

	US DOT # 2931343	Legal: WHIDBEY LOGISTICS LLC Operating (DBA): WHIDBEY MOVING AND STORAGE					
MC/MX #:		State #: HG-32768		Federal Tax ID: 81-2686703 (EIN)			
Review Type: Compliance Review (CR)							
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:		
Operation Types		Interstate	Intrastate				
Carrier:	N/A		Non-HM	Business: Corporation			
Shipper:	N/A		N/A	Gross Revenue: \$430,000.00		for year ending: 12/31/2018	
Cargo Tank:	N/A						
Company Physical Address:							
1083 SE 4TH AVE OAK HARBOR, WA 98277-3723							
Contact Name: Matthew Freeborn							
Phone numbers: (1) 360- 675-2070		(2)		Fax			
E-Mail Address: mfreeborn@whidbeymoving.com							
Company Mailing Address:							
1083 SE 4TH AVE OAK HARBOR, WA 98277-3723							
Carrier Classification							
Authorized for Hire							
Cargo Classification							
Household Goods							
Equipment							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	3	0	0	Truck Tractor	1	0	0
Trailer	2	0	0				
Power units used in the U.S.:4							
Percentage of time used in the U.S.:100							
Does carrier transport placardable quantities of HM?				No			
Is an HM Permit required?				N/A			
Driver Information							
	Inter	Intra	Average trip leased drivers/month: 0				
< 100 Miles:	0	2	Total Drivers: 2				
>= 100 Miles:	0	0	CDL Drivers: 1				





WHIDBEY MOVING AND STORAGE (WHIDBEY LOGISTICS LLC dba)

U.S. DOT #: 2931343

State #: HG-32768

Review Date:

02/21/2019

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Wayne Gilbert
1300 S. Evergreen Park Dr. SW
P.O. Box 47250, Olympia, WA 98504-7250 Phone: 360-481-2017

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Matthew Freeborn

Title: Owner

Name: John Tharp

Title: General Manager





WHIDBEY MOVING AND STORAGE (WHIDBEY LOGISTICS LLC dba)

U.S. DOT #: 2931343

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Review Date:

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Part B Violations

1 STATE ACUTE	Primary: 383.37(a) CFR Equivalent: 383.37(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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Description

Knowingly allowing, requiring, permitting, or authorizing an employee to operate a CMV during any period in which the driver does not have a current CLP or CDL or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a CMV who violates any restriction on the driver's CLP or CDL.

Example

Driver name: Randal Lawson

Trip date: January 16, 2019

Description of violation: Carrier allowed a driver to drive without a current CDL. The driver operated on a total of 24 different occasions after December 3, 2018. December 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 26, 27, 28, 31, 2018; January 2, 3, 4, 7, 16, 2019.

2 STATE CRITICAL	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent: 391.45(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Using a driver not medically examined and certified.

Example

Driver name: Randal Lawson

Trip date: January 16, 2019

Description of violation: Carrier failed to ensure each driver employed was medically qualified prior to operating a commercial motor vehicle. This violation occurred a total of 35 times since November 2018. November 17, 19, 20, 21, 23, 26, 27, 28, 29, 30, December 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 26, 27, 28, 31, 2018; January 2, 3, 4, 7, 16, 2019.

Also in violation:

Drivers name: John Tharp

Trip date: November 27, 2018

Description of violation: Driver John Tharp has only operated once.

3 STATE CRITICAL	Primary: 391.51(b)(2) CFR Equivalent: 391.51(b)(2)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain inquiries into driver's driving record in driver's qualification file.

Example

Driver name: Randal Lawson

Trip date: January 16, 2019

Description of violation: Carrier failed to maintain a drivers abstract at time of hire.

Also in violation:

