies in its July 9, 2007 Regulatory Compatibility Review, and reported that it had unsuccessfully sought legislation to eliminate the incompatible definitions. The State reported that it would seek reintroduction of its proposal in the next legislative session. (*Per Regulatory Review*)

Action Plan:**Estimated Completion Date:****Date Completed:**

- g. **49 CFR 177.834(i) – General Requirements – Attendance** – State Rule 8850.8050 is more stringent than 49 CFR 177.834(i) regarding attendance while unloading cargo, and is, therefore, incompatible.

Minnesota Rule 8850.8050 is consistent with 49 CFR 177.834(i) regarding required attendance of a qualified individual during the unloading of cargo tanks transporting hazardous material. The State’s rule, however, requires a fire extinguisher in operating condition to be present within 15 feet of the cargo tank vehicle, whereas 49 CFR 177.834(i) contains no requirement for a fire extinguisher.

When applied to interstate carriers, this State regulation is incompatible because the requirement is more stringent than the Federal regulation, and hence, creates a burden on interstate commerce. (*Per Regulatory Review*)

Action Plan:**Estimated Completion Date:****Date Completed:**

- MN/FI-2. 49 CFR 350.301 – MOE Requirements** – The State did not submit an accurate Maintenance of Effort (MOE) calculation in the 2007 and 2008 Commercial Vehicle Safety Plans (CVSPs).

The State did prepare an MOE Calculation Template as a part of the 2007 and 2008 CVSPs; however, the Review Team found an issue in these templates as follows:

- a. The 2007 and 2008 MOE Calculation Template did not follow the prescribed format nor did the amounts include all MCSAP-eligible costs (indirect costs applied to non-salaries/wages were excluded) for all the Federal Fiscal Years (FFY), i.e., 2002, 2003, and 2004, and 2003, 2004, and 2005, respectively.

The State must revise the FFY 2008 MOE Calculation Template to assure that “all” MCSAP-eligible costs incurred for 2003, 2004, and 2005 are identified on the template; the 2003, 2004, and 2005 eligible cost details must be revised; and a recalculation of the 2008 MOE must be made. *(Per Financial Review)*

Action Plan:**Estimated Completion Date:****Date Completed:**

- MN/FI-3. 49 CFR 350.213(j) – CVSP Budget Expenditures** – The State did not include a budget in the 2008 CVSP that includes all eligible costs consistent with 49 CFR 350.309 and 350.311.

The State must include a budget describing the expenditures for allocable costs such as personnel and related costs, equipment purchases, printing, information systems costs, and other eligible costs consistent with 350.309 and 350.311 with its CVSP submission.

The Review Team found several issues in the 2008 CVSP budget, which are itemized as follows:

- a. The detailed line item portion of the budget includes only the 80 percent Federal share of the proposed MCSAP 2008 Basic Grant. The entire amount of estimated eligible costs must be included in the detailed budget, i.e., the 20 percent match and the MOE portions of the budget must also be included in the detailed line items of expense.
- b. The detailed amounts of the budget total \$3,786,340; the total Federal contribution amount listed in the summary equals \$3,707,898; and the total

Federal share in the planning memorandum for 2008 equals \$3,716,714. The total Federal share included in the MnDOT FFY 2008 CVSP budget must be adjusted to equal the \$3,716,714 included in the planning memorandum.

- c. The MOE Calculation Template computes the MOE for 2008 to be \$1,663,593, whereas the MOE amount shown in the 2008 CVSP budget equals \$1,577,672.
- d. The 2008 budget totals \$6,212,545. After deducting the planned Federal MCSAP Grant amount of \$3,716,714 and the required 20 percent State match of \$929,178 from the budgeted total, the remaining amount of \$1,566,653 would constitute the State's budgeted MOE. The amount of the 2008 MOE calculation equals \$1,663,593, which is \$96,940 more than the amount budgeted. The State must revise its FFY 2008 budget to include indirect costs and to budget additional MCSAP-eligible funds to satisfy the 2008 MOE requirements.
- e. The FFY 2008 budget includes only indirect costs associated with the salaries/wages. The indirect cost rate must be applied to total eligible MCSAP costs budgeted and the amount of the budget must be revised.
- f. The 2008 CVSP budget must be updated to reflect the actual amount of the 2008 Grant and the revised MOE amount, which the Review Team understands was just recently recomputed. *(Per Financial Review)*

Action Plan:

Estimated Completion Date:

Date Completed:

- MN/FI-4. 49 CFR 18.40 – Monitoring and Reporting Program Performance** – The MCSAP lead agency, the MSP, is not adequately reviewing invoices submitted by subgrantees to ensure that funds are being expended appropriately and that program activities are being properly administered.

