

# Oklahoma Motor Carrier Safety Assistance Program

2013 Commercial  
Vehicle Safety Plan



# OKLAHOMA

## MOTOR CARRIER SAFETY ASSISTANCE PROGRAM COMMERCIAL VEHICLE SAFETY PLAN

**FY 2013**

### Version Tracking

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**GENERAL OVERVIEW**

**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, consisting of a population of approximately 3,791,508 according to the 2011 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 strive to assist in meeting the Federal Motor Carrier Safety Administration's (FMCSA) national goal to reduce the rate of large truck and bus-related fatalities per 100 million vehicle miles traveled (VMT) to 0.114 for calendar year 2013.

In Oklahoma, an analysis of the CMV fatality collisions revealed a fatality rate of 0.21 per 100 million VMT in State Fiscal Year (SFY) 2009. In SFY 2010, this dropped to .19 per 100 million VMT. As of July 2012, the 2011 fatality rate is .188 reflecting a slight decrease in the fatality rate of 0.002 fatalities per 100 million VMT.

Troop S will work to reduce the number of collisions in which CMV driver behavior is cited as a contributing factor. In SFY 2012, there were 180 work zone collisions where CMV driver behavior was cited as a contributing factor, however, this total only counts for following too closely, speeding, and changing lanes unsafely violations. The target decrease is a 2.5 percent reduction in CMV collisions for SFY 2013.

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, Federal Motor Carrier Safety Administration (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, an 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.

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**Program Effectiveness Summary:** For CVSP planning purposes, Troop S will utilize the State Fiscal Year. Current CMV collision data (based on SFY) 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 September 13, 2012:

<b>Year</b>	<b>Number</b>
<b>SFY 2010</b>	3,988
<b>SFY 2011</b>	4,062
<b>SFY 2012</b>	4,438

Based on the data (from July) for 2011–2012, there was an approximate seven percent increase in CMV collisions. With the continued surge in work zones across Oklahoma, this increase was expected. Accordingly, the number of collisions in work zones has steadily increased: in SFY 2010 there were 321 CMV collisions in work zones, 346 in SFY 2011, and 376 in SFY 2012. However, Troop S will continue to work toward a greater reduction of collisions for SFY 2013. Data is monitored by Troop S as updates and new information is available. The data is analyzed, utilizing the findings 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 checks, 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. The majority 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 will be checked and verified through various forms of communications. Troop S Troopers have been trained and provided access to the Federal Motor Carrier Safety Administration portal to determine operating status on motor carriers, and now have the ability to identify motor carriers operating under a Federal Out-of-Service Order during roadside inspections both inter and intrastate. Query Central and the Commercial Vehicle Information Exchange Window (CVIEW) are primarily used to verify operating authority. 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 the ISS portal. 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 that is 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 a Troop S budget analyst to ensure that the budgetary needs meet MCSAP grant certification requirements per the State Certification. The MCSAP grant reimbursement procedure employed by Troop S provides for allowable expenditures to be reimbursed through a unit cost rate calculation supplied by the DPS Finance Division. Overall, 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.

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**National Program Elements**

Driver/Vehicle Inspection

Troop S utilizes Level III inspections to keep unsafe CMVs and CMV drivers off Oklahoma roadways and attempts to increase the number of inspections conducted each State Fiscal Year. These inspection activities help achieve the national goal of reducing CMV collisions and CMV collision-related fatalities. In addition, Troop S emphasizes Level III inspections and verification of CDL status of CMV drivers. 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. The projected target for SFY 2011 was 26,395 total inspections, and Troop S surpassed their goal by completing a total of 26,969 for that year. For 2012, the goal was increased to 27,240. Due to statewide manpower reductions, Troop S did not reach their goal, completing 24,065 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. 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. The breakdown of all SFY 2012 inspections is:

<b>Inspection Level</b>	<b>Number</b>
<b>Level I</b>	4,301
<b>Level II</b>	11,030
<b>Level III</b>	8,402
<b>Level IV</b>	0
<b>Level V</b>	332
<b>Total</b>	<b>24,065</b>

Traffic Enforcement

Oklahoma’s traffic enforcement includes an aggressive inspection program, incorporated into the main MCSAP effort and focusing on traffic enforcement and CMV driver behavior, including non-CMV traffic violations. Troop S’s goal is to increase the total number of inspections initiated by a traffic enforcement stop, thereby reducing the number of collisions statewide. In SFY 2012, of the 24,065 inspections Troop S conducted, 5,290 were a result of traffic enforcement. In addition, Troop S will schedule and participate in special emphasis activities aimed at removing impaired CMV drivers from the highways.

Traffic enforcement has resulted in a continued decrease in driver-related violations. For example, FMCSA Analysis and Information (A&I) data showed that in Federal Fiscal Year (FFY) 2011, 3,752 violations were cited for speeding, as compared to 4,091 in 2010 and 5,781 in FFY 2009. In addition, the A&I violation summary total for FFY 2011 was 8,225, continuing a downward trend from 8,463 in 2010 and 13,012 in 2009.

As of July 2012, total CMV collision numbers showed a 7 percent increase (from 3,860 in SFY 2011 to 4,135 in SFY 2012). With the continued surge in work zones across Oklahoma, this was expected as the number of collisions in work zones has steadily increased. Oklahoma will continue to work toward a greater reduction of collisions for SFY 2013, with a goal of reducing CMV collisions by 2.5 percent. Troop S will persistently emphasize driver behavior enforcement, such as speeding, unsafe lane changes, and following too closely. In SFY 2012, there were a total of 4,456 citations and 16,768 warnings issued during CMV and non-CMV traffic enforcement reported by Troop S. It is also important to note that there has been a change in Trooper reporting, correcting a past issue where all violations were being tracked and now only driver behavior is being recorded through the Troop S reporting process.

Compliance Reviews

During SFY 2012, Troop S conducted 65 Compliance Reviews. Troop S also conducted 1 Intrastate Compliance Review. In addition, Troop S investigators assist in Compliance Reviews for the Oklahoma Division of FMCSA. At this time, there is no ability to track the number of assists. The Troop was unable to meet their goal of 110 Compliance Reviews. At the end of the first and second quarters of SFY 2012, Troop S had completed 28 percent of their goal. During the third quarter, the auditors were notified by the Oklahoma FMCSA division office that not many Compliance Reviews were available at that time. This affected the overall goal, and although the reviews were continued as more were presented, there were not enough assigned (or available) for Troop S to meet its goal. This was also due to the change in CSA 2010 calling for more focused reviews than Compliance Reviews. Three Troopers also retired in 2011, adding to the reduction in total Compliance Reviews. For SFY 2013,

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the projected goal for Compliance Reviews is 72, with 4 uniformed personnel dedicated to conducting the reviews. Currently one additional Trooper is in the process of being certified to do Compliance Reviews and another is being sent for training in August; this may increase the number of reviews conducted for SFY 2013.

Compliance Reviews will be conducted on carriers identified as high-risk or as a result of a complaint. DPS and the FMCSA Oklahoma Division Office coordinate efforts on Compliance Review assignments.

In SFY 2012, Oklahoma legislation passed a new rule to allow enforcement of intrastate carriers in addition to interstate. 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 2013 Oklahoma Legislative session to utilize the Federal Uniform Fine Assessment Program for assessing fines resulting from intrastate Compliance Reviews.

Public Education and Awareness

Upon request, Troop S addresses civic groups, industry, and the general motoring public concerning CMV and CMV driver behavior traffic safety issues. In addition, Troop S advises local law enforcement (LE) agencies of special emphasis projects and offers assistance on CMV matters. As of July 2012, Troop S has completed 80 outreach/safety talks throughout the State of Oklahoma that were very well received by industry, legislators, and the public. Although this number of talks is less than the 127 activities in 2011, it is more in line with the number of talks in past years (for example, 76 total talks conducted in SFY 2010). The significant increase in 2011 was necessary to meet the needs of many additional companies in order to explain the CSA Program and answer questions. Many of the 2012 outreach talks were to large audiences, with more than 2,250 in attendance throughout the year. For 2013, Troop S will attempt to increase the program activities by 10 percent.

Oklahoma DPS will provide motor carriers with a means of obtaining CDL data (such as convictions) regarding the drivers they employ through the Oklahoma Driver Status Notification System (OKDSNS). Development of the OKDSNS is complete. It is currently in the pilot phase of the project. DPS is adding the credit card piece and working out some problems with programming and working to have it in full production by the first of 2013.

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 has improved to "good," and data collection system updates and progress are ongoing for the states.

In the spring of 2011, Oklahoma DPS provided funds to enhance and update the Web Application Online Court Reporting System (OCRS), which included updates to the violation codes, disposition codes, and daily uploads of convictions. The courts are now able to submit CDL/CMV convictions of dismissed with fines and costs and deferrals which are in turn reported via CDLIS as convictions.

Timeliness is a factor in convictions, and a daily upload for municipal and district courts are being uploaded to Oklahoma DPS. A change to Oklahoma law now mandates the courts send a CDL/CMV conviction within 5 days of the conviction date which should increase Oklahoma's timeliness. The previous law stated they had 10 days from the conviction date to send in the conviction. This caused some convictions to not post within the Federal mandate of 10 days from the conviction date.

**Program Challenges**

Data Quality

In 2010, two new measures were added to determine reporting accuracy: the Inspection Record Completeness Measure and the Inspection VIN Accuracy Measure. Under these new measures, Oklahoma made its overall improvement from yellow to green. Oklahoma currently still has a green rating, except for Crash Record Completeness and Crash Timeliness, which are the only sections rated yellow (fair).

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Crash Timeliness – At 88 percent of records reported within 90 days, this rating has slipped 6 points since April 2012. Previously, Crash Timeliness had been in the mid-90s since May 2011. It is important to note that after some changes were made to the extraction program, the result was a group of 297 collision records that had not previously been collected. One administrative personnel was tasked with getting these caught up. In order to do this, crash uploading had to be halted and therefore resulted in a slip in timeliness.

Crash Record Completeness (CRC) – As of May 2012, this rating is at 83 percent. The data field that caused the decrease was the Vehicle Identification Completeness Evaluation, which dropped from 95 percent in May 2011. On the other hand, Driver Identification Completeness Evaluation increased from 77 percent in May 2011 to 87 percent in May 2012.

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 2012. Because the preview has been available for some time, Troop S anticipated this and was very proactive in making some changes for quick improvements. Some of the key areas addressed were under-reporting, successful collection of collision information, accuracy, and training. Troop S took several steps to address this problem, and as of July 2012, Non-Fatal Crash Completeness was back in green status. Oklahoma's current overall rating is green.

**FY 2013 Plan Highlights:**

**CMV Crash Reduction**

Troop S will work to reduce the number of collisions in which CMV driver behavior was cited as a contributing factor. Based on the current data for 2010–2012, Oklahoma's CMV collisions are rising (3,820 in SFY 2010, 3,860 in SFY 2011, and 4,135 in SFY 2012). For 2013, Troop S anticipates a continued increase in work zone collisions, providing for numerous ongoing and new road construction projects throughout Oklahoma. Therefore, work zones, already accounting for nearly 10 percent of total CMV collisions, will continue to be a top priority and State safety objective for FY 2013.

DPS has improved the data on CMV collisions, and from this new data, Troop S will increase their efforts in areas of concern, highlighting work zones. As of July 2012, data showed that there were 321 CMV work zone collisions in SFY 2010, 346 in SFY 2011, and 376 in SFY 2012. The data enables Troop S to access quarterly, up-to-date maps from SAFE-T and concentrate on specific areas of present concern. The target decrease is a 2.5 percent reduction in CMV collisions for SFY 2013.

**CMV Safety Improvement**

Oklahoma is working on development of a user interface for motor carriers to access driver record information in a timely manner. DPS began programming for the Oklahoma Driver Status Notification System (OKDSNS) in August 2008 to help companies and DPS identify problem drivers. The program is currently in extensive internal testing before rollout can begin but is expected in SFY 2013. As the pilot is further implemented, more carriers will be added. DPS is also adding the credit card piece and working out some problems with programming and planning to have it in full production by the first of 2013.

**Passenger Transportation Safety**

Troop S recognizes the importance of passenger carrier safety and is developing passenger transportation safety in accordance with the USDOT Motorcoach Action Plan as well as FMCSA guidelines, targeting unsafe driver behavior through strike forces and inspections. Troop S participates in the National Motorcoach Safety Week project and Operation Safe Driver, plus roadside inspections, fixed site inspections with ramps, safety audits, terminal, and destination inspections.

To improve motorcoach safety and reduce collisions attributable to driver behavior, Troop S strives to increase the number of inspections of motorcoaches and drivers in-transit with a violation of a State traffic law, such as speeding, or a mechanical defect. The target decrease is a 3 percent reduction in motorcoach collisions, excluding Tulsa and Oklahoma City counties where there is no Troop S control over city transit. For SFY 2012 there were 105 collisions when excluding these counties, and this will be the focus for the reduction goal in 2013.

**CMV HM Transportation Safety Objective**

Due to manpower changes, the majority of Troop S Troopers are now certified in the Hazardous Materials Program for special emphasis projects. Troop S will attempt at least two shipper reviews and four special emphasis projects per year to maintain an increased focus on the compliance of HM motor carriers, shippers and bulk package transporters during safety interventions.

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Investigators assist the Oklahoma Division in conducting interstate carrier Compliance Reviews. These reviews include hazardous materials carrier reviews. Intrastate Compliance Reviews are conducted in response to hazardous materials incidents. Also, inspection data is currently being captured in SafetyNet, which can be queried to identify deficient carriers for review.

Troop S hazardous materials units will continue to conduct safety talks to industry and law enforcement for public education of safety issues, as well as providing a team of HM certified Troopers who concentrate on enforcement of HM carriers.

**CMV Safety Data Quality**

According to A&I State Safety Data Quality (SSDQ) measures, as of May 25, 2012 (the latest data available from <http://ai.fmcsa.dot.gov/DataQuality/DataQuality.asp>), Oklahoma's overall rating was green (good), so a State objective was not required for FY 2013.

**Summary of Events in FY 2012**

Troop S places a strong emphasis on decreasing the number of Commercial Motor Vehicle (CMV) fatality and injury crashes through roadside enforcement targeting causation factors. Its 57 uniformed members (State Troopers) are dedicated to CMV safety enforcement. All roadside inspectors, safety auditors, and compliance review investigators meet FMCSA and Commercial Vehicle Safety Alliance standards and certification requirements. In SFY 2012, Oklahoma legislation passed a new rule to allow enforcement of intrastate carriers in addition to interstate. 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 2013 Oklahoma Legislative session to utilize the Federal Uniform Fine Assessment Program for assessing fines resulting from intrastate Compliance Reviews.

