

Attachment A

Appendix A

Violation Severity by BASIC

Overview

The tables in this Appendix contain all violations used in the SMS along with the corresponding Federal Motor Carrier Safety Regulation (FMCSR) or Hazardous Material Regulation (HMR) section. Each table represents a unique Behavior Analysis and Safety Improvement Category (BASIC). Each violation is assigned a severity weight that reflects its relevance to crash risk. Crash risk is defined as the risk of crashes occurring and the consequences of the crash after it occurs. Within each BASIC, the violations are grouped based on their attributes, so that similar violations can be assigned the same severity weights. Severity weights, discussed in more detail below, only reflect relative crash risk *within* a BASIC, and are not comparable across the BASICs.

Interpretation of the Severity Weights

The violation severity weights in the tables that follow have been converted into a scale from 1 to 10, where 1 represents the lowest crash risk and 10 represents the highest crash risk relative to the other violations in the BASIC. Because the weights reflect the relative importance of each violation only within each particular BASIC, they cannot be compared meaningfully across the various BASICs. Therefore, a 5 in one BASIC is not equivalent to a 5 in another BASIC, but the 5 does represent the approximate midpoint between a crash risk of 1 and 10 within the same BASIC. The "Violation Group" column in each table identifies the group to which each violation has been assigned. Each violation within a violation group is assigned the same severity weight.

Derivation of the Severity Weights

In order to determine the severity weights crash involvement and crash consequence the following five-step process was invoked:

1. **BASIC Mapping**—All roadside safety-related violations were mapped to an appropriate BASIC so that the severity weight analysis could be conducted on each individual BASIC.
2. **Violation Grouping**—All violations in each BASIC were placed into groups of similar violations based on the judgment of enforcement subject matter experts. These groups, listed in the "Violation Group" column in each table, make it possible to incorporate otherwise rarely cited violations into the robust statistical analysis used to derive the severity weights. The violation grouping also ensured that similar types of violations received the same severity weight.

3. **Crash Occurrence Analysis**—Statistical analysis was performed to quantify the extent of the relationship between crash involvement on the one hand and violation rates in each violation group, within each BASIC, on the other hand. A driver approach was used in this analysis. This approach was taken due to strong demonstrable relationships between driver crashes and violations documented in prior Volpe Center research. The earlier research was conducted in support of FMCSA’s Compliance Review Work Group (CRWG), the CSA Initiative’s predecessor.

Based on the conclusions from the earlier research, the Volpe Center developed a Driver Information Resource (DIR) for FMCSA. The DIR uses individual crash and inspection reports from all states to construct multi-year driver safety histories for individual commercial drivers. Multivariate negative binomial regression models were used to quantify the strength of relationships between driver violation rates in individual violation groups and crash involvement.

4. **Crash Consequences Analysis**—While the statistical modeling described in step 3 provides an empirical basis for associating violations and crash occurrence it does not address the violations relationship to crash consequence. To factor in the risk associated with crash consequence enforcement subject matter experts (SMEs) representing State and Federal Field Staff provided input for modifying preliminary severity weight defined in step 3. This approach helped balance the violation risk associated with crash involvement (occurrence) and crash consequence.
5. **CSMS Effectiveness Test**—Various severity weighting schemes developed in Steps 1 through 4 were applied to the Carrier Safety Measurement System (CSMS) to provide an empirical evaluation of the weighting schemes. This empirical evaluation, or “CSMS Effectiveness Test,” was modeled after the SafeStat Effectiveness Test.⁵ The CSMS Effectiveness Test was accomplished through the following steps: (1) performing a simulated CSMS run that calculates carrier percentile ranks for each BASIC using historical data; (2) examining each carrier’s crash involvement over the immediate 18 months after the simulated CSMS timeframe, and (3) observing the relationship between the percentile ranks in each BASIC and the subsequent post-CSMS carrier crash rates. The CSMS Effectiveness Test provides an environment to evaluate various severity weighting schemes in terms of their impact in identifying high-risk carriers. It also provides a means of testing other weight schemes, such as the Out-of-Service (OOS) weight, to help optimize CSMS’s effectiveness.

Severity Weight Tables 1 through 6 list all of the violations in the CSMS, with the first two columns of each table identifying each violation by regulatory part and its associated definition. The third column in each table identifies the violation group to which each violation is assigned, followed by the violation groups’ severity weights in the fourth

⁵ SafeStat Motor Carrier Safety Status Measurement System Methodology: Version 8.6 (January 2004). Prepared for FMCSA by John A. Volpe National Transportation Systems Center. Chapter 7: SafeStat Evaluation.

column. The final column in these tables specifies whether or not each violation is also included in the DSMS; violations included in the DSMS are the subset of CSMS BASIC violations for which the commercial motor vehicle (CMV) driver could also be a responsible party.

Attachment B

PART I

NORTH AMERICAN STANDARD DRIVER OUT-OF-SERVICE CRITERIA

POLICY STATEMENT

The purpose of this part is to identify violations that render the commercial motor vehicle operator unqualified to drive or out-of-service. The necessity for all enforcement personnel to implement and adhere to these standards is: (1) a matter of law; (2) perceived as necessary by the society we are charged with protecting, and (3) a professional obligation if substantial enhancement in the safety of commercial motor vehicle operators is to be achieved.

Except where state, provincial, territorial, or federal laws preclude enforcement of a named item, motor carrier safety enforcement personnel and their jurisdictions shall comply with these out-of-service violation standards.

OUT-OF-SERVICE VIOLATION: Violations under this category preclude further operation of a commercial motor vehicle by its driver for a specified period of time or for some violations until a required condition is met. An example of the former standard is hours of service violations.

FMCSR code references in the *North American Standard Out-of-Service Criteria* are simply recommendations to help inspectors find an appropriate citation. Other violation codes may be more suitable for a specific condition.

