

DataQs State Implementation Plan



Arkansas

**For Compliance with Federal Motor Carrier Safety Administration (FMCSA) Revised
Motor Carrier Safety Assistance Program (MCSAP) Grant Requirements**

Date: September 2026

Purpose

In April 2026, FMCSA announced updated requirements for State participation in the DataQs system as a condition of receiving MCSAP grant funding. To comply with those requirements, each State must submit a DataQs State Implementation Plan. The following pages contain the key elements of the plan approved by FMCSA for Arkansas.

DataQs State Implementation Plan

State: Arkansas

MCSAP Lead Agency: Arkansas Highway Police

Initial Review Process

Roles and Responsibilities

- Persons responsible for managing DataQs for the organization
 - **Responsible Party:**
Lieutenant over DataQs – Special Services (501)569-2421
Adv. MCS Data Specialist – (501)569-2421
 - **Supervisor(s):**
AHP Major (501)569-2421
 - **Backups:**
AHP Chief (501)569-2421
 - **Interactions:**
<intentionally left blank>
- Person(s) responsible for decision-making for the Initial Review process
 - **Responsible Party:**
Captain – AHP Special Operations
Captain – AHP District One
Captain – AHP District Two
Captain – AHP District Three
Captain – AHP District Four
Captain – AHP District Five
 - **Supervisor(s):**
AHP Major
 - **Backups:**
AHP Chief
 - **Interactions:**
<intentionally left blank>
- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
FMCSA (Arkansas Division Office) – Tamera Shepard & Kim King

MCSAP Part A & B / Hazmat Instructors
Lieutenant over Training Division

Videos & Additional Information
Lieutenant Over Videos
AHP Office Manager
Adv MCS Data Specialist

Court
Court Connect
The court the citation was issued in

- **Supervisor(s):**
Training Division - Instructors
- **Backups:**
Lieutenant
Training Instructors
- **Interactions:**
<intentionally left blank>

Process Description

- Receipt of RDR
 - **Responsible Party:**
Lieutenant will receive RDR for:
Inspection – Incorrect Violation
Inspection – Assigned to Wrong Carrier
Inspection – Assigned to Wrong Driver
Inspection – Incorrect Information
Inspection – Report Request

Adv MCS Data Specialist will receive (open) RDR for:
Inspection – Missing Record
Inspection – Duplicate Report
Inspection – Citation with Associated Violation
Any Crash Related RDRs
 - **Process:**
DataQs will be opened daily Monday – Friday – DataQs received on the
Weekends will be opened the following Monday. DataQs will be reviewed for
the correct DataQ type and pertinent information. The DataQ types listed

under Lieutenant then will be assigned to the Captain of the AHP District in which the officer is currently assigned and conducts inspections in. The DataQ types listed under Adv MCS Data Specialist will be researched and if needed court disposition paperwork will be requested.

- Review of RDR
 - **Responsible Party:**
AHP Captain (6)
 - **Process:**
The District Captain will conduct the initial review. The captain will send the inspecting officer a copy of the DataQ, inspection and documentation provided by the requestor. The officer will review what is provided, any saved documentation (notes/logs), videos, and related regulations. The officer will provide back a response in a timely manner to his captain. The captain will review all evidence/documentation and make an independent, impartial decision.
- Outcome of RDR
 - **Responsible Party:**
AHP Captain (6)
 - **Process:**
The AHP Captain will make the determining decision and close each initial RDR. Each DataQ will be investigated and thoroughly reviewed for a fair and impartial decision. The response will include the decision maker, list of evidence reviewed, the decision, specific reason(s) for the decision, and the next step.
- Closure of RDR
 - **Responsible Party:**
The AHP Captains (6) will explain and close the RDR to the requestor. If no changes are to be made the process will end with the captain explaining the DataQ decision to the carrier or requestor.

Adv MCS Data Specialist will enter any information changes or violation removal in the system.