The biggest concern projected for this year relates to the State objective for "CMV Crash Reduction," specifically pertaining to work zone collisions. Troop S predicts that work zones will continue to increase in number across Oklahoma, resulting in an increase in accidents occurring in work zones. In order to prevent a sizeable increase in collisions, Troop S will focus on placing special emphasis in those areas. For the National Program Element "Traffic Enforcement with Inspection," Troop S will continue to take an aggressive approach to reducing accidents in areas found to be high crash corridors by performing special emphasis activities in these regions.

In order to improve safety and aggressive driving on Oklahoma highways, Troop S began its new Oklahoma TACT (Targeting Aggressive Cars and Trucks) program in 2011, which incorporates an unmarked tractor/semi-trailer that Troop S seized and acquired during a drug interdiction. This vehicle is driven by Troopers and utilized for special emphasis projects. However, the semi has proved to be costly due to fuel prices. Because of this, an unmarked vehicle is now being used for emphasis projects in high collision corridor counties.

As part of the CSA Program implementation, Troop S has continued its dedication to safety and met program objectives utilizing CSA intervention strategies. Troopers are instructed in accordance to CSA Program guidelines and are aware of the high-level goals of the inspection program. Troop S shall continue to instruct and update personnel to remain current with all changes involving CSA. Troop S will also examine its inspection selection process to ensure that inspections are selected properly and that inspections take place in safe locations. As part of the carrier profile, Troop S has a policy that during every inspection (including Compliance Reviews) the carrier is checked for insurance on file and verified through A&I. In Oklahoma, anytime a tag is run, insurance is confirmed. If there is no confirmation of insurance, the vehicle is impounded.

Troop S has also examined its inspection selection process as a focus area of the CSA Program. Oklahoma is not a probable-cause State, so inspection selection is made at random. During an inspection, selections are validated using information gathered from CVIEW, Query Central, or ISS to help determine the appropriate level of inspection, although this information does not determine the actual selection. Inspection selections are also influenced by Trooper observation of driver's behavior, hazardous materials, equipment, and motorcoach operations.

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Troop S is dedicated to keeping unsafe commercial drivers off of Oklahoma highways, and in the process of doing so confirms the valid operating status of motor carriers and CDL of the driver at each inspection. Troop S now has the ability to identify motor carriers operating under a Federal Out-of-Service Order during roadside inspections both inter and intrastate. Troop S Troopers have been trained and provided access to the Federal Motor Carrier Safety Administration portal to determine operating status on motor carriers. Troop S has various backup methods including ISS. Query Central or CVIEW are used to verify operating authority, and the Trooper can call the OHP office to check a carrier's status if any of the systems go down. With this information, Troop S has the capability of placing the power unit and the carrier out of service.

The implementation of the CSA Program brings with it an increase in DataQ Requests for Data Review. Troop S is meeting this challenge by assigning lieutenants DataQs that come from their area of supervision 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 supervisor in charge of reviewing the DataQ; however, the Troop Commander has final authority. From SFY 2013, 379 DataQs were completed. Of those, there are 2 open in review, 1 forwarded to another office for resolution, 249 closed with action taken (66 percent), 125 closed with no action taken (33 percent), and 2 open pending responses. 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.

Troop S has found 1,416 driver OOS violations during inspections, 3,366 vehicle OOS violations during inspections, and has also found 332 HM violations. For SFY 2012 Troop S caught 19 carriers operating under a Federal Out-of-Service Order. Troop S will continue to conduct thorough and detailed inspections on motor carriers in FFY 2013.

As a proactive measure, the Department of Public Safety (DPS) has acquired a truck tractor/semi-trailer via a drug interdiction and prepared it for a new Oklahoma TACT (Targeting Aggressive Cars and Trucks) program. It is equipped with video cameras and radar. Troop S began this new Oklahoma TACT program in 2011. The vehicle is driven by Troopers and utilized for special emphasis projects. However, the semi has proved to be costly due to fuel prices. Because of this, an unmarked vehicle is now being used for emphasis projects in high collision corridor counties.

**Impaired Driving and Alcohol/Controlled Substances (350.201)**

Oklahoma Highway Patrol Troop S will continue to implement procedures that focus on removing impaired CMV drivers from highways through adequate enforcement of restrictions on the use of alcohol and controlled substances. Troop S Troopers routinely participate in special emphasis directed at impaired drivers throughout Oklahoma.

All OHP Troopers are trained in Standard Field Sobriety Testing to improve impaired driver recognition. They are instructed on the use of intoxilyzers equipment and procedures, and they receive information on new techniques and safety precautions. Troop S Troopers have ready access to intoxilyzers to measure the level of breath alcohol of operators of CMVs throughout Oklahoma. Intoxilyzers are located in every county jail and practically all police departments in Oklahoma. In addition, all Troop S Troopers must complete training every year in the use of these machines. Troopers are also refreshed annually via training in impaired driver recognition and sobriety testing of drivers.

Troop S Troopers receive mandatory training each year. This training includes instruction and legal updates as well as controlled substance recognition. Troopers are taught the latest forms of concealment of contraband and legalities of search and seizure.

Troop S has the opportunity to utilize the Special Operations Unit (Troop SO) of the Oklahoma Highway Patrol. Troop SO consists of Troopers and detection dogs that are highly trained in drug interdiction. Working in conjunction with Troop SO has been and will continue to be beneficial to the apprehension of CMVs operated by impaired drivers and/or transporting controlled substances. Multiple Troopers in the Special Operations Division are also certified in Level III inspections, completing 32 required inspections per SFY to maintain certification. Also, an Oklahoma State Trooper is trained in detecting the transportation of controlled substances in CMVs. He is trained and has been certified in the Drug Interdiction Assistance Program (DIAP), Drug Enforcement Administration (DEA), and Desert Snow procedures. This Trooper works with the motor carrier Troopers for special emphasis projects, such as bus inspections, hazardous materials inspections, or any other specific

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area of CMV enforcement. Special Operations Troopers also provide them with the ability to do follow-ups (through the use of drug dogs, etc.) for development of intelligence information maintained by the El Paso Intelligence Center (EPIC).

Troop S Troopers maintain all the training and education required by OHP regarding impaired driver recognition as well as added training for CMV enforcement, such as hazardous materials and cargo tank training. In addition, Troop S completed 8,402 Level III inspections in SFY 2012 to target driver behavior and remove impaired CMV drivers from Oklahoma highways. For SFY 2012, there were no overtime projects, however, Troop S set their focus on driver behavior, highlighting speed, unsafe lane change, following too closely, and fatigued drivers.

**Operating Authority**

Troop S has a strict policy in reference to all inspections conducted by Troop S Troopers. Every carrier and driver shall be ran through Query Central in the FMCSA portal and CVIEW. This policy ensures that carriers are in compliance in operating authority. Any carrier not in compliance is placed out of service until the violation is corrected. Every Troop S Trooper has been and shall continue to be trained in the use of CVIEW and Query Central and the utilization of the programs.

All OHP Motor Carrier Troopers have been trained in enforcing the operating authority requirements for CMVs. Troop S Troopers enforce FMCSA rules and regulations and each Trooper is provided the FMCSA regulation manual and NAS OOS criteria. They are also provided the Oklahoma State Statutes on Vehicle Criminal Alcohol, Tobacco, and Drug and Boating Laws governing the execution of the enforcement. Each certified Trooper and all of Troop Headquarters can access CVIEW to verify that CMVs have the correct DOT number, insurance, operating authority, etc.

## **PROGRAM DESCRIPTION**

**Program Structure:** Troop S is comprised of 57 uniformed personnel (State Troopers), 6 civilian clerical staff, 1 civilian IT staff member, 1 civilian budget analyst, and 1 civilian attorney assigned to Troop S. The Troop S personnel are dedicated to CMV training activities including CMV safety enforcement as well as size and weight in conjunction with inspection training. Through mobile enforcement of CMVs, Troop S is able to conduct several types of emphasis-involving 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. Fines are assessed according to CVSA standards. This past year (SFY 2012), Troop S collected \$1,287,983.00 in civil penalties on OOS violations.

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

Troop S currently has 17 traffic Troopers from various field Troops throughout the State assigned to the CVTEP Program. Each CVTEP Trooper meets the North American Standard Level I Inspection certification requirement. CVTEP 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. In addition, this program serves to fulfill the DPS career path for those members of OHP who desire to become CMV enforcement Troopers. Each year, DPS seeks reimbursement from FMCSA for CVTEP activity based on a unit cost rate compiled by the DPS Finance Division.

### **Traffic Enforcement Program (TEP)**

To further enhance the enforcement efforts of Troop S, a statewide training program was initiated in 2006. The TEP has been implemented to train specific traffic Troopers to conduct driver/vehicle inspections with the goal of reducing the number of collisions involving CMVs as well as increasing seat belt compliance. Currently, 17 roadside Troopers have maintained their North American Standard (NAS) inspection certification during SFY 2012. Of those 17, there were 12 Troopers who maintained Level I NAS inspection certification, 4 Troopers who maintained their Level II NAS inspection certification and 1 Trooper who maintained Level III NAS inspection certification. Troop S put an additional 21 roadside troopers through Part A NASI which certified them in Level III NAS inspection certification.

At this time, DPS does seek reimbursement from FMCSA for TEP activity. TEP billable hours are recorded and tracked by Troop S support personnel.

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

Troop S conducted 22 special emphasis projects in SFY 2012 in different areas of the State. These special emphasis activities were conducted in areas found to be high crash corridors, resulting in vehicles placed out of service, speed arrests, enforcement of vehicles following too closely, and many inspections. During Road Check 2012, 1,077 inspections were completed, with 60 drivers and 149 vehicles placed out of service. Using current 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 accidents. Special emphasis projects (including Road Check) conducted in SFY 2012 (as of July) resulted in:

- 1,836 Completed Inspections
- 190 CMVs Placed OOS
- 92 CMV Drivers Placed OOS
- 62 Warnings Issued (Road Check not available and not included)
- 10 Arrests Issued (Road Check not available and not included)

Numbers reflect data from the first 3 quarters of FFY 2012 and the last quarter of 2011 and will be updated as the fourth quarter data becomes available.

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**PROGRAM DESCRIPTION**

For FFY 2013, Troop S will conduct special emphasis projects focusing on CMV and non-CMV driver-related behavior in high collision corridors and work zones.

**Impaired Driver Recognition**

All OHP Troopers receive Standard Field Sobriety Testing training for impaired driver recognition. They are instructed on the use of breathalyzer equipment and procedures as well as receive information on new techniques and safety precautions. Troop S Troopers maintain all the training and education required by OHP regarding impaired driver recognition and in addition receive training for commercial vehicle enforcement.

<b>MCSAP Grantee/Sub Grantee Organization</b>	<b>Number of Certified CMV Officers/Inspectors</b>	<b>Number of Certified CMV Officers/Inspectors with Traffic Enforcement Authority</b>
<i>Oklahoma Highway Patrol Troop S</i>	109	109
<b>Total MCSAP Grantee/Sub Grantee Certified CMV Officers:</b>	<b>109</b>	<b>109</b>

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**  
**STATE CMV SAFETY PROGRAM OBJECTIVES**

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**STATE CMV SAFETY PROGRAM OBJECTIVES**

**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.

**YEAR INITIATED:**

**YEAR OF PLANNED COMPLETION:**

**Problem Statement:** SAFE-T indicates the number of CMV collisions occurring in work zones increased in SFY 2012 as compared to SFY 2011. Below is a three-year snapshot of Oklahoma's CMV collisions as of September 13, 2012:

Year	Number
SFY 2010	3,988
SFY 2011	4,062
SFY 2012	4,438

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. (Three-year snapshot as of July 12, 2012 SAFE-T data: in SFY 2010 there were 321 CMV collisions in work zones, 346 in SFY 2011, and 376 in SFY 2012.) For 2013, Troop S anticipates a continued increase in work zone collisions, providing for numerous ongoing and new road construction projects throughout Oklahoma. Therefore, work zones, already accounting for nearly 10 percent of total CMV collisions, will continue to be a top priority and State safety objective for FY 2013.

Based on the current data for 2010–2012, Oklahoma's CMV collisions are rising, and therefore Troop S was unable to meet its goal of a 2.5 percent decrease in CMV collisions and has failed to meet their goal since 2009. 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.

The majority of Troop S is certified in the Hazardous Materials Program for special emphasis projects; more training is planned for 2013. Troop S will attempt at least four hazardous materials special emphasis projects per year to maintain an increased focus on the compliance of HM motor carriers, shippers, and bulk package transporters during safety interventions.

Investigators assist the Oklahoma FMCSA Division in conducting interstate carrier Compliance Reviews. These reviews include hazardous materials carrier reviews. Intrastate Compliance Reviews are conducted in response to hazardous materials incidents. Also, inspection data is currently being captured in SafetyNet, which can be queried to identify deficient carriers for review.

Troop S hazardous materials units will continue to conduct safety talks to industry and law enforcement for public education of safety issues.

**Performance Objective:** Troop S will work to reduce the number of collisions in which CMV driver behavior was cited as a contributing factor. In SFY 2012, there were 180 work zone collisions where CMV driver behavior was cited as a contributing factor, however, this total only counts for following too closely, speeding, and changing lanes unsafely violations. The target decrease is a 2.5 percent reduction in CMV collisions for FY 2013.

CMV collision data provided by SAFE-T from SFY 2012 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.

**Performance Measure:** 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:** DPS has improved the data on CMV collisions, and from this new data, Troop S will increase their efforts in areas of concern, highlighting work zones. As of July 2012, data showed that there were 321 CMV work zone collisions in SFY 2010, 346 in SFY 2011, and 376 in SFY 2012. The data enables Troop S to access quarterly, up-to-date maps from SAFE-T and concentrate on specific areas of present concern. There were approximately 450 contracts awarded for work zone construction by ODOT in SFY 2012. Using this data, Troop S conducted 22 total special emphasis projects in SFY 2012, an increase of 6 projects over 2011.

In SFY 2012, the Troop S goal was 10,880 Level III inspections. For the year, 8,402 Level III inspections were completed. However, there were 11,030 Level II inspections, exceeding the goal of 10,580. Often lower numbers of Level III inspections is due to the elevation of inspections from Level III to Level II once Troopers observe vehicle violations. Additionally, overall numbers of inspections were down in 2012, as Oklahoma currently has the fewest number of Troopers in over 20 years, pulling many Troop S Troopers into non-MCSAP activities to fill the void.