***4. DRIVER MEDICAL/PHYSICAL REQUIREMENTS**

a. Skill Performance Evaluation Certificate

No skill performance evaluation in possession, when required.
(391.49(j)) **Declare driver out-of-service.**

b. Medical Certificate

(1) Operating a commercial vehicle without corrective lenses or hearing aid as indicated on the driver's medical certificate.
(391.11(b)(4)) **Declare driver out-of-service.**

(2) When an inspector has knowledge and/or evidence that a driver is/is not in possession of a valid medical certificate, and is not in possession of any and all required exemptions for the following conditions: vision, hearing, insulin-using diabetes, epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a commercial motor vehicle. (391.41(a)(1)) **Declare driver out-of-service.**

(3) Operating a passenger-carrying vehicle without possessing a valid medical certificate. (391.41(a)) **Declare driver out-of-service.**

NOTE: Canadian operators possessing a valid Provincial or Territorial license of the proper class includes a valid Medical Certificate.

NOTE: Mexican operators possessing a valid Licencia Federal de Conductor of the proper class includes a valid Medical Certificate.

***5. SICKNESS**

When so impaired that the driver should not continue the trip.
(392.3) **Declare driver out-of-service until no longer impaired.**

***6. FATIGUE**

*a. When so fatigued that the driver of a property-carrying vehicle should not continue the trip. (392.3) **Declare driver out-of-service for ten (10) consecutive hours.**

Attachment C

require corrective action in order to avoid having the carrier's new entrant registration revoked, or having the provisional operating authority or provisional Certificate of Registration suspended and possibly revoked.

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APPENDIX B TO PART 385—EXPLANATION OF SAFETY RATING PROCESS

(a) Section 215 of the Motor Carrier Safety Act of 1984 (49 U.S.C. 31144) directed the Secretary of Transportation to establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles operating in interstate or foreign commerce. The Secretary, in turn, delegated this responsibility to the Federal Motor Carrier Safety Administration (FMCSA).

(b) As directed, FMCSA promulgated a safety fitness regulation, entitled "Safety Fitness Procedures," which established a procedure to determine the safety fitness of motor carriers through the assignment of safety ratings and established a "safety fitness standard" that a motor carrier must meet to obtain a "Satisfactory" safety rating. FMCSA later amended the safety fitness standard to add a distinct requirement that motor carriers also be in compliance with applicable remedial directives.

(c) To meet the safety fitness standard, a motor carrier must meet two requirements. First, the carrier must demonstrate to FMCSA it has adequate safety management controls in place that function effectively to ensure acceptable compliance with the applicable safety requirements. (See §385.5(a)). A "safety fitness rating methodology" (SFRM) developed by FMCSA uses data from compliance reviews (CRs) and roadside inspections to rate motor carriers. Second, a motor carrier must also be in compliance with any applicable remedial directives issued in accordance with subpart J. This second requirement is set forth in §385.5(b).

(d) The safety rating process developed by FMCSA is used to:

1. Evaluate the first component of the safety fitness standard, under §385.5(a), and assign one of three safety ratings (Satisfactory, Conditional, or Unsatisfactory) to motor carriers operating in interstate commerce. This process conforms to §385.5(a), Safety fitness standard, and §385.7, Factors to be considered in determining a safety rating.

2. Identify motor carriers needing improvement in their compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Hazardous Materials Regulations (HMRs). These are carriers rated Unsatisfactory or Conditional.

(e) The hazardous materials safety permit requirements of part 385, subpart E apply to intrastate motor carriers. Intrastate motor carriers that are subject to the hazardous materials safety permit requirements in subpart E will be rated using equivalent State requirements whenever the FMCSRs are referenced in this appendix.

(f) The safety rating will be determined by applying the SFRM equally to all of a company's motor carrier operations in commerce, including if applicable its operations in Canada and/or Mexico.

I. SOURCE OF DATA FOR RATING METHODOLOGY

(a) The FMCSA's rating process is built upon the operational tool known as the CR. This tool was developed to assist Federal and State safety specialists in gathering pertinent motor carrier compliance and accident information.

(b) The CR is an in-depth examination of a motor carrier's operations and is used (1) to rate unrated motor carriers, (2) to conduct a follow-up investigation on motor carriers rated *unsatisfactory* or *conditional* as a result of a previous review, (3) to investigate complaints, or (4) in response to a request by a motor carrier to reevaluate its safety rating. Documents such as those contained in driver qualification files, records of duty status, vehicle maintenance records, and other records are thoroughly examined for compliance with the FMCSRs and HMRs. Violations are cited on the CR document. Performance-based information, when available, is utilized to evaluate the carrier's compliance with the vehicle regulations. Recordable accident information is also collected.

II. CONVERTING CR INFORMATION INTO A SAFETY RATING

(a) The FMCSA gathers information through an in-depth examination of the motor carrier's compliance with identified "acute" or "critical" regulations of the FMCSRs and HMRs.

(b) Acute regulations are those identified as such where noncompliance is so severe as to require immediate corrective actions by a motor carrier regardless of the overall safety posture of the motor carrier. An example of an acute regulation is §383.37(b), allowing, requiring, permitting, or authorizing an employee with more than one Commercial Driver's License (CDL) to operate a commercial motor vehicle. Noncompliance with §383.37(b) is usually discovered when the motor carrier's driver qualification file reflects that the motor carrier had knowledge of a driver with more than one CDL, and still permitted the driver to operate a commercial motor vehicle. If the motor carrier did not have such knowledge or could not reasonably be expected to have such knowledge, then a violation would not be cited.

(c) Critical regulations are those identified as such where noncompliance relates to management and/or operational controls. These are indicative of breakdowns in a carrier's management controls. An example of a critical regulation is § 395.3(a)(1), requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours.

(d) The list of the acute and critical regulations which are used in determining safety ratings is included at the end of this document.

(e) Noncompliance with acute regulations and patterns of non-compliance with critical regulations are quantitatively linked to inadequate safety management controls and usually higher than average accident rates. The FMCSA has used noncompliance with acute regulations and patterns of noncompliance with critical regulations since 1989 to determine motor carriers' adherence to the Safety fitness standard in § 385.5.

