

# Fixing America's Surface Transportation (FAST) Act



## Overview & Grant Program Impact

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# Agenda

- **FAST Background and Overview**
- **MCSAP Impact**
  - Key Facts
  - Fiscal Year 17
  - New Allocation Formula
  - Other Critical Points
- **High Priority**
  - What FAST Changed
  - Eligibility



# Overview

- Fixing America's Surface Transportation (FAST) Act
  - Became law on December 4, 2015
  - Several provisions impacting FMCSA Grant Programs
    - Consolidation
    - Operational effectiveness
    - Partnership
  - Pub. L. No. 114-94 (Dec. 4, 2015)
    - Title V, Motor Carrier Safety



# Pre-FAST Grant Program Structure

MCSAP (B & I)

High Priority

New Entrant

Border  
Enforcement

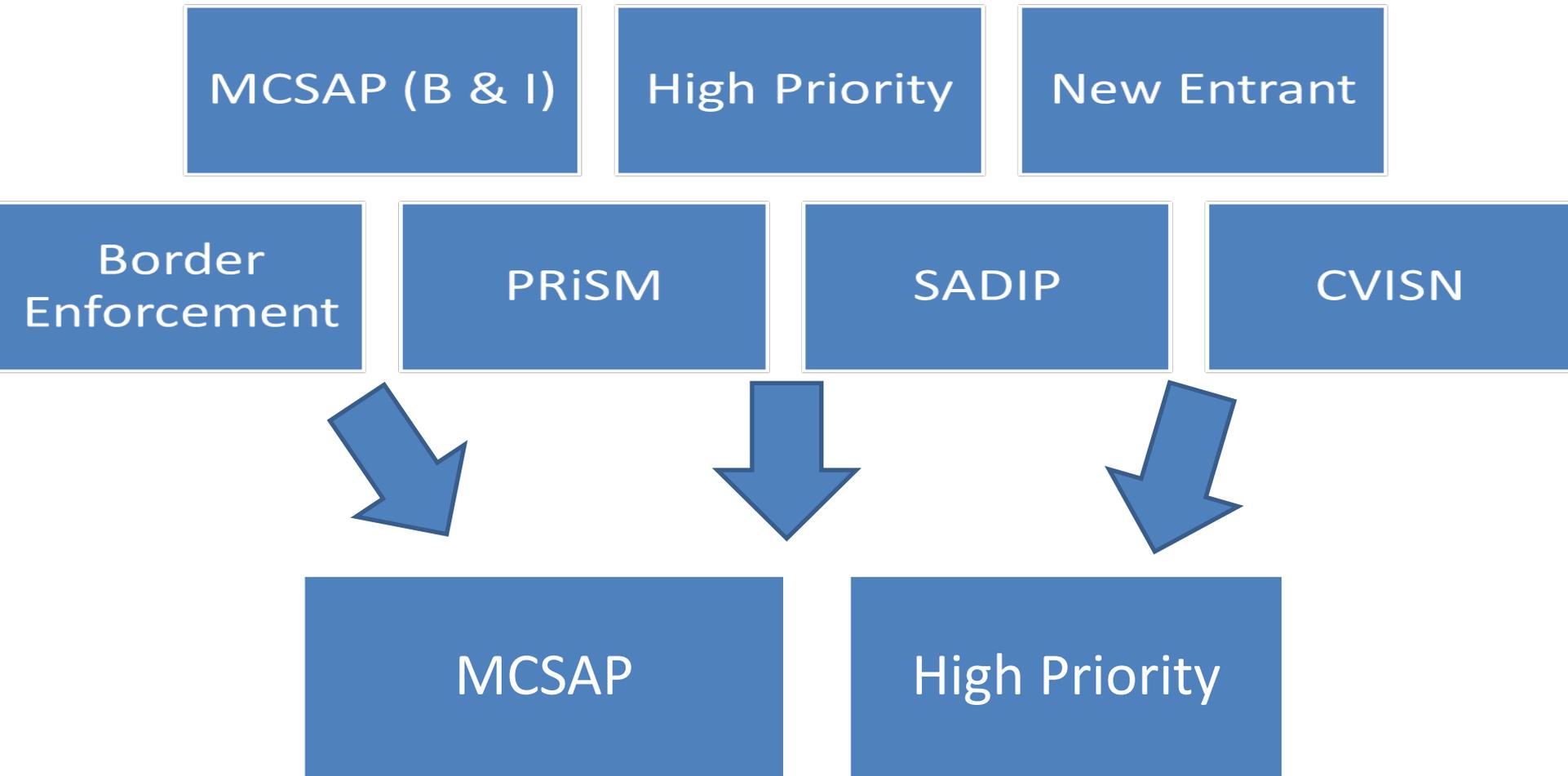
PRiSM

SADIP

CVISN



# FAST – Combined into 2 Grant Programs





**Early experiments in transportation**



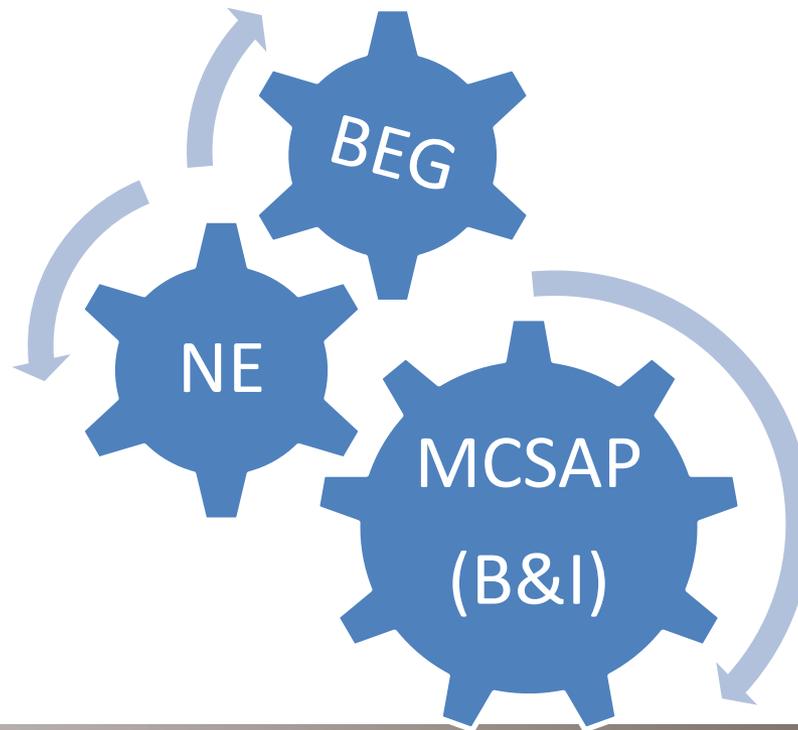
## What Does It Mean?

- MCSAP now encompasses New Entrant, Border and “old” B&I = MCSAP Grant.
- High Priority Grant Program includes:
  - CVISN = Information Technology Deployments (ITD)
  - SaDIP = Data Quality
  - PRiSM = PRiSM
  - Classic High Priority Programs



# Changes - MCSAP

- **FAST = Flexibility**
- **Safety Mission Oriented**



## For FY 2016

- No major changes to grant award process or MOE
- Immediate relief for “existing” non-compliance withholding
