

Avoid Common Pitfalls

National Summary

Compliance Reviews - 2007

Total:	9,576
Satisfactory:	65.0 %
Conditional:	22.4 %
Unsatisfactory:	4.4 %
Not Rated:	8.2 %

Roadside Inspections - 2007

Total:	3,279,486
Driver OOS*:	6.9 %
Vehicle OOS*:	22.4 %

Traffic Enforcement - 2007

Total:	728,222
Driver OOS*:	10.0 %
Vehicle OOS*:	28.1 %

*Driver OOS Rate is based on inspection levels 1,2,3

*Vehicle OOS Rate is based on inspection levels 1,2,5.

Each year more than 10,000 motor carriers are audited by the FMCSA or a state partner for compliance with the Federal Motor Carrier Safety Regulations (FMCSR). DOT Inspector General, Calvin Scovel III, testified before Congress this past July that since fiscal year 1997, criminal investigations resulted in 533 indictments, 464 convictions, and “nearly \$41 million in fines, restitutions, and civil recoveries,” resulting from a 10-year priority of investigating “fraud against the motor carrier safety program.” “Fraud” included “... such crimes as false driver logs, fraudulent commercial driver’s licenses, and falsified drug testing.”

Motor carriers can avoid the appearance of extremes as those cited by the IG with basic planning and commitment to action. Some of the recurring ‘trouble spots’: SafeStat scores remain the leading trigger for an audit. Carriers who use the SafeStat module to alert them to negative trends that they then take action to counter are less likely to be selected for a compliance review. False logs continue to be a leading cause of motor carriers being out of compliance. **Those who argue that they either are not responsible for the actions of their drivers, or that they can’t track their drivers’ every action, receive a firm rebuff from the regulators. FMCSR 390.11 is frequently cited, “Whenever ... a duty is prescribed for a driver or a prohibition is imposed ... it shall be the duty of the motor carrier to require observance of such duty or prohibition.”**

Drug & Alcohol: Allowing a driver to perform safety sensitive functions before receiving a confirmed negative test result is a frequent violation in this area. “Safety sensitive function” and “performing a safety sensitive function” impose specific limitations on the use of a new employee under FMCSR 382.107 and 382.301

Vehicle maintenance: Rules require carriers to “systematically inspect, repair, and maintain” their vehicles, and to have “a means to indicate the nature and due date of the various inspections” and other planned service events. The methodology is left open to the carrier, but they must be able to demonstrate that the system service its function.

Hazmat training is required in three areas and is recurring — general, in depth, and function specific training must be completed and documented. Failing to have properly completed shipping papers is another frequent violation. More than \$2.08 million in fines were issued for Hazmat violations in FY05, according to an official report. Violations of any hazardous materials regulations including training may be subject to a civil penalty of *up to* \$27,500 for each violation.