Drivers name: John Tharp

Trip date: November 27, 2018





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Part B Violations

4 STATE CRITICAL	Primary: WAC 480-15-555 Secondary: RCW 81.80.130 CFR Equivalent: 392.2	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4 Checked 4
Description Failing to conduct or retain paperwork containing criminal background check for a household goods carrier in the state of Washington as required. Driver name: Randal Lawson Trip date: January 16, 2019 Description of violation: Carrier failed to retain copies of the criminal background check.				
5 STATE CRITICAL	Primary: 395.8(a)(1) CFR Equivalent: 395.8(a)(1)	Discovered 30	Checked 60	Drivers/Vehicles In Violation 1 Checked 2
Description Failing to require driver to prepare a record of duty status using appropriate method. Example Driver name: John Tharp Trip date: November 27, 2018 Description of violation: Carrier failed to retain hours of service records for one driver.				
6 STATE CRITICAL	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 3	Checked 4	Drivers/Vehicles In Violation 3 Checked 4
Description Using a commercial motor vehicle not periodically inspected. Example Vehicle number: 1HTMMAAL05H117271 Trip date: January 14, 2019 Description of violation: Carrier failed to ensure each commercial motor vehicle had a complete DOT periodic inspection. Also in violation: Vehicle number: 1HTSCAAN9SH218770 Trip date: January 16, 2019 Vehicle number: 1GBJG31U741122166 Trip date: January 10, 2019				
7 STATE	Primary: 382.301(a) CFR Equivalent: 382.301(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 1
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Example Driver name: Randal Lawson Trip date: January 16, 2019 Description of violation: Carrier allowed a driver to operate a commercial motor vehicle prior to obtaining a pre-employment drug test. Driver was hired in April 2016 and currently has never taken a drug test.				





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Part B Violations

8 STATE	Primary: 382.305(i)(2) CFR Equivalent: 382.305(i)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.</p> <p>Example Driver name: John Tharp Trip date: November 27, 2018 Selection date: January 16, 2019 Description of violation: Carrier has a non-DOT driver in the selection pool and was selected on January 16, 2019 to conduct a random test.</p>					
9 STATE	Primary: 382.601(b) CFR Equivalent: 382.601(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.</p> <p>Example Driver name: Randal Lawson Trip date: January 16, 2019 Description of violation: Carrier failed to provide a written policy to all employees that identified a point of contact for any questions relating to the policy.</p>					
10 STATE	Primary: 391.51(b)(1) CFR Equivalent: 391.51(b)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<p>Description Failing to maintain driver's employment application in driver's qualification file.</p> <p>Example Driver name: Randal Lawson Trip date: January 16, 2019 Description of violation: Carrier failed to maintain a drivers employment application on file.</p> <p>Also in violation: Drivers name: John Tharp Trip date: November 27, 2018</p>					
11 STATE	Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<p>Description Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).</p> <p>Example Driver name: Randal Lawson Trip date: January 16, 2019 Description of violation: Carrier failed to maintain an annual abstract on file.</p> <p>Also in violation: Drivers name: John Tharp Trip date: November 27, 2018</p>					





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Part B Violations

12 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<p>Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.</p> <p>Example Driver name: Randal Lawson Trip date: January 16, 2019 Description of violation: Carrier failed to maintain a list or certificate relating to the violations of drivers on file.</p> <p>Also in violation: Drivers name: John Tharp Trip date: November 27, 2018</p>					
13 STATE	Primary: 391.51(b)(7)(ii) CFR Equivalent: 391.51(b)(7)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Failing to maintain medical examiner's certificate in driver's qualification file.</p> <p>Example Driver name: Randal Lawson Trip date: January 16, 2019 Description of violation: Carrier failed to obtain a current abstract within 15 days after a medical certificate had expired on November 16, 2018.</p>					
14 FEDERAL	Primary: 392.9a	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Operating authority required. A motor vehicle providing transportation</p> <p>Example Driver name: Randal Lawson Trip date: January 7, 2019 Description of violation: Carrier conducted an interstate trip without having interstate operating authority.</p>					
15 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
<p>Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.</p> <p>Example Vehicle number: 1HTMMAAL05H117271 Trip date: January 14, 2019 Description of violation: Carrier failed to ensure each vehicle had a proper maintenance record labeled.</p> <p>Also in violation: Vehicle number: 1HTSCAAN9SH218770 Trip date: January 16, 2019</p> <p>Vehicle number: 1GBJG31U741122166 Trip date: January 10, 2019</p> <p>Vehicle number: 1HSHAN6N0MH372145 Trip date: December 5, 2018</p>					





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Part B Violations

16 STATE	Primary: 396.3(b)(2) CFR Equivalent: 396.3(b)(2)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
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Description

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

Example

Vehicle number: 1HTMMAAL05H117271

Trip date: January 14, 2019

Description of violation: Carrier failed to have a means of indicating when preventative maintenance is conducted.