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**Strategy 1**

**Program Strategy:** Use SAFE-T data to identify work zones for deployment of Troopers to these areas.

**Program Activity Plan:** Troop S Troopers, along with the use of CVTEP Troopers in their designated areas, will be assigned to actively patrol work zones statewide during work shifts. Enforcement will be conducted on all drivers committing collision causation violations such as speeding, following too closely, or unsafe lane changes.

**Program Activity Measure:** Activities will be measured by the overall number of citations issued, driver/vehicle inspection reports, and collisions recorded where collision causation violations were

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**STATE CMV SAFETY PROGRAM OBJECTIVES: CMV CRASH REDUCTION**

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committed. Collision causation violations include, but are not limited to, speeding, following too closely, and unsafe lane change.

**Monitoring & Evaluation:** SAFE-T data reports will be used to identify the number of collisions in work zone areas where driver collision causation violations were factors.

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**Strategy 2**

**Program Strategy:** Use SAFE-T data to locate high collision corridors for deployment of Troopers. The top five high crash corridors for SFY 2012 were in Canadian, Cleveland, Muskogee, McClain, and Pittsburg counties.

**Program Activity Plan:** Conduct 8,280 mobile Level III inspections to reduce CMV driver-related traffic violations, such as using handheld mobile devices, speeding, following too closely, or improper lane changes.

**Program Activity Measure:** Activities are measured by the number of Level III inspections conducted in high collision corridors that are uploaded to SAFER. The corridors are identified by SAFE-T data.

**Monitoring & Evaluation:** Each quarter the OHP will monitor the number of Level III inspections and use the data from the inspections (uploaded to SAFER) to evaluate the effectiveness of the activity in reducing the number of driver behavior-related collisions.

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**Strategy 3**

**Program Strategy:** Troop S and CVTEP Troopers will be utilized for special emphasis projects in work zones and high collision corridors.

**Program Activity Plan:** Complete special emphasis projects in work zones and high collision corridors, with a goal of 5 per quarter, totaling 20 in SFY 2013, as well as increase the number of Level III inspections conducted. In SFY 2012, Troop S performed 22 special emphasis projects in high collision corridors and work zones, a significant increase over the 16 completed in SFY 2011.

**Program Activity Measure:** Activities are measured by the number of special emphasis projects deployed in work zones plus the number of Level III inspections.

**Monitoring & Evaluation:** 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.

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**Strategy 4**

**Program Strategy:** Troop S Troopers will be utilized for special statewide HM emphasis projects.

**Program Activity Plan:** Complete 4 statewide HM emphasis projects in SFY 2013, conducting 1 each quarter, including a 4th of July HM emphasis targeting motor carriers transporting fireworks. In SFY 2012, Troop S performed 2 HM emphasis projects.

**Program Activity Measure:** Activities are measured by the number of HM special emphasis projects statewide.

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**STATE CMV SAFETY PROGRAM OBJECTIVES: CMV CRASH REDUCTION**

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**Monitoring & Evaluation:** Each quarter the OHP will monitor the number of inspections and HM violations uploaded to SafetyNet to determine the effectiveness of the inspection activities. Now a new part of the CMV Crash Reduction plan, HM activities will be reported in the quarterly reports.

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**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**STATE CMV SAFETY PROGRAM OBJECTIVES: PASSENGER TRANSPORTATION SAFETY**

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**Passenger Transportation Safety** - Troop S addresses passenger transportation safety in Oklahoma by conducting inspections aimed at reducing fatalities and improving overall motorcoach safety.

**YEAR INITIATED:** 2012

**YEAR OF PLANNED COMPLETION:** 2013

**Problem Statement:** Motorcoach safety is a national emphasis area. Troop S is developing passenger transportation safety in accordance with the USDOT Motorcoach Action Plan as well as FMCSA guidelines, targeting unsafe driver behavior through strike forces and inspections. Troop S plans to address the specific activities referenced in the 2012 USDOT Motorcoach Safety Action Plan when it is available. In Oklahoma, there were a total of 216 motorcoach collisions in SFY 2012, including 64 injury collisions. Fortunately, there were zero fatalities. Still, this is a 22 percent increase from the 176 motorcoach collisions occurring in SFY 2011, which included 48 injury collisions and 3 fatalities. Driver behavior issues, high-risk motorcoach operations, and federal out-of-service carriers are the areas Troop S will concentrate on for motorcoach safety initiatives.

**Performance Objective:** Troop S strives to improve motorcoach safety and reduce collisions attributable to driver behavior by increasing the number of inspections of motorcoaches and drivers in-transit with a violation of a State traffic law, such as speeding or following too closely, or a mechanical defect. To achieve this goal, Troop S performs passenger carrier inspections during special emphasis activities. Troop S will look to MCMIS to identify high risk motorcoach operations. Motorcoach operations meeting these conditions will be identified by special pass/fail criteria determined by CVIEW and their SafeStat score. The target decrease is a 3 percent reduction in motorcoach collisions, excluding Tulsa and Oklahoma City counties where there is no Troop S control over city transit. The State will use CMV collision data from SAFE-T and performance data from MCMIS to determine if the inspections have reduced the overall number of collisions.

**Performance Measure:** Troop S will conduct motorcoach roadside inspections based on driver behavior violations or visible vehicle defect violations to aid in decreasing motorcoach collisions. Performance will be measured by the number of roadside inspections. Motorcoach collision data will be measured to guide activities and efforts. The goals for FY 2013 motorcoach inspections are:

Inspection Level	Goal
Level I	10
Level II	25
Level III	30
Level V	185
<b>Total</b>	<b>250</b>

**Status Update Section:** Troop S participates in the National Motorcoach Safety Week project and Operation Safe Driver as well as roadside inspections, fixed site inspections with ramps, terminal, and destination inspections. A total of 245 bus and motorcoach inspections were conducted during SFY 2012, an increase from the 202 motorcoach inspections conducted in SFY 2011. However, it is important to note that Oklahoma does not have a fixed site inspection station for motorcoaches (as a planned stop), and motorcoaches are not required to pull into Oklahoma weigh stations or port of entries. Based on CVSA and FMCSA guidance on en

route inspections, the Troopers are limited to Level III inspections. However, the number of certified Troopers has increased, and will increase the number of inspections accordingly for SFY 2013. To maintain the Trooper certifications, a large number of Level V are necessary. Currently, 15 MCSAP Troopers have been certified as Passenger Vehicle Inspectors.

During SFY 2011, there were a total of 176 motorcoach collisions, including 48 injury collisions and 3 fatalities. This was a significant decrease in collisions from the 279 occurring in SFY 2010 (including 64 injury collisions and 2 fatalities). Although this was such a great decrease, Troop S continued to strive towards its goal of a 3 percent reduction. Nevertheless, Oklahoma motorcoach collisions for SFY 2012 are more similar to the numbers before the 2011 dip: there were a total of 216 motorcoach collisions, including 64 injury collisions and zero fatalities. This is a 22 percent increase from the 176 motorcoach collisions occurring in SFY 2011, which included 48 injury collisions and 3 fatalities. However, when looking at 2010, Oklahoma is back in line with the steady decline occurring before 2011, at 22.5 percent fewer motorcoach collisions in SFY 2012 than in 2010. At this point, Troop S will set its goal to continue reducing motorcoach collisions at a 3 percent reduction rate. In SFY 2013, Troop S will look at the data more closely, excluding Tulsa and Oklahoma counties where there is no Troop S control over city transit. For SFY 2012 there were 105 collisions when excluding these counties, and this will be the focus for the reduction goal in SFY 2013.

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**Strategy 1**

**Program Strategy:**

Troop S will conduct motorcoach inspections in-transit with a violation of State traffic law or mechanical defect and fixed site enforcement terminal inspections, plus will include special roadside emphasis strike forces.

**Program Activity Plan:**

In SFY 2013, along with the in-transit inspections in conjunction with a violation of a State traffic law, driver behavior violation, or mechanical defect which are MCSAP allowable, Troop S will conduct 3 special emphasis roadside strike forces and will make an attempt to stop any motorcoach for moving violations or mechanical defects to reduce motorcoach collisions in Oklahoma.

**Program Activity Measure:**

Activities will be measured by the number of special emphasis projects, inspections, and out-of-service violations of drivers and motorcoaches.

**Monitoring & Evaluation:**

Quarterly reports will be provided to FMCSA using SAFE-T data to determine if the inspections have reduced the overall number of collisions.

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## **NATIONAL PROGRAM ELEMENTS**

For the State of Oklahoma, Troop S addresses each section of the FY 2013 Planning Memorandum National Program Emphasis Area in the following section. 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 (OOS), and Trooper's 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 2013. 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, 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 or negligent driving.

### **Enforcement of Limiting the Use of Wireless Communication Devices (Texting)**

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.

Additionally, Troop S will be submitting a proposed law change in 2013 Oklahoma Legislative session to amend the law in conformance with the new Federal regulation prohibiting cell phone use while operating a CMV other than a one push button operation. Troop S is also trying to educate drivers and carriers by addressing this issue during their outreach/safety talks.

### **CSA Program Implementation**

Troop S is working to fully implement the CSA Program in Oklahoma (in three phases) and has been mentored by the State of Kansas. Phases I and II have been implemented, and Phase III should be implemented in the fall, according to Oklahoma division of FMCSA. Now, as companies receive warning letters from FMCSA, they are able to contact the Troop S office with any CSA questions. In addition, all Troop S Troopers, Safety Auditors, and Compliance Reviewers have been trained and are currently receiving updates on the CSA Program so they are able to answer questions from drivers during roadside inspections. To maintain awareness of the program guidelines, Troop S participates in monthly conference calls for updates and changes to CSA, as well as webinars as they become available.

### **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 has improved to "good," and data collection system updates and progress are ongoing for the states.

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, 379 DataQs were completed. Of those, there are 2 open in review, 1 forwarded to another office for resolution, 249 closed with action taken (66 percent), 125 closed with no action taken (33 percent), and 2 open pending responses. Troop S has received an additional Lieutenant to assist with the workload associated with the DataQ

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**  
**NATIONAL PROGRAM ELEMENTS**

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processes. Troop S is also utilizing the “DataQs User’s Guide and Best Practices Manual” as a resource in resolving Requests for Data Reviews.

**USDOT Motorcoach Safety Action Plan**

Troop S is developing passenger transportation safety in accordance with the USDOT Motorcoach Action Plan as well as FMCSA guidelines, targeting unsafe driver behavior through strike forces and inspections. Troop S plans to address the specific activities referenced in the 2012 USDOT Motorcoach Safety Action Plan when it is available.

**Driver/Vehicle Inspections** - Troop S maintains a strong statewide CMV driver/vehicle inspection program to keep unsafe CMVs and CMV drivers off of 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. 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. 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.

<b>Inspection Level</b>	<b>SFY 2011*</b>	<b>SFY 2012</b>
<b>Level I</b>	4,953	4,301
<b>Level II</b>	11,617	11,030
<b>Level III</b>	10,147	8,402
<b>Level IV</b>	0	0
<b>Level V</b>	252	332
<b>Total</b>	<b>26,969</b>	<b>24,065</b>

*\* SFY 2011 numbers have been updated since the 2012 CVSP*

**Performance Objective:** 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 2013 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 Troops 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 of Oklahoma roadways.

**Performance Measure:** Activities will be measured by the number of driver/vehicle inspections as well as driver violations identified during inspections.

**Strategy 1**

**Program Strategy:** Inspection activities will focus on driver behavior violations that result in collisions involving CMVs. Enforcement personnel will concentrate their efforts on these violations committed by CMV drivers, such as unsafe speed or negligent driving. In addition, Troop S will provide greater emphasis on driver behavior violations and on compliance of seat belt usage during the inspections.

**Program Activity Plan:** Identify high collision corridors for deployment of Troop S Troopers. Troop S Troopers and CVTEP personnel will increase patrol in these high collision corridors for CMV traffic enforcement of driver-related behavior and seat belt usage.

**Program Activity Measure:** Activities will be measured by the number of inspections conducted by Troop S Troopers and CVTEP Troopers, the number of OOS vehicles/drivers as a result of these inspections, and the number of documented seat belt violations uploaded into MCMIS.

**Monitoring & Evaluation:** Quarterly reports will be submitted to FMCSA identifying the number of inspections conducted and how many drivers were placed out of service.

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**NATIONAL PROGRAM ELEMENTS: DRIVER/VEHICLE INSPECTIONS**

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**Strategy 2**

**Program Strategy:** Verify CDL status of CMV drivers during all roadside inspections.

**Program Activity Plan:** Utilize Query Central, provided to all roadside inspectors including CVTEP personnel that have laptop computers, to verify CDL status via the Commercial Driver's License Information System (CDLIS) at roadside.

**Program Activity Measure:** Activities will be measured by the number of inspections where CDLs were verified in the FMCSA report.

**Monitoring & Evaluation:** A quarterly report will be submitted to FMCSA identifying the number of times the system database was accessed by roadside inspectors to correlate with the number of inspections conducted. When there is no access to CDLIS, Troopers will document on the inspection notes how the CDL was checked.

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**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**NATIONAL PROGRAM ELEMENTS: DRIVER/VEHICLE INSPECTIONS**

**FY 2013 - Driver/Vehicle Inspection Activity Projections:**

**Table 1. Driver/Vehicle Inspection Activity Projections FY 2013**

Inspection Level	Non-HM Truck	HM Truck	Motorcoach	Passenger Carrier*	Other	Total	
	Number	Number	Number	Number	Number	Number	Percent**
Level I	3,470	430	10	0	0	3,910	17.0
Level II	9,355	1,200	25	0	0	10,580	46.0
Level III	8,250	0	30	0	0	8,280	36.0
Level IV	0	0	0	0	0	0	0.0
Level V	45	0	185	0	0	230	1.0
Level VI	0	0	0	0	0	0	0.0
<b>Total</b>	<b>21,120</b>	<b>1,630</b>	<b>250</b>	<b>0</b>	<b>0</b>	<b>23,000</b>	<b>100.0</b>

**Notes:** \*Passenger Carrier includes van, school bus, bus, and limo vehicles.

\*\*The percent column will auto-calculate once the other fields are populated with data.

**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. Troop S has also taken an aggressive stance in identifying and inspecting CMVs that transport illegal substances and will also participate in activities aimed at removing impaired CMV drivers from the highways.

A&I data showed that in FFY 2011, 3,752 violations were cited for speeding, as compared to 4,091 in 2010 and 5,781 in FFY 2009. There were 334 violations were cited for following too close in 2011 as compared to 483 in 2010 and 410 in 2009. In addition, the A&I violation summary total for FFY 2011 was 8,225, continuing a downward trend from 8,463 in 2010 and 13,012 in 2009. Traffic enforcement has resulted in this continued decrease in driver-related violations. However, the lower number of tickets may also be somewhat attributed to timeliness of submission, as Troop S has experienced a learning curve with the new e-tickets.

