

## SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

### PART 350—COMMERCIAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM

#### Subpart A—General

Sec.

- 350.101 What is the Motor Carrier Safety Assistance Program (MCSAP)?
- 350.103 What is the purpose of this part?
- 350.105 What definitions are used in this part?
- 350.107 What jurisdictions are eligible for MCSAP funding?
- 350.109 What are the national program elements?
- 350.111 What constitutes “traffic enforcement” for the purpose of the MCSAP?

#### Subpart B—Requirements for Participation

- 350.201 What conditions must a State meet to qualify for Basic Program Funds?
- 350.203 [Reserved]
- 350.205 How and when does a State apply for MCSAP funding?
- 350.207 What response does a State receive to its CVSP submission?
- 350.209 How does a State demonstrate that it satisfies the conditions for Basic Program funding?
- 350.211 What is the format of the certification required by §350.209?
- 350.213 What must a State CVSP include?
- 350.215 What are the consequences for a State that fails to perform according to an approved CVSP or otherwise fails to meet the conditions of this part?
- 350.217 What are the consequences for a State with a CDL program not in substantial compliance with 49 CFR part 384, subpart B?

#### Subpart C—Funding

- 350.301 What level of effort must a State maintain to qualify for MCSAP funding?
- 350.303 What are the State and Federal shares of expenses incurred under an approved CVSP?
- 350.305 Are U.S. Territories subject to the matching funds requirement?
- 350.307 How long are MCSAP funds available to a State?
- 350.309 What activities are eligible for reimbursement under the MCSAP?
- 350.311 What specific items are eligible for reimbursement under the MCSAP?
- 350.313 How are MCSAP funds allocated?
- 350.315 How may Basic Program Funds be used?

- 350.317 What are Incentive Funds and how may they be used?
- 350.319 What are permissible uses of High Priority Activity Funds?
- 350.321 What are permissible uses of Border Activity Funds?
- 350.323 What criteria are used in the Basic Program Funds allocation?
- 350.325 [Reserved]
- 350.327 How may States qualify for Incentive Funds?
- 350.329 How may a State or a local agency qualify for High Priority or Border Activity Funds?
- 350.331 How does a State ensure its laws and regulations are compatible with the FMCSRs and HMRs?
- 350.333 What are the guidelines for the compatibility review?
- 350.335 What are the consequences if my State has laws or regulations incompatible with the Federal regulations?
- 350.337 How may State laws and regulations governing motor carriers, CMV drivers, and CMVs in interstate commerce differ from the FMCSRs and still be considered compatible?
- 350.339 What are tolerance guidelines?
- 350.341 What specific variances from the FMCSRs are allowed for State laws and regulations governing motor carriers, CMV drivers, and CMVs engaged in intrastate commerce and not subject to Federal jurisdiction?
- 350.343 How may a State obtain a new exemption for State laws and regulations for a specific industry involved in intrastate commerce?
- 350.345 How does a State apply for additional variances from the FMCSRs?

AUTHORITY: 49 U.S.C. 13902, 31100–31104, 31108, 31136, 31140–31141, 31161, 31310–31311, 31502; and 49 CFR 1.73.

SOURCE: 65 FR 15102, Mar. 21, 2000, unless otherwise noted.

#### Subpart A—General

##### §350.101 What is the Motor Carrier Safety Assistance Program (MCSAP)?

The MCSAP is a Federal grant program that provides financial assistance to States to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of the MCSAP is to reduce CMV-involved accidents, fatalities, and injuries through

consistent, uniform, and effective CMV safety programs. Investing grant monies in appropriate safety programs will increase the likelihood that safety defects, driver deficiencies, and unsafe motor carrier practices will be detected and corrected before they become contributing factors to accidents. The MCSAP also sets forth the conditions for participation by States and local jurisdictions and promotes the adoption and uniform enforcement of safety rules, regulations, and standards compatible with the Federal Motor Carrier Safety Regulations (FMCSRs) and Federal Hazardous Material Regulations (HMRs) for both interstate and intrastate motor carriers and drivers.

**§ 350.103 What is the purpose of this part?**

The purpose of this part is to ensure the Federal Motor Carrier Safety Administration (FMCSA), States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, CMV, and driver safety to support a safe and efficient transportation system.

**§ 350.105 What definitions are used in this part?**

*10-year average accident rate* means for each State, the aggregate number of large truck-involved fatal crashes (as reported in the Fatality Analysis Reporting System (FARS)) for a 10-year period divided by the aggregate vehicle miles traveled (VMT) (as defined by the Federal Motor Carrier Safety Administration (FMCSA) ) for the same 10-year period.

*Accident rate* means for each State, the total number of fatal crashes involving large trucks (as measured by the FARS for each State) divided by the total VMT as defined by the FMCSA for each State for all vehicles.

*Agency* means Federal Motor Carrier Safety Administration.

*Administrative Takedown Funds* means funds deducted by the FMCSA each fiscal year from the amount made available for the MCSAP for expenses incurred in the administration of the MCSAP, including expenses to train State and local government employees.

*Administrator* means Federal Motor Carrier Safety Administrator.

*Basic Program Funds* means the total MCSAP funds less the High Priority Activity, Border Activity, Administrative Takedown, and Incentive Funds.

*Border Activity Funds* means funds provided to States, local governments, and other persons carrying out programs, activities, and projects relating to CMV safety and regulatory enforcement supporting the North American Free Trade Agreement (NAFTA) at the U.S. border. Up to 5 percent of total MCSAP funds are available for these activities.

*Commercial motor vehicle (CMV)* means a motor vehicle that has any of the following characteristics:

(1) A gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), or gross combination weight rating (GCWR) of 4,537 kilograms (10,001 pounds) or more.

(2) Regardless of weight, is designed or used to transport 16 or more passengers, including driver.

(3) Regardless of weight, is used in the transportation of hazardous materials and is required to be placarded pursuant to 49 CFR part 172, subpart F.

*Commercial vehicle safety plan (CVSP)* means the document outlining the State's CMV safety objectives, strategies, activities and performance measures.

*Compatible* or *Compatibility* means State laws and regulations applicable to interstate commerce and to intrastate movement of hazardous materials are identical to the FMCSRs and the HMRs or have the same effect as the FMCSRs. State laws applicable to intrastate commerce are either identical to, or have the same effect as, the FMCSRs or fall within the established limited variances under § 350.341.

*High Priority Activity Funds* means funds provided to States, local governments, and other persons carrying out activities and projects that directly support the MCSAP, are national in scope in that the successful activity or project could potentially be applied in other States on a national scale, and improve CMV safety and compliance with CMV safety regulations. Up to 5 percent of total MCSAP funds are available for these activities.