Also in violation:

Vehicle number: 1HTSCAAN9SH218770

Trip date: January 16, 2019

Vehicle number: 1GBJG31U741122166

Trip date: January 10, 2019

Vehicle number: 1HSHAN6N0MH372145

Trip date: December 5, 2018

Safety Fitness Rating Information:		OOS Vehicle (CR): 1
Total Miles Operated 4,000		Number of Vehicle Inspected (CR): 4
Recordable Accidents 0		OOS Vehicle (MCMIS): 0
Recordable Accidents/Million Miles 0.00		Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is : UNSATISFACTORY	Rating Factors	Acute	Critical
	Factor 1: S	0	0
	Factor 2: U	1	2
	Factor 3: U	0	3
	Factor 4: C	0	1
	Factor 5: N	0	0
	Factor 6: S	-	-





Part B Requirements and/or Recommendations

1.

- Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

2. The Washington Utilities and Transportation Commission (UTC) adopted the Federal Motor Carrier Safety Administration (FMCSA) rules of 49 CFR and regulations pertaining to Commercial Motor Vehicle's safety, along with the Revised Code of Washington, and Washington Administrative Codes pertaining to Commercial Motor Vehicle safety and regulations.

How to request an upgrade to your INTRASTATE safety rating based on corrective actions:

Within sixty (60) days from receipt of your proposed rating, you may request in writing, a change in the rating based on corrective actions. You should do so as soon as possible so the UTC has the opportunity to review your corrections and make a final decision.

Your submission should be as detailed as possible and must:

1. Address each violation on the most recent Compliance Review. Any corrective actions you include to address other violations noted on your review may also be considered.
2. Identify why the violations cited were permitted to occur.
3. Discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include





Part B Requirements and/or Recommendations

actual documentation of this corrective action with your petition. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of missing drug/alcohol tests.

4. Outline actions taken to ensure that similar violations do not reoccur in the future. **YOU MUST DEMONSTRATE THAT YOUR OPERATIONS CURRENTLY MEET THE SAFETY STANDARD AND FACTORS SPECIFIED IN 49 CFR 385.5 and 385.7.** To do so, you must demonstrate that you now have adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements.

5. If your request includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc, include a detailed description of the activity or training and a schedule of when that activity will commence and when it will be completed.

6. Include any additional documentation relating to motor carrier safety and the prevention of crashes that you believe supports your request.

7. Include a written statement certifying the carrier will operate within federal and state regulations and the carrier's operation currently meets the safety standard and factors specific in 49 CFR 385.5 and 385.7. A corporate officer; partner, or the owner of the company must sign the statement.

Address your response to:

You must submit your request to:

Attn: Wayne Gilbert
Motor Carrier Safety
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250
Work: (360) 664-1232
Fax: (360) 586-1150

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN: Whidbey Logistics LLC failed to record hours of service for all drivers employed.

BASIC SPECIFIC RECOMMENDED REMEDIES: Whidbey Logistics LLC has the tools in place to track hours of service and should implement them for all drivers.

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to Hours-of-Service (HOS) regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between scheduling and HOS rules.
- Inform drivers that management will be monitoring and tracking Records of Duty Status (RODS).
- Ensure that managers and dispatchers encourage fatigued drivers to pull over and take a nap.
- Communicate the carrier's HOS Compliance percentile to all staff, and explain to them individually what they can do to help the carrier improve the percentile.
- Ensure that managers and supervisors communicate their ongoing commitment to abiding by Hours-of-Service (HOS) regulations and to not driving when fatigued for any reason, including illness.
- Ensure that all staff (drivers, dispatchers, sales) involved in the Hours-of-Service (HOS) process receives training as required by regulations and/or company policies.
- Train managers, supervisors, and dispatchers on how to track and communicate drivers' Hours of Service (HOS), including checking the prior seven-day duty statement for intermittent drivers.
- Train the safety director and dispatchers on how to schedule routes that can be completed within Hours-of-Service (HOS) regulations.





Part B Requirements and/or Recommendations

- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.
- Train all staff who are required to monitor and track Hours of Service (HOS) on appropriate company policies, including those related to discipline and incentives.
- Provide training/testing program to current drivers on proper log completion, how to achieve proper rest on trips by instructing them on the difference between on-duty not driving, for example a driver waits while trailer is loaded, and off-duty, and the importance of proper rest between shifts.
- Train drivers on the proper use of sleeper berths, including the correct procedure for entering time spent in a berth as a co-driver on the driver's Record of Duty Status (RODS).
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibilities in adhering to those rules, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to Hours-of-Service (HOS) regulations and company policies and procedures.
- Reinforce training about Hours-of-Service (HOS) policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN: Whidbey Logistics LLC failed to obtain periodic USDOT inspections on all commercial motor vehicles.

BASIC SPECIFIC RECOMMENDED REMEDIES: Whidbey Logistics LLC has the tools in place to ensure that all vehicles are periodically inspected and must use those resources.