- **Process:**
The AHP Captain will explain and close the RDR to the requestor. If the decision includes any data correction or violation removal, then the DataQ, inspection with the proper corrections and documentation/evidence will be presented to the Adv MCS Data Specialist. The Adv MCS Data Specialist will make changes in the system and note the inspection for future reference. If a

carrier or captain needs a corrected copy of the inspection it will be emailed or attached to the DataQ. If no data changes are needed the process will end with the captain explaining the DataQ decision to the carrier or requestor.

- **Timeliness:**

Each DataQ will be opened within the week received (within the seven days) and assigned to captain of corresponding AHP District of the officer. Each DataQ will be reviewed, researched and answered within 21 calendar days of submission.

Expected Outcomes for RDR Closures:

The Federal Motor Carrier Safety Administration (FMCSA)/State agency has not yet viewed the request.

Open - In Review Open - In Review FMCSA/State agency has viewed the request and is reviewing it.

Open - Pending Requestor Response Open - Pending Requestor Response FMCSA/State agency has reviewed the request, and the requestor must provide additional information. The requestor may have up to 14 calendar days to respond.

Open - Pending Agency Review The requestor provided additional information, and the request is awaiting further review.

Forwarded to Another Office for Resolution Forwarded to Another Office for Resolution FMCSA/State agency has reviewed the request and requires assistance from another office, or the request belongs to another office.

Open - Pending Officer Comments FMCSA/State agency has reviewed the request and forwarded it to the officer for additional information.

Open - Pending Local Agency Comments FMCSA/State agency has reviewed the request and forwarded it to the local agency for additional information.

Open - Pending Court / Administrative Comments FMCSA/State agency has reviewed the request but is awaiting a court review by the requestor and/or administrative review by the State to assist in the determination.

Closed - No Action Taken Closed - No Data Correction Made The request has been closed, and no data changes will be made.

Closed - Action Taken Closed - Data Correction Made The request has been closed, and the data will be corrected.

Closed - No Requestor Response The request was closed because the requestor did not respond.

Closed - Report Sent The request has been closed, and the agency sent the inspection report. The agency may have faxed or uploaded the report to DataQs, or it may have sent the report directly via email or postal mail.

The “Crash – Not Preventable” RDR will automatically be assigned the “Closed – No Data Correction Made” status by the DataQs system. RDRs concerning the preventability of a crash are never assigned to a state agency for review and resolution. Data about the number of RDRs received pertaining to preventability are recorded by the system for statistical purposes only.

Communication:

The captain will update the requestor of the RDR as the process goes along.

The following status options are built into the DataQs system and should be considered and updated throughout the review and resolution process.

The captain may ask for additional information or supporting documentation:

Accurate, relevant supporting documentation is essential to an RDR. The DataQs analyst or other responder should request any such information and documentation that he/she deems necessary to support the RDR. When a filer submits accurate, relevant supporting documentation with his/her RDR, it is more likely that the RDR will be resolved conclusively.

When an outcome has been determined the captain will use the DataQ System with a template to give a consistent and detailed response.

In some extreme cases the requestor may be reached by phone or email to explain the outcome of the DataQ.

Next Steps:

If the determination is no data correction made or inspection report was uploaded and closed (RDR process is closed). If the requestor is not in agreement with the Initial Review, the RDR may be moved to Reconsideration Review Process by reopening and requesting an additional review. If in the Initial Review there is the need for data correction, then the documentation will be provided to the Adv MCS Data Specialist for change/updating. Changes will be made daily Monday – Thursday (unless Adv MCS Data Specialist is out on leave). Changes processed on Friday will be addressed on the following Monday. Changes will be addressed in a timely manner and processed in the order in which they are received.

Reconsideration Review Process

Roles and Responsibilities

- Person(s) responsible for decision-making for the Reconsideration Review process

- **Responsible Party:**
AHP Lieutenant over DataQs
- **Supervisor(s):**
AHP Major
- **Backups:**
AHP Chief
- **Interactions:**
<intentionally left blank>
- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
The Captain of the Initial Review and Officer who conducted the Driver/Vehicle Examination Report.

 - AHP Training Division
Lieutenant
Training Instructors

 - Any other subject matter expert or State Agency (driver licensing, vehicle licensing, or corresponding matter).

