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January 24, 2003

Honorable Jerry Luke LeBlanc, Chairman
Performance Review Subcommittee of the
Joint Legislative Committee on the Budget
and Members of the Subcommittee
P. O. Box 44294
Baton Rouge, LA 70804

Re: Exceptional Performance and Efficiency Incentive
Program Proposal by the Office of State Police
Traffic Enforcement Program

Dear Committee Members:

In accordance with Louisiana Revised Statute (R.S.) 39:87.5(D)(8), we have completed our verification and analysis of the material and substantive accuracy of the proposal submitted by the Office of State Police (OSP) for a reward based on the Exceptional Performance and Efficiency Incentive Program. The proposal submitted by OSP asks for \$261,000 to supplement the Traffic Enforcement program by funding overtime pay for off-duty state police troopers and pilots to enforce traffic laws as they relate to commercial vehicle drivers. This proposal is based on the achievements and exceptional performance within the Transportation and Environmental Safety Section's Motor Carrier Safety Program from fiscal years 2000 through 2002. Specifically, OSP exceeded its standards for the indicators related to number of fatal commercial-related crashes, number of inspections conducted, and number of violations.

Attachment 1 to this letter provides the results of our verification of the proposal (Attachment 2). In summary, our verification and analysis found the following:

- The actual values of performance indicators reported on page 4 of the proposal are incorrect. Table 1 on page 2 of Attachment 1 contains the corrected values.
 - The inaccuracies in the proposal are primarily due to a time lag in the collection and processing of these performance indicator values.
- The values listed as standards for two performance indicators on page 4 of the proposal are the adjusted targets from the Louisiana Performance Accountability System (LaPAS).
- The statement on page 3 of the proposal that the number of fatal commercial-related crashes has decreased from fiscal year 2001 to 2002 is inaccurate.

Honorable Jerry Luke LeBlanc, Chairman
Performance Review Subcommittee of the
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- The actual amount and standard of Motor Carrier Safety civil penalties collected for fiscal year 2000 listed on page 5 of the proposal are incorrect.
- For fiscal years 2001 and 2002, OSP was unable to provide source documents to substantiate the establishment of the standards for the amount of Motor Carrier Safety civil penalties collected.

I hope this information is useful in your legislative decision-making.

Sincerely,

A handwritten signature in black ink, appearing to read "Grover C. Austin". The signature is fluid and cursive, with a large, prominent initial "G".

Grover C. Austin, CPA
First Assistant Legislative Auditor

GCA/ss

Attachments

[OSPIR03]

Office of Legislative Auditor

Office of State Police

Traffic Enforcement Program

*Verification of Proposal based on the Exceptional Performance
and Efficiency Incentive Program*

Louisiana Revised Statute (R.S.) 39:87.5(D)(8) requires the legislative auditor to verify the material and substantive accuracy of the information contained in a proposal submitted pursuant to the Exceptional Performance and Efficiency Incentive Program. R.S. 39:87.5(D) provides the types of performance to be achieved to qualify for a reward. A proposal may be based on exceptional performance wherein an agency demonstrates that it has consistently met or exceeded a significant number of the standards for its key and supporting performance indicators related to a particular activity.

The Office of State Police (OSP) based its proposal on its achievements and exceptional performance within the Transportation and Environmental Safety Section's Motor Carrier Safety Program. According to the proposal, this program held the "Number of fatal commercial-related crashes" performance indicator below its standard of 148 for the 2002 fiscal year. For the last three fiscal years, the Motor Carrier Safety Program claims to have exceeded the standards set for its "Number of inspections conducted" performance indicator. OSP attributes its success on the fatal crash statistics to its vigorous motor carrier safety inspection/education and traffic enforcement effort aimed at commercial vehicle drivers.

Proposed Award Amount

The proposal requests \$261,000, which will be used to supplement the Traffic Enforcement program and its Motor Carrier Safety Program (MCSAP) work. The reward will supplement the program by allowing OSP to fund overtime pay for off-duty state police troopers and pilots to enforce traffic laws as they relate to commercial vehicle drivers.