- Funding Amounts:
  - MCSAP: \$168,275,000
    - BEG: \$32,000,000
    - NE: \$32,000,000
    - HP: \$15,000,000



# Major Changes Starting in FY 2017

- MCSAP Formula Working Group
  - Required 180 days after enactment.
- Working group must consist of:
  - FMCSA, Lead State CMV safety agencies (must be 51% of group), organization representing State agencies, other persons the Secretary considers necessary.
- One year to make a recommendation for new formula.
  - Nominees awaiting formal approval and notice from the Secretary
  - Representatives include: 8 - State; 5 - FMCSA; 1 - CVSA; 1 – Safety Advocacy Organization



## Major Changes Cont.

- Traffic Enforcement
  - States may use up to 10% for non-CMV enforcement
  - Ensuring safe operation of CMV's
  - Must maintain average minimum level of CMV safety activities from FY 2004 & 2005
  - Higher percentage possible with Secretary approval
- En-route inspection of CMVs transporting passengers – weigh station excluded as acceptable location
- Non-Compliance Withholding
  - Staggered for substantial noncompliance
  - 5, 10, 25, then not more than 50%



## Major Impacts - Funding

<b>FY</b>	<b>MCSAP</b>	<b>High Priority</b>	<b>CMV</b>	<b>CDL</b>
FY 17	292,600,000	42,200,000	1,000,000	31,200,000
FY 18	298,900,000	43,100,000	1,000,000	31,800,000
FY 19	304,300,000	44,100,000	1,000,000	32,500,000
FY 20	308,700,000	44,900,000	1,000,000	33,200,000



