



U.S. Department
of Transportation

**Federal Highway
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

May 31 1988 (stamped)

IN REPLY REFER TO:
HFO-20

Mr. Leo Carroll
Regional Marketing Manager
Systems Control
1801 Page Mill Road
P.O. Box 10025
Palo Alto, California 94303

Dear Mr. Carroll:

This is in response to your letter of April 12 concerning your March 31 meeting with Mr. Ronald Ashby of my staff. Certain aspects of the Motor Carrier Safety Assistance Program (MCSAP) were discussed, specifically whether or not MCSAP funds can be used to pay for contractors to perform truck safety inspections for states. Your letter asks if MCSAP funds could be used to pay the salaries of such contract employees.

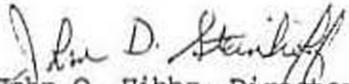
The MCSAP is a Federal grant program designed to assist the states in the enforcement of Federal Motor Carrier Safety and Federal Hazardous Materials Regulations and/or compatible state regulations. These grants are issued on a 20 percent (state)/80 percent (Federal) match, based on State Enforcement Plans (SEPs) approved by the Federal Highway Administration's (FHWA) Regional Directors of Motor Carrier safety. In the SEP, each state identifies specific motor carrier safety problems and sets forth the enforcement methodology in dealing with those problems. Further, the state proposes the manner in which enforcement will be conducted, including who will perform inspections and take enforcement action. SEPs allow the tailoring of plans to the individual state's needs.

We know of nothing which would preclude a state from proposing to "contract out" its inspection program. However, Section 402(b)(1)(A) and (B) of the Surface Transportation Assistance Act of 1982 requires that a state agency be designated with the responsibility, authority and resources to enforce safety requirements. The state agency may wish to contract out some enforcement activities, but it would have to retain responsibility and delegate the necessary state authority which is often difficult to accomplish. The FHWA, in reviewing such a proposal, would also have to consider the efficiency of accomplishing the MCSAP goals.

I would also like to point out, as Mr. Ashby did on March 31, that MCSAP funds may not be used for the construction of on and off ramps, weigh scales, guard rails, etc.

If we can be of any further assistance in this matter, please contact Mr. William H. Nalley of my staff at 202-366-2946.

Sincerely yours,


Er John O. Hibbs, Director
John O. Hibbs, Director
Office of Motor Carrier Safety
Field Operations