As of July 2012, total CMV collision numbers showed a 7 percent increase (from 3,860 in SFY 2011 to 4,135 in SFY 2012). Troop S's goal is to reduce CMV collisions by 2.5 percent and will continue to work towards this goal. In SFY 2012, there were a total of 4,456 citations and 16,768 warnings issued during CMV and non-CMV traffic enforcement reported by Troop S. It is also important to note that there has been a change in Trooper reporting, correcting a past issue where all violations were being tracked and now only driver behavior is being recorded through the Troop S reporting process.

**Performance Objective:** 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 2012, of the 24,065 Troop S conducted, 5,290 of the inspections were a result of traffic enforcement. In addition, Troop S will participate in and schedule activities aimed at removing impaired CMV drivers from the highways.

**Performance Measure:** Performance will be measured by the number of collisions resulting from CMV driver-related behavior and the target decrease is a 2.5 percent reduction.

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**Strategy 1**

**Program Strategy:** Continue inspection practices that focus on those areas that have been identified as high collision corridors. In addition, deploy Troop S and CVTEP personnel in identified areas within their geographical work areas.

**Program Activity Plan:** Special emphasis in high collision corridors.

**Program Activity Measure:** Activities will be measured by the number of inspections, the number of driver/vehicle OOS, and the number of citations issued by Troop S and CVTEP Troopers. The Federal violation codes reflect the State section codes (See Table 2) entered by Troop S Troopers.

**Monitoring & Evaluation:** A quarterly report will be submitted to FMCSA using the data from the SAFE-T to verify that targeting the high risk corridors has decreased collisions.

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**Strategy 2**

**Program Strategy:** Troop S will work to identify CMVs that transport illegal substances and will participate in activities aimed at removing impaired CMV drivers from the highways through engagement in Level III inspections utilizing CDL and driver's license checks, as well as special emphasis activities designed to identify CMV driver alcohol- and drug-related violations.

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**NATIONAL PROGRAM ELEMENTS: TRAFFIC ENFORCEMENT**

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**Program Activity Plan:** Troop S Troopers will utilize Drug Recognition Experts (DREs) available to assist in determination of CMV driver impairment. Troop S has taken an aggressive stance in identifying and inspecting CMVs that transport illegal substances. Selected Troop S Troopers have attended the “Desert Snow” interdiction school—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.

**Program Activity Measure:** Activities will be measured by the number of inspections and the number of citations issued.

**Monitoring & Evaluation:** Evaluate the number of inspections conducted by Troopers to further target driver behavior and remove impaired drivers from Oklahoma highways.

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**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**NATIONAL PROGRAM ELEMENTS: TRAFFIC ENFORCEMENT**

**Violation Trend Analysis Table (2009-2011):**

Traffic Enforcement Violation data (as of 5/25/2012) from FMCSA’s A&I Online, Program Measures Traffic Enforcement Sub-module at <http://ai.fmcsa.dot.gov/SafetyProgram/spRptTraffic.aspx?rpt=TEBC>.

**Table 2. Violation Section 49 CFR 392–Trend Analysis (Not Quota) (2009-2011)**

Year	.2C	.2FC	.2LC	.2P	.2R	.2S	.2T	.2Y	.3	.4/.4A	.5/.5A	.16	.71A
2011	338	334	137	48	4	3,752	64	53	5	10	14	251	62
2010	293	483	189	17	5	4,091	77	67	6	8	12	457	66
2009	367	410	198	15	5	5,781	81	70	13	11	24	383	85

**Table 3. Violation Section 49 CFR 392–Violation Codes**

**Moving Violations:**

- 392.2FC – Following too close
- 392.2C – Failure to obey traffic control device
- 392.2LC – Improper lane changing
- 392.2P – Improper passing
- 392.2R – Reckless driving
- 392.2S – Speeding
- 392.2-SLLS1 – State/Local Laws - Speeding 1-5 miles per hour over the speed limit
- 392.2-SLLS2 – State/Local Laws - Speeding 6-10 miles per hour over the speed limit
- 392.2-SLLS3 – State/Local Laws - Speeding 11-14 miles per hour over the speed limit
- 392.2-SLLS4 – State/Local Laws - Speeding 15 or more miles per hour over the speed limit
- 392.2-SLLSWZ – State/Local Laws - Speeding work/construction zone
- 392.2T – Improper turns
- 392.2Y – Failure to yield right of way
- 392.3 – Operating a CMV while ill or fatigued
- 392.80(a) – Driving a CMV while texting
- 392.82(a)(1) – Using a hand-held mobile telephone while operating a CMV

390.17\* – Additional equipment and accessories

**Alcohol or Drug Related Violations:**

- 392.4 and 392.4A – Driver uses or is in possession of drugs
- 392.5 and 392.5A – Driver uses or is in possession of alcohol

**Railroad Crossing Violations:**

- 392.10A1 – Failing to stop at railroad (RR) grade crossing-bus
- 392.10A2 – Failing to stop at RR crossing-chlorine
- 392.10A3 – Failing to stop at RR crossing-placard
- 392.10A4 – Failing to stop at RR crossing-HM cargo

**Miscellaneous Violations:**

- 392.14 – Failing to use caution for hazardous conditions
- 392.16 – Failing to use safety belt while operating a CMV
- 392.71A – Using/equipping CMV with a radar detector
- 392.2 – Local laws (general)

\*390.17 is listed for use by those states that have not yet adopted 392.80 or 392.82.

**Compliance Reviews/CSA Interventions** - In Oklahoma, Compliance Reviews are conducted on interstate carriers by 4 investigators. Reviews also include hazardous materials carrier reviews and hazardous materials inspections. 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 2012, Troop S conducted 65 Compliance Reviews. Troop S also conducted 1 Intrastate Compliance Review. In addition, Troop S investigators assist in Compliance Reviews for the Oklahoma Division of FMCSA. At this time, there is no ability to track the number of assists. The Troop was unable to meet their goal of 110 Compliance Reviews. At the end of the first and second quarters of SFY 2012, Troop S had completed 28 percent of their goal. During the third quarter, the auditors were notified by the Oklahoma FMCSA division office that not many Compliance Reviews were available at that time. This affected the overall goal, and although the reviews were continued as more were presented, there were not enough assigned (or available) for Troop S to meet its goal, also due to the change in CSA 2010 calling for more focused reviews than Compliance Reviews. Three Troopers also retired in 2011, adding to the reduction in total Compliance Reviews. For SFY 2013, the projected goal for Compliance Reviews is 72, with 4 uniformed personnel dedicated to conducting the reviews. Currently one additional Trooper is in the process of being certified to do Compliance Reviews and another is being sent for training in August; this may increase the number of reviews conducted. 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 accidents (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. 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 2013 Oklahoma Legislative session to utilize the Federal Uniform Fine Assessment Program for assessing fines resulting from intrastate Compliance Reviews.

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 2013.

**Performance Objective:** 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.

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

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### **Strategy 1**

**Program Strategy:** 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.

**Program Activity Plan:** Troop S has 4 uniformed personnel dedicated to conducting Compliance Reviews on motor carriers, including property, passenger and hazardous materials carriers. Compliance Reviews will be conducted on carriers assigned by FMCSA.

**FY 2012 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**  
**NATIONAL PROGRAM ELEMENTS: COMPLIANCE REVIEWS**

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**Program Activity Measure:** Activities will be measured by the number of Compliance Reviews conducted on high-risk carriers. For SFY 2013, the target is 72 Compliance Reviews.

**Monitoring & Evaluation:** Quarterly reports will be submitted to FMCSA with the number of completed reviews.

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**Strategy 2**

**Program Strategy:** Focus Compliance Reviews on intrastate carriers that are the subject of written complaints in reference to fatalities, drug policies, and hazardous materials. 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 2013 Oklahoma Legislative session to utilize the Federal Uniform Fine Assessment Program for assessing fines resulting from intrastate Compliance Reviews.

**Program Activity Plan:** Compliance Reviews will be conducted on carriers as a result of a non-frivolous complaint made against them.

**Program Activity Measure:** Activities will be measured by the number of Compliance Reviews conducted on carriers as a result of an intrastate carrier complaint.

**Monitoring & Evaluation:** Quarterly reports will be submitted to FMCSA with the number of completed reviews.

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**Strategy 3**

**Program Strategy:** Reviews will be focused on motor carriers involved in fatality collisions where the carrier was culpable or where CSA elements were contributing factors.

**Program Activity Plan:** 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.

**Program Activity Measure:** Activities will 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.

**Monitoring & Evaluation:** Quarterly reports will be submitted to FMCSA with the number of completed reviews.

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**Strategy 4**

**Program Strategy:** Compliance Reviews or Focused Reviews will be conducted for motorcoach operations assigned by FMCSA as high risk or for those motorcoach operations that have gone more than 5 years since their last review.

**Program Activity Plan:** Conduct Compliance Reviews on motorcoach operations if they are identified as a high risk carrier.

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**NATIONAL PROGRAM ELEMENTS: COMPLIANCE REVIEWS/CSA INTERVENTIONS**

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**Program Activity Measure:** Activities will be measured by the number of Compliance Reviews conducted on motorcoach operations each quarter.

**Monitoring & Evaluation:** Quarterly reports will be provided to FMCSA on all completed Compliance Reviews for at-risk motorcoach operations or carriers that have not had a Compliance Review in the last 5 years.

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**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**NATIONAL PROGRAM ELEMENTS: COMPLIANCE REVIEWS/CSA INTERVENTIONS**

**Compliance Review/CSA Interventions Activity Projections FY 2013:**

**Table 4. Review/Investigation Activity Projections FY 2013**

Review Type	Type of Operation		
	Interstate Carrier	Intrastate Carrier	Cargo Tank Facility, Shipper
<b>Motor Carrier Safety Compliance Reviews Total</b> <i>Passenger CRs</i>		0* 0	
<b>Non-Rated Reviews</b> (excludes CSA Investigations & Security Contact Reviews (SCRs))	0	0	
CSA Offsite Investigations Total <i>HM CSA Offsite</i>	0 0	0 0	
CSA Onsite Focused Investigation Total <i>HM CSA Onsite Focused</i>	42 0	0 0	
CSA Onsite Comprehensive Investigation Total <i>Passenger CSA Onsite Comprehensive</i> <i>HM CSA Onsite Comprehensive</i>	30 0 0	0 0 0	
<b>CSA Investigations Total</b>	<b>72</b>	<b>0</b>	
<b>Security Contact Reviews (SCRs)</b>	<b>0</b>	<b>0</b>	
<b>Cargo Tank Facility Reviews</b>			
<b>Shipper Reviews</b>			<b>0</b>
<b>Reviews Subtotals:</b>	<b>72</b>	<b>0</b>	<b>0</b>
<b>REVIEWS TOTAL:</b>	<b>72</b>		

\*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 2013 Oklahoma Legislative session to utilize the Federal Uniform Fine Assessment Program for assessing fines resulting from intrastate Compliance Reviews.

**Public Education & Awareness** – Troop S strives to educate the public, industry, and law enforcement agencies regarding CMV safety issues. As of July 2012, Troop S has completed 80 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. For SFY 2013, the target is a 10 percent increase in program activities. As of July 2012, Troop S has completed 80 outreach/safety talks throughout the State of Oklahoma (including schools and affiliated associations) and was very well received by industry, legislators, and the public. Although this number of talks is less than the 127 activities in 2011, it is more in line with the number of talks in past years (for example, 76 total talks conducted in SFY 2010). The significant increase in 2011 was necessary to meet the needs of many additional companies in order to explain the CSA Program and answer questions. Many of the 2012 outreach talks were to large audiences, with more than 2,250 in attendance throughout the year. For 2013, Troop S will attempt to increase the program activities by 10 percent.

**Performance Measure:** 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. The target is a 10 percent increase in program activities.

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**Strategy 1**

**Program Strategy:** Safety talks will be conducted for industry, the general public, district attorneys, judges, and law enforcement agencies.

**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 (LE) 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.

**Program Activity Measure:** 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.

**Monitoring & Evaluation:** The number of talks will be provided quarterly in a report to FMCSA.

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**Strategy 2**

**Program Strategy:** Troop S will use social media through the Oklahoma Highway Patrol Facebook page to provide data for CMV drivers and companies.

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**

**NATIONAL PROGRAM ELEMENTS: PUBLIC EDUCATION & AWARENESS**

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**Program Activity Plan:** Once per month, Troop S will post data or questions on the Facebook page that provides information about current CMV issues.

**Program Activity Measure:** The activity will be measured by the number of posts on Facebook and the interaction with users.

**Monitoring & Evaluation:** The number of posts will be provided quarterly in a report to FMCSA.

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**Data Collection** - 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 2012, Oklahoma was rated “good” in all areas except for Crash Record Completeness and Crash Timeliness, which are the only sections rated yellow (fair).

In 2010, two new measures were added to determine reporting accuracy: the Inspection Record Completeness Measure and the Inspection VIN Accuracy Measure. Under these new measures, Oklahoma made its overall improvement from yellow to green. Oklahoma currently still has a green rating, and as of June 2012, all SSDQ quality measures are green (good) — Non-Fatal Crash Completeness, Fatal Crash Completeness, Crash Accuracy, Inspection Record Completeness, Inspection VIN Accuracy, Inspection Timeliness, and Inspection Accuracy — except for Crash Record Completeness and Crash Timeliness, which are the only sections rated yellow (fair).

The two measures rated yellow deserved a closer look: crash timeliness and crash record completeness.

**Crash Timeliness** – At 88 percent of records reported within 90 days, this rating has slipped 6 points since April 2012. Previously, Crash Timeliness had been in the mid-90s since May 2011. It is important to note that after some changes were made to the extraction program, the result was a group of 297 collision records that had not previously been collected. One administrative personnel was tasked with getting these caught up. In order to do this, crash uploading had to be halted and therefore resulted in a slip in timeliness.

**Crash Record Completeness (CRC)** – As of May 2012, this rating is at 83 percent. The data field that caused the decrease was the Vehicle Identification Completeness Evaluation, which dropped from 95 percent in May 2011. On the other hand, Driver Identification Completeness Evaluation increased from 77 percent in May 2011 to 87 percent in May 2012. Updates to the extraction program have been made so we are collecting a more accurate number of collisions on a daily basis. Edit checks are being added to TraCs to encourage Troopers to investigate further if the vehicle meets a certain quality that could make it a large vehicle (over 10,000 lbs). More recently, there has been discussion about modifying the collision manual. Oklahoma is also working with a Professor from UCO in an effort to develop a more sound method of analyzing and establishing future collision reduction goals. Multi-year goals should be set by approximately January 2013.