(f) The regulatory factors, evaluated on the basis of the adequacy of the carrier's safety management controls, are (1) Parts 387 and 390; (2) Parts 382, 383 and 391; (3) Parts 392 and 395; (4) Parts 393 and 396 when there are less than three vehicle inspections in the last 12 months to evaluate; and (5) Parts 397, 171, 177 and 180.

(g) For each instance of noncompliance with an acute regulation or each pattern of noncompliance with a critical regulation during the CR, one point will be assessed. A pattern is more than one violation. When a number of documents are reviewed, the number of violations required to meet a pattern is equal to at least 10 percent of those examined.

(h) However, each pattern of noncompliance with a critical regulation relative to Part 395, Hours of Service of Drivers, will be assessed two points.

A. Vehicle Factor

(a) When a total of three or more inspections are recorded in the Motor Carrier Management Information System (MCMIS) during the twelve months prior to the CR or performed at the time of the review, the Vehicle Factor (Parts 393 and 396) will be evaluated on the basis of the Out-of-Service (OOS) rates and noncompliance with acute regulations and/or a pattern of noncompliance with critical regulations. The results of the review of the OOS rate will affect the Vehicle Factor rating as follows:

1. If a motor carrier has three or more roadside vehicle inspections in the twelve months prior to the carrier review, or three vehicles inspected at the time of the review, or a combination of the two totaling three or more, and the vehicle OOS rate is 34 percent or greater, the initial factor rating will be *conditional*. The requirements of Part 396, Inspection, Repair, and Maintenance, will be

examined during each review. The results of the examination could lower the factor rating to *unsatisfactory* if noncompliance with an acute regulation or a pattern of noncompliance with a critical regulation is discovered. If the examination of the Part 396 requirements reveals no such problems with the systems the motor carrier is required to maintain for compliance, the Vehicle Factor remains *conditional*.

2. If a carrier's vehicle OOS rate is less than 34 percent, the initial factor rating will be *satisfactory*. If noncompliance with an acute regulation or a pattern of noncompliance with a critical regulation is discovered during the examination of Part 396 requirements, the factor rating will be lowered to *conditional*. If the examination of Part 396 requirements discovers no such problems with the systems the motor carrier is required to maintain for compliance, the Vehicle Factor remains *satisfactory*.

(b) Nearly two million vehicle inspections occur on the roadside each year. This vehicle inspection information is retained in the MCMIS and is integral to evaluating motor carriers' ability to successfully maintain their vehicles, thus preventing them from being placed OOS during roadside inspections. Since many of the roadside inspections are targeted to visibly defective vehicles and since there are a limited number of inspections for many motor carriers, the use of that data is limited. Each CR will continue to have the requirements of Part 396, Inspection, Repair, and Maintenance, reviewed as indicated by the above explanation.

B. Accident Factor

(a) In addition to the five regulatory rating factors, a sixth factor is included in the process to address the accident history of the motor carrier. This factor is the recordable accident rate for the past 12 months. A recordable accident, consistent with the definition for "accident" in 49 CFR 390.5, means an occurrence involving a commercial motor vehicle on a highway in motor carrier operations in commerce or within Canada or Mexico (if the motor carrier also operates in the United States) that results in a fatality; in bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or in one or more motor vehicles incurring disabling damage that requires the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b) Recordable accidents per million miles were computed for each CR performed in Fiscal Years 1994, 1995 and 1996. The national average for all carriers rated was 0.747, and 839 for carriers operating entirely within the 100 air mile radius.

(c) Experience has shown that urban carriers, those motor carriers operating primarily within a radius of less than 100 air miles (normally in urban areas) have a higher exposure to accident situations because of their environment and normally have higher accident rates.

(d) The recordable accident rate will be used to rate Factor 6, Accident. It will be used only when a motor carrier incurs two or more recordable accidents occurred within the 12 months prior to the CR. An urban carrier (a carrier operating entirely within a radius of 100 air miles) with a recordable accident rate greater than 1.7 will receive an *unsatisfactory* rating for the accident factor. All other carriers with a recordable accident rate greater than 1.5 will receive an *unsatisfactory* factor rating. The rates are a result of roughly doubling the national average accident rate for each type of carrier rated in Fiscal Years 1994, 1995 and 1996.

(e) The FMCSA will continue to consider preventability when a motor carrier contests a rating by presenting compelling evidence that the recordable rate is not a fair means of evaluating its accident factor. Preventability will be determined according to the following standard: "If a driver, who exercises normal judgment and foresight could have foreseen the possibility of the accident that in fact occurred, and avoided it by taking steps within his/her control which would not have risked causing another kind of mishap, the accident was preventable."

C. Factor Ratings

(a) Parts of the FMCSRs and the HMRs having similar characteristics are combined together into five regulatory areas called "factors."

(b) The following table shows the five regulatory factors, parts of the FMCSRs and HMRs associated with each factor, and the accident factor. Factor Ratings are determined as follows:

FACTORS

- Factor 1 General=Parts 387 and 390
 - Factor 2 Driver=Parts 382, 383 and 391
 - Factor 3 Operational=Parts 392 and 395
 - Factor 4 Vehicle=Parts 393 and 396
 - Factor 5 Haz. Mat.=Parts 397, 171, 177 and 180
 - Factor 6 Accident Factor=Recordable Rate
- "Satisfactory"—if the acute and/or critical=0 points
- "Conditional"—if the acute and/or critical=1 point
- "Unsatisfactory"—if the acute and/or critical=2 or more points

III. SAFETY RATING

A. Rating Table

(a) The ratings for the six factors are then entered into a rating table which establishes the motor carrier's safety rating.

(b) The FMCSA has developed a computerized rating formula for assessing the information obtained from the CR document and is using that formula in assigning a safety rating.

MOTOR CARRIER SAFETY RATING TABLE

Factor ratings		Overall Safety rating
Unsatisfactory	Conditional	
0	2 or fewer	Satisfactory
0	more than 2	Conditional
1	2 or fewer	Conditional
1	more than 2	Unsatisfactory
2 or more	0 or more	Unsatisfactory

B. Proposed Safety Rating

(a) The proposed safety rating will appear on the CR. The following appropriate information will appear after the last entry on the CR, MCS-151, part E.