 - FMCSA for regulation guidance or inspection policy change.
 - **Supervisor(s):**
AHP Major
 - **Backups:**
AHP Chief
 - **Interactions:**
<intentionally left blank>
- Person(s) convening a panel or committee
 - **Responsible Party:**
Lieutenant over DataQs
Lieutenant over MCSAP
 - **Supervisor(s):**
AHP Major
 - **Backups:**
AHP Chief
 - **Interactions:**
<intentionally left blank>
 - **Panel members' titles and associations:**

Lieutenant – AHP Special Services
Lieutenant – AHP Special Services

Escalation Procedures:

RDRs that are closed with no data correction that are reopened will be reviewed in the Reconsideration Review Process. The requestor will be notified the RDR has been escalated to the next step and if any additional documentation is needed. The Reconsideration Review will be conducted by different officers with a new set of eyes.

Process Description

- Review of RDR
 - **Responsible Party:**
Lieutenant – Special Services
Lieutenant – Special Services
 - **Process:**
The Reconsideration reviewer(s) will be separate and independent from the person(s) who decided on the Initial Review.

The RDR Reconsideration will not be reviewed or decided by the issuing officer, nor by an immediate supervisor of the issuing officer or inspector.

The RDR Reconsideration will be reviewed and decided by a person or panel with appropriate subject matter expertise within the MSCAP lead agency.

Action: Reviewer examines the case impartially, considers any new relevant information, and provides a highly detailed justification for the ruling.

- Outcome of RDR
 - **Responsible Party:**
Lieutenant – Special Services
If the determination is no data correction made or closed (RDR process is closed). If the requestor is not in agreement with the Reconsideration Review, the RDR may be moved to Final Review Process by reopening and requesting an additional review. If in the Reconsideration Review there is the need for data correction, then the documentation will be provided to Mrs. Hill for change/updating. Changes will be made daily Monday – Thursday (unless the Adv MCS Data Specialist is out on leave). Changes processed on Friday will be addressed on the following Monday. Changes will be addressed in a timely manner and processed in the order in which they are received.

- **Process:**
If the determination is no data correction made or closed (RDR process is closed). If the requestor is not in agreement with the Reconsideration Review, the RDR may be moved to Final Review Process by reopening and requesting an additional review. If in the Reconsideration Review there is the need for data correction, then the documentation will be provided to the Adv MCS Data Specialist for change/updating. Changes will be made daily Monday – Thursday (unless Mrs. Hill is out on leave). Changes processed on Friday will be addressed on the following Monday. Changes will be addressed in a timely manner and processed in the order in which they are received.
- Closure of RDR
 - **Responsible Party:**
Adv. MCS Data Specialist
Lieutenant – Special Services
 - **Process:**
If the determination is no data correction made or closed (RDR process is closed). If the requestor is not in agreement with the Reconsideration Review, the RDR may be moved to Final Review Process by reopening and requesting an additional review. If in the Reconsideration Review there is the need for data correction, then the documentation will be provided to the Adv MCS Data Specialist for change/updating. Changes will be made daily Monday – Thursday (unless Mrs. Hill is out on leave). Changes processed on Friday will be addressed on the following Monday. Changes will be addressed in a timely manner and processed in the order in which they are received.
- Timeliness:
This process will be in a timely manner based on the investigation needed to come to accurate determination (within 21 days, unless extraordinary circumstances occur).

Expected Outcomes for RDR Closures:

To determine whether to uphold or change the decision of an RDR (Request for Data Review) during the reconsideration phase of the FMCSA DataQs system, you must evaluate the requestor’s new evidence against the burden of proof, strict regulatory compliance, and factual justification.

The decision to change (grant) or uphold (deny) the challenge relies on the following

criteria:

1. Evaluate the New Evidence

Burden of Proof: The burden of proof lies entirely with the requester. If the new submission lacks factual, documentary, or legal justification, you should uphold the denial.

