



## Motor Carrier Safety Assistance Program (MCSAP) Formula Working Group Webinar Minutes

March 10, 2017

The Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety Assistance Program (MCSAP) Formula Working Group held a webinar meeting on March 10, 2017. Thomas Liberatore, FMCSA Chief, State Programs Division and Designated Federal Officer (DFO), called the meeting to order at 1:00 p.m.

The following individuals attended the meeting:

### **MCSAP FORMULA WORKING GROUP MEMBERS\***

Caitlin Cullitan, FMCSA

Lt. Thomas Fitzgerald, Massachusetts State Police

Adrienne Gildea, Commercial Vehicle Safety Alliance (CVSA)

Thomas Liberatore, Chief, State Programs Division and DFO, FMCSA

Alan R. Martin, Ohio Public Utilities Commission

Dan Meyer, FMCSA

Lt. Stephen Brent Moore, Georgia Department of Public Safety

Capt. Brian Preston, Arizona Department of Public Safety

John E. Smoot, Kentucky State Police

Courtney Stevenson, FMCSA

Col. Leroy Taylor, South Carolina Department of Public Safety

\* Nancy Anne Baugher, FMCSA, Lt. Donald Bridge, Jr., Connecticut Department of Motor Vehicles, Michelle N. Lopez, Colorado State Patrol, and Stephen C. Owings, Road Safe America, were not in attendance.

### **FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES\***

Karen Brooks, State Programs Division

Michael Chang, U.S. DOT, Volpe Center

Dianne Gunther, U.S. DOT, Volpe Center

Rebecca Hovey, U.S. DOT, Volpe Center

Jack Kostelnik, State Programs, FMCSA

Dana Larkin, U.S. DOT, Volpe Center

Brandon Poarch, FMCSA

Julianne Schwarzer, U.S. DOT, Volpe Center

Jacob York, FMCSA

### **OTHER ATTENDEES**

Jillian Saftel, DIGITAL iBiz



## 1. Welcome and Objectives

### Presentation

Julianne Schwarzer, of the U.S. DOT Volpe Center, welcomed the MCSAP Formula Working Group to the webinar meeting and conducted a roll call of attendees.

Schwarzer then reviewed the Working Group’s objectives. During the webinar meeting, the Working Group would provide feedback on the updated draft recommendation, discuss details on the review process, discuss the communications plan and receive guidance on communicating about the recommendation at different points throughout the submission and review process.

## 2. Review Process

### Presentation

Tom Liberatore introduced the schedule for finalization of the recommendations and walked the group through the timeline below.

<b>Milestone</b>	<b>Estimated Timeline</b>
MCSAP Planning Meeting – high-level info is shared	March 22-23, 2017
Working Group delivers recommendations to FMCSA	April 3, 2017
FMCSA completes review and submits to OST	May/June 2017 (1-2 months after submission)
OST Review of Recommendation Document	August/September 2017 (2-3 months)
Recommendation Document posted to FMCSA website	TBD – Concurrent or Consecutive to OST review.
FMCSA – Federal Register Notice (FRN) seeking public comment on the proposed new formula	February/March 2018
FMCSA & OST reviews and responds to comments	November 2018
Final rule announcement (after OST and OMB review)	First Quarter CY 2019 (~3 years after submission)

FMCSA is awaiting the Secretary’s guidance on when the recommendations should be posted.

He concluded his presentation of the estimated timeline by commenting that some of the final steps in the review process are subject to change.

### Discussion

Working Group members discussed the estimated timeline and made suggestions based on opportunities for discussions with stakeholders.



- It was recommended that the FRN be published prior to the CVSA workshop in 2018, allowing enough time for CVSA leadership to organize feedback with States and file comments before the public comment period closes.
- A Working Group member asked if the Working Group would be notified if FMCSA amends the recommendations at all before submitting to Secretary.
  - Liberatore explained that if there are any deviations from what the Working Group recommended, or if FMCSA or OST has any questions for the Working Group, there will be a mechanism for communication with the Working Group.

### 3. Feedback on Recommendations

#### Presentation

Michael Chang, of the U.S. DOT Volpe Center, led a review of the updated draft of the Working Group’s recommendations, beginning with a tentative schedule for finalization of the recommendations, as outlined below.

<b>Date</b>	<b>Goal</b>
Friday, March 10	Collect feedback from full Working Group
Thursday, March 16	<b>Action Item:</b> Provide Working Group with updated draft of recommendations. Working Group members to review and provide final comments by March 24.
Friday, March 24	Collect final comments, make edits, and approve Recommendation Report
Monday, April 3	Submit Recommendations Report

Chang explained that if substantial edits were made to the recommendations during the in-person meeting, the Volpe analysis team will incorporate them into the draft after the meeting and allow Working Group members to review the updated draft once completed.

Chang then reviewed sections that had changed significantly and sections where more detail was added since the working group last reviewed the draft.

#### Discussion

Working Group members discussed areas of the recommendation they felt required revisions.

- The Executive Summary will be finalized once all of the Working Group’s comments to the full report are incorporated.
- The Working Group requested updates to the Introduction to better explain States’ contributions, to be more consistent with the language in the FAST Act, and to provide further clarification regarding State’s matching amounts, the grant consolidation brought about by the FAST Act, and the need for stability.
- The report should note the Working Group wants to use data sources that are updated frequently.
- Language regarding the distribution of unallocated funds should be clarified.



