

# COMPLIANCE REVIEW For Motor Carriers



# A Compliance Review Is...

- An on-site examination of motor carrier operations which include:
  - Driver's Hours of Service
  - Vehicle Maintenance and Inspection
  - Driver Qualification
  - Controlled Substance and Alcohol Testing
  - CDL Requirements
  - Financial Responsibility
  - Reportable DOT Crashes
  - Hazardous Materials

- ...and other regulated safety and transportation records to determine a motor carrier's safety fitness. If applicable, compliance with the commercial/economic regulations is also reviewed.

# Program Intent...

- A CR is intended to provide information to evaluate the...

- Safety Performance
- Regulatory Compliance

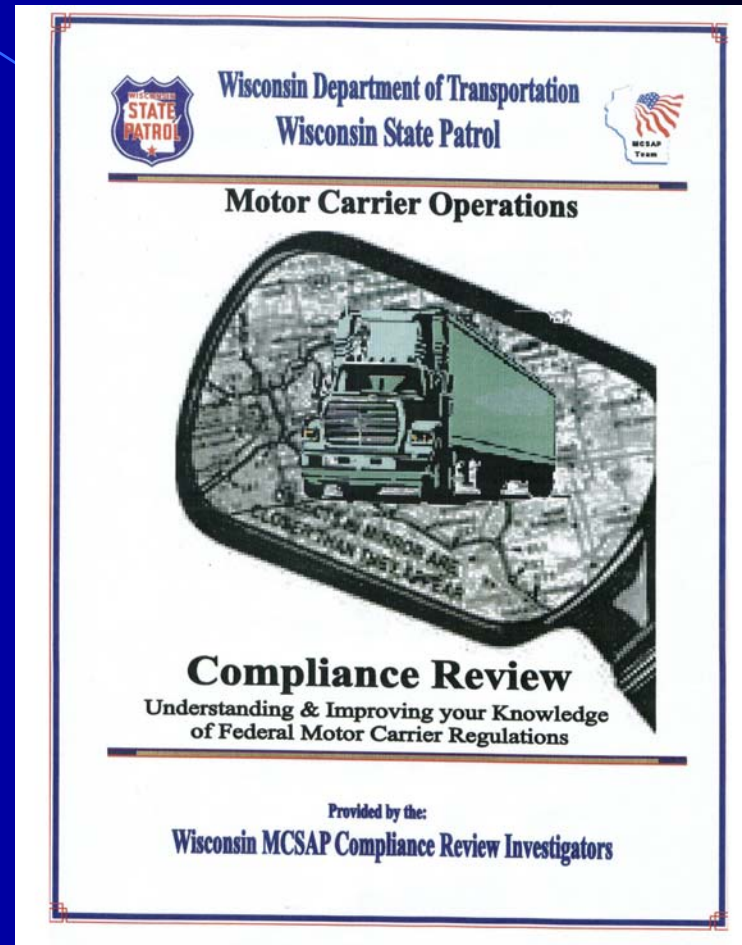
of a company's operation. The review must be conducted in such a manner that assures violations are not missed, overlooked or unrecorded.

Each Motor Carrier is supplied by the CRI a

*Motor Carrier Operations  
Compliance Review*

*Understanding & Improving your  
Knowledge of Federal Motor Carrier  
Regulations*

brochure during review for further assistance in future compliance with applicable regulations.



# What Are the Steps in the CR Process?

- The FMCSA generates a carrier CR list based on SAFESTAT data and the resulting carrier's rating.
- WSP CR Supervisor assigns CR's to Compliance Review Investigators based on DSP CR/SA regions. Regions do not necessarily mirror DSP Districts. (MCSAP CR staff map will be shown at the end of the presentation)

- CRI's research carrier background information using a Federal Carrier Profile
- Carrier's are given 48 hours advance notice
- CRI's then initiate an "on site" investigation that may span several days to several weeks
- DSP Supervisors are consulted in cases of potential Unsat Safety Ratings or Prosecutions

## ● Following Supervisory Review/Approval

- ✓ “Close Out” CR with carrier
- ✓ Prepare prosecution, If Applicable
- ✓ Export CR and prosecution to FMCSA



# Outcome of CR

- Safety Fitness Rating for Motor Carrier
- Potential exists for the carrier to be placed in a selective monitoring program
- Out-of-service orders may be issued.
- Civil fines are assessed in enforcement cases

# Prosecutions

- Fines are determined by UFA (Uniform Fine Assessment) software, based on:
  - Type of violations (acute/critical regulations)
  - Frequency of violations (percentage of records checked)
  - Carrier's size and income.