Accuracy of Information Listed in the Proposal

Our verification and analysis found that the information and data contained in the proposal are materially and substantively accurate with the exception of the following items discussed as follows:

The actual values of performance indicators reported on page 4 of the proposal are incorrect. Table 1 on page 2 contains the correct values for each performance indicator listed in the proposal.

Table 1						
Performance Indicator	FY 1999-2000		FY 2000-2001		FY 2001-2002	
	Standard	Actual	Standard	Actual	Standard	Actual
Number of fatal commercial-related crashes	N/A	96	N/A	99	148	113
Number of Motor Carrier Safety inspections conducted	35,000	40,325	46,774	50,692	41,160	57,902
Number of Motor Carrier Safety compliance reviews conducted	20	52	43	38	40	18
Number of commercial motor vehicle moving violations	N/A	8,118	N/A	12,783	11,500	14,826
Number of Motor Carrier Safety drivers out-of-service violations	N/A	6,329	N/A	6,231	6,000	6,227
Number of Motor Carrier Safety vehicles out-of-service violations	N/A	9,484	N/A	9,378	9,000	8,896
Source: Prepared by legislative auditor's staff using LaPAS data, OSP proposal, and other source documents provided by OSP.						

The reason for the inaccuracies in the proposal is primarily due to a time lag in the collection and processing of these performance indicator values. Other factors contributing to these inaccuracies apply to particular performance indicators. The time necessary to collect and process the performance indicator values reported means that the values tend to increase for a few months after the end of the fiscal year as the last few months' data are finalized. The numbers reported in the proposal are preliminary values available shortly after the end of the fiscal year and reported in LaPAS. The values included in Table 1 are current as of December 2002.

For three performance indicators, the values reported in Table 1 for some of the fiscal years are smaller than those reported in the proposal. For two of these indicators, "Number of fatal commercial-related crashes" and "Number of vehicle out-of-service violations," incorrect criteria were used to develop the values reported in the proposal for these years. These criteria included some crashes and violations that should not have been included. OSP staff discovered these errors during our review and they provided new values using the correct criteria. For the third performance indicator, "Number of Motor Carrier Safety compliance reviews conducted," OSP was unable to provide source documentation to support all of the reviews counted on the proposal. The values reported in Table 1 are those where source documentation was available.

The values listed as standards for two performance indicators on page 4 of the proposal are actually adjusted targets from LaPAS. In 2000 fiscal year, the standard for the "Number of Motor Carrier Safety compliance review conducted" listed in LaPAS is 20. According to notes in LaPAS, OSP officials adjusted the target for this indicator to 45 because of an obligation to the U.S. Department of Transportation to conduct more of this type of review. OSP listed the adjusted target as the standard in the proposal. In 2001, the standard for the "Number of Motor Carrier Safety inspections conducted" listed in LaPAS is 46,774. According to notes in LaPAS, OSP officials adjusted the target to 39,900 because of an adjustment in overtime used to conduct these inspections. Again, OSP listed the adjusted target as the standard

in the proposal. In Table 1 on page 2, we list the standards for each of these performance indicators rather than the adjusted targets.

The statement on page 3 of the proposal that the number of fatal commercial related crashes has decreased from fiscal year 2001 to 2002 is inaccurate. Using the most recent data with the correct criteria (as seen in Table 1), the number of these crashes actually increased from 99 to 113 over this time period.

The actual amount and standard of Motor Carrier Safety civil penalties collected for fiscal year 2000 listed on page 5 of the proposal are incorrect. According to OSP officials, an error was made in calculating the actual value reported in the proposal. Table 2 contains the correct value of \$3,805,702. In the 2000 fiscal year, this amount was a supporting performance indicator reported in LaPAS. The performance standard listed in LaPAS is \$3,500,000 instead of the \$3,215,491 listed in the proposal. Again, Table 2 reflects this corrected information.

Table 2		
	FY 1999-2000	
Performance Expectation	Standard	Actual
Amount of Motor Carrier Safety civil penalties collected	\$3,500,000	\$3,805,702
Source: Prepared by legislative auditor’s staff using OSP proposal and other source documents provided by OSP.		