The MCSAP lead State agency is responsible to ensure that all subgrantees follow all Federal regulations applicable to the MCSAP Grant. The MSP does not review MnDOT's invoices prior to MnDOT submitting them to FMCSA for payment nor does the MSP ensure that equipment purchased by the MnDOT is utilized solely for MCSAP purposes. The MSP must ensure that the invoices submitted for reimbursement under the MCSAP Grant are reviewed for eligible costs, equipment purchased from MCSAP funds are being used appropriately, and that all commercial vehicle program responsibilities are being properly administered. *(Per Financial Review)*

Action Plan:

Estimated Completion Date:

Date Completed:

MN/FI-5. 49 CFR 350.201(b). The State has not fully implemented a performance-based program as specified in 49 CFR 350.213 as outlined below:

- a. **49 CFR 350.213(a)(2) – Program Effectiveness Summary** – The State has not prepared a program effectiveness summary as part of the CVSP that meets the requirements of 49 CFR 350.213(a)(2).

The 2008 CVSP contains a discussion of the previous year's activities but does not include an assessment or evaluation of the activities' effectiveness in achieving CVSP goals and objectives. (*Per Safety and Program Performance Review*)

Action Plan:

Estimated Completion Date:

Date Completed:

MN/FI-6. 49 CFR 350.201(h) – Quarterly Report Submission – The State does not submit quarterly reports within the time period specified by the MCSAP Grant Agreement.

The State is not submitting quarterly reports in a timely manner. The State must begin to submit quarterly reports to FMCSA within 30 days after the end of each quarter, which includes monitoring, analysis, and reporting against the quantifiable performance measures in the CVSP. The State is not meeting this timeline. (*Per Safety and Program Performance Review*)

Action Plan:

Estimated Completion Date:

Date Completed:

MN/FI-7. 49 CFR 350.201(o) – Information Exchange – NGA Data Elements – The Minnesota Traffic Crash Report does not contain all of the National Governors Association (NGA)/SAFETYNET-required data elements. As discussed with the MSP during the MCSAP Review Site Visit, missing data elements include:

- a. A box to record gross vehicle weight.
- b. A box for designation of interstate versus intrastate motor carriers.
- c. A box to check if a citation was issued and for what purpose the citation was issued.
- d. Space to record what type of HM are being transported. HM information is very important in calculating risk assessment, determining response methods, and developing regulations. It is important that all the HM class numbers, four-digit

numbers, and the names of the material be collected on the crash report. (*Per Safety and Program Performance Review*)

Action Plan:

Estimated Completion Date:

Date Completed:

3. Recommendations

- MN/REC-1. Adoption of Regulations** – The Review Team recommends that the State review its authority to adopt Federal regulations and take the steps necessary to incorporate by reference into the State’s body of law and regulations the FMCSRs and HMRs. The Review Team also recommends that Minnesota ensure timely adoption of amendments to those regulations and conforming amendments indicating involvement of State officials, which will assure that the State’s authorized enforcement personnel are enforcing State laws and regulations. *(Per Regulatory Review)*
- MN/REC-2.** Both the MSP and MnDOT have computed separate indirect cost rates, according to the FFY 2008 CVSP budget. These rates are 9.28 percent and 18.05 percent, respectively. The Review Team recommends that both the MSP and MnDOT provide the FMCSA Administrator with the details of the indirect cost rates. The State directly charges supplies and other items to the Grant that could be construed as indirect costs. The detail of how the indirect cost rate is computed would alleviate any concerns that some of these items are not being billed twice, i.e., directly and as a part of the indirect cost rate. *(Per Financial Review)*
- MN/REC-3.** Currently, the State has \$316,164.85 unexpended against its 2007 Basic Grant. During the on-site review, the State reported it intended to close this 2007 Basic Grant with the current amount being unbilled. According to 49 CFR 350.307, all MCSAP-eligible costs incurred during the Grant period should be charged against the 2007 Basic Grant until that Grant is fully expended prior to incurring any costs against the 2008 Basic Grant. The State should ensure that all eligible and billable costs be billed against the 2007 Basic Grant instead of closing out the Grant with outstanding balances. The State should make appropriate accounting and billing adjustments to rectify this situation, i.e., appropriate costs should be moved from the State’s MOE to the 2007 Basic Grant, thereby closing out the 2007 Grant.
- MN/REC-4.** If this accounting adjustment causes the State’s MOE costs to dip below the required level, the State (MSP and/or MnDOT) could apply the indirect cost rates to the non-salary/wages MCSAP-eligible costs to make up the difference. *(Per Financial Review)*
- MN/REC-5.** The State, in some instances, utilizes two entirely different MCSAP budget documents, i.e., the budget accompanying the CVSP and another internal State budget document with different amounts than those shown in the CVSP budget. To facilitate conversations between the State and Federal MCSAP personnel, the Review Team recommends that only one common MCSAP budget be utilized throughout the year to ensure mutual understanding of detailed MCSAP-budgeted amounts when, and if, the occasion to discuss these items arises. *(Per Financial Review)*
- MN/REC-6.** The MSP and MnDOT financial personnel had little knowledge of the CVSP process, or the budgets and MOE Calculation Templates accompanying the CVSP. The Review Team recommends that the MSP and MnDOT enhance their

communications regarding the CVSP process, and that the actual CVSP and financial documents accompanying the CVSP be shared and discussed with financial personnel from both the MSP and MnDOT. *(Per Financial Review)*

- MN/REC-7.** The Review Team observed that the MSP's CVSP budget for both 2007 and 2008 each included 24 new vehicles, 27 new notebook computers, and 40 new cameras. The Review Team also observed that the MSP has a total of 105 employees who charge a portion of their work hours to the MCSAP Grant totaling approximately 40 work years. Given that, collectively, only 40 percent of 105 employees' time is attributable to the MCSAP, the Review Team recommends that the MSP consider prorating some of the equipment costs currently being charged 100 percent to the MCSAP. *(Per Financial Review)*
- MN/REC-8.** To facilitate a better understanding of current and future expenditure of MCSAP funds on vehicles and equipment, the Review Team recommends that both the MSP and MnDOT furnish a listing of current inventoried equipment and vehicles and the employees to whom the equipment has been assigned to the FMCSA Division Office (DO). *(Per Financial Review)*
- MN/REC-9.** The State has established a routine billing process against all MCSAP Grants. The Review Team urges the State to maintain a routine billing process, preferably not less than monthly, in 2008 and future years when the State will be paid electronically from the USDOT DELPHI accounting system. *(Per Financial Review)*
- MN/REC-10.** The performance measures included in the 2008 CVSP do not include dates indicating the time period when the data needed to measure performance will be collected. The CVSP indirectly implies that the performance measures apply to the current CVSP period, but the Review Team recommends that each performance measure include dates indicating the time period for which data will be collected. *(Per Safety and Program Performance Review)*