"Your proposed safety rating is **SATISFACTORY.**"

OR

"Your proposed safety rating is **CONDITIONAL.**" The proposed safety rating will become the final safety rating 45 days after you receive this notice.

OR

"Your proposed safety rating is **UNSATISFACTORY.**" The proposed safety rating will become the final safety rating 45 days after you receive this notice

(b) Proposed safety ratings of *conditional* or *unsatisfactory* will list the deficiencies discovered during the CR for which corrective actions must be taken.

(c) Proposed *unsatisfactory* safety ratings will indicate that, if the *unsatisfactory* rating becomes final, the motor carrier will be subject to the provision of §385.13, which prohibits motor carriers rated *unsatisfactory* from transporting hazardous materials requiring placarding or more than 15 passengers, including the driver.

IV. ASSIGNMENT OF FINAL RATING/MOTOR CARRIER NOTIFICATION

When the official rating is determined in Washington, D.C., the FMCSA notifies the motor carrier in writing of its safety rating as prescribed in §385.11. A proposed *conditional* safety rating (which is an improvement of an existing *unsatisfactory* rating) becomes effective as soon as the official safety rating from Washington, D.C. is issued, and the carrier may also avail itself of relief

under the § 385.15, Administrative Review and § 385.17. Change to safety rating based on corrective actions.

V. MOTOR CARRIER RIGHTS TO A CHANGE IN THE SAFETY RATING

Under §§ 385.15 and 385.17, motor carriers have the right to petition for a review of their ratings *if there are factual or procedural disputes*, and to request another review after corrective actions have been taken. They are the procedural avenues a motor carrier which believes its safety rating to be in error may exercise, and the means to request another review after corrective action has been taken.

VI. CONCLUSION

(a) FMCSA believes this "safety fitness rating methodology" is a reasonable approach to assignment of a safety rating, as required by the safety fitness regulations (§ 385.9), that most closely reflects the motor carrier's current level of compliance with the safety fitness standard in § 385.5(a). This methodology has the capability to incorporate regulatory changes as they occur.

(b) Improved compliance with the regulations leads to an improved rating, which in turn increases safety. This increased safety is our regulatory goal.

VII. LIST OF ACUTE AND CRITICAL REGULATIONS.

- § 382.115(a) Failing to implement an alcohol and/or controlled substances testing program (domestic motor carrier) (acute).
- § 382.115(b) Failing to implement an alcohol and/or controlled substances testing program (foreign motor carrier) (acute).
- § 382.301 Using a driver known to have an alcohol concentration of 0.04 or greater (acute).
- § 382.311 Using a driver who has refused to submit to an alcohol or controlled substances test required under part 382 (acute).
- § 382.313(b) Using a driver known to have used a controlled substance (acute).
- § 382.315 Using a driver known to have tested positive for a controlled substance (acute).
- § 382.301(a) Using a driver before the motor carrier has received a negative pre-employment controlled substance test result (critical).
- § 382.303(a) Failing to conduct post accident testing on driver for alcohol (critical).
- § 382.303(b) Failing to conduct post accident testing on driver for controlled substances (critical).
- § 382.305 Failing to implement a random controlled substances and/or an alcohol testing program (acute).
- § 382.305(b)(1) Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions (critical).
- § 382.305(b)(2) Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions (critical).
- § 382.309(a) Using a driver who has not undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 (acute).
- § 382.309(b) Using a driver who has not undergone a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances (acute).
- § 382.503 Allowing a driver to perform safety sensitive function, after engaging in conduct prohibited by subpart B, without being evaluated by substance abuse professional, as required by § 382.605 (critical).
- § 382.505(a) Using a driver within 24 hours after being found to have an alcohol concentration of 0.02 or greater but less than 0.04 (acute).
- § 382.605(c)(1) Using a driver who has not undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than .02 or with verified negative test result, after engaging in conduct prohibited by part 382 subpart B (acute).
- § 382.605(c)(2)(ii) Failing to subject a driver who has been identified as needing assistance to at least six unannounced follow-up alcohol and/or controlled substance tests in the first 12 months following the driver's return to duty (critical).
- § 383.23(a) Operating a commercial motor vehicle without a valid commercial driver's license (critical).
- § 383.37(a) Knowingly allowing, requiring, permitting, or authorizing an employee with a commercial driver's license which is suspended, revoked, or canceled by a state or who is disqualified to operate a commercial motor vehicle (acute).
- § 383.37(b) Knowingly allowing, requiring, permitting, or authorizing an employee with more than one commercial driver's license to operate a commercial motor vehicle (acute).
- § 383.51(a) Knowingly allowing, requiring, permitting, or authorizing a driver to drive who is disqualified to drive a commercial motor vehicle (acute).
- § 387.7(a) Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage (acute).
- § 387.7(d) Failing to maintain at principal place of business required proof of financial responsibility (critical).
- § 387.31(a) Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility (acute).