For fiscal years 2001 and 2002, OSP was unable to provide source documents to substantiate the establishment of the standards for the amount of Motor Carrier Safety civil penalties collected. The “Amount of Motor Carrier Safety civil penalties collected” performance indicator was changed from a supporting indicator in the 2000 fiscal year to a general indicator in the 2001 and 2002 fiscal years. OSP officials state that standards for this indicator were set for fiscal years 2001 and 2002, but the documents showing these standards were not available for our verification.

Attachment 2

Office of State Police Proposal for Incentive Fund Reward Based on Exceptional Performance

REWARD PROPOSAL BASED ON EXCEPTIONAL PERFORMANCE

DEPARTMENT: SCHEDULE:

AGENCY: PROGRAM:

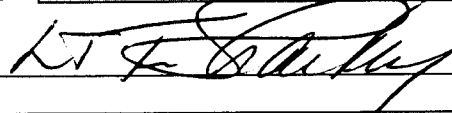
ACTIVITY:

SUBJECT FISCAL YEAR:

This proposal is for a reward based on exceptional performance.

Public Safety Services/Office of State Police is requesting \$261,000 in Incentive Reward to be used to supplement the enforcement of traffic laws as they relate to commercial vehicle drivers. These funds will replace FFY 2003 federal funds that were lost due to a federally- mandated overtime percentage reduction. These federal funds were utilized in FY 2002 to perform additional traffic enforcement. The reward will allow the LSP to maintain near the same level of enforcement and attempt to hold the number of fatal crashes to a level at or lower than that of FY 2002.

Application prepared by: Date:

Signature 

Agency head approval: Date:

Signature *Lt. Col. David Hunter (ym)*

Received by the Performance Review Subcommittee: Date:

Sent to the Legislative Auditor Date:

Response from Legislative Auditor: Date:

Disposition by Subcommittee: Date:

REWARD PROPOSAL BASED ON EXCEPTIONAL PERFORMANCE

Part One: Explanation of the Activity and the Exceptional Performance

Describe the activity (the "subject activity"), program and performance data upon which your proposal is based. The subject activity may be a subset or component of a program (or equivalent), or involve the efforts of one or more programs or the entire agency. Be specific in identifying the organizational unit or area where the exceptional performance was achieved. Section A. is used to give a narrative description, and Section B. is used to provide the specific performance data.

A. Provide a detailed narrative description of the subject activity or program(s) and summarize the exceptional performance achieved by that entity.

REWARD PROPOSAL BASED ON EXCEPTIONAL PERFORMANCE

The MCSAP is a Federal grant program that provides financial assistance to States to reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of the MCSAP is to reduce CMV-involved accidents, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. Investing grant monies in appropriate safety programs will increase the likelihood that safety defects, driver deficiencies, and unsafe motor carrier practices will be detected and corrected before they become contributing factors to accidents.

The MCSAP also sets forth the conditions for participation by States and local jurisdictions and promotes the adoption and uniform enforcement of safety rules, regulations, and standards compatible with the Federal Motor Carrier Safety Regulations (FMCSRs) and Federal Hazardous Material Regulations (HMRs) for both interstate and intrastate motor carriers and drivers.

Authority: 49 U.S.C. 31100-31104, 31108, 31136, 31140-31141, 31161, 31310-31311, 31502; and 49 CFR 1.48. Regulation: 49 CFR Part 350.

The Louisiana State Police has participated in the USDOT- sponsored Motor Carrier Safety Assistance Program since 1986. The Louisiana State Police Motor Carrier Safety Unit is a unit within the Transportation Safety Division. Full-time commercial vehicle enforcement staffing levels are thirty-seven commissioned officers and seven civilian support staff. Thirty-five of the commissioned officers and all of the civilian staff are funded on an 80/20 basis by the federal MCSAP grant. Full-time efforts directed at the inspection of commercial vehicles and their drivers are supplemented by one hundred thirty-four commissioned officers who perform inspections on a part-time basis. These inspection-certified officers are assigned to Troop districts, the Hazardous Material/Explosive Unit, the Towing and Recovery Unit, and the DPS Weights and Standards Police.