4. Noteworthy Practices

- MN/NP-1.** The MSP and MnDOT have established a series of MCSAP codes that are used when incurring costs against each of the various MCSAP Grant Agreements. These codes identify each MCSAP-eligible cost item that is entered into the respective accounting systems against a specific MCSAP Grant. These systems also identify costs associated with the State's MOE requirements. *(Per Financial Review)*
- MN/NP-2.** Both the MSP and MnDOT have established an indirect cost rate that can be utilized when determining total MCSAP-eligible costs, thereby facilitating an accurate MOE computation. *(Per Financial Review)*
- MN/NP-3.** As noted, Minnesota uses crash data to identify not only high-crash corridors, but also uses crash data to conduct an extensive analysis of crash causes. This data has been used to develop a State-specific objective to improve CMV safety. In particular, Minnesota is focusing its CMV enforcement inspection and review programs on driver behavior. Commercial Vehicle Inspectors (CVIs) are giving special attention to driver fatigue, violations of hours of service (HOS) requirements, and driver qualification issues. The State focuses review activity on carriers with driver related safety problems. This is a good example of how a State can use crash data analysis to target enforcement actions. *(Per Safety and Program Performance Review)*
- MN/NP-4.** MSP has implemented a process whereby any peace officer affiliated with a local or municipal government has to sign an agreement that states all requirements that must be met in order to be certified, and in turn, maintain certification. The agreement specifies what training is required, how certification will be maintained, what equipment will be provided, and how inspection data should be uploaded. The officer, the officer's supervisor, and the Commander of the MSP Commercial Vehicle Section sign the agreement. This process significantly enhances quality control, as all requirements are clearly defined and the level of commitment needed to maintain certification is clearly defined. *(Per Safety and Program Performance Review)*
- MN/NP-5.** Minnesota sends enforcement actions for Federal violations through FMCSA's civil procedure system. The SafeStat algorithm utilizes enforcement case data as an additional element to compare safety performance against other motor carriers. In 2007, 23 percent of Minnesota's MCSAP-eligible reviews resulted in an enforcement case being sent through the FMCSA civil procedure system. Since many States only issue a local enforcement case, Minnesota's submission of enforcement cases through FMCSA exceeds the national average of 10 percent.

5. Minnesota State MCSAP Review Attendees List

Minnesota State MCSAP Review Attendees by Organization

Attendees	Organization	E-Mail Address
Ken Urquhart	MSP	Ken.Urquhart@state.mn.us
Steve Lubbert	MSP	Steve.Lubbert@staet.mn.us
Dianne Reuter	MSP	Diane.Reuter@state.mn.us
Andrea Kampa	MnDOT	Andrea.Kampa@dot.state.mn.us
Mike McKay	MnDOT	Mike.McKay@dot.state.mn.us
Mary Swanson	MnDOT	Mary.Swanson@dot.state.mn.us
Michael Ritchie	MnDOT	Michael.Ritchie@dot.state.mn.us
Art Williams	FMCSA	Art.Williams@dot.gov
Garth Lantz	FMCSA	Garth.Lantz@dot.gov
Dan Drexler	FMCSA	Daniel.Drexler@dot.gov
Jeff James	FMCSA	Jeffrey.James@dot.gov
Nick Owens	SAIC	Nicholas.D.Owens@saic.com
Rich Meehleib	NADSF	WhiteyMetheny@nadsf.org
Whitey Metheny	NADSF	RichMeehleib@frontiernet.net

6. Glossary of Terms and Acronyms

The following terms and acronyms were used during the Minnesota MCSAP Review.

Terms and Acronym	Definition
APA	Administrative Procedures Act
ASPEN	Used as a field system, ASPEN is an FMCSA application that collects commercial driver/vehicle roadside inspection details. ASPEN utilizes several other applications that pull data from remote sources: Inspection Selection System (ISS), Past Inspection Query (PIQ), Commercial Driver License Information System (CDLIS) Access, and QC (Query Central). ASPEN also includes communication features to electronically transfer inspection details to SAFER and/or SAFETYNET.
CAPRI	Used as a field system, the Compliance Analysis and Performance Review Information system is used to prepare Compliance Reviews and Safety Audits, as well as specialized cargo tank facility reviews, and HM shipper reviews. CAPRI includes worksheets for collecting (1) hours of service data, (2) driver qualification data, and (3) drug and alcohol compliance data. CAPRI also creates the preliminary carrier safety fitness rating and various reports for motor carriers and electronically transfers data to SAFETYNET and/or MCMIS.
CDLIS	Used as a field system, the Commercial Driver's License Information System is access software used to retrieve driver status and conviction history reports via a remote access server (RAS) connection to CDLIS. CDLIS accepts driver query data from ASPEN or CAPRI.
CFR	Code of Federal Regulations
CMV	Commercial Motor Vehicle
CVIs	Commercial Vehicle Inspectors
CVSP	Commercial Vehicle Safety Plan – The document outlining the State's CMV safety plan objectives, strategies, activities, and performance measures to be performed under the MCSAP Grant.
DELPHI	U.S. Department of Transportation's (USDOT's) Departmental Accounting System. DELPHI is also the Federal Aviation Administration's financial accounting system, used by FMCSA.
DO	Division Office
DOT	Department of Transportation
FFY	Federal Fiscal Year
FMCSA	Federal Motor Carrier Safety Administration
FMCSRs	Federal Motor Carrier Safety Regulations
GVW	Gross Vehicle Weight
HM	Hazardous Materials
HMRs	Hazardous Materials Regulations