# Picture for FY 2017

Program Names	Actual FY 2015	Planned FY 2016	FAST-Act Proposed FY 2017
MCSAP Basic and Incentive	\$168,275,000.00	\$168,275,000.00	\$292,600,000.00
Border Enforcement	\$32,000,000.00	\$32,000,000.00	Collapses into MCSAP
New Entrant	\$32,000,000.00	\$32,000,000.00	Collapses into MCSAP
High Priority	\$15,000,000.00	\$15,000,000.00	\$42,200,000.00
CVISN	\$25,000,000.00	\$25,000,000.00	Collapses into High Priority
Performance and Registration Information System	\$5,000,000.00	\$5,000,000.00	Collapses into High Priority
Safety Data Improvement	\$3,000,000.00	\$3,000,000.00	Collapses into High Priority
CMV Operator	\$2,300,000.00	\$1,000,000.00	\$1,000,000.00
CDL Program Implementation	\$30,000,000.00	\$30,000,000.00	\$31,200,000.00
<b>Total</b>	<b>\$312,575,000.00</b>	<b>\$311,275,000.00</b>	<b>\$367,000,000.00</b>



## Major Changes - MCSAP

- **CVSPs** may become multi-year plans with annual updates
  - Must be posted on FMCSA website within 30 days
  - Currently planned to start in FY 2018
  - FMCSA Seeking input from States on options and preferences
- **Interim Funding Formula**
  - Prior to development of new allocation formula (FY 2017 – likely 2018 as well)
  - Calculate funding amount using MCSAP formula used in FY 2016; and
  - Average funding awarded to a State for FY 2013, 2014, & 2015 for BEG and NE
  - Totals of MCSAP (NE, BEG, B&I) must be within 97%.
    - All states at or above 100%
- **Maintenance of Effort (MOE)**
  - FY 2017, FMCSA will use the previous MCSAP MOE requirement (baseline of FY 2004 & 2005). Same methodology until a new allocation formula has been established;
  - MOE options increase for States once new formula is established.



## Notable MCSAP Requirements

- 31102 (c)(2)(Y)(i) - **New Entrant** safety audits are **REQUIRED**
  - Intrastate safety audits are now allowable at State's discretion
  - State responsible for oversight of third party conducting SA's.
  - Territories exempt
- (c)(2)(Z) - **PRISM** (or equivalent alternate approach) **REQUIRED** by October 1, 2020
  - FMCSA considers Level 6 as fulfilling this requirement
- (c)(2)(AA)(i) & (ii) - **Border enforcement** safety program – **OPTIONAL**, but funds forfeited if State does not participate.



## Continued

- (c)(2)(L) – Ensuring participation in FMCSA IT and data systems by all jurisdictions receiving funds
- (c)(2)(P) – Sufficient resources to report MC safety data (SSDQ) and data correction (DataQ) systems
- (c)(2)(BB) – Operation and Maintenance (O&M) for innovative technology deployment – provided State meets all MCSAP requirements
  - O&M also allowed for PRiSM and Data Quality



## MCSAP/eCVSP 2017

- Sessions this week to review current development
  - Be sure to attend one!
- Target deployment date of early June
  - FMCSA will host training webinars for system updates
  - Goal is to minimize changes as much as possible
  - Application and review process basically the same
  - Due date for plans...stay tuned
- Multi-year process
  - Further development in the works for FY 17 & FY 18
  - Feedback on multi-year plans.
- Funds available year of award plus one year.



## MCSAP/eCVSP - Cont

- **Additional features to incorporate FAST consolidation**
  - Sections for planned B&I, NE and Border activity entry
  - Ability to request O&M for PRiSM, ITD and DataQuality
  - Emphasis on flexibility for State
- **Match/MOE – current approach**
  - FY 2017 Federal Share = 85%
  - FY 2017 State Share = 15%
  - State Share = total “Comprehensive” MCSAP budget
  - Most will see overall increase in Match \$\$\$ compared to FY2016
  - Estimated FY 17 amounts in Interim Formula Breakout (by State)
  - States can request adjustment of MOE (per FAST) for one year



## Sub-Granting

- Not required....but is allowed
  - Needed if Lead has other agency/entity conducts NE SA's.
- Why...Cost vs. Benefit
- PRiSM Example:
  - Lead certifies on behalf of State – State held to MCSAP Requirements
  - If Non-Lead maintains PRiSM and Lead does not sub award funds for O&M, Non-Lead must compete in total HP pool for funds.
  - Outcome: Lead can retain funds, but risks loss of PRiSM O&M \$\$\$ for State