During FY 2002, despite a large increase in commercial vehicle traffic on the state's highways, the number of commercial vehicle -involved crashes declined from 103 to 95. DPSC had anticipated the crashes to increase during the year. DPSC attributes the reduction to a vigorous motor carrier safety inspection/education and traffic enforcement effort aimed at commercial vehicle drivers. Strong significance of effort and dedication of manpower was directed at this program not only to reduce the number and severity of commercial vehicle crashes, but to ensure the security of our hazardous material and commercial transportation system after the terrorist attacks of September 11, 2001. The number of inspections of commercial vehicles reached the highest level since the program was initiated in 1986. A total of 56,210 commercial vehicle inspections were performed with the same number of DPSC staff as allocated when the program began. The number of inspections has consistently increased over the last three years. As well, the number of moving violations cited on commercial vehicle drivers has drastically increased over the past three years with 14,072 such violations cited in FY 2002. Another indicator of the success of the program is the number of commercial vehicle drivers placed out of service for imminently hazardous conditions or actions. Considering an increase of approximately 20,000 inspections over the last three years, many of which were directed at ensuring driver compliance, the actual number of drivers placed out of service has declined significantly.

REWARD PROPOSAL BASED ON EXCEPTIONAL PERFORMANCE

B. Provide detailed performance data evidencing the exceptional performance represented in your proposal. Be sure to note those specific performance indicators and standards which are particularly important. Provide any separate or narrative background information necessary to highlight or support the exceptional nature of the performance. All proposers must complete Format 1. Format 2 is to be used to report additional data which is not captured in LaPAS.

Using Format 1, list all objectives and performance indicators for the subject year and at least the immediately preceding year (three years of data is best) for the program (or equivalent) in which the subject activity occurred. Provide the performance standards from the enacted budget/LaPAS. For proposals based on activities which occur at the sub-program (or equivalent) level which are not directly reflected in the agency's LaPAS performance data, the data for the program (or equivalent) comprising such activity is *required*. In cases where multiple programs are involved, provide the performance data for the entire agency.

Format 1. Provide the LaPAS data using this format, attaching addenda as necessary.

Program (or agency):	Traffic Enforcement					
Objective:	Through the Motor Carrier Safety Program of the Transportation and Environmental Safety Section (TESS), to hold the number of fatal commercial-related crashes to a level no greater than 150.					
	FY 1999-2000		FY 2000-2001		FY 2001-2002	
Performance Indicators	Standard	Actual	Standard	Actual	Standard	Actual
Number of fatal commercial-related crashes	N/A	135	N/A	103	148	95
Number of Motor Carrier Safety inspections conducted	35000	35163	39,900	49,400	41,160	56,210
Number of Motor Carrier Safety compliance reviews conducted	45	74	43	50	40	33
Number of commercial motor vehicle moving violations	N/A	8,014	N/A	11,849	11,500	14,072
Number of Motor Carrier Safety drivers out-of-service violations	N/A	6,157	N/A	5,949	6,000	5,803
Number of Motor Carrier Safety vehicles out-of-service violations	N/A	8704	N/A	9,068	9,000	9,078

DPSC compiles and provides Performance Indicator information as accurately as possible. The actual numbers do vary as being a law enforcement agency, activities may not have yet been entered into databases where such activities are captured until after the very short window for reporting at the end of a quarter. As such, the actual numbers that were entered into LAPAS for FY 2002 have increased slightly for several indicators. DPSC wants to include those numbers here for reference.

Number of fatal commercial-related crashes: 112
 Number of Motor Carrier Safety inspections conducted: 57,563
 Number of commercial motor vehicle moving violations: 15,218
 Number of Motor Carrier Safety driver out-of-service violations: 6,054

REWARD PROPOSAL BASED ON EXCEPTIONAL PERFORMANCE

Use "Format 2" for instances where the agency's performance data in the enacted budget and LaPAS does not reflect the efforts and achievements associated with the activities forming the basis of your proposal. Provide clear and specific evidence of the establishment of an expected level of performance at the beginning of the fiscal year or before the activity was undertaken, which expectation could then be compared to actual achievements at year's end. Citation of specific source documents for this data is *required*.

Format 2.