Working Group members turned their focus to the Proposed Formula section and were in agreement on section on the Basic factors.

The Border Enforcement section was heavily revised and the group discussed remaining edits to further clarify the language in this section.

While putting together the section on Territories, the Working Group looked at how other DOT programs fund Territories, and what the Group puts forward here differs from the way other grant programs address the Territories. Tom Liberatore shared that the group will likely get the most questions on the Territory and Border sections.

- Looking at the Territory issue now, does the Working Group want to recommend something more in line with other grant programs and provide a certain level of funding to Territories, then use the process outlined in this section to distribute the remaining money if there's any left?
  - A Working Group member said that calling Territory funding “discretionary” makes it sound like FMCSA could decide not to fund Territories at all, and the group determined to remove the term.
    - The Working Group had concerns about setting funding at a specific amount because of the difficulty in determining what a minimum, secure amount is.
- Recommendation 10 does not currently reflect the Working Group's discussion on determining the needs of Territories. It should be documented that while the Working Group did not establish a minimum dollar amount, if there was one, that minimum would be provided and then the process outlined for funding Territories would be followed.
  - That explanation reflects the Working Group's intent for Territories to be well funded to suit their needs.
- The report should refer to Territories consistently.

The Working Group continued pointing out areas of the recommendation that require revision.

Working Group members agreed on the current content for Formula Adjustments section.

Some parts of Section 6, regarding elements considered and rejected, have been expanded upon since last version was reviewed. Working Group members offered suggested edits to the section.

- The report does a good job of saying the proposed formula captures New Entrant but not why it's better because of that.
- The report needs more lead-in on the cost-of-living, CMV crash factors, and high-risk carrier population sections. Readers need to understand why the Working Group considered those factors and but ultimately rejected them.

The Working Group's discussion moved to the next section on formula calculation.

- On page 42, one sentence needs to be further explained. It currently sounds like States get a minimum amount of funding even if they don't comply with Agency processes and goals.



- The report needs a statement that says overall, any sanctions imposed by FMCSA are separate from this formula.
- It is important to clarify that the formula is designed in such a way that if any money was not taken by a State, it is put back in the pot for the benefit of States continuing to run the MCSAP program.

In the section on formula evaluation and conclusion, the report should address dramatic changes in funding differently. The Working Group is trying to make it clear throughout the report that changes to funding will be gradual, but that is unclear here.

In the conclusion, members wanted to make sure that the Working Group's desire for FMCSA to look at the minimal cost to run a program is mentioned.

The discussion concluded as Michael Chang let Working Group members know that if they have additional comments, they can email them in by close of business on Monday, March 13 to be incorporated into the revised draft the Volpe analysis team will distribute to Working Group members on Thursday, March 16.

#### **4. Communications Strategy**

##### Presentation

Michael Chang shared that the communications strategy is broken in two phases based on the publication of the recommendation document on FMCSA's website. Phase 1 occurs prior to publication and Phase 2 occurs after publication, when the recommendation document is public.

Tom Liberatore explained that prior to OST approval, FMCSA and Working Group members are trying to not speak to the specific recommendations because they are not final.

Currently, Working Group members are encouraged to communicate the following:

- The charge of the Working Group;
- The frequency with which the Working Group met;
- The Working Group analyzed the old formula;
- The general conceptual factors the Working Group reviewed;
- The issues the Working Group discussed; and
- That the Working Group is now preparing to issue its recommendation to FMCSA.

Chang reviewed a communications guidance document, which explains the difference between what should be communicated now versus what should be communicated in the future once the recommendation has been published.

Chang then walked the group through communications next steps and documents being developed to help the Working Group communicate about the formula and the process in the near-term. FMCSA will provide an update on the Working Group's progress at the MCSAP Planning Meeting. Working Group members will be provided with a summary on the process, the guidance document, and FAQs.



He then concluded the section of the meeting on communications, and opened the discussion to questions and comments.

Discussion

Working Group members asked clarifying questions about the communications guidance provided.

- Tom Liberatore clarified that once OST provides approval to publish the recommendation on FMCSA’s website, the Working Group should feel free to discuss the details of the recommendation freely.
- If Working Group members get questions about the recommendations, they will be able to answer them until the FRN goes into effect.

**5. Conclusion and Next Steps**

Presentation

Julianne Schwarzer reviewed the primary objective of the next in-person meeting on March 24, which is to achieve concurrence on the report to ensure everyone is on the same page.

The next steps for the Working Group are:

- **Action Item:** Providing any further comments on the draft.
- The Working Group will receive a revised draft by Thursday, March 16.
- Any final comments should be sent on or before March 24.

In closing, Schwarzer thanked the members for their participation and shared that the team looks forward to seeing Working Group members soon at the in-person meeting on March 24.

**ACTION ITEMS**

Topic	Action Item	Assignment
Draft Recommendation Report	Providing any further comments on the draft by close of business on Monday, March 13.	Working Group members
Draft Recommendation Report	Share updated draft with Working Group by March 16.	Volpe analysis team

**PRESENTATIONS**

	Presenter(s)	Presentation
1	Michael Chang, Thomas Liberatore, Julianne Schwarzer	MCSAP Formula Working Group Webinar, March 10, 2017