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 2012. Because the preview has been available for some time, Troop S anticipated this and was very proactive in making some changes for quick improvements. Some of the key areas addressed were under-reporting, successful collection of collision information, accuracy, and training. Here are some steps Troop S took to address this problem:

- One Troop S Administrative personnel reviews each collision involving a CMV on a daily basis. Using A&I, National Institute for Safety Research, and MCMIS, Troop S is able to validate driver, company, and vehicle information.
- 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.
- Law Enforcement Training 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 2012 PARIS is on hold. LETD is working with Troop S to make changes to the TRACS system.

As of July 2012, Non-Fatal Crash Completeness was back in green status.

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, 379 DataQs were completed. Of those, there are 2 open in review, 1 forwarded to another office for resolution, 249 closed with action taken (66 percent), 125 closed with no action taken (33 percent), and 2 open pending responses. 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.

Troop S lieutenants, full-time Troopers, and CVTEP Troopers are trained in CVIEW on how to determine if a motor carrier is operating in a federal out-of-service status. Troopers receive training in the CVIEW and FMCSA portal to verify operating authority on motor carriers. It is Troop S policy that the FMCSA portal is accessed at all roadside inspections. Every Trooper received 4 hours of CLEET credit for this class. Troop S administrative staff also attended one of the classes. This allows accurate carrier information to be available to all Troopers at the roadside, resulting in every enforcement stop and every collision report containing the most up-to-date information for both the carrier and the driver.

**Performance Objective:** Troop S will continue to make roads safer by reporting convictions and collisions completely, accurately, and in a timely manner. Oklahoma is green in every area except reporting except for Crash Record Completeness and Crash Timeliness, which are rated yellow (fair). Updates to the extraction program have been made so DPS is collecting a more accurate number of collisions on a daily basis. Edit checks are being added to TraCs to encourage Troopers to investigate further if the vehicle meets a certain quality that could make it a large vehicle (over 10,000 lbs). More recently, there has been discussion about modifying the collision manual. Oklahoma is also working with a Professor from UCO in an effort to develop a more sound method of analyzing and establishing future collision reduction goals. Multi-year goals should be set by approximately January 2013.

At 88 percent of records reported within 90 days, the Crash Timeliness rating has slipped 6 points since April 2012. Previously, Crash Timeliness had been in the mid-90s since May 2011. It is important to note that after some changes were made to the extraction program, the result was a group of 297 collision records that had not previously been collected. One administrative personnel was tasked with getting these caught up. In order to do this, crash uploading had to be halted and therefore resulted in a slip in timeliness.

As of May 2012, the Crash Record Completeness (CRC) rating is at 83 percent. The data field that caused the decrease was the Vehicle Identification Completeness Evaluation, which dropped from 95 percent in May 2011. On the other hand, Driver Identification Completeness Evaluation increased from 77 percent in May 2011 to 87 percent in May 2012.

In 2010 DPS was planning to have all in-state convictions for out-of-state CDL/CMV driver's citations automatically sent electronically, but has not yet completed this task. Currently, DPS gets paper and electronic transmission of convictions from the courts, and the abstracts are then entered by hand into the Commercial Driver License System (CDLIS). This is time consuming and not an efficient way to report. DPS programmers have looked at this issue and believe it can be automated for all electronic submitted convictions. A new steering committee has been established at DPS to make sure that this project does not stall out. The steering committee has set this programming change to be in the top 25 jobs completed before IT moves on to any other projects. It takes priority due to the importance of posting the convictions to CDLIS.

**Performance Measure:** 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 for OHP is approximately 700, Oklahoma County Sheriff is about 80, and the Woodward Police Department recently added 20. This has increased from last year, where OHP had 672 and Oklahoma County had 40 users. The Oklahoma Highway Safety Office and

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**  
**NATIONAL PROGRAM ELEMENTS: DATA COLLECTION**

OHP have been expanding outside of OHP and will be continuing to add in other law enforcement agencies.

DPS will work with Troop S by pursuing the following strategies.

**Strategy 1**

**Program Strategy:** Since automating the collision reporting with the implementation of TraCS and CRS, DPS is continuing to expand these programs with additional users.

**Program Activity Plan:** DPS will continue training and adding users for TraCS and CRS to further improve timeliness and accuracy of conviction and collision reporting.

**Program Activity Measure:** Troop S will measure the number of paper versus electronic collision reports submitted. Over the past 3 years, Troop S has observed the following data from 2009 to June 30, 2011:

	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Paper</b>	<b>110,967</b>	<b>52,474</b>	<b>31,199</b>
<b>Electronic</b>	<b>26,869</b>	<b>24,870</b>	<b>43,557</b>

Due to a backlog of reports when the Tulsa office implemented electronic reporting in 2009, a high number of electronic reports were recorded. Now that the reports are not behind schedule and are being entered on time, the total number of electronic reports recorded in 2010 and 2011 represent the actual reports submitted for that timeframe.

DPS cannot provide the new statistics for 2012 until August and will be updated as available.

**Monitoring & Evaluation:** 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.

**Strategy 2**

**Program Strategy:** DPS is continuing to research, design, develop, and implement a process to allow for the electronic submission directly to CDLIS for all electronically submitted in-state convictions for out-of-state CDL/CMV drivers. In June 2012 a Steering Committee was formed within DPS to select, track, and finish large projects like this. DPS now has a list of 47 approved projects and the Electronically Submitting Abstracts via CDLIS is one of the projects. There is no start or completion date set as of yet.

**Program Activity Plan:** DPS will work to research, design, develop, and implement the new process. This project will develop the techniques to optimize existing processes.

**Program Activity Measure:** Troop S will measure the number of electronic submissions.

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**  
**NATIONAL PROGRAM ELEMENTS: DATA COLLECTION**

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**Monitoring & Evaluation:** Troop S will use data from the DPS DB-2 database (the database where conviction data is stored and disseminated).

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**Strategy 3**

**Program Strategy:** In the spring of 2011, Oklahoma DPS provided funds to enhance and update the Web Application Online Court Reporting System (OCRS), which included updates to the violation codes, disposition codes, and daily uploads of convictions. The courts are now able to send CDL/CMV convictions of dismissed with fines and costs and deferrals and reported on to CDL holders records as guilty. Timeliness is a factor in convictions and a daily upload on both municipal and district court are being uploaded to Oklahoma DPS. A change to Oklahoma law mandates the courts send a conviction within 5 days of conviction date which should increase Oklahoma's timeliness. Prior the law stated they had 10 days from conviction date to send in the conviction which caused some convictions to not post within the Federal mandate of 10 days from conviction date.

**Program Activity Plan:** The research, design, and development were complete as of July 2012. DPS will now push the updated version to court clerks and provide the training for the updates.

**Program Activity Measure:** Troop S will measure the timeliness of conviction reporting for all CDL and CMV convictions.

**Monitoring & Evaluation:** Troop S will use data from the DPS DB-2 database (the database where conviction data is stored and disseminated) for report monitoring.

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**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**  
**FINANCIAL SUMMARY**

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**FINANCIAL SUMMARY**

**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 Finance, 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.

DPS Finance will provide Troop S the financial documents (MOE and Unit Cost Rate) necessary to administer the program. DPS utilizes a Unit Cost Rate (UCR) to request reimbursement from FMCSA for billable hours generated from MCSAP activity.

The UCR is a provisional hourly rate consisting of Personnel Cost, Operating Costs, and Vehicle Depreciation Cost minus any expenditures direct billed to FMCSA. This provisional rate is calculated yearly based on the previous State Fiscal Year's financial activity. The Unit Cost Rate documentation will be submitted to the U.S. Department of Health and Human Services (cognizant agency) for approval.

The current UCR is \$80.23.

The Salary Portion of the UCR is calculated by taking the payroll expenditures for all MCSAP eligible personnel minus the direct billed expenditures. This amount is added to the total operating expenditures minus the direct billed expenditures and the vehicle depreciation. The total of \$6,892,298.00 is then divided by an average of man hours worked (1718) divided by the total number of MCSAP Troopers (50).

DPS does not seek reimbursement from FMCSA for CVTEP and Traffic Enforcement Program (TEP) activities. However, CVTEP and TEP billable hours may be recorded and tracked by Troop S support personnel for meeting the MOE and MCSAP 20 percent match requirements.

**Incentive Funds**

In keeping with the State program element of Collision Reduction, Troop S will conduct overtime projects targeting driver-related behavior in high collision corridors and work zones.

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN  
FINANCIAL SUMMARY**

**Unit Cost Rate Calculation Sheet**

CALCULATION OF ACTUAL UNIT COST RATE SFY 2012 (FFY 2012 CVSP) REPORTING PERIOD JULY 1, 2011 THROUGH JUNE 30, 2012							
OBJECT CODE CATEGORY	DESCRIPTION	EXPENDED	LESS DIRECT BILLED	GRAND TOTALS LESS DIRECT BILL	HOURLY RATE AMT/1718/50	INDIRECT COST 14.29 X SALARY	TOTAL UNIT COST
<b>PERSONAL SERVICES</b>							
11	SALARY & BENEFITS **	5,579,708.08	225,192.68	5,354,515.40			
	<b>SUBTOTAL</b>	<b>5,579,708.08</b>	<b>225,192.68</b>	<b>5,354,515.40</b>	<b>72.114686</b>	<b>10.305189</b>	<b>82.419874</b>
<b>OPERATING COSTS</b>							
21	TRAVEL REIMBURSED	34,065.09	28,201.23	5,863.86			
22	TRAVEL DIRECT EXPENDITURE	17,815.77	19,234.72	-1,418.95			
31	MISCELLANEOUS ADMINISTRATIVE EXPENSES	102,627.48	59,527.45	43,100.03			
32	RENT EXPENSE	32,581.24	5,076.61	27,504.63			
33	MAINTENANCE & REPAIR EXPENSE	120,684.44	5,253.33	115,431.11			
34	SUPPLIES AND MATERIAL EXPENSES	275,828.63	2,169.28	273,659.35			
35	PRODUCTION EXPENSE	4,994.57	9,800.00	-4,805.43			
36	OFFICE EXPENSE	20,068.39	0.00	20,068.39			
37	SHOP EXPENSE	21,804.35	0.00	21,804.35			
39	INTER & INTRA AGENCY PMTS-ADMIN EXPENSE	0.00	0.00	0.00			
41	OFFICE FURNITURE & EQUIPMENT	598,758.93	151,427.15	447,331.78			
42	EQUIPMENT - LIBRARY	0.00	0.00	0.00			
46	BLDG & OTHER STRUC-PURCH & RENOVATION	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	0.00	0.00	0.00			
	<b>SUBTOTAL</b>	<b>1,229,228.89</b>	<b>280,689.77</b>	<b>948,539.12</b>	<b>12.774938</b>		<b>12.774938</b>
<b>VEHICLE DEPRECIATION</b>							
	VEHICLE DEPRECIATION - (2008, 2009 & 2010)	589,243.48		589,243.48			
	<b>SUBTOTAL</b>	<b>589,243.48</b>	<b>0.00</b>	<b>589,243.48</b>			<b>0.000000</b>
	<b>TOTAL</b>	<b>7,398,180.45</b>	<b>505,882.45</b>	<b>6,892,298.00</b>	<b>80.230000</b>	<b>10.305189</b>	<b>90.535189</b>
	<b>TOTAL UNIT COST RATE</b>						<b>90.54</b>
NOTES **	<p>SALARY PORTION BASED ON AVERAGE STRENGTH OF 46 TROOPERS AND 4 TURNPIKE TROOPERS. DOES NOT INCLUDE NEW ENTRANT. <b>Rate: Total MCSAP Hours for SY-12-(85,888) MCSAP troopers (50)</b> EXPENDITURES ARE BASED UPON DEPARTMENT OF PUBLIC SAFETY REPORTS FOR STATE FISCAL YEAR 2012.</p> <p>DIRECT BILLED EXPENSES FROM 2012-MCSAP HAVE BEEN DEDUCTED.</p> <p>VEHICLE DEPRECIATION BASED UPON 2010, 2011 &amp; 2012 VEHICLES.</p>						

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN  
FINANCIAL SUMMARY**

**Line-Item Budget**

**FFY-2013 MCSAP Proposed Budget**

<b>1-PERSONNEL COST</b>	<b>BUDGET</b>	<b>NOTES</b>
<b>BILLABLE HOURS</b>		
101-MCSAP	<b>59,078</b>	MCSAP eligible billable hours at UCR of \$80.23
102-CVTEP (tracked only)	3300	
103-Turnpike (tracked only)	3000	
104-TEP (tracked only)	600	
<b>TOTAL HOURS</b>	<b>59,078</b>	
<b>I-PERSONNEL COST</b>		
<b>SALARY</b>		
101-Uniform Personnel	<b>\$4,739,827.94</b>	MCSAP-59078 hours. UCR is \$80.23
102-CVTEP-match and MOE		
103-Turnpike-match and MOE		
104-TEP-match and MOE		
<b>SUBTOTAL</b>	<b>\$4,739,827.94</b>	
<b>2-PAYROLL COST</b>		
201-IT Personnel (with Benefits)	\$69,633.23	Payroll cost with benefits
202-Budget Analyst (with Benefits)	\$82,135.92	Payroll cost with benefits
203-Premium Pay Shifts (Incentives)	\$114,241.50	Payroll cost with benefits
204-DPS Legal (1/2)	\$46,875.96	Payroll cost with benefits
<b>TOTAL PERSONNEL/PAYROLL</b>	<b>\$312,886.61</b>	
<b>3-PROGRAM TRAVEL</b>		
301-Compliance Reviews	\$1,421.50	Travel allotment for all CR related travel.
302-North American Inspector	\$5,000.00	Travel allotment for North American Inspector training.
303-National Roadcheck	\$8,556.26	Travel allotment for Roadcheck based on tracking of FY 12
304-Special Emphasis	\$2,000.00	Travel allotment for Special Emphasis.
<b>Total Program Travel</b>	<b>\$16,977.76</b>	
<b>4-SUPPLIES</b>		
401-ATG Laptops/Docking stations (15)	\$48,000.00	Per agreement with FMCSA, replace laptops that are outside three year warranty.
402-Thumb Reader for NCIC access	\$9,863.87	NLETS requires a thumb reader to access all NLETS requests, which provides the trooper with various information involving CMVs.
403-Regscan and PC Miler Software	\$24,865.00	Provides inspectors access to information concerning regulations.
404-FMCSA Regulation Manuals	\$3,049.35	
405-CVSA Decals	\$1,350.00	
406-Uniforms	\$30,000.00	
<b>Total Supplies Cost</b>	<b>\$117,128.22</b>	
<b>5-CONTRACTUAL</b>		
501-Schatz Publishing Company	\$15,400.00	2014 CVSP Compilation