**Sample:**

ABC Carrier

# of Drivers: 9

No history

# of Units: 6

Gross Revenue: \$750,000

Fleet Mileage: 762,262

Primary	Secondary	Fine	Found	Documented	Total
395.8(e)		\$400.00	21	6	\$2400.00

Aggregate Information

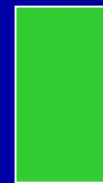
Upper Range \$2650

UFA Calculated Fine \$2410

Lower Range \$2170

**Documented Fine**

**\$2400.00**



**Within Range**

# A “CR” Includes

- Part A – Basic identification info as noted above. Similar to a face sheet
- Part B – Violations Section
- Part C – Reviewer’s Notes. Similar to a very detailed Incident/Arrest Report

# Reviewer's Notes (Part C)...

- The carrier DOES NOT receive a copy of the reviewer's Part C Notes. These "Notes" are a commentary related to the CR giving detailed in-depth or background information about the carrier, his operations, records available or checked, etc. Part C "Notes" are meant to reinforce the violations noted in Part B, and increase the accuracy of the evaluation process or aid a follow-up investigator.

# Acute Regulations

- **ACUTE**: Acute regulations are those regulations within the FMCSR's and HMR's which if violated are severe and demand immediate corrective action by the motor carrier regardless of the overall safety posture of the carrier.
  - NOTE: An ACUTE violation usually requires an enforcement case.

# Critical Regulations

- **CRITICAL**: Critical regulations are those regulations within the FMCSR's and HMR's which if violated indicate breakdowns in the management and/or operational controls of the motor carrier.
  - NOTE: Violation of a critical regulation may result in an enforcement case, depending on the frequency of violation. Violations must exceed specific thresholds.

- A CR results in a “Safety Rating” for the carrier – Based on a FMCSA computerized rating system, either:

- Satisfactory,

- Conditional or

- Unsatisfactory



**HOW DOES THE  
COMPLIANCE REVIEW PROGRAM  
INTEGRATE IN THE  
INSPECTION PROGRAM?**



# ELEMENTS OF MCSAP FUNDING

The five national program elements that are required for program funding are:

- Driver/vehicle inspections
- Traffic enforcement
- Compliance reviews
- Public education and awareness
- Data collection

# Ultimate Effect of CR Program

- Increased awareness of regulations.
- Increased compliance with regulations.
- Increased understanding of and appreciation for the over-all motor carrier inspection and review process...

# Duties

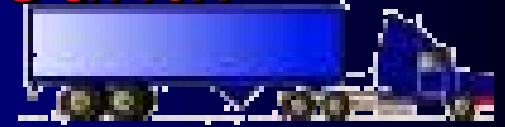
- Compliance Reviews
- Safety Audits
- Respond to inquiries
- Motor Carrier Education and Awareness

# What Does This Mean To Me?

- Vehicle OOS inspections and accidents count for the majority reason a carrier's rating results in a CR.
  - A compliance review can not be completed by a verbal request by an individual, however, a complaint may be filed with FMCSA @ 1-888-dot-saft (1-888-368-7238) or website:[www.1-888-dot-saft.com](http://www.1-888-dot-saft.com).
    - ✓ The complaint must be in writing with specific dates, unit numbers, driver names if issue of logs, specific regulations they allege are violated, etc.
  - Intrastate complaints must also be completed in writing and forwarded to the appropriate state representative.
    - Motor Carrier Program: Lt. Teasdale
    - Compliance Review: Bernard Coxhead
    - Inspections: District Inspector Sergeant

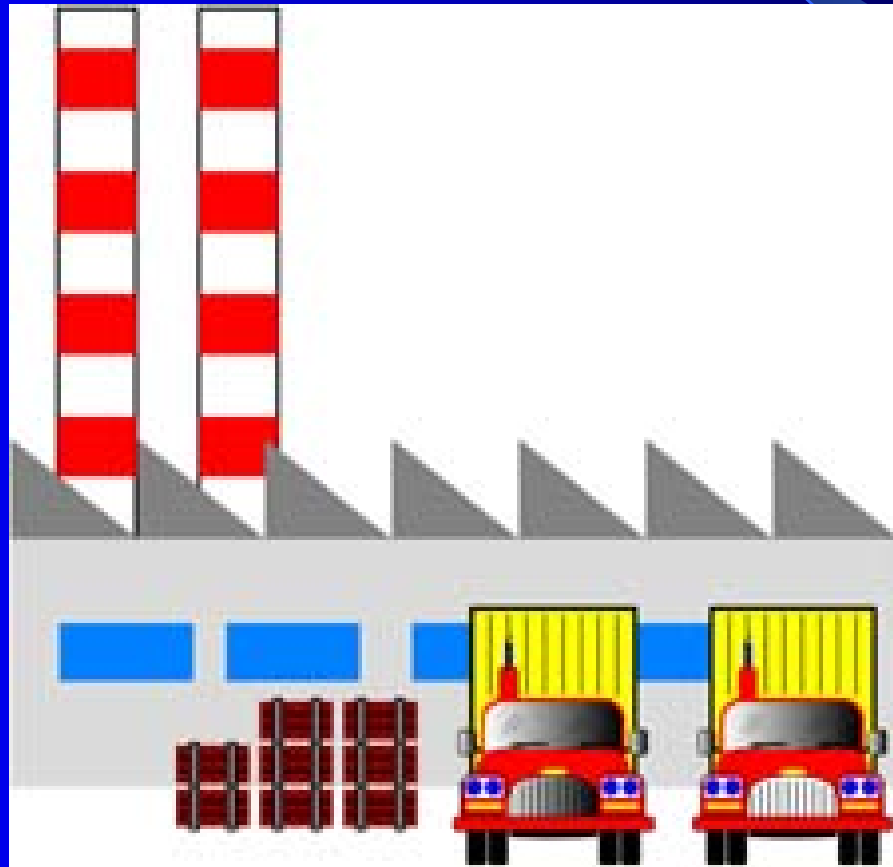
\*No indication or promise of further action will be made at the time of the complaint, this will be determined by FMCSA.