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to vehicle inspection, repairing, and maintenance regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between vehicle availability and repair requirements.
- Ensure that all employees understand and accept their responsibility for timely communication of safety issues related to fleet inspection, repair, and maintenance to the appropriate individuals.
- Ensure that managers and supervisors articulate their commitment to and establish communication with employees concerning vehicle inspection, repair, and maintenance.
- Communicate the carrier's Vehicle Maintenance percentile to all staff and explain to them individually what they can do to help the carrier improve the percentile.
- Ensure that mechanics and technicians communicate with the vehicle and equipment manufacturers and receive regular updated bulletins and recommendations.
- Ensure that carriers with non-English-speaking employees who need to communicate with English-speaking employees and to understand English-language literature, such as the manufacturer's guide, have ways to deal successfully with language barriers.
- Ensure that all drivers, dispatchers, managers, mechanics, and technicians receive training, including methods and tools, and appropriate certifications to fulfill their responsibilities and documentation requirements regarding vehicle inspection, repair, and maintenance, as required by regulations and company policies.
- Implement and provide training for a fleet maintenance software system that can be updated according to current industry and regulatory standards, manufacturer's recommendations, and the carrier's experience.
- Train mechanics to be able to differentiate between safety-related defects and other defects - for example, by recognizing that defective wheel ends can lead to wheel separation.





Part B Requirements and/or Recommendations

- Ensure that drivers are trained in vehicle Out-of-Service (OOS) rules, their responsibilities in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Train all staff who are required to monitor and track vehicle maintenance on the appropriate company policies, including those related to discipline and incentives.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to vehicle inspection, repairing, and maintenance regulations and company policies and procedures.
- Reinforce training to drivers, mechanics, and other employees about vehicle maintenance policies, procedures, and responsibilities, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among drivers and mechanics so that they can help each other to improve.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

5. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN: Whidbey Logistics LLC failed to obtain annual abstracts from the appropriate state agency on all drivers. This breakdown allowed one driver to have a CDL downgraded.

BASIC SPECIFIC RECOMMENDED REMEDIES: Whidbey Logistics LLC needs to implement a plan to obtain and monitor all medical certificates and vehicle licenses.

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
- Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
- Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
- Require that drivers fill out the long form for the medical card and be examined by the carrier's preferred doctor to ensure that their medical qualifications are accurate.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.
- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, dispatcher, and driver by using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.





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U.S. DOT #: 2931343

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Part C

Reason for Review: Compliance Review
Planned Action: Compliance Monitoring

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
ü	ü	ü	ü	ü	ü	ü	ü	ü	ü									

Prior Reviews Prior Prosecutions

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule: Not Applicable

Corporate Contact: John Tharp
Corporate Contact Title: General Manager

Special Study Information:

Remarks:

INVESTIGATIVE REPORT RECEIVED BY:

Name: Mr. Matthew Freeborn

Title: Owner

Carrier/Shipper Name: Whidbey Logistics LLC dba Whidbey Moving and Storage

Date: February 21, 2019

REASON FOR THE INVESTIGATION:

As part of the 2019 Motor Carrier Safety work plan, this investigation was assigned to Special Investigator Wayne Gilbert. This carrier operates in both interstate and intrastate commerce.

SCOPE OF THE INVESTIGATION:

This investigation is a comprehensive intrastate investigation and was assigned to Special Investigator Wayne Gilbert on January 4, 2019. The carrier was contacted on January 4, 2019 and a full investigation was set for January 15, 2019, with Mr. Matthew Freeborn and Mr. John Tharp, at 1803 SE 4th Ave, Oak Harbor, WA 98277, the carrier's principle place of business. Present at the start of the review was Special Investigator Wayne Gilbert along with Whidbey Moving and Storage representatives Mr. Matthew Freeborn and Mr. John Tharp (General Manager). SMS was checked on January 16, 2019 and it was noted that no BASICs were in alert status.

CARRIER OPERATION DESCRIPTION:

Whidbey Moving and Storage is a carrier of household goods operating out of Oak Harbor, Washington. The carrier began operations in the area in 1981 as Whidbey Moving and Storage and received permanent operating authority with the commission. The last safety investigation conducted by the commission was in September 2013 and the carrier received a "Satisfactory" safety rating. In September 2016, the carrier changed ownership and was purchased by Mr. Matthew Freeborn. The carrier is currently an agent for Wheaton World Wide Moving Company based out of Indianapolis, Indiana. In May 2018, the permit was transferred over to the new owners. The carrier currently operates three straight trucks, one truck tractor, and two trailers classified as commercial motor vehicles and employs two drivers operating within the state of Washington within the past 365 days. Whidbey Moving and Storage recorded a gross revenue of \$430,000 for calendar year ending December 31, 2018. The carrier is not and has not been involved in any emergency relief efforts in the last 365 days. The carrier has not updated the Vehicle Miles Traveled (VMT) since operations began in 2016.

