

**HEADQUARTERS
NORTH DAKOTA HIGHWAY PATROL
Bismarck, North Dakota**

**Reauthorization of Federal MCSAP Funding
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1. Current Motor Carrier Assistance Programs (MCSAP) within the NDHP include:

- a. **MCSAP Driver/Vehicle Inspection Program - (80/20% Federal Program)** sworn and non-sworn positions that conduct safety inspections on both interstate and intrastate drivers and vehicles, and conduct compliance reviews of high risk interstate carriers (with DOT numbers) based on the motor carriers safety rating from FMCSA.

- 1 Administrative Lieutenant (sworn)
- 10 Troopers (sworn)
- 1 Administrative Assistant (non-sworn)
- 5 Motor Carrier Inspectors (non-sworn)

*Base federal share budget of \$1,326,147/fiscal year (base federal share biennium cost of \$2,652,294)

- b. **Border Inspection Program - (100% Federal Program)** non-sworn personnel assigned to the northern border to conduct driver/vehicle safety inspections on trucks entering the U.S. via the Canadian border.

- 4 Inspectors (non-sworn)

*Base federal share budget of \$249,980/fiscal year

- c. **New Entrant Safety Audit Program - (100% Federal Program)** non-sworn personnel that conduct safety audits on new North Dakota interstate carriers (with DOT numbers) to assist in compliance with federal regulations.

- 3 Inspectors (non-sworn)

*Base federal share budget of \$178,941/fiscal year

2. Program Goals

- a. **TRAFFIC SAFETY** - All phases of the MCSAP Program are aimed at providing for a safe and secure environment for the motoring public through an extensive inspection program of both drivers and vehicles engaged in the transportation of goods and services on North Dakota highways.

3. Total one year cost to replace existing federal share funding levels - \$1,755,068

4. Three Year Review of Inspection Program

| | 2005 | 2006 | 2007 |
|--------------------------------------|-----------------|-----------------|-----------------|
| Total Inspections | 18,282 | 18,832 | 17,219 |
| Inspections-Non-Residents | 12,079 (66%) | 13,057 (69%) | 11,841 (69%) |
| Inspections-Resident Commercial | 5,506 (30%) | 5,206 (28%) | 4,847 (28%) |
| Inspections-Resident Non-Commercial* | 697 (4%) | 569 (3%) | 531 (3%) |
| Total Vehicles Out of Service** | 1,890 (10%) | 1,598 (9%) | 1,270 (7%) |
| Total Drivers Out of Service** | 733 (4%) | 818 (4%) | 694 (4%) |

*This figure includes intrastate hauling movements where farm plates could not be determined.

**This is a critical element of the inspection program – these are vehicles and drivers that have been identified as having serious safety violations resulting in either the driver, vehicle, or both being placed out of service (OOS).

5. Options available if federal funding is not reauthorized beyond FFY2008:

- a. **Leave NDCC 39-21-55 (HB 1359) in place** - the North Dakota Highway Patrol effectively loses all phases of its current MCSAP safety program. \$3.51 million of state funds would need to be provided for the 2009-2011 biennium to replace lost federal funding. We would become the only state without a program and the effect would be isolation from all member states. North Dakota would essentially have to develop and implement its own independent motor carrier safety program, and even if that were possible, we would still have no interoperability with our partners in the U.S., Canada, and others.
- b. **Repeal of NDCC 39-21-55 (HB 1359) during the 2009 Legislative Session contingent on the following assumptions:**
 1. The resumption of federal funding will be retroactive to the beginning of FFY2009.
 2. Federal funding will be maintained for the Border Inspection Program (BIP) and New Entrant Programs throughout FFY2009.

If the resumption of federal funding is not retroactive, current funding of Regular MCSAP will expire on approximately 2/15/2009. Deficiency appropriation funding of \$488,000 would therefore be needed to continue operations for the period 2/15/2009 through 6/30/2009.

If federal funding is not maintained for the BIP and New Entrant Programs for FFY2009, a shortfall of \$312,000 would occur in addition to the \$488,000 above for a total of \$800,000 through 6/30/2009. To provide funding through 9/30/2009, the amount would be \$1,200,000.