Program (or agency):	Traffic Enforcement					
	FY 1999-2000		FY 2000-2001		FY 2001-2002	
Performance Expectation	Standard	Actual	Standard	Actual	Standard	Actual
Amount of Motor Carrier Safety civil penalties collected	\$3,215,491	\$5,292,474	\$3,881,726	\$3,551,414	\$3,505,687	\$4,231,086

MCSAP Self-generated revenues are budgeted by the Office of State Police. Annually, this number maintained in the Office of State Police's Means of Financing budget tracking spreadsheets. Documentation of the budgeted amount can also be found in State Police's annual budget request on the BR-6s.

REWARD PROPOSAL BASED ON EXCEPTIONAL PERFORMANCE

C. Expenditures. For the subject year and the preceding year, provide the following expenditure data for the program(s) (or equivalent) in which the subject activity occurred, as well as that for the entire agency. *Provide this data using the format below, attaching addenda as necessary.*

	Preceding Year		Subject Year
	FY 2000-2001	FY 2001-2002	
Activity: Motor Carrier Safety Program			
End-of-year actual expenditures	\$2,939,290	\$3,242,606	
End-of-year actual T.O.		43	

	FY	FY
	Program: Traffic Enforcement	
End-of-year actual Expenditures	\$48,874,783	\$54,213,239
End-of-year actual T.O.	887	948

	FY 2000-2001	FY 2001-2002
	Agency: Office of State Police	
End-of-year actual Expenditures	\$123,278,547	\$128,454,547
End-of-year actual T.O.	1,567	1,641

PART TWO: ACTIONS OF EMPLOYEES

Complete this Part if the achievements evidenced in your proposal are the result of the efforts of specific employees. Present this information in narrative fashion. You must include the employee names, job titles, and general contribution to the effort.

REWARD PROPOSAL BASED ON EXCEPTIONAL PERFORMANCE

PART THREE: EXPLANATION OF PROPOSED REWARD AND ITS USE

I. Aggregate amount of reward requested:

\$261,000

II. Explain how the proposed reward funding would be used, whether for non-recurring expenditures or supplemental compensation, or both:

A. Non-recurring expenditures

The Department of Public and Corrections, Public Safety Services, Office of State Police (OSP) is applying for reward funding to augment the level of traffic enforcement initiatives aimed at targeting offenders committing "Serious Moving Violations" while operating commercial motor vehicles (CMV). As an ancillary component of this enforcement campaign, OSP will also concentrate our enforcement efforts toward apprehension of drivers of passenger vehicles that commit hazardous violations in close proximity to CMV's. Crash data indicate such enforcement campaigns promote compliance and have a positive effect on public safety. Statistics show that approximately seventy percent of all CMV crashes involving passenger cars, the drivers of the passenger vehicles were found to be at fault.

OSP will use incentive funding to supplement federal dollars that will be lost this year as a result of the Federal Motor Carrier Safety Administration policy that greatly restricts grant allocation dollars that can be used to support overtime enforcement initiatives. These funds will be used to supplement off-peak and after-hour patrols that will be lost due to the present federal restriction. These incentive funds will allow OSP to dedicate solely over 5,000 hours toward CMV traffic enforcement initiatives. Without these funds, the state will incur a drastic reduction in the total number of enforcement hours that was performed in the previous fiscal year. Consequently, the likelihood of CMV-related serious injury and fatal crashes increasing in the coming year can be expected.

These monies will allow OSP to continue aerial enforcement details across the state. OSP has found that this type enforcement is highly effective in observing, apprehending and citing aggressive

REWARD PROPOSAL BASED ON EXCEPTIONAL PERFORMANCE

drivers committing dangerous moving violations. These same type violations run counter to public safety and are found to be primary causation factors in most fatal crashes. The program's success is directly related to funding to support these type patrols. The costs associated with aerial reconnaissance limits the number of patrols made for this purpose. Examples where air patrols have been successful include: elevated portions of interstate highways, high-traffic areas, high-crash corridors and other areas where conventional enforcement methods have met with less than optimum results or proven effectiveness.

OSP will use these incentive funds to support over 5,000 hours of overtime for off-duty state police troopers and pilots to conduct organized air-to-ground traffic enforcement details in designated areas. Our proposal asks for \$261,000 to fund an average overtime rate of \$50.50 per hour. This equates to 5,168 overtime hours.

B. Supplemental Compensation