PRE-INVESTIGATION:

On January 4, 2019, a carrier information packet was emailed to the carrier requesting investigation information, the



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Part C

requested to fill-out and return the carrier information packet with a list of all commercial motor vehicle drivers utilized in the past 12 months and a list of all commercial motor vehicles utilized in the last 12 months prior to the start of this investigation. The carrier packet was returned on January 15, 2019 at the opening interview. On Tuesday, January 15, 2019, the documents requested were made available to the investigator for review included a list of all accidents for the past 365 days from the date of review, driver qualification files for all drivers used within the past 12 months, insurance documentation, alcohol and controlled substance testing information, all records of duty status (log books/time cards) for the previous six months, all maintenance files and records for each unit, including leased units, and copies of driver vehicle inspection reports (DVIRs) for the last three months. A copy of the carrier's profile was originally obtained through MCMIS on January 4, 2019 along with a copy of the MCS-150. However, that was obtained under the previous owners USDOT number. A correct profile along with an MCS-150 was obtained on January 16, 2019.

CDLIS (DRIVER LICENSE) CHECK:

In accordance with the eFOTM, two driver's licenses status/history were required to be checked based on the current number of drivers. CDLIS website was checked to determine the status of both the drivers. Both drivers do not have current CDL's. See part 383 for details.

AUTHORITY:

Whidbey Moving and Storage is an authorized for-hire carrier of household goods operating in both interstate and intrastate commerce. The carrier operates under the USDOT Number 2931343. Whidbey Moving and Storage has intrastate authority through the commission under permit number HG-32768.

INSURANCE:

Whidbey Moving and Storage is required to maintain a minimum level of public liability of \$750,000. A check with the carrier's insurance shows a \$1,000,000 Auto Liability and \$100,000 Cargo Insurance effective May 1, 2018 with TransGuard Insurance Company of America. See Part 387 below for details.

RED FLAG DRIVERS:

A&I (SMS) was checked through Portal on January 16, 2019 and the carrier has no drivers with red flag violations in the last 365 days.

DRUG AND ALCOHOL SUPPLEMENTAL REVIEW:

This is a full comprehensive investigation therefore a Drug and Alcohol Supplemental Review was not required.

HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW:

Whidbey Moving and Storage does not transport any hazardous materials. A Hazardous Materials Supplemental Review was not required.

INVESTIGATION:

The following investigation is a comprehensive investigation that checked Parts 376, 380, 382, 383, 387, 390, 391, 392, 393, 395 and 396.

Part 376 Lease and Interchange of Vehicles:

Whidbey Moving and Storage does not currently lease any vehicles.

Part 380 Special Training:

Whidbey Moving and Storage does operate long combination vehicles (LCVs). The carrier currently employs one driver that has a Class A CDL and does have the Entry-Level Driver-Training Certificate on file.

Part 382 Controlled Substance and Alcohol Testing:

Whidbey Moving and Storage does employ one CDL driver and does operate vehicles that are defined as commercial motor vehicles which would require drug and alcohol testing. The carrier is enrolled with Health Force Partners as a drug and alcohol consortium located in Bothell, Washington. The carrier is part of a larger pool.

Average number of drivers for 2018:

1st Qtr: 210
2nd Qtr: 209
3rd Qtr: 221
4th Qtr: 224





Part C

Average: 216

Controlled Substance testing required: 54, 75 completed

Alcohol: 22 (21.6), 24 completed

One critical-type violation of 382.301(a) occurred when the carrier allowed a driver to operate a commercial motor vehicle prior to receiving a negative pre-employment drug test.

One violation of 382.305(i)(2) occurred when the carrier failed to ensure that each driver had an equal chance of being selected by having one non-CDL driver enrolled in the pool.

One violation of 382.601(b) occurred when the carrier failed to provide employees with a written policy on the misuse of controlled substances.

