

1. Department of Transportation, Research and Special Programs Administration,

Interagency Hazardous Materials; Public Sector Training and Planning Grants

This program of Federal grants is primarily considered in this document for its applicability to emergency response training for highway shipments.

DOT's Research and Special Programs Administration (RSPA) has developed a program for reimbursable training and planning grants (49 CFR Part 110). The program was established by the Hazardous Materials Transportation Act (HMTA), as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990. It is intended to enhance existing State, tribal, and local hazardous materials transportation emergency preparedness and response programs by providing financial and technical assistance, national direction, and guidance that enhances overall implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). The program scope is broader than that of Section 180(c), covering all hazardous materials, not just radioactive materials. The program is supported by fees collected from a registration program for shippers and carriers of certain hazardous materials.

RSPA has issued a list of activities eligible for funding under this program. States and tribes must complete application packages which require specific information on the intended use of a proposed grant. Applications are reviewed semi-annually and approved or declined by an RSPA grants administrator.

Applications include detailed descriptions of proposed programs of planning or training. For training grants, the application includes a letter from the governor of the State or from the tribal government with authorization for a particular State agency or tribal organization to receive or administer the grant; a statement explaining current practices for collecting fees on the transportation of hazardous materials and whether such fees are used to support hazardous materials transportation; a statement outlining individuals who will be responsible for coordinating and administering the program; a detailed narrative of goals and objectives; a statement of work, associated costs, and schedule; and a description of major costs.

For planning grants, the application includes a certification for compliance with EPCRA; a statement of aggregate expenditures for the previous two fiscal

years; an agreement to make 75% of the grant available to Local Emergency Preparedness Committees (LEPC) or their designees; other specifics on who will administer the grant and how; and a statement that the State Emergency Response Commission has reviewed the grants application.

The recipient agency is required to provide 20% of direct and indirect costs, acceptable in funds or in labor and equipment equivalents. Although limited needs-based advances are allowable in some cases, in general the grants are reimbursed. An existing grant is not a commitment of future Federal funding. Training and/or planning grants have been awarded to 50 States, 5 territories, and 11 Indian tribes. Indian tribes had been restricted to only receiving planning grants, but as of 1995 will also be eligible for training grants.

As directed within the HMTA, allocation criteria for both training and planning grants are based on the needs of applicants. A portion of the grants is set aside for separate distribution to tribes. Allocation factors include objective criteria and criteria based on performance, compliance, and innovation. Some factors considered in allocating funds include: number of hazardous materials facilities, types and amounts of hazardous materials transported, population at risk, frequency and number of incidents reported in past years, high mileage transportation corridors, whether fees are collected on transportation of hazardous materials, and whether such fees are used to carry out purposes related to this activity. This places the burden on RSPA to identify the most needy applicants in the application review process and reflect their assessment in each award.

Assistance under Section 180(c) is not needs-based but provided to each jurisdiction along NHPA transportation routes. The Department will identify a program-specific basis for Section 180(c) funding allocation.

2. DOT, Federal Highway Administration, Office of Motor Carriers, Motor Carrier Safety Assistance Program

The Motor Carrier Safety Assistance Program (MCSAP) is primarily considered in this document for its applicability to training for safe routine transportation procedures for highway shipments.

DOT provides Federal funds to the States for a variety of commercial motor vehicle activities that encourage each State to enforce uniform motor carrier safety and hazardous materials regulations through MCSAP. The

program was established in the Surface Transportation Assistance Act of 1982 and reauthorized in the Motor Carrier Act of 1991 (Title IV of the Intermodal Surface Transportation Efficiency Act of 1991). Present funding levels exceed \$80 million.

The objective of MCSAP is to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicle carriers by substantially increasing the level and effectiveness of enforcement activity and the likelihood that problems affecting, or potentially affecting, safe vehicle operations will be detected and corrected. More specifically, States use MCSAP funds to train personnel to inspect vehicles and driver records, conduct reviews of carrier operations, and promote public awareness of commercial vehicle laws and safety. Also, States may use funds to support truck weight enforcement, drug interdiction activities, uniform truck and bus accident reporting, Commercial Drivers License enforcement, hazardous materials requirements training, research and development, public education, and enforcement of State traffic laws in conjunction with MCSAP roadside inspections.

Uniformity and compatibility of State regulatory requirements affecting interstate and intrastate carriers is a primary goal of the MCSAP. As a prerequisite for MCSAP funding, the Federal Highway Administration requires that States adopt or agree to adopt interstate and intrastate regulations which are compatible with Federal safety regulations. Currently, 48 States and 4 Territories actively participate in MCSAP but not Indian tribes.

To receive basic MCSAP funding, a State must first agree to adopt and assume responsibility for enforcing the Federal Motor Carrier Safety Regulations (49 CFR parts 390-399) and highway related portions of the Federal Hazardous Materials Regulations (49 CFR parts 107, 171-173, 177, 178 and 180) or compatible State regulations. Each State must also submit annually a State Enforcement Plan for the conduct of an effective safety program. The Federal Highway Administration uses this plan as a basis for monitoring and evaluating performance of the State.

The Federal Highway Administration, through regulations in 40 CFR 350, lists other specifics for basic grant approval and identifies in more detail the contents of the State Enforcement Plan including requirements of State participation in North American Uniform Driver/Vehicle Inspection