Terms and Acronym	Definition
HOS	Hours of Service
ISS	Used as a field system, the Inspection Selection System is the primary tool used on the roadside to screen motor carrier vehicles and determine the usefulness of conducting an inspection. ISS returns the carrier snapshot which includes critical safety performance indicators. It is linked to ASPEN to auto-populate name and address data fields and initiate the inspection. ISS uses a local database, but individual carrier data can be updated via a remote access server (RAS) connection to SAFER. Database updates are also available monthly via a Web service.
L&I	Licensing & Insurance
MCMIS	The centralized Motor Carrier Management Information System captures data from field offices through SAFETYNET, CAPRI, and other sources. MCMIS is a source for FMCSA inspection, crash, compliance review, safety audit, and registration data. MCMIS utilizes an Oracle database accessed from: < http://mcmiscatalog.fmcsa.dot.gov/beta/Catalogs&Documentation/ >.
MCSAP	Motor Carrier Safety Assistance Program
Minn. Stat.	Minnesota Statutes
MSP	Minnesota State Patrol
MnDOT	Minnesota Department of Transportation
MOE	Maintenance of Effort – The amount of funds a State must expend in addition to MCSAP funds and State matching funds as defined in 49 CFR 350.301.
NGA	National Governors Association
PIQ	Past Inspection Query
PRISM	The Performance and Registration Information Systems Management program includes two major processes: the Commercial Vehicle Registration Process and the Motor Carrier Safety Improvement Process. These two processes work in parallel to identify motor carriers and hold them responsible for the safety of their operations. PRISM ties vehicle registration to the safety of the commercial vehicle company responsible for the vehicle(s). The performance of unsafe carriers is improved through a comprehensive system of identification, education, awareness, safety monitoring, and intervention.
QC	Query Central (QC) is a query system that accesses motor carrier safety information for State and Federal law enforcement personnel. It combines the functions of: ISS, CDLIS, PIQ, PRISM-sanctioned carriers list, PIQ, Licensing & Insurance (L&I), and the Mexican Carrier database.
RAS	Remote Access Server
SAFER	Used as an office system, the FMCSA Safety and Fitness Electronic Records System contains an electronic record of a company's information, such as identification, size, commodity information, and safety record, including the safety rating (if any), a roadside out-of-service inspection summary, and crash information. Accessed via a Web site (safer.fmcsa.dot.gov), SAFER displays carrier information available to the public, a store and forward mailbox system,

Terms and Acronym	Definition
	secondary databases, and communication links. SAFER handles user queries, refreshes databases, and inbound data transfers. SAFER is currently an integral communication link for most FMCSA data transfers.
SafeStat	<p>The Motor Carrier Safety Status Measurement System is an automated, data-driven analysis system designed by the FMCSA. SafeStat combines current and historical carrier-based safety performance information to measure the relative (peer-to-peer) safety fitness of interstate commercial motor carriers and intrastate commercial motor carriers that transport hazardous materials.</p> <p>This information includes Federal and State data on crashes, roadside inspections, on-site compliance review results and enforcement history. SafeStat enables FMCSA to quantify and monitor the safety status of individual motor carriers on a monthly basis and thereby focus enforcement resources on carriers posing the greatest potential safety risk.</p> <p>The States are required to provide standard, basic information about large truck and bus crashes to FMCSA within 90 days of the crash event, and the results of roadside inspections within 21 days of inspection. However, the completeness, timeliness and accuracy of crash data—and to a lesser extent roadside inspection data—vary from State to State.</p>
SAFETYNET	<p>SAFETYNET is an Oracle-based, client-server database management system application that runs on MS Windows servers. SAFETYNET allows entry, access, analysis, and reports data from driver/vehicle inspections, crashes, compliance reviews, assignments, and complaints.</p> <p>SAFETYNET is operated at State safety agencies and Federal Divisions, and interfaces with ASPEN, SAFER, MCMIS, and other State systems.</p>
subd.	Subdivision
USDOT	U.S. Department of Transportation