Part 383 Commercial Driver's License:

The carrier employs two drivers currently that have operated in the state of Washington over the past six months. Per eFOTM guidelines, a sample size of two drivers were required to be checked. Both drivers have CDLs, however, driver Randal Lawson has a Class A and driver John Tharp has a Class C, making John Tharp ineligible to operate any of the commercial motor vehicles over 26,001 pounds owned by the company. Both are considered not current on CDLs, but current on regular driver's license. This has been corrected prior to the closing of this investigation.

One acute violation of 383.37(a) occurred when the carrier allowed a driver to operate a commercial motor vehicle with a downgraded CDL for not providing a new medical certificate on a Non-excepted Interstate driver. The carrier should have obtained a driver's abstract on December 3, 2018, 15 days after the driver's medical certificate expired. The driver operated on a total of 24 different occasions after December 3, 2018. December 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 26, 27, 28, 31, 2018; January 2, 3, 4, 7, 16, 2019. This has been corrected prior to the closing of this investigation.

Part 387 Financial Responsibility:

The carrier's vehicles are insured with Rice Insurance LLC, Bellingham, Washington an underwriter for TransGuard Insurance Company of American, Policy number TCP 11151008. The insurance agent is Tommy Arnhart contact telephone number of (360) 734-1161. Investigator contacted the carrier's insurance agent and verified that there have been no lapses or claims against the insurance in the past 365 days. The Form E on file with the commission dated June 12, 2018 is correct, however, the last two digits of the policy number were cut off. A new Form E was requested through the carrier's insurance agent.

Part 390 General FMSCR:

The carrier has not been involved in any DOT-recordable accidents within the last 365 days. The accident register is current and does contain required information.

MCS-150 form (updated on March 30, 2018) shows no VMT for calendar year 2017. Mr. Tharp did indicate that approximately 4,000 miles were driven for calendar year 2017 within the state of Washington.

Part 391 Qualification of Drivers:

The carrier employs a total of two drivers currently that operated in the state of Washington. Per eFOTM guidelines, a sample size of two Driver's Qualification Files were inspected based on the number of current drivers. Driver files for Randal Lawson and John Tharp were reviewed.

Two critical violations of 391.45(a) occurred when the carrier failed to ensure all drivers utilized had a valid medical certificate. This violation occurred a total of 36 times since November 2018. Driver Randal Lawson operated a total of 35 times beginning November 17, 19, 20, 21, 23, 26, 27, 28, 29, 30, December 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 26, 27, 28, 31, 2018; January 2, 3, 4, 7, 16, 2019. Driver John Tharp has only operated once that could be determined on November 27, 2018. This has since been corrected prior to the closing of this review.

Two violations of 391.51(b)(1) occurred when the carrier failed to ensure both drivers employed had a completed employment application on file.

Two critical violations of 391.51(b)(2) occurred when the carrier failed to retain an initial driver's abstract within 30 days of employment. No abstracts were on file.





Part C

Two violations of 391.51(b)(4) occurred when the carrier failed to retain annual driver's abstracts.

Two violations of 391.51(b)(6) occurred when the carrier failed to retain annual listing of driver violations.

One violation of 391.51(b)(7)(ii) occurred after the carrier failed to obtain a drivers abstract within 15 days of a medical certificate expiring.

No medical certificates were selected for verification as there were none current.

Part 392 - Driving of Commercial Motor Vehicles:

Whidbey Moving and Storage is operating in both interstate and intrastate commerce and at the time of this investigation the carrier is current on annual regulatory fees.

Four critical violations of WAC 480-15-555 (secondary 392.2) occurred when the carrier failed to conduct background checks on all employees. Individuals not checked were drivers Randal Lawson, John Tharp, along with helpers Brandi Avance, and Blake Smith. This has since been corrected prior to the closing of this review.

One violation of 392.9a occurred when the carrier was found to be operating in interstate commerce without interstate authority. The majority of the moves conducted by the carrier show the cargo is either originating or terminating outside the state of Washington.

Part 395 - Hours of Service:

The carrier employs two drivers currently. In accordance with eFOTM procedures, a sample size of two Records of Duty Status (RODS) are required to be checked for a 30 day period. Whidbey Moving and Storage operated most service under the short-haul exemption of Part 395.1(e) within the last 365 days.

For this investigation a 30 day period was chosen from November 1 - 30, 2018. This required that 60 RODS be checked. Driver checked were Randal Lawson and John Tharp.

The carrier utilizes a time card system that tracks when the drivers clock in, clock out, and then accounts for total time. Driver John Tharp is a salaried employee and does not get paid by the hour. There were no hours of service records for John Tharp. Mr. Tharp did indicate that he does not drive much and the last time he operated was on November 27, 2018.