New Information vs. Re-litigation: Requesters may submit new evidence (e.g., clear dashcam footage, certified court documents, or updated police reports). If the new information completely refutes the initial violation, change the decision to correct the data. If they simply repeat the same arguments, you should uphold the original decision.

2. Adhere to Independence and Timeline Rules

Independent Review: The reconsideration must be evaluated by independent subject matter experts who were not involved in the initial RDR decision. The initial issuing officer or their direct supervisor cannot be the decision-maker.

Strict Timelines: The review must be completed and communicated to the requestor within 21 days of the reconsideration request.

State vs. Federal RDRs: Reconsiderations are handled by the state's Motor Carrier Safety Assistance Program (MCSAP) lead agency. Ensure state-specific DataQs requirements and review board standards are applied without bias.

3. Communicate the Determination

Document the RDR Status: If you change the data, update the RDR status to reflect the correction.

Justify a Denial: If you decide to uphold the initial denial, you must adequately explain the facts, analysis, and legal reasoning behind the decision in the system.

For full regulatory guidance and processing rules, review the Revisions to DataQs Requirements published by the FMCSA in the Federal Register.

Communication:

Communication with the RDR submitter will be ongoing through the process. AHP will commit to transparency to ensure consistent and detailed responses during the Reconsideration Review Process. Communication with the RDR submitter will be through the DataQ System, unless direct contact is needed.

Next Steps:

If the Reconsideration Review of a RDR is a denial, then the submitter may reopen the RDR for a Final Review. If a change is granted, then the information correction or violation

removal will be processed. The submitter will be notified and action will be documented, and a copy will be supplied.

Final Review Process

Roles and Responsibilities

- Person(s) responsible for decision-making for the Final Review process
 - **Responsible Party:**
AHP Major
AHP Chief
 - **Supervisor(s):**
N/A
 - **Backups:**
N/A
 - **Interactions:**
<intentionally left blank>
- Person(s) consulted for additional information or evidence
 - **Responsible Party:**
Any AHP personnel with knowledge or expertise in the related subject matter.
Any agency or person with knowledge or expertise in the related subject matter. During the Final Review process the RDR submitters themselves may be contacted.
 - **Supervisor(s):**
AHP Major
AHP Chief
 - **Backups:**
<intentionally left blank>
 - **Interactions:**
<intentionally left blank>
- Person(s) convening a panel or committee
 - **Responsible Party:**
AHP Major
AHP Chief
 - **Supervisor(s):**
N/A
 - **Backups:**
<intentionally left blank>

- **Interactions:**
<intentionally left blank>
- **Panel members' titles and associations:**
AHP Chief – Arkansas Highway Police (Lead MCSAP Agency)
AHP Major - Arkansas Highway Police (Lead MCSAP Agency)

Escalation Procedures:

To advance a Request for Data Review (RDR) in the FMCSA DataQ system to the Final Review process, you must successfully exhaust both the Initial Review, and the Reconsideration Review stages, and then explicitly file your escalation request within 30 days of the previous denial.

The Three-Stage Review Process

1. Initial Review

What happens: You submit your RDR with supporting documentation. The state agency must review it and communicate a decision within 21 days. If they deny your request ("Closed—No Data Correction Made"), they are required to explain their reasoning.

Advancement: If the outcome is not in your favor, you must submit a request for reconsideration within 30 days.

2. Reconsideration Review

What happens: Your case is assigned to independent subject matter experts who were not involved in the initial decision. They will review any new or previously provided evidence and issue a determination within 21 days.

Advancement: If your reconsideration is denied or closed with no action, the state will issue a formal decision and provide details on how to escalate to the final stage.

3. Final Review

What happens: If you are still unsatisfied, you may request the Final Review. You must file this request within 30 days of the state issuing the reconsideration decision.

Who decides: The case must be escalated to senior leadership within the state agency (Chief) or unbiased panel. The issuing officer from the first stage is strictly prohibited from participating in this final decision.

Timeline: The state must process and communicate the Final Review decision within 45 days. Their decision at this point is to consider the final administrative action.