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN  
FINANCIAL SUMMARY**

502-Galt Foundation-Data Entry	\$30,000.00	Data Entry clerk to assist with data quality of inspections, crash uploads and Data Q challenges
503-Galt Foundation-IT Tech	\$35,000.00	IT dedicated to Troop S needs
504-CVIEW Operation	\$20,625.56	CVIEW allows inspectors to have the latest carrier information at roadside.
505-IKON	\$3,000.00	Ikon provides the ability to copy/fax/scan and print MCSAP documents
506-Blackberry license/equipment	\$2,500.00	This is a required cost for all blackberry cell phones.
507-Blackerry Service	\$32,000.00	Blackberry services allow immediate contact with all Troop S uniform personnel for emergencies involving CMV's.
508-Wireless Air Card/Mi-Fi Card	\$30,000.00	Aircards provide wireless internet connectivity at roadside.
<b>Total Contractual Cost</b>	<b>\$168,525.56</b>	
<b>6-OTHER EXPENSES</b>		
601-CVSA Fees	\$9,800.00	Membership dues for CVSA.
<b>Total Other Expense Cost</b>	<b>\$9,800.00</b>	
<b>7-TRAINING</b>		
701-FMCSA GRANTS MANAGEMENT	\$2,500.00	Workshop to assist the budget analyst, NE and MCSAP grant officer in all aspects of the grant.
702-NAS Part B	\$1,000.00	Training to assist troopers
703-General Hazmat Material	\$500.00	Training to assist troopers
704-NAS Part A	\$1,500.00	Training to assist troopers
<b>SUBTOTAL</b>	<b>\$5,500.00</b>	
<b>8-CONFERENCES</b>		
801-CVSA ANNUAL CONFERENCE	\$22,848.00	Conference cost for six individuals in the spring and six individuals in the fall. Cost includes airfare, perdiem, registration and hotel cost.
802-FMCSA MCSAP LEADERSHIP	\$3,876.00	Conference cost for three individuals with all cost included. Attending the conference will be Commissioner, Chief of OHP and Troop Commander.
803-COHMED	\$4,340.62	Conference fee for two individuals. This includes hotel, airfare, registration and perdiem.
804-Traffic Records Forum	\$500.00	Conference fee for one individual
805-Cargo Harmonization	\$3,000.00	Conference fee for three individuals. This includes airfare, hotel and registration.
<b>SUBTOTAL</b>	<b>\$34,564.62</b>	
<b>FFY 2012 PROPOSED BUDGET</b>	<b>\$5,405,210.71</b>	
<b>FEDERAL Funds Budgeted</b>	<b>\$3,451,005.00</b>	
<b>State Matching Funds</b>	<b>\$862,751.25</b>	
<b>MOE</b>	<b>\$1,091,454.46</b>	

**Equipment Description**

Troop S currently does not purchase any equipment in excess of \$5,000.00 except for vehicles. At this time Troop S purchases vehicles through the unit cost rate funds rather than the line item budget.

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN  
FINANCIAL SUMMARY**

**Table 5. FY 2013 Proposed CVSP Budget**

FY 2013 PROPOSED CVSP BUDGET FOR THE STATE OF OKLAHOMA	BASIC/INCENTIVE GRANT FUNDS	TOTAL MCSAP-ELIGIBLE (Includes grant funds)
<b>AWARD AMOUNTS</b>		
Federal Basic Award Amount	\$3,222,522.00	\$3,222,522.00
Federal Incentive Award Amount	\$228,483.00	\$228,483.00
	3,451,005.00	\$3,451,005.00
<b><sup>1</sup>MCSAP-ELIGIBLE EXPENSES</b>		
<b>Personnel (Payroll Costs)</b>		
Salary	\$4,739,827.94	\$4,739,827.94
Overtime - Basic Funded (Not to exceed 15% of Basic Award amount)		
Overtime - Incentive Funded	\$114,241.50	\$114,241.50
Other-Payroll Costs (Civilian positions, IT, Budget analyst and attorney)	\$198,645.11	\$198,645.11
<b>Subtotal for Personnel - Insert in Line 6a (Form 424A)</b>	<b>\$5,052,714.55</b>	<b>\$5,052,714.55</b>
<b>Fringe Benefit Costs (Health, Life Insurance, Retirement, etc.)</b>		
Approved Fringe Benefits Rate (Insert approved rate here, if applicable)		
<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)	\$16,977.76	\$16,977.76
Conference Travel (COHMED, CVSA, MCSAP Leadership)	\$34,564.62	\$34,564.62
Training Travel (FMCSA Grant workshop, NAS Part B, Hazmat)	\$5,500.00	\$5,500.00
<b>Subtotal for Program Travel - Insert in Line 6c (Form 424A)</b>	<b>\$57,042.38</b>	<b>\$57,042.38</b>
<b>Equipment (Over \$5000 or state capitalization threshold if lower)</b>		
<b>Vehicles and Related Vehicle Equipment</b>		
Vehicles		
Other Inspection Vehicle Equipment (Radios, etc.)		
(Specify)		
(Specify)		
<b>Subtotal for Vehicles and Related Vehicle Equipment</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Non-Vehicle Equipment</b>		
<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>\$0.00</b>	<b>\$0.00</b>
<b>Supplies</b>		
Office Supplies		
Uniforms and Other Related Supplies	\$30,000.00	\$30,000.00
Thumb reader for NCIC access	\$9,863.87	\$9,863.87
ATG Laptops and docking stations (15)	\$48,000.00	\$48,000.00
Regscan and PC Miler	\$24,865.00	\$24,865.00
FMCSA Regulation Manuals and CVSA Decals	\$4,399.35	\$4,399.35
<b>Subtotal for Supplies - Insert in Line 6e (Form 424A)</b>	<b>\$117,128.22</b>	<b>\$117,128.22</b>
<b>Contractual (Subgrantees, Consultant Services, etc.)</b>		
Publishing Company-Schatz	\$15,400.00	\$15,400.00
Galt Foundation-Data Entry and IT Personnel	\$65,000.00	\$65,000.00
Iteris-Cview	\$20,625.56	\$20,625.56
Ikon	\$3,000.00	\$3,000.00
Blackberry Equipment/service and aircards	\$64,500.00	\$64,500.00
<b>Subtotal for Contractual - Insert in Line 6f (Form 424A)</b>	<b>\$168,525.56</b>	<b>\$168,525.56</b>
<b>Other Expenses</b>		
CVSA Membership	\$9,800.00	\$9,800.00
<b>Subtotal for Other Expenses including Training &amp; Conferences - Insert in Line 6h (Form 424A)</b>	<b>\$9,800.00</b>	<b>\$9,800.00</b>
<b>Subtotal for Direct Costs - Insert in Line 6i (Form 424A)</b>		
<b>Indirect Costs (Insert approved rate here) <sup>2</sup> - Insert in Line 6j (Form 424A)</b>		
<b>Total Eligible Costs Budgeted</b>	<b>\$5,405,210.71</b>	<b>\$5,405,210.71</b>
<sup>3</sup> Federal Funds Budgeted	\$3,451,005.00	\$3,451,005.00
<sup>4</sup> State Matching Funds Budgeted	\$862,751.25	\$862,751.25
<sup>5</sup> MOE Funds Budgeted	\$1,091,454.46	\$1,091,454.46

**FY 2013 MCSAP COMMERCIAL VEHICLE SAFETY PLAN  
FINANCIAL SUMMARY**

MOE Calculations

**Table 6. FY 2013 MCSAP MOE Calculation**

FY 2013 MCSAP MOE CALCULATION TEMPLATE FOR THE STATE OF OKLAHOMA		
FY 2013 MCSAP MOE CALCULATION TEMPLATE FOR THE STATE OF OKLAHOMA		
<sup>1</sup> MCSAP-ELIGIBLE EXPENSES	FY 2004	FY 2005
<b>Personnel (Payroll Costs)</b>		
Salary	\$3,548,492.86	\$3,605,336.61
Overtime (Allowed Basic and Incentive Funded)	\$215,885.52	\$322,190.82
Other Payroll Costs-see below	\$27,721.97	\$23,653.53
<i>FICA Savings and OCC hours</i>		
<b>Subtotal for Personnel (Payroll Costs)</b>	<b>\$3,792,100.35</b>	<b>\$3,951,180.96</b>
<b>Fringe Benefits (Health, Life Insurance, Retirement, etc.)</b>		
<b>Subtotal for Fringe Benefits</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		\$2,540.00
Training Travel		
<b>Subtotal for Program Travel</b>	<b>\$4,296.65</b>	<b>\$46,125.84</b>
<b>Equipment (Over \$5,000 or State capitalization threshold if lower)</b>		
<b>Vehicles and Related Vehicle Equipment</b>		
Vehicles		
Other Inspection Vehicle Equipment (Radios, etc.)		
Equipment (Non-Expendable)Ok Correctional, Dell, Steve's Wholesale, Grai	\$59,929.96	\$58,052.68
Equipment (Expendable) Memindex and Lube-N-Go	\$70,026.15	\$1,020.75
<i>(Insert additional rows for other vehicle equipment if needed.)</i>		
<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)		
<i>( Insert additional rows for other equipment costs if needed.)</i>		
<b>Subtotal for Non-Vehicle Equipment</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Subtotal for Equipment</b>	<b>\$129,956.11</b>	<b>\$59,073.43</b>
<b>Supplies</b>		
Office Supplies-Special Opps, Bomar, XpedX, Mediasoft, Label Master	\$3,992.07	\$29,827.29
Uniforms and Other Related Supplies		
Computers		
Printers		
Other (Office Expense)	\$3,742.30	\$643.81
<i>Misc.-Roy Courtright-fuel reimburse-\$88.20 and Oklahoma League for the Blind and Oklahoma Action Rehabilitation Center -5.41</i>	\$2,357.53	\$82.79
<b>Subtotal for Supplies</b>	<b>\$10,091.90</b>	<b>\$30,553.89</b>
<b>Contractual (Consultant Services, etc.)</b>		
<i>(Each contract must be listed on a separate line.)</i>		
Lease Cost of MCSAP Vehicles		
Admin Expense	\$68,635.99	\$86,251.59
Rent	\$2,055.14	\$3,813.15
<i>(Insert additional rows to identify contractual arrangements if needed.)</i>		
<b>Subtotal for Contractual</b>	<b>\$70,691.13</b>	<b>\$90,064.74</b>
<b>Other Expenses</b>		
Training Costs (Tuition, materials, etc.)		
Conference Costs (Registration fees, etc.)		\$17,610.00
Vehicle Depreciation	\$479,480.73	\$306,443.91
Repair and Maintenance of Vehicles Not Under Contract		
Fleet Cost (Mileage/Repairs)-FUEL	\$115,455.65	\$208,250.21
Communications (Aircards, mobile phones, etc.)		
<b>Subtotal for Other Expenses</b>	<b>\$594,936.38</b>	<b>\$532,304.12</b>
<b>Subtotal For Direct Costs</b>	<b>\$4,602,072.52</b>	<b>\$4,709,302.98</b>
<b>SAFETEA-LU Documented CMV/Non-CMV Traffic Enforcement (if applicable, as documented below)</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total MCSAP Eligible Costs Expended</b>	<b>\$4,602,072.52</b>	<b>\$4,709,302.98</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>

**GRANT & CERTIFICATIONS DOCUMENTS**

Signature Authority Designation

State Certification

Regulatory Compatibility Review:

- Changes to Oklahoma Senate Bill 448
- Annual Certification of Compatibility

FY 2013 Proposed CVSP Budget

2013 MCSAP MOE Calculation

**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

**Secondary MCSAP Coordinator**

LT. Justin Gandy #100  
Assistant Coordinator  
220 NE 38th Terrace  
Oklahoma City, OK 73105  
405-521-6060  
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

**SafetyNet Coordinator**

Edith Booker  
Administrative Program Officer  
220 NE 38th Terrace  
Oklahoma City, OK 73105  
405-521-6060  
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

**DIAP Contact**

CPT. Keith Williams #44  
Coordinator  
PO BOX 11415  
Oklahoma City, OK 73136  
405-425-2301  
awilliam@dps.state.ok.us

**FY 2010 MCSAP COMMERCIAL VEHICLE SAFETY PLAN**  
**STATE TRAINING**

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**STATE TRAINING**

The total number of classes anticipated to be requested during FY 2013:  
Four classes: NAS Part A, NAS Part B (2 classes), and General Hazardous Materials

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



STATE OF OKLAHOMA  
DEPARTMENT OF PUBLIC SAFETY

February 22, 2012

Mr. Mac Kirk, Division Administrator  
Federal Motor Carrier Safety Administration  
300 North Meridian, Suite 106 North  
Oklahoma City, OK 73107

Dear Mr. Kirk:

The following persons have been designated by this office as those authorized to sign the federal reimbursement vouchers submitted to your office for payment.

Major Mike Mize #10

Captain Jim Upchurch #23  
Troop Commander, Troop S

If there are any questions, please do not hesitate to contact me.

Respectfully,

Commissioner Michael C. Thompson  
Department of Public Safety  
Commissioner's Office  
3600 North Martin Luther King Avenue  
Oklahoma City, OK 73136

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## STATE CERTIFICATION - Fiscal Year 2013 (Revised July 20, 2012)

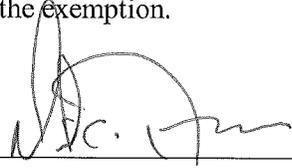
I Michael C. Thompson, Commissioner of Public Safety, on behalf of the State of Oklahoma, as requested by the Administrator as a condition of approval of a grant under the authority of 49 U.S.C. 31102, as amended, do hereby certify as follows:

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 the 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 or State CMV safety laws or 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 enforcement activities funded with MCSAP funds will not diminish the effectiveness of other CMV safety enforcement programs.

10. The State will ensure that violation fines imposed and collected 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 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, 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

A handwritten signature in black ink, appearing to be "N.C. [unclear]", written over a horizontal line.

Date

23 July 2012

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:

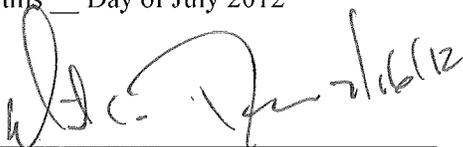
Oklahoma has adopted the Federal Motor Carrier Safety and Hazardous Material Regulations under statutory authority of O.S. Title 47, 230.1. The adoption of the regulations has been codified in Agency Rules, Title 595, Oklahoma Department of Public Safety, Chapter 35, Enforcement of Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act. Rules under this title are listed in Sections 595:35-1-2 through 595:35-1-9.