Thirty critical violations of 395.8(a)(1) occurred when the carrier failed to ensure accurate time cards were kept for one driver.

Driver time cards were checked by comparing bills of lading and pay roll records.

Part 393 & 396 - Maintenance and Inspection:

The carrier owns and operates four power units that are classified as commercial motor vehicles in both interstate and intrastate commerce the last 365 days. The carrier stated that most vehicle maintenance is conducted primarily with Work Force Services (mobile mechanic) at the either the carrier's principle place of business or WorkForce Services business location in Mt. Vernon, Washington.

Vehicle Maintenance Records:

In accordance with eFOTM, a sample size of four vehicle maintenance files were reviewed. All vehicle maintenance records are kept on file at the carrier's principle place of business.

Four violations of 396.3(b)(1) occurred when the carrier failed to keep a maintenance record which identifies the vehicle information to include tire size.

Four violations of 396.3(b)(2) occurred when the carrier failed to have a means of indicating when preventative maintenance is conducted.

Three critical violations of 396.17(a) occurred when the carrier failed to have proof an annual vehicle inspections.

Driver Vehicle Inspection Reports (DVIRs):

DVIRs are not accomplished. In accordance with eFOTM procedures, 30 days of DVIRs out of the last 90 days were reviewed for four vehicles. This required 120 DVIRs being reviewed. No DVIRs are kept and there is no indication that any





WHIDBEY MOVING AND STORAGE (WHIDBEY LOGISTICS LLC dba)

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were required to be kept.

No violations were discovered.

Vehicle Inspections:

In accordance with eFOTM, a sample size of three vehicles were inspected. One of the vehicles was in combination as a tractor trailer and inspected in that state. All vehicles were inspected at the carrier's facility. Two CVSA decals were issued. The trailer was placed out-of-service. ASPEN reports are attached.

CLOSING INTERVIEW:

The closing interview was conducted on February 21, 2019 at the carrier's principle place of business. Present at the closing interview was Investigator Gilbert, along with company representatives Matthew Freeborn and John Tharp. This investigation resulted in proposed "Unsatisfactory" rating. Mr. Freeborn and Mr. Tharp were cooperative throughout the entire scope of this investigation and did express a desire to come into compliance with the Federal Motor Carrier Safety Regulations. Technical assistance was also provided to the carrier during the process of this review.

DOCUMENTS PROVIDED TO THE CARRIER:

The carrier was provided with a hard copy and an electronic copy of "Your Guide to Achieving a Satisfactory Safety Record, Revised April 2015," "Safety Rating Upgrade Request," and "Fitness Rating Explanation."

FOLLOW-ON ACTION:

Recommend imposing administrative penalties for acute and critical violations and continued compliance monitoring. Company has been requested to submit a safety management plan.

Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:





WHIDBEY MOVING AND STORAGE (WHIDBEY LOGISTICS LLC dba)

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Safety Fitness Rating Explanation

This report lists the facts which were used to determine the Safety Fitness Rating for the above motor carrier. Federal and State violations are combined for rating purposes. However, only the federal or federal equivalent section number is shown below. A check mark identifies the range within which the data fell when determining the Safety Fitness Rating. All information within a FACTOR block relates only to that FACTOR.

FACTOR 1	General (CFR Parts 387, 390)	0 Point = Satisfactory
VIOLATIONS AFFECTING RATING	POINTS	1 Point = Conditional
NONE	-----	>1 Point = Unsatisfactory
TOTAL POINTS: 0 = SATISFACTORY		

FACTOR 2	Driver Qualification (CFR Parts 382, 383, 391)	0 Point = Satisfactory
VIOLATIONS AFFECTING RATING	POINTS	1 Point = Conditional
S 383.37(a)	1 (A)	0 >1 Point = Unsatisfactory
S 391.45(a)	1 (C)	
S 391.51(b)(2)	1 (C)	
TOTAL POINTS: 3 = UNSATISFACTORY		

FACTOR 3	Operational/Driving (CFR Parts 392, 395)	0 Point = Satisfactory
VIOLATIONS AFFECTING RATING	POINTS	1 Point = Conditional
S 392.2	1 (C)	0 >1 Point = Unsatisfactory
S 395.8(a)(1)	2 (C)	
TOTAL POINTS: 3 = UNSATISFACTORY		

FACTOR 4	Vehicle/Maintenance (CFR Parts 393, 396, Performance Data (OOS%))	Out-of-Service (OOS) Percentage: 25.0
VIOLATIONS AFFECTING RATING	POINTS	
S 396.17(a)	1 (C)	
TOTAL POINTS: 1 & 25.0% OOS = CONDITIONAL (see chart)		