- §387.31(d) Failing to maintain at principal place of business required proof of financial responsibility for passenger carrying vehicles (critical).
- §390.15(b)(2) Failing to maintain copies of all accident reports required by State or other governmental entities or insurers (critical).
- §390.35 Making, or causing to make fraudulent or intentionally false statements or records and/or reproducing fraudulent records (acute).
- §391.11(b)(4) Using a physically unqualified driver (acute).
- §391.15(a) Using a disqualified driver (acute).
- §391.45(a) Using a driver not medically examined and certified (critical).
- §391.45(b)(1) Using a driver not medically examined and certified during the preceding 24 months (critical).
- §391.51(a) Failing to maintain driver qualification file on each driver employed (critical).
- §391.51(b)(2) Failing to maintain inquiries into driver's driving record in driver's qualification file (critical).
- §391.51(b)(7) Failing to maintain medical examiner's certificate in driver's qualification file (critical).
- §392.3 Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated (critical).
- §392.4(b) Requiring or permitting a driver to drive while under the influence of, or in possession of, a narcotic drug, amphetamine, or any other substance capable of rendering the driver incapable of safely operating a motor vehicle (acute).
- §392.5(b)(1) Requiring or permitting a driver to drive a motor vehicle while under the influence of, or in possession of, an intoxicating beverage (acute).
- §392.5(b)(2) Requiring or permitting a driver who shows evidence of having consumed an intoxicating beverage within 4 hours to operate a motor vehicle (acute).
- §392.6 Scheduling a run which would necessitate the vehicle being operated at speeds in excess of those prescribed (critical).
- §392.9(a)(1) Requiring or permitting a driver to drive without the vehicle's cargo being properly distributed and adequately secured (critical).
- §395.1(h)(1)(i) Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 15 hours (Driving in Alaska) (critical).
- §395.1(h)(1)(ii) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty 20 hours (Driving in Alaska) (critical).
- §395.1(h)(1)(iii) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 7 consecutive days (Driving in Alaska) (critical).
- §395.1(h)(1)(iv) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 80 hours in 8 consecutive days (Driving in Alaska) (critical).
- §395.1(h)(2)(i) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 15 hours (Driving in Alaska) (critical).
- §395.1(h)(2)(ii) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 20 hours (Driving in Alaska) (critical).
- §395.1(h)(2)(iii) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 7 consecutive days (Driving in Alaska) (critical).
- §395.1(h)(2)(iv) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 80 hours in 8 consecutive days (Driving in Alaska) (critical).
- §395.1(o) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty 16 consecutive hours (critical).
- §395.3(a)(1) Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours (critical).
- §395.3(a)(2) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty (critical).
- §395.3(b)(1) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 60 hours in 7 consecutive days (critical).
- §395.3(b)(2) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days (critical).
- §395.3(c)(1) Requiring or permitting a property-carrying commercial motor vehicle driver to restart a period of 7 consecutive days without taking an off-duty period of 34 or more consecutive hours (critical).
- §395.3(c)(2) Requiring or permitting a property-carrying commercial motor vehicle driver to restart a period of 8 consecutive days without taking an off-duty period of 34 or more consecutive hours (critical).
- §395.5(a)(1) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours (critical).
- §395.5(a)(2) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 15 hours (critical).
- §395.5(b)(1) Requiring or permitting a passenger-carrying commercial motor vehicle

- driver to drive after having been on duty more than 60 hours in 7 consecutive days (critical).
- § 395.5(b)(2) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days (critical).
- § 395.8(a) Failing to require driver to make a record of duty status (critical).
- § 395.8(e) False reports of records of duty status (critical).
- § 395.8(i) Failing to require driver to forward within 13 days of completion, the original of the record of duty status (critical).
- § 395.8(k)(1) Failing to preserve driver's record of duty status for 6 months (critical).
- § 395.8(k)(1) Failing to preserve driver's records of duty status supporting documents for 6 months (critical).
- § 396.3(b) Failing to keep minimum records of inspection and vehicle maintenance (critical).
- § 396.9(c)(2) Requiring or permitting the operation of a motor vehicle declared "out-of-service" before repairs were made (acute).
- § 396.11(a) Failing to require driver to prepare driver vehicle inspection report (critical).
- § 396.11(c) Failing to correct Out-of-Service defects listed by driver in a driver vehicle inspection report before the vehicle is operated again (acute).
- § 396.17(a) Using a commercial motor vehicle not periodically inspected (critical).
- § 396.17(g) Failing to promptly repair parts and accessories not meeting minimum periodic inspection standards (acute).
- § 397.5(a) Failing to ensure a motor vehicle containing Division 1.1, 1.2, or 1.3 (explosive) material is attended at all times by its driver or a qualified representative (acute).
- § 397.7(a)(1) Parking a motor vehicle containing Division 1.1, 1.2, or 1.3 materials within 5 feet of traveled portion of highway or street (critical).
- § 397.7(b) Parking a motor vehicle containing hazardous material(s) other than Division 1.1, 1.2, or 1.3 materials within 5 feet of traveled portion of highway or street (critical).
- § 397.13(a) Permitting a person to smoke or carry a lighted cigarette, cigar or pipe within 25 feet of a motor vehicle containing Class 1 materials, Class 5 materials, or flammable materials classified as Division 2.1, Class 3, Divisions 4.1 and 4.2 (critical).
- § 397.19(a) Failing to furnish driver of motor vehicle transporting Division 1.1, 1.2, or 1.3 (explosive) materials with a copy of the rules of part 397 and/or emergency response instructions (critical).
- § 397.67(d) Requiring or permitting the operation of a motor vehicle containing explosives in Class 1, Divisions 1.1, 1.2, or 1.3 that is not accompanied by a written route plan (critical).
- § 397.101(d) Requiring or permitting the operation of a motor vehicle containing highway route-controlled quantity, as defined in § 173.403, of radioactive materials that is not accompanied by a written route plan.
- § 171.15 Carrier failing to give immediate telephone notice of an incident involving hazardous materials (critical).
- § 171.16 Carrier failing to make a written report of an incident involving hazardous materials (critical).
- § 172.313(a) Accepting for transportation or transporting a package containing a poisonous-by-inhalation material that is not marked with the words "Inhalation Hazard" (acute).
- § 172.704(a)(4) Failing to provide security awareness training (critical).
- § 172.704(a)(5) Failing to provide in-depth security awareness training (critical).
- § 172.800(b) Transporting HM without a security plan (acute).
- § 172.800(b) Transporting HM without a security plan that conforms to Subpart I requirements (acute).
- § 172.800(b) Failure to adhere to a required security plan (acute).
- § 172.802(b) Failure to make copies of security plan available to hazmat employees (critical).
- § 173.24(b)(1) Accepting for transportation or transporting a package that has an identifiable release of a hazardous material to the environment (acute).
- § 173.421(a) Accepting for transportation or transporting a Class 7 (radioactive) material described, marked, and packaged as a limited quantity when the radiation level on the surface of the package exceeds 0.005mSv/hour (0.5 mrem/hour) (acute).
- § 173.431(a) Accepting for transportation or transporting in a Type A packaging a greater quantity of Class 7 (radioactive) material than authorized (acute).
- § 173.431(b) Accepting for transportation or transporting in a Type B packaging a greater quantity of Class 7 (radioactive) material than authorized (acute).
- § 173.441(a) Accepting for transportation or transporting a package containing Class 7 (radioactive) material with external radiation exceeding allowable limits (acute).
- § 173.442(b) Accepting for transportation or transporting a package containing Class 7 (radioactive) material when the temperature of the accessible external surface of the loaded package exceeds 50 °C (122 °F) in other than an exclusive use shipment, or 85 °C (185 °F) in an exclusive use shipment (acute).
- § 173.443(a) Accepting for transportation or transporting a package containing Class 7