# High Priority 2017

- Comprises multiple areas
  - PRISM
  - Data Quality
  - Information Technology (ITD)
  - “Classic” HP Focuses
- Different requirements based on:
  - Agency responsible for “the plan” = MCSAP Lead
  - Agency not responsible for “the plan” = Non-Lead
  - See reference chart
- Discretionary and competitive process



## High Priority Continued

- **PRiSM**
  - Lead can only request \$\$\$ for achieving or exceeding compliance
    - Compliance due by 10/1/2020
  - Non-Lead can request \$\$\$ for any allowable activity related to PRiSM
    - Development, O&M, Etc.
  - Minimum compliance = Level 6
- **Data Quality (DQ) – Similar to PRiSM**
  - Lead: May only request \$\$\$ to exceed minimum requirements
  - Non-lead: May request \$\$\$ to meet or exceed minimum requirements
  - Meet requirements = overall SSDQ green; defined DataQ process
  - Exceed = Green in all SSDQ areas



## High Priority and ITD

- Sec. 31102 (I)(3) – included under High Priority Umbrella
- Usable for innovative technology deployment of CMV information systems and networks
- Eligibility requirements established under 31102(I)(3)(C)
- Lead and non-lead distinction not as rigid as PRiSM and DQ
  - Both Lead and Non-Lead may request \$\$\$ for all allowable purposes
  - However, Lead agencies strongly encouraged to request O&M through MCSAP



## NOFA & Periods of Performance (POPs)

- MCSAP – Year of Award + one year = YOA + 1 year
- High Priority:
  - PRiSM/DQ/HP – Year of award plus two years = YOA +2 years
  - ITD = Year of award plus four years = YOA + 4 years
- NOFA will outline priorities
  - Target release date after MCSAP NOFA
- One HP NOFA for all four focus areas
  - Separate applications to distinguish ITD vs. PRiSM/HP/DQ due to POP differences
  - Process is competitive and will require review process



# Where to Go This Week

- **In-depth review and discussions**
  - Breakout sessions tailored to HP, NE and eCVSP/MCSAP areas
  - More detailed review and open discussion
  - Listening and Leadership sessions by Service Center Area
  - *We need/want your input!*
- **Grants Management Sessions**
  - Critical to tie new FAST requirements into overall grants management strategy and approach for States.
- **Partnership approach**
  - Joint “Work in progress”
  - Commitment to answers



## FAST - Grant Program Quick Reference

Grant Program	Lead Agency	Non-Lead Agency
<b>MCSAP</b>		
Traditional Basic & Incentive	Interim Formula Calculation for FY 2017. Consistent with 2016 req.	Sub awards allowed as in previous years
BEG	Formula = Avg. of FY 2013 - 2015 (Optional - Funds forfeited if no)	Sub awards to non-lead = allowed
NE	Formula = Avg. of FY 2013 - 2015 (Required under FAST)	Sub awards to non-lead = allowed
Data Quality	System Operation & Maintenance allowed	Sub awards to non-lead = allowed for Operation & Maintenance cost
PRISM	System Operation & Maintenance allowed Once Compliance level reached (Level 6 or higher) <b>Compliance required by 10/01/2020</b>	Sub awards to PRISM agencies
ITD	Operation & Maintenance Only	Sub awards to ITD agencies
<b>High Priority</b>		
PRISM	To reach Compliance and/or Exceed Compliance only (at or before 10/1/2020)	All PRISM Components -Compliance -Exceeding -Operation & Maintenance
Data Quality	Exceeding current/minimum Standards only	Operation /Maintenance & All Data Quality components
ITD	Operation & Maintenance for Implementation & Enhance	Operation /Maintenance & All ITD components
Other HP Activities	New & Innovative activities as outlined in NOFA	New & Innovative activities as outlined in NOFA



## Next Steps

- Quarterly MCSAP Call – May 4<sup>th</sup>, 2016 - 1:30 PM Eastern
  - Update on MCSAP
  - Responses to questions from Planning Meeting
- All Presentations will be uploaded to FMCSA Planning Meeting Page
- MCP Update targeted for late May release
  - Updated grant table



# Thank you

- FMCSA's FAST Act Page:
  - <https://www.fmcsa.dot.gov/regulations/fixing-americas-surface-transportation-act-fast-act>

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