Process Description

- Review of RDR

- **Responsible Party:**

Major

Chief

- **Process:**

Determining whether to uphold or change the final review of a Request for Data Review (RDR) in FMCSA's DataQs system requires following a 3-step independent review process governed by the agency's strict safety standards.

Follow these concrete steps and criteria to make and evaluate this final determination:

1. Understand the 3-Stage Appeal Process

Under federal requirements, state agencies must evaluate your RDR via a mandatory multi-stage process to prevent bias. The Final Review is the ultimate stage, which must be completed within 45 days by senior leadership or an independent review panel.

2. Criteria to Uphold the Review (Denial)

The reviewing entity will uphold the decision (deny the data correction) if:

The Burden of Proof Fails: The burden of proof rests entirely on the requester at every stage. If the documentation provided is insufficient, the decision stands.

New Evidence is Presented: If you submit new, unrequested evidence during the Final Review, it will generally be routed back to the Initial Review level rather than considered at the final stage.

No Factual Error Exists: The violation was properly documented based on the regulations, or the crash meets federal recordable criteria and cannot be officially classified as "not preventable".

3. Criteria to Change the Review (Approval)

The reviewing entity will change the decision (grant the correction or removal) if:

Evidence of Error: You provide undeniably supporting documentation (e.g., mechanic diagnostic reports, date-stamped photos before repairs, maintenance bills) showing the violation was written in error.

Adjudicated Outcome: You provide certified court documentation proving a citation associated with a roadside inspection violation that was dismissed or changed to a non-moving offense.

Eligible Crash Preventability: You successfully demonstrate that a police accident report proves the crash falls under one of FMCSA's eligible "not preventable" crash types (e.g., CMV struck in the rear, CMV legally parked).

4. How to Submit Your Final Appeal

Time Limits: If your RDR was denied at the Reconsideration stage, you must submit your request for a Final Review within 30 days of the state issuing that previous decision.

- Outcome of RDR
 - **Responsible Party:**
AHP Major
AHP Chief – Final Review Decision Maker
 - **Process:**
AHP Major
AHP Chief – Final Review Decision Maker for all types of RDR submitted and reviewed.
- Closure of RDR
 - **Responsible Party:**
AHP Chief – will provide a detailed response during the Final Review process and give justification and clarification of the decision.
 - **Process:**
If the determination is no data correction made or closed (RDR process is closed). If in the Final Review there is the need for data correction, then the documentation will be provided to the Adv MCS Data Specialist for change/updating. Changes will be made daily Monday – Thursday (unless the Adv MCS Data Specialist is out on leave). Changes processed on Friday will be addressed on the following Monday. Changes will be addressed in a timely manner and processed in the order in which they are received.
- Timeliness:
In a timely manner (within 45 days calendar days)

Expected Outcomes for RDR Closures:

The Federal Motor Carrier Safety Administration (FMCSA)/State agency has not yet viewed the request.

Open - In Review Open - In Review FMCSA/State agency has viewed the request and is reviewing it.

Open - Pending Requestor Response Open - Pending Requestor Response FMCSA/State agency has reviewed the request, and the requestor must provide additional information.

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Open - Pending Officer Comments FMCSA/State agency has reviewed the request and forwarded it to the officer for additional information.

Open - Pending Local Agency Comments FMCSA/State agency has reviewed the request and forwarded it to the local agency for additional information.

Open - Pending Court / Administrative Comments FMCSA/State agency has reviewed the request but is awaiting a court review by the requestor and/or administrative review by the State to assist in the determination.

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Communication:

Communication will be through the DataQ System (in some extreme cases the requestor may be reached by phone or email to explain the outcome of a DataQ)..

Next Steps:

If the determination is no data correction made or closed (RDR process is closed). If in the Final Review there is the need for data correction, then the documentation will be provided to the Adv MCS Data Specialist for change/updating. Changes will be made daily Monday – Thursday (unless the Adv MCS Data Specialist is out on leave). Changes processed on Friday will be addressed on the following Monday. Changes will be addressed in a timely

manner and processed in the order in which they are received

The Adv MCS Data Specialist will enter any information changes or violation removal in the system (Documentation will be provided to RDR submitter).