- (radioactive) material with removable contamination on the external surfaces of the package in excess of permissible limits (acute).
- § 177.800(c) Failing to instruct a category of employees in hazardous materials regulations (critical).
- § 177.801 Accepting for transportation or transporting a forbidden material (acute).
- § 177.835(a) Loading or unloading a Class 1 (explosive) material with the engine running (acute).
- § 177.835(c) Accepting for transportation or transporting Division 1.1, 1.2, or 1.3 (explosive) materials in a motor vehicle or combination of vehicles that is not permitted (acute).
- § 177.835(j) Transferring Division 1.1, 1.2, or 1.3 (explosive) materials between containers or motor vehicles when not permitted (acute).
- § 177.817(a) Transporting a shipment of hazardous materials not accompanied by a properly prepared shipping paper (critical).
- § 177.817(e) Failing to maintain proper accessibility of shipping papers (critical).
- § 177.823(a) Moving a transport vehicle containing hazardous material that is not properly marked or placarded (critical).
- § 177.841(e) Transporting a package bearing a poison label in the same transport vehicle with material marked or known to be foodstuff, feed, or any edible material intended for consumption by humans or animals unless an exception in § 177.841(e)(i) or (ii) is met (acute).
- § 180.407(a) Transporting a shipment of hazardous material in cargo tank that has not been inspected or retested in accordance with § 180.407 (critical).
- § 180.407(c) Failing to periodically test and inspect a cargo tank (critical).
- § 180.415 Failing to mark a cargo tank which passed an inspection or test required by § 180.407 (critical).
- § 180.417(a)(1) Failing to retain cargo tank manufacturer's data report certificate and related papers, as required (critical).
- § 180.417(a)(3) Failing to retain copies of cargo tank manufacturer's certificate and related papers (or alternative report) as required (critical).
- [62 FR 60043, Nov. 6, 1997, as amended at 63 FR 62959, Nov. 10, 1998; 65 FR 11907, Mar. 7, 2000; 68 FR 22513, Apr. 28, 2003; 70 FR 50070, Aug. 25, 2005; 72 FR 36789, July 5, 2007; 72 FR 71269, Dec. 17, 2007; 75 FR 17244, Apr. 5, 2010]
- APPENDIX C TO PART 385—REGULATIONS PERTAINING TO REMEDIAL DIRECTIVES IN PART 385, SUBPART J
- § 395.1(h)(1)(i) Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 15 hours (Driving in Alaska).
- § 395.1(h)(1)(ii) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty 20 hours (Driving in Alaska).
- § 395.1(h)(1)(iii) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 7 consecutive days (Driving in Alaska).
- § 395.1(h)(1)(iv) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 80 hours in 8 consecutive days (Driving in Alaska).
- § 395.1(h)(2)(i) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 15 hours (Driving in Alaska).
- § 395.1(h)(2)(ii) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 20 hours (Driving in Alaska).
- § 395.1(h)(2)(iii) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 7 consecutive days (Driving in Alaska).
- § 395.1(h)(2)(iv) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 80 hours in 8 consecutive days (Driving in Alaska).
- § 395.1(o) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty 16 consecutive hours.
- § 395.3(a)(1) Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours.
- § 395.3(a)(2) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.
- § 395.3(b)(1) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 60 hours in 7 consecutive days.
- § 395.3(b)(2) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days.
- § 395.3(c)(1) Requiring or permitting a property-carrying commercial motor vehicle driver to restart a period of 7 consecutive days without taking an off-duty period of 34 or more consecutive hours.
- § 395.3(c)(2) Requiring or permitting a property-carrying commercial motor vehicle driver to restart a period of 8 consecutive days without taking an off-duty period of 34 or more consecutive hours.
- § 395.5(a)(1) Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours.
- § 395.5(a)(2) Requiring or permitting a passenger-carrying commercial motor vehicle

Attachment D

§ 385.1

Subpart A—General

§ 385.1 Purpose and scope.

(a) This part establishes FMCSA's procedures to determine the safety fitness of motor carriers, to assign safety ratings, to direct motor carriers to take remedial action when required, and to prohibit motor carriers determined to be unfit from operating a CMV.

(b) This part establishes the safety assurance program for a new entrant motor carrier initially seeking to register with FMCSA to conduct interstate operations. It also describes the consequences that will occur if the new entrant fails to maintain adequate basic safety management controls.

(c) This part establishes the safety permit program for a motor carrier to transport the types and quantities of hazardous materials listed in § 385.403.

(d) The provisions of this part apply to all motor carriers subject to the requirements of this subchapter, except non-business private motor carriers of passengers.

(e) Subpart F of this part establishes procedures to perform a roadability review of intermodal equipment providers to determine their compliance with the applicable Federal Motor Carrier Safety Regulations (FMCSRs).

[65 FR 50934, Aug. 23, 2000, as amended at 67 FR 31982, May 13, 2002; 69 FR 39366, June 30, 2004; 73 FR 76818, Dec. 17, 2008; 75 FR 17240, Apr. 5, 2010]

§ 385.3 Definitions and acronyms.