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	Y	Y	Y
385	Y	Y	Y
386	Y	Y	Y
390	Y	Y	Y
391	Y	Y	Y
392	Y	Y	Y
393	Y	Y	Y
395	Y	Y	Y
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 2012



Michael C. Thompson, Commissioner

BKM  
7-16-12

## **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)]

### **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.

**"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, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415, Phone: (405) 521-6103.

### **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) 843-9488. 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. 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, P.O. Box 11415, Oklahoma City, OK 73136-0415
    - (iii) by telephone: (405) 702-0813
  - (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, 220 NE 38th Terrace, P.O. Box 11415, Oklahoma City, OK 73136-0415, 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, P. O. Box 11415, Oklahoma City, OK 73136-0415.

**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 probable violation**

The Commissioner or the Commissioner's representative may assess an administrative penalty against a person 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 Probable Violation to the respondent at the respondent's last known address. The Notice of Probable Violation 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 Probable Violation 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 Probable Violation, 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 Probable Violation. 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 Probable Violation 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 Probable Violation shall be reinstated.

(b) Any request for a hearing must be filed by the respondent with the Department of Public Safety, Troop S, P.O. Box 11415, Oklahoma City, OK 73136-0415 within twenty-five (25) days after the Notice of Probable Violation 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 Probable Violation 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 Probable Violation 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 Probable Violation, 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 Probable Violation.

(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 Probable Violation, 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.

These changes were made to pursuant to Oklahoma Senate Bill 448:

**Amended Title 47 O.S. §1-173.1 (Definition of a Tank Vehicle)**

Any commercial motor vehicle designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen (119) gallons and an aggregate rated capacity of one thousand (1,000) or more gallons that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle. Such vehicles include but are not limited to cargo tanks and portable tanks as defined by 49 C.F.R., Part; provided, a commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of ~~under~~ one thousand (1,000) or more gallons that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

**Amended Title 47 O.S. §6-106 (Medical Certification Card and CDL)**

A. 1. Every application for a driver license or identification card shall be made by the applicant upon a form furnished by the Department of Public Safety.

2. Every original, renewal, or replacement application for a driver license or identification card made by a male applicant who is at least sixteen (16) but less than twenty-six (26) years of age shall include a statement that by submitting the application, the applicant is consenting to registration with the Selective Service System. The pertinent information from the application shall be forwarded by the Department to the Data Management Center of the Selective Service System in order to register the applicant as required by law with the Selective Service System. Any applicant refusing to sign the consent statement shall be denied a driver license or identification card.

3. Every applicant for a driver license or identification card shall provide to the Department at the time of application both primary and secondary proofs of identity. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for an original Oklahoma driver license.

B. Every applicant for a driver license shall state upon the application the following information:

1. Full name;
2. Date of birth;

3. Sex;
4. Residence address or mailing address and county of residence to be displayed on the license;
5. Mailing address and residence address to be maintained by the Department for the purpose of giving notice, if necessary, as required by Section 2-116 of this title;
6. Medical information, as determined by the Department, which shall assure the Department that the person is not prohibited from being licensed as provided by paragraph 7 of subsection A of Section 6-103 of this title;
7. Whether the applicant is deaf or hard-of-hearing;
8. A brief description of the applicant, as determined by the Department;
9. Whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal;
10. Whether the applicant is an alien eligible to be considered for licensure and is not prohibited from licensure pursuant to paragraph 9 of subsection A of Section 6-103 of this title;
11. Whether the applicant has:
  - a. previously been licensed and, if so, when and by what state or country, and
  - b. held more than one license at the same time during the immediately preceding ten (10) years; and
12. Social security number.

No person shall request the Department to use the social security number of that person as the driver license number. Upon renewal or replacement of any driver license issued after the effective date of this act, the licensee shall advise the Department or the motor license agent if the present driver license number of the licensee is the social security number of the licensee. If the driver license number is the social security number, the Department or the motor license agent shall change the driver license number to a computer-generated alphanumeric identification.

C. 1. In addition to the requirements of subsections A and B of this section, every applicant for a commercial driver license ~~with~~ who is subject to the requirements of 49 C.F.R., Part 391, and is

applying for an original, renewal, or replacement license, and every person who, upon the effective date of this act, is currently the holder of a commercial driver license and is subject to the requirements of 49 C.F.R., Part 391, and who does not apply for a renewal or replacement license prior to January 30, 2014, shall submit to the Department and maintain with the Department a current approved medical examination certificate signed by a licensed physician authorized to perform and approve medical examination certifications. The Department shall adopt rules regarding procedures for maintaining medical examination certificates pursuant to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial driver licensee subject to the requirements of this paragraph who fails to maintain on file with the Department a current, approved medical examination certificate shall have the driving privileges of the person downgraded to a Class D driver license by the Department.

2. If the applicant is applying for an original commercial driver license in Oklahoma or is transferring a commercial driver license from another state to Oklahoma, the Department shall review the driving record of the applicant in other states for the immediately preceding ten (10) years, unless the record review has already been performed by the Department. As a result of the review, if it is determined by the Department that the applicant is subject to a period of disqualification as prescribed by Section 6-205.2 of this title which has not yet been imposed, the Department shall impose the period of disqualification and the applicant shall serve the period of disqualification before a commercial driver license is issued to the applicant; provided, nothing in this paragraph shall be construed to prevent the issuance of a Class D driver license to the applicant.

3. If the applicant has or is applying for a hazardous material endorsement, the applicant shall submit to a security threat assessment performed by the Transportation Security Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether the applicant is eligible for the endorsement pursuant to federal law and regulation.

4. The Department of Public Safety shall notify each commercial driving school of the passage of this section, and each commercial driving school shall notify prospective students of its school of the hazardous material endorsement requirement.

D. In addition to the requirements of subsections A and B of this section, every applicant shall be given an option on the application for issuance of a driver license or identification card or renewal pursuant to Section 6-115 of this title to provide an emergency contact person. The emergency contact information requested may include full name, address, and phone number. The emergency contact information shall be maintained by the Department and shall be used by the Department and law enforcement for emergency purposes only. A person listed as an emergency contact may request to be removed at any time. Any update to a change of name, address, or phone number may be made by the applicant listing the emergency contact person or by the person listed as the emergency contact.

E. Whenever application is received from a person previously licensed in another jurisdiction, the Department shall request a copy of the driving record from the other jurisdiction and, effective September 1, 2005, from all other jurisdictions in which the person was licensed within the immediately previous ten (10) years. When received, the driving record shall become a part of the driving record of the person in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

F. Whenever the Department receives a request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge.

**Amended Title 47 O.S. §6-205.2 (Disqualification of CDL)**

A. As used in this section, "conviction" means:

1. A nonvacated adjudication of guilt;
2. A determination that a person has violated or failed to comply with this section in any court or by the Department of Public Safety following an administrative determination;
3. A nonvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;
4. A plea of guilty or nolo contendere accepted by the court;
5. The payment of any fine or court costs; or
6. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

B. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving a record of conviction of any of the following disqualifying offenses, when the conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;
2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly leaving the scene of a collision which occurs while operating a Class A, B or C commercial motor vehicle, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle;

6. Operating a commercial motor vehicle while the commercial driving privilege is revoked, suspended, canceled, denied, or disqualified; or

7. Manslaughter homicide, or negligent homicide occurring as a direct result of negligent operation of a commercial motor vehicle, or, if the person is the holder of a commercial driver license, committing the offense while operating any vehicle.

C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of conviction of any of the disqualifying offenses described in subsection B of this section, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when the conviction has become final.

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the disqualifying offenses described in subsection B of this section after a former conviction of any of the following disqualifying offenses, when the second conviction has become final.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a period of not less than ten (10) years provided a previous lifetime disqualification has not been reduced.

E. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, or if the person is the holder of a commercial driver license, committing the offense while operating any vehicle, when the conviction has become final.

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of a second conviction of the person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of a third conviction of a person for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when the convictions have become final; provided, the one-hundred-twenty-day period shall run in addition to and shall not run concurrently with any other period disqualification imposed pursuant to this subsection. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding fifteen (15) miles per hour or more over the limit;
2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle collision resulting in a fatality;
4. Erratic or unsafe lane changes;
5. Following too closely;
6. Failure to obtain a commercial driver license;
7. Failure to have in possession of the person a commercial driver license; ~~or~~
8. Failure to have:
  - a. the proper class of commercial driver license for the class of vehicle being operated,
  - b. the proper endorsement or endorsements for the type of vehicle being operated, including but not limited to, passengers or type of cargo being transported, or

- c. both proper class and proper endorsement, as provided in subparagraphs a and b of this paragraph; or

9. Operating a commercial motor vehicle while using a cellular telephone or electronic communication device to write, send or read a text-based communication while the commercial motor vehicle is in motion.

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, when the conviction becomes final; the Department shall disqualify the driving privilege of the person as follows:

1. For a first conviction for violating an out-of-service order:

- a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for ninety (90) days, or
- b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for one (1) year;

2. For a second conviction within ten (10) years for violating an out-of-service order:

- a. except as provided in subparagraph b of this paragraph, the period of disqualification shall be for one (1) year, or
- b. while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 P. app. 180-1813, or while operating a motor vehicle designed for transport of sixteen (16) or more passengers, including the driver, the period of disqualification shall be for three (3) years; and

3. For a third or subsequent conviction within ten (10) years for violating an out-of-service order, the period of disqualification shall be for three (3) years.

H. Upon determination by the Department that fraudulent information was used to apply for or obtain a Class A, B or C driver license, the Department shall disqualify the driving privilege of the applicant or licensee for a period of sixty (60) days.

I. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when the person has been disqualified or when the privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

J. Upon the receipt of the record of a conviction of a person of a railroad highway grade crossing offense in a commercial motor vehicle, pursuant to Sections 11-701 or 11-702 of this title or Section 11-1115 of this title, or upon receipt of an equivalent conviction from any state, when the conviction becomes final, the Department shall disqualify the driving privileges of the person convicted as follows:

1. The first conviction shall result in disqualification for sixty (60) days;
2. The second conviction within three (3) years shall result in disqualification for one hundred twenty (120) days; and
3. The third or subsequent conviction within three (3) years shall result in disqualification for one (1) year.

K. The Department, upon receipt of a written notice of immediate disqualification issued by the Federal Motor Carrier Safety Administration under 49 CFR 383.52, shall immediately disqualify the person's commercial driving privilege for the period of time specified on the written notice.

L. The periods of disqualification as defined by this section shall not be modified. A person may not be granted driving privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

M. When any record of conviction, as specified in this section, is received by the Department and pertains to a nonresident operator of a Class A, B or C commercial motor vehicle, or if the nonresident operator is the holder of a commercial driver license, a record of the conviction pertaining to the nonresident operator of any vehicle, the Department shall not disqualify the person and shall report the conviction to the licensing jurisdiction in which the license of the nonresident to operate the commercial vehicle was issued.

N. Any person who is disqualified from driving under the provisions of this section shall have the right of appeal, as provided in Section 6-211 of this title.

**NEW LAW: Title 47 O.S. 11-808.1 (Prohibits Radar Detector in a CMV)**

It shall be unlawful for any person to:

1. Possess, operate or use a radar detector while operating or as a passenger in a commercial motor vehicle;
2. Operate a commercial motor vehicle in which a radar detector is installed or present; or
3. Install or have installed a radar detector in a commercial motor vehicle.

**Amend Title 47 O.S. §11-901c (Unlawful to read, write, or send text message while operating CMV)**

Section 11-901c. A. It shall be unlawful for any person to operate a commercial motor vehicle or for a public transit driver to operate a motor vehicle on any street or highway within this state while using a cellular telephone or electronic communication device to write, send, or read a text-based communication while the motor vehicle is in motion.

B. Any person who violates the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Five Hundred Dollars (\$500.00).

C. As used in this section:

1. "Cellular telephone" means an analog or digital wireless telephone authorized by the Federal Communications Commission to operate in the frequency bandwidth reserved for cellular telephones;

2. "Electronic communication device" means an electronic device that permits the user to manually transmit a communication of written text by means other than through an oral transfer or wire communication. This term does not include a voice-activated global positioning or navigation system that is affixed to a motor vehicle; ~~and~~

3. "Public transit driver" means:

- a. any operator of a public transit vehicle owned and operated by the State of Oklahoma, any public trust authority, county, municipality, town or city within this state,

- b. any operator of a school bus or multi-passenger motor vehicle owned and approved to operate by the State Department of Education or any school district within this state, or
- c. any operator, conductor or driver of a locomotive engine, railway car or train of cars; and

4. "Write, send, or read a text-based communication", also known as texting, means manually entering alphanumeric text into, sending text, or reading text from, an electronic device, and includes, but is not limited to, short message service (SMS), e-mailing, instant messaging (IM), a command or request to access a World Wide Web page, or engaging in any other form of electronic text retrieval or entry, for present or future communication. As used in this paragraph, texting does not include:

- a. using voice commands to select or enter a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a phone call,
- b. inputting, selecting, or reading information on a global positioning system or navigation system, or
- c. using a device capable of performing multiple functions for a purpose that is not otherwise prohibited in this part, including, but not limited to, fleet management systems, dispatching devices, smart phones, citizens band radios, and music players.

D. This act shall not apply to railroads and railroad operating employees regulated by the Federal Railroad Administration.

**Amended Title 47 O.S. §12-417 (Seatbelt required to be worn by operator and front seat passenger of CMV)**

A. 1. Every operator and front seat passenger of a Class A commercial motor vehicle, Class B commercial motor vehicle, Class C commercial motor vehicle or a passenger ~~ear~~ vehicle operated in this state shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

2. For the purposes of this section, "passenger vehicle" shall mean a Class D motor vehicle, but shall not include trucks, truck-tractors, recreational vehicles, motorcycles, or motorized bicycles,

or a vehicle used primarily for farm use which is registered and licensed pursuant to the provisions of Section 1134 of this title.

B. The Commissioner of Public Safety, upon application from a person who, for medical reasons, is unable to wear a safety seat belt system supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue to the person an exemption from the provisions of this section. The exemption shall be in the form of a restriction appearing on the driver license of the person and shall remain in effect until the expiration date of the driver license. Nothing in this subsection shall be construed to prevent the person from applying for another exemption as provided for in this section. The issuance of an attestation by a physician and the subsequent issuance of an exemption by the Commissioner, in good faith, shall not give rise to, nor shall the physician and the state thereby incur, any liability whatsoever in damages or otherwise, to any person injured by reason of failure of the person to wear a safety seat belt system.

C. This section shall not apply to an operator of a motor vehicle while performing official duties as a route carrier of the U.S. Postal Service.