# Your Individual Inspections Count!!



- Driver violations noted on inspections assists the investigator in choosing the driver samples reviewed.
  - Vehicle violations noted on inspections assists the investigator in choosing the vehicle samples reviewed.
  - Date & time of inspection are used to compare against driver's RODs for false logs.
  - The investigator reviews vehicle OOS to ensure defect(s) were repaired prior to utilizing the vehicle.
- You can also utilize a CRI's to Gain Critical Post-Crash Data and to access MCMIS information.

# New Entrant Safety Assurance Program



# Purpose

- Establishes the Safety Assurance Program for a New Entrant Motor Carrier.
- Describes the consequences if New Entrant fails to maintain adequate safety management controls.
- Provisions do not apply to non-business private motor carriers of passengers.



# Background

- Intent of the Safety Audit and 18 month reporting period is to provide new carriers an opportunity to understand FMCSRs and HMRs.
- Intent of the Safety Audit is to provide educational and technical assistance.
- Non-enforcement educational opportunity.

**New Entrant Audits generally do not result in safety ratings and are not intended to result in enforcement action.**

However, in very rare cases, operations may warrant a cessation of a New Entrant Audit and institute a full Compliance Review.

After the issuance of New Entrant registration (US DOT #), the carrier is responsible to contact us within 90 days of receipt of US DOT # and is subject to an 18-month safety-monitoring period. During this period, the carrier will receive a safety audit and have their roadside crash and inspection information evaluated.

# If no contact is made by the carrier within the 90 days:

- ❖ MCMIS will automatically generate the “10 day-no contact letter to the carrier, which requires them to agree in writing within 10 days from the service date of the notice (date mailed), to permit the safety audit to be performed.
- ❖ If this is not completed by the 11<sup>th</sup> day, MCMIS will then generate the revocation letter to the carrier.
  - Once the carrier’s registration (US DOT#) is revoked the carrier must wait 30 days and reapply.

## **CRITICAL- THE CARRIER IS OUT OF SERVICE**

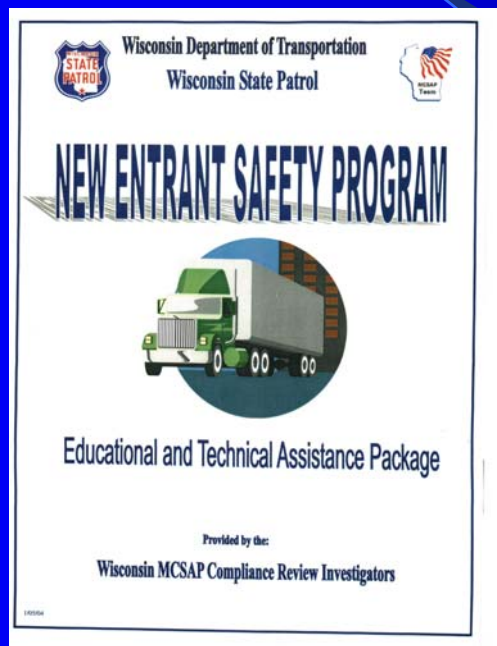
This is noted on their MCMIS Records and must not operate without authority.

The only way the carrier can regain their authority to operate is through the re-application process operated by the FMCSA. This is can be done only be completing a MCS-150 either by mail or on-line.

# Components of a NE

- Examination of a motor carrier's operations.
- Safety procedures will be addressed.
- Critical safety data needed to make an assessment of the carrier's safety performance and safety management controls will be reviewed.
- An overview of the requirements of the FMCSRs including applicable HMRs.

# Each New Entrant carrier receives a New Entrant Safety Program, Educational and Technical Assistance Package from the CRI.



Additional information  
may be supplied  
regarding revised  
regulations as applicable.  
Such as the New Hours  
of Service Rules.

# Advantages to the program are:

- ✓ Safer highways through reduced crashes, injuries and fatalities.
- ✓ Ensuring the motor carrier has the necessary systems in place to make certain basic safety management controls are maintained.
- ✓ Eliminates the carrier's excuses during an "earned" CR of not knowing the regulations.
- ✓ Eliminates the myth "Intrastate carriers are not regulated".
- ✓ Prepares for future Intrastate CRs.



**The New Entrant and  
Compliance Review brochures  
are also available on the  
Wisconsin Department of  
Transportation's official  
website:**

**[www.dot.wisconsin.gov/statepatrol/inspection/mcsap.htm](http://www.dot.wisconsin.gov/statepatrol/inspection/mcsap.htm)**



This information has been provided  
by the Wisconsin MCSAP  
Compliance Review Team.



Thank you