Applicable safety regulations or requirements means 49 CFR chapter III, subchapter B—Federal Motor Carrier Safety Regulations or, if the carrier is an intrastate motor carrier subject to the hazardous materials safety permit requirements in subpart E of this part, the equivalent State standards; and 49 CFR chapter I, subchapter C—Hazardous Materials Regulations.

CMV means a commercial motor vehicle as defined in § 390.5 of this subchapter.

Commercial motor vehicle shall have the same meaning as described in § 390.5 of this subchapter, except that this definition will also apply to intrastate motor vehicles subject to the haz-

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ardous materials safety permit requirements of subpart E of this part.

FMCSA means the Federal Motor Carrier Safety Administration.

FMCSRs mean Federal Motor Carrier Safety Regulations (49 CFR parts 350–399).

HMRs means the Hazardous Materials Regulations (49 CFR parts 100–178).

Motor carrier operations in commerce means commercial motor vehicle transportation operations either—

- (1) In interstate commerce, or
- (2) Affecting interstate commerce.

New entrant is a motor carrier not domiciled in Mexico that applies for a United States Department of Transportation (DOT) identification number in order to initiate operations in interstate commerce.

New entrant registration is the registration (US DOT number) granted a new entrant before it can begin interstate operations in an 18-month monitoring period. A safety audit must be performed on a new entrant's operations within 18 months after receipt of its US DOT number and it must be found to have adequate basic safety management controls to continue operating in interstate commerce at the end of the 18-month period.

Preventable accident on the part of a motor carrier means an accident (1) that involved a commercial motor vehicle, and (2) that could have been averted but for an act, or failure to act, by the motor carrier or the driver.

Reviews. For the purposes of this part:

(1) *Compliance review* means an on-site examination of motor carrier operations, such as drivers' hours of service, maintenance and inspection, driver qualification, commercial drivers license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets the safety fitness standard. A compliance review may be conducted in response to a request to change a safety rating, to investigate potential violations of safety regulations by motor carriers, or to investigate complaints or other evidence of

safety violations. The compliance review may result in the initiation of an enforcement action.

(2) *Safety audit* means an examination of a motor carrier's operations to provide educational and technical assistance on safety and the operational requirements of the FMCSRs and applicable HMRs and to gather critical safety data needed to make an assessment of the carrier's safety performance and basic safety management controls. Safety audits do not result in safety ratings.

(3) *Safety management controls* means the systems, policies, programs, practices, and procedures used by a motor carrier to ensure compliance with applicable safety and hazardous materials regulations which ensure the safe movement of products and passengers through the transportation system, and to reduce the risk of highway accidents and hazardous materials incidents resulting in fatalities, injuries, and property damage.

(4) *Roadability review* means an on-site examination of the intermodal equipment provider's compliance with the applicable FMCSRs.

RSPA means the Research and Special Programs Administration.

Safety fitness determination means the final determination by FMCSA that a motor carrier meets the safety fitness standard under § 385.5.

Safety rating or rating means a rating of "Satisfactory," "Conditional" or "Unsatisfactory," which the FMCSA assigns to a motor carrier using the factors prescribed in § 385.7, as computed under the Safety Fitness Rating Methodology (SFRM) set forth in Appendix B to this part and based on the carrier's demonstration of adequate safety management controls under § 385.5(a). A safety rating of "Satisfactory" or "Conditional" is necessary, but not sufficient, to meet the overall safety fitness standard under § 385.5.

(1) *Satisfactory safety rating* means that a motor carrier has in place and functioning safety management controls adequate to meet that portion of the safety fitness standard prescribed in § 385.5(a). Safety management controls are adequate for this purpose if they are appropriate for the size and

type of operation of the particular motor carrier.

(2) *Conditional safety rating* means a motor carrier does not have adequate safety management controls in place to ensure compliance with that portion of the safety fitness standard prescribed in § 385.5(a), which could result in occurrences listed in § 385.5(a)(1) through (a)(11).

(3) *Unsatisfactory safety rating* means a motor carrier does not have adequate safety management controls in place to ensure compliance with that portion of the safety fitness standard prescribed in § 385.5(a), and this has resulted in occurrences listed in § 385.5(a)(1) through (a)(11).

(4) *Unrated carrier* means that the FMCSA has not assigned a safety rating to the motor carrier.

[53 FR 50968, Dec. 19, 1988, as amended at 56 FR 40805, Aug. 16, 1991; 62 FR 60042, Nov. 6, 1997; 67 FR 13779, Mar. 19, 2002; 67 FR 31983, May 13, 2002; 69 FR 39367, June 30, 2004; 72 FR 36788, July 5, 2007; 73 FR 76818, Dec. 17, 2008; 75 FR 17240, Apr. 5, 2010]

§ 385.4 Matter incorporated by reference.

(a) *Incorporation by reference.* Part 385 includes references to certain matter or materials, as listed in paragraph (b) of this section. The text of the materials is not included in the regulations contained in part 385. The materials are hereby made a part of the regulations in part 385. The Director of the Federal Register has approved the materials incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For materials subject to change, only the specific version in the regulation is incorporated. Material is incorporated as it exists on the date of the approval and a notice of any changes in these materials will be published in the FEDERAL REGISTER.

(b) *Matter or materials referenced in part 385.* The matter or materials in this paragraph are incorporated by reference in the corresponding sections noted.

(1) "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities

Attachment E



STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

March 1, 2011

Michael Rogers
Beeline Tours, Ltd.
12721 Renton Avenue South
Seattle, WA 98178

RE: Safety Violations – Follow-up Inspection

Dear Mr. Rogers:

On January 11, 2011, Washington Utilities and Transportation Commission (commission) staff conducted a compliance review inspection of Beeline Tours, Ltd. (Beeline). During that inspection, Motor Carrier Safety Inspector John Foster found numerous safety violations, resulting in a conditional safety rating for Beeline.