D. The Department of Public Safety shall not record or assess points for violations of this section on any license holder's traffic record maintained by the Department.

E. Fine and court costs for violating the provisions of this section shall not exceed Twenty Dollars (\$20.00).

F. Municipalities may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of those ordinances shall be the same as provided for in this section, and the enforcement provisions under those ordinances shall not be more stringent than those of this section.

**Amended Title 47 O.S. § 18-101 (Requires Court Clerks to report traffic conviction for CDL holders to DPS within five (5) days of conviction. Previously was ten (10) days)**

A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic-violations bureau, and shall keep a record of every official action by the court or its traffic-violations bureau, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint, citation or other legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

B. Within five (5) days after:

1. The conviction of any person holding a Class D driver license; or
2. The conviction, as defined in subsection A of Section 6-205.2 of this title, of any person holding a Class A, B or C driver license; or
3. The forfeiture of bail of a person;

upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was forfeited, shall prepare and immediately forward to the Department of Public Safety an abstract of the record covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct.

C. A report shall not be made of any conviction:

1. Involving the illegal parking or standing of a vehicle;
2. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing judicial education credit, and the Department of Public Safety receives verification of such attendance, from the judge. In the case of attendance of a continuing judicial education course, verification may be made by a statement of attendance signed by the course registration personnel; or
3. Involving any offense for which the offender is eligible for participation in an approved drug court program. However, if the offender does not successfully complete the drug court program, the abstract of the record shall be forwarded as provided in subsection B of this section, or if the offender has a prior felony conviction, the abstract of the record shall be forwarded as provided in Section 471.9 of Title 22 of the Oklahoma Statutes.

D. The abstract shall be made upon a form furnished by the Department and shall include:

1. The name, address, sex, and date of birth of the person charged;
2. The traffic citation number;
3. The driver license number, if any, of the person charged, and the state or jurisdiction from which the license is issued;
4. The license plate number, make, and model of the vehicle involved;

5. The nature and date of the offense, the date of hearing, the plea, the judgment, or, if bail was forfeited, the amount of the fine or forfeiture; and

6. The name of the court and whether it is a municipal or district court.

E. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

F. The failure, refusal or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal.

**Amend Title 47 O.S. § 230.6 (CMV and Driver Out-of-Service Requirements and increase in civil penalties for violating Out-of-Service Order)**

A. No person prohibited from operating a commercial vehicle shall operate such commercial motor vehicle, nor shall any person authorize or require a person who has been prohibited from such operation of a motor vehicle to operate a commercial motor vehicle.

B. No person shall operate, authorize to operate, or require the operation of any vehicle or the use of any container when the person has been placed out-of-service or the vehicle or container has been marked out-of-service until all requirements of the out-of-service order of the person have been met or all required corrections for the vehicle or container have been made; provided, upon approval of the Department, the vehicle or container may be moved to another location for the purpose of repair or correction.

C. No person shall remove an out-of-service marking from a transport vehicle or container unless all required corrections have been made and the vehicle or container has been inspected and approved by an authorized officer, employee, or agent of the Department. No person shall return to duty unless all requirements of the out-of-service order have been met and the person has been approved to return to duty by an authorized officer, employee or agent of the Department.

D. No employer shall knowingly allow, require, permit or authorize an employee to operate a commercial motor vehicle:

1. During any period in which the employee:

a. has had driving privileges to operate a commercial motor vehicle suspended, revoked, canceled, denied or disqualified,

- b. has had driving privileges to operate a commercial motor vehicle disqualified for life,
- c. is not licensed to operate a commercial motor vehicle, or
- d. has more than one commercial driver license;

2. During any period in which the employee, the commercial motor vehicle which the employee is operating, the motor carrier business or operation, or the employer is subject to an out-of-service order; or

3. In violation of a federal, state, or local law, regulation, or ordinance pertaining to railroad-highway grade crossings.

E. An employer who is determined by the Commissioner to have committed a violation of subsection D of this section shall be subject to an administrative penalty of not less than Two Thousand Seven Hundred Fifty Dollars (\$2,750.00) nor more than Twenty-five Thousand Dollars (\$25,000.00).

F. An employee who is determined by the Commissioner to have committed a violation of any provision of this section shall be subject to an administrative penalty of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars (\$5,000.00).

**FY 2013 PROPOSED CVSP BUDGET  
FOR THE STATE OF OKLAHOMA**

	BASIC/INCENTIVE GRANT FUNDS	TOTAL MCSAP-ELIGIBLE (Includes grant funds)
<b>AWARD AMOUNTS</b>		
<b>Federal Basic Award Amount</b>	\$3,222,522.00	\$3,222,522.00
<b>Federal Incentive Award Amount</b>	\$228,483.00	\$228,483.00
	3,451,005.00	\$3,451,005.00
<b><sup>1</sup>MCSAP-ELIGIBLE EXPENSES</b>		
<b><u>Personnel (Payroll Costs)</u></b>		
Salary	\$4,739,827.94	\$4,739,827.94
Overtime - Basic Funded (Not to exceed 15% of Basic Award amount)		
Overtime - Incentive Funded	\$114,241.50	\$114,241.50
Other-Payroll Costs (Civillian positions, IT, Budget analyst and attorney)	\$198,645.11	\$198,645.11
<b>Subtotal for Personnel - Insert in Line 6a (Form 424A)</b>	<b>\$5,052,714.55</b>	<b>\$5,052,714.55</b>
<b><u>Fringe Benefit Costs (Health, Life Insurance, Retirement, etc.)</u></b>		
	\$0.00	\$0.00
Approved Fringe Benefits Rate (Insert approved rate here, if applicable)		
<b>Subtotal for Fringe Benefits - Insert in Line 6b (Form 424A)</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b><u>Program Travel</u></b>		
Routine MCSAP-related Travel (Lodging/Meal Allowance)	\$16,977.76	\$16,977.76
Conference Travel (COHMED, CVSA, MCSAP Leadership)	\$34,564.62	\$34,564.62
Training Travel (FMCSA Grant workshop, NAS Part B, Hazmat)	\$5,500.00	\$5,500.00
<b>Subtotal for Program Travel - Insert in Line 6c (Form 424A)</b>	<b>\$57,042.38</b>	<b>\$57,042.38</b>
<b><u>Equipment (Over \$5000 or state capitalization threshold if lower)</u></b>		
<b><u>Vehicles and Related Vehicle Equipment</u></b>		
Vehicles		
Other Inspection Vehicle Equipment (Radios, etc.)		
(Specify)		
(Specify)		
<b>Subtotal for Vehicles and Related Vehicle Equipment</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b><u>Non-Vehicle Equipment</u></b>		
<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>\$0.00</b>	<b>\$0.00</b>
<b><u>Supplies</u></b>		
Office Supplies		
Uniforms and Other Related Supplies	\$30,000.00	\$30,000.00
Thumb reader for NCIC access	\$9,863.87	\$9,863.87
ATG Laptops and docking stations (15)	\$48,000.00	\$48,000.00
Regscan and PC Miler	\$24,865.00	\$24,865.00
FMCSA Regulation Manuals and CVSA Decals	\$4,399.35	\$4,399.35
<b>Subtotal for Supplies - Insert in Line 6e (Form 424A)</b>	<b>\$117,128.22</b>	<b>\$117,128.22</b>
<b><u>Contractual (Subgrantees, Consultant Services, etc.)</u></b>		
Publishing Company-Schatz	\$15,400.00	\$15,400.00
Galt Foundation-Data Entry and IT Personnel	\$65,000.00	\$65,000.00
Iteris-Cview	\$20,625.56	\$20,625.56
Ikon	\$3,000.00	\$3,000.00
Blackberry Equipment/service and aircards	\$64,500.00	\$64,500.00
<b>Subtotal for Contractual - Insert in Line 6f (Form 424A)</b>	<b>\$168,525.56</b>	<b>\$168,525.56</b>

<b>Other Expenses</b>		
CVSA Membership	\$9,800.00	\$9,800.00
<b>Subtotal for Other Expenses including Training &amp; Conferences - Insert in Line 6h (Form 424A)</b>	<b>\$9,800.00</b>	<b>\$9,800.00</b>
<b>Subtotal for Direct Costs - Insert in Line 6i (Form 424A)</b>		
<b>Indirect Costs (Insert approved rate here)<sup>2</sup> - Insert in Line 6j (Form 424A)</b>		
<b>Total Eligible Costs Budgeted</b>	<b>\$5,405,210.71</b>	<b>\$5,405,210.71</b>
<b><sup>3</sup>Federal Funds Budgeted</b>	<b>\$3,451,005.00</b>	<b>\$3,451,005.00</b>
<b><sup>4</sup>State Matching Funds Budgeted</b>	<b>\$862,751.25</b>	<b>\$862,751.25</b>
<b><sup>5</sup>MOE Funds Budgeted</b>	<b>\$1,091,454.46</b>	<b>\$1,091,454.46</b>

FY 2013 MCSAP MOE CALCULATION TEMPLATE  
FOR THE STATE OF OKLAHOMA  
FY 2013 MCSAP MOE CALCULATION TEMPLATE  
FOR THE STATE OF OKLAHOMA

<sup>1</sup> MCSAP-ELIGIBLE EXPENSES	FY 2004	FY 2005
<b>Personnel (Payroll Costs)</b>		
Salary	\$3,548,492.86	\$3,605,336.61
Overtime (Allowed Basic and Incentive Funded)	\$215,885.52	\$322,190.82
Other Payroll Costs-see below	\$27,721.97	\$23,653.53
<i>PICA Savings and OCC hours</i>		
<b>Subtotal for Personnel (Payroll Costs)</b>	<b>\$3,792,100.35</b>	<b>\$3,951,180.96</b>
<b>Fringe Benefits (Health, Life Insurance, Retirement, etc.)</b>		
<b>Subtotal for Fringe Benefits</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		\$2,540.00
Training Travel		
<b>Subtotal for Program Travel</b>	<b>\$4,296.65</b>	<b>\$46,125.84</b>
<b>Equipment (Over \$5,000 or State capitalization threshold if lower)</b>		
<b>Vehicles and Related Vehicle Equipment</b>		
Vehicles		
Other Inspection Vehicle Equipment (Radios, etc.)		
Equipment (Non-Expendable) Ok Correctional, Dell, Steve's Wholesale, G	\$59,929.96	\$58,052.68
Equipment (Expendable) Memindex and Lube-N-Go	\$70,026.15	\$1,020.75
<i>(Insert additional rows for other vehicle equipment if needed.)</i>		
<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)		
<i>(Insert additional rows for other equipment costs if needed.)</i>		
<b>Subtotal for Non-Vehicle Equipment</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Subtotal for Equipment</b>	<b>\$129,956.11</b>	<b>\$59,073.43</b>
<b>Supplies</b>		
Office Supplies-Special Opps, Bomar, XpedX, Mediasoft, Label Master	\$3,992.07	\$29,827.29
Uniforms and Other Related Supplies		
Computers		
Printers		
Other (Office Expense)	\$3,742.30	\$643.81
<i>Misc.-Roy Courtwright-fuel reimburse-\$88.20 and Oklahoma League for the Blind and Oklahoma Action Rehabilitation Center-SAI</i>	\$2,357.53	\$82.79
<b>Subtotal for Supplies</b>	<b>\$10,091.90</b>	<b>\$30,553.89</b>
<b>Contractual (Consultant Services, etc.)</b>		
<i>(Each contract must be listed on a separate line.)</i>		
Lease Cost of MCSAP Vehicles		
Admin Expense	\$68,635.99	\$86,251.59
Rent	\$2,055.14	\$3,813.15
<i>(Insert additional rows to identify contractual arrangements if needed.)</i>		
<b>Subtotal for Contractual</b>	<b>\$70,691.13</b>	<b>\$90,064.74</b>
<b>Other Expenses</b>		
Training Costs (Tuition, materials, etc.)		
Conference Costs (Registration fees, etc.)		\$17,610.00
Vehicle Depreciation	\$479,480.73	\$306,443.91
Repair and Maintenance of Vehicles Not Under Contract		
Fleet Cost (Mileage/Repairs)-FUEL	\$115,455.65	\$208,250.21
Communications (Aircards, mobile phones, etc.)		
<b>Subtotal for Other Expenses</b>	<b>\$594,936.38</b>	<b>\$532,304.12</b>
<b>Subtotal For Direct Costs</b>	<b>\$4,602,072.52</b>	<b>\$4,709,302.98</b>
<b>SAFETEA-LU Documented CMV/Non-CMV Traffic Enforcement (if applicable - as documented below)</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total MCSAP Eligible Costs Expended</b>	<b>\$4,602,072.52</b>	<b>\$4,709,302.98</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>\$1,077,021.27</b>	<b>\$1,105,887.64</b>
<b>Aggregate Average Maintenance of Effort for 2013</b>	<b>\$1,091,454.46</b>	

Equipment that retains its identity  
Equipment costing less than 5,000-Ricoh

Directions and Footnotes Included on Next Page

<b>SAFETEA-LU Documented CMV/Non-CMV Traffic Enforcement (TE) w/o Safety Inspection Calculation: For use in calculating documented TE expenses not included in Personnel Costs above.</b>		
CMV Driver Citations/Warnings Issued or Non-CMV Driver Citations/Warnings Issued to Improve CMV Safety (See State Programs Policy Reference Guideline SP-06-003-GE dated April 27, 2006)		
	<b>FY 2004</b>	<b>FY 2005</b>
# of Citations	-	
Average Hourly Salary	\$0.00	\$0.00
Average Hours Per Citation (i.e., 0.25 or 0.5, etc)	-	
<b>Documented TE Expenditures</b>	<b>\$0.00</b>	<b>\$0.00</b>

<sup>1</sup>MCSAP-Eligible Expenses are those actual costs incurred which were eligible for reimbursement under the MCSAP Program (see 350.311) by the lead State agency expected to receive MCSAP funding in FY 2013. If the State incurred MCSAP-eligible expenses that were reimbursed by another Federal grant or associated State match requirement, those expenses should not be included in the MOE calculation. However, if the State incurred MCSAP-eligible expenses beyond the amount which was reimbursed by a non-MCSAP Federal grant and associated State match, those expenses must be included in the MOE calculation.

<sup>2</sup>Insert the appropriate indirect cost rates for fiscal years 2004 and 2005 as approved by the State's cognizant Federal agency in the description column. Documentation of approved rates may be requested for substantiation. Also, States with approved rates must insert the actual Indirect Costs for each fiscal year into the appropriate cells.

<sup>3</sup>The "Total Grant Funds Expended" includes the Federal grant funds expended and corresponding State matching funds expended on MCSAP-eligible activities during the identified fiscal year.