The 54 specific violations of WAC 480-30-221 found during the inspection include the following:

- **Three** violations of CFR Part 391.21(a), using a driver who has not completed and furnished an employment application.
- **One** violation of CFR Part 391.23(a), failing to investigate a driver's background.
- **Two** violations of CFR Part 391.25(a), failing to make an inquiry into the driving record of each driver to the appropriate state agencies in which the driver held a commercial motor vehicle operator's license at least once every twelve months.
- **Thirty-three** violations of CFR Part 391.45(b)(1), using a driver not medically examined and certified during the preceding 24 months (*critical violation*).
- **One** violation of CFR Part 391.51(b)(2), failing to maintain inquiries into driver's driving record in driver's qualification file.
- **One** violation of CFR Part 391.51(b)(3), failing to maintain road test certificate in driver's qualification file, or copy of a license or certificate the motor carrier accepted as equivalent.
- **Two** violations of CFR Part 391.51(b)(7), failing to maintain medical examiner's certificate in driver's qualification file.



Michael Rogers
March 1, 2011
Page 2

- **Five** violations of CFR Part 395.8(a), failing to require driver to make a record of duty status.
- **Three** violations of CFR Part 395.8(f), failing to require driver to prepare record of duty status in form and manner prescribed.
- **Three** violations of CFR Part 396.17, using a commercial motor vehicle not periodically inspected (*critical violation*).

It is the policy of the Transportation Safety section to recommend that the commission assess monetary penalties for any violations related to keeping the public safe from unqualified drivers, such as drivers without current medical certification. We have recommended that the commission penalize Beeline for each of the 33 occasions that two of its drivers drove with no medical certification.

Over the past nine years, commission staff has visited Beeline seven times. These visits included four compliance reviews, one re-inspection due to a conditional safety rating at a prior inspection, and two technical assistance visits. A list of violations documented during each compliance review is enclosed for your reference. We are concerned about Beeline's compliance history and believe commission staff has provided more than adequate information and assistance to Beeline on how to comply with commission rules.

Mr. Foster will schedule a follow-up inspection with Beeline in May 2011. Be advised that if Mr. Foster finds repeat critical violations of CFR Part 391.45(b)(1) or 396.17, or if Beeline receives a conditional or unsatisfactory safety rating, we will recommend additional enforcement action. This could include additional penalties and a possible suspension of Beeline's charter and excursion authority.

If you have any questions, please contact Betty Young, Compliance Investigator, Transportation Safety, at 360-664-1202, or by e-mail at byoung@utc.wa.gov.

Sincerely,



David Pratt
Assistant Director, Transportation Safety

Enclosure

**Beeline Tours, LTD
Compliance History – 2002-2011**

July 2002 – Compliance Review

Violations noted:

Number of violations	Violation
1	382.115(a) – Failing to implement an alcohol and/or controlled substances testing program. (Acute)
1	390.21(b)(2) – Failing to mark a commercial motor vehicle with the USDOT identification number.
18	395.8(a) – Failing to require driver to make a record of duty status.
1	396.3(a)(1) – Failing to inspect and maintain vehicle to ensure safe and proper operating condition.
1	396.3(a)(2) – Failing to inspect pushout windows, emergency doors, and emergency marking lights in buses at least every 90 days.
1	396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance.
1	396.3(b)(4) – Failing to keep a record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.
1	396.17(a) – Using a commercial motor vehicle not periodically inspected.
1	480-40-060 – Failing to display UTC certificate number on each side of vehicle.

Result: Conditional Safety Rating

Actions: Beeline advised of all violations. Re-check scheduled for October 2002.

October 2002 – Re-check

Violations: None

Result: Satisfactory Safety Rating

August 2004 – Routine Compliance Review

Violations noted:

Number of violations	Violation
2	40.25(b) – Failing to request information from previous DOT regulated employers of driver applicant for the two years prior to the date of application or transfer.
2	382.301(a) Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. (Critical)
2	382.601(b) – Failing to provide to employees a written policy on misuse of alcohol and controlled substances.
2	391.51(b)(2) – Failing to maintain inquiries into driver's employment record in driver's qualification file.
1	391.51(b)(7) – Failing to maintain medical examiner's certificate in driver's qualification file. (Was not critical violation at the time, but is now.)

Result: Satisfactory Safety Rating

Actions: Beeline advised of all violations.

**Beeline Tours, LTD
Compliance History – 2002-2011**

October 2006 – Routine Compliance Review

Violations noted:

Number of violations	Violation
2	391.21(a) – Using a driver who has not completed and furnished an employment application.
1	391.25(b) – Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.
1	391.25(c)(1) – Failing to maintain a copy of the response from each state agency in the driver qualification file.
1	391.63(a) – Failing to maintain medical examiner's certificate in driver's qualification file.
5	395.8(a) – Failing to require driver to make a record of duty status.
2	396.3(a)(1) – Failing to inspect and maintain vehicle to ensure safe and proper operating condition.
60	396.11(a) – Failing to require driver to prepare driver vehicle inspection report. (Critical)

Result: Satisfactory Safety Rating

Actions: Beeline advised of all violations.

Jan 2011 – Compliance Review

Violations noted:

Number of violations	Violation
3	391.21(a) – Using a driver who has not completed and furnished an employment application.
1	391.23(a) – Failing to investigate driver's background.
2	391.25(a) – Failing to make an inquiry into the driving record of each driver to the appropriate state agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.
33	391.45(b)(1) – Using a driver not medically examined and certified during the preceding 24 months. (Critical)
1	391.51(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification file.
1	391.51(b)(3) - Failing to maintain road test certificate in driver's qualification file, or copy of a license or certificate the motor carrier accepted as equivalent.
2	391.51(b)(7) – Failing to maintain medical examiner's certificate in driver's qualification file.
5	395.8(a) – Failing to require driver to make a record of duty status.
3	395.8(f) – Failing to require driver to prepare record of duty status in form and manner prescribed.
3	396.17 – Using a commercial motor vehicle not periodically inspected. (Critical)

Result: Conditional Safety Rating

Actions: Beeline advised of all violations. Enforcement action recommended. Recheck inspection by May 2011.