Fewer than 3 Inspections	3 or more Inspections	
Rate same as other Regulatory Factors 1, 2, and 3	OOS Less than 34%	OOS 34% or Higher
	Satisfactory	Conditional
	0 Point = Satisfactory	Unsatisfactory
1 Point = Conditional	If a pattern of Non-Compliance with a Critical or an Acute Violation	
>1 Point = Unsatisfactory	If a pattern of Non-Compliance with a Critical or an Acute Violation	

FACTOR 5	Hazardous Material (CFR Parts 397, 171, 172, 173, 177, 180)
Not Applicable - Not a carrier of Hazardous Material	
NONE	





WHIDBEY MOVING AND STORAGE (WHIDBEY LOGISTICS LLC dba)

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Safety Fitness Rating Explanation

FACTOR 6

Accident (Recordable Accident Rate)

$$((\text{Recordable Accidents}) \times (1 \text{ million})) \div (\text{Total Miles}) = \text{Rate}$$

$$(0 \times 1,000,000) \div 4,000 = 0 = \text{SATISFACTORY}$$

URBAN CARRIER - All Driver operate within <100 air miles

$$>1.700 \quad = \quad \text{Unsatisfactory}$$

OVERALL SAFETY FITNESS RATING

Number of Factors (1-6) shown above as less than satisfactory

Unsatisfactory

Conditional

2

1

= UNSATISFACTORY

FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING

Number of Factors

Unsatisfactory		Conditional	OVERALL RATING
	0	2 or fewer	Satisfactory
	0	3 or more	Conditional
	1	2 or fewer	Conditional
	1	3 or more	Unsatisfactory
û	2	0 or more	Unsatisfactory



How to request an upgrade to your INTRASTATE safety rating

You have been assessed a proposed safety rating of **UNSATISFACTORY**, if you fail to obtain an improved rating within 60 days from the receipt of your proposed rating, the unsatisfactory rating will become final and you must cease operations.

The Washington Utilities and Transportation Commission (UTC) allows motor carriers to request an upgrade of its safety rating based on corrective action as defined in 49 CFR, section 385.17. The request for an upgrade must include a written description of correction actions taken, documentation of these corrective actions, and an explanation of how its operations meet the safety standards and factors specified in 49 CFR sections 385.5 and 385.7.

Within 60 days from the receipt of your proposed rating, you may request, in writing, a change to your safety rating based on corrective actions. You should do so as soon as possible so the UTC has the opportunity to review and evaluate your safety management plan before the effective date of the final safety rating. **If you fail to obtain an improved rating within 60 days from the receipt of your proposed rating, the unsatisfactory rating will become final and you must cease operations.**

You must develop a safety management plan:

1. The plan must address each acute, critical, or serious violation on the most recent Compliance Review. Corrective actions to address other violations noted on your review must also be included.
2. Identify why the violations were permitted to occur.
3. Discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Include actual documentation of this corrective action. (For example: documentation may include items such as new policies and procedures, training programs and sign-in lists, or copies of new forms.
4. Outline actions taken to ensure that similar violations do not reoccur in the future. **YOU MUST DEMONSTRATE THAT YOUR OPERATIONS CURRENTLY MEET THE SAFETY STANDARD AND FACTORS SPECIFIED IN 49 CFR 385.5 and 385.7.** To do so, you must demonstrate that you now have adequate safety management controls in place which function effectively to ensure acceptable compliance with applicable safety requirements.
5. If your request includes actions that will be conducted in the near future, such as training, reorganization of departments, purchasing of computer programs, etc, include a detailed description of the activity or training and a schedule of when that activity will commence and when it will be completed.
6. Include any additional documentation relating to motor carrier safety and the prevention of crashes that you believe supports your request.
7. Include a written statement certifying the carrier will operate within federal and state regulations and the carrier's operation currently meets the safety standard and factors specific in 49 CFR 385.5 and 385.7. A corporate officer; partner, or the owner of the company must sign the statement.

You must submit your request to:

Wayne Gilbert
WA Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
PO Box 47250
Olympia, WA 98504-7250

Optional Checklist for Safety Rating Upgrade Request Based on Corrective Action Passenger Carriers

At a minimum, the following must be addressed:

- All violations listed on the investigation
- An out of service rate 34% or more as listed on the compliance review
- Or UNSATISFACTORY crash rate as listed on the compliance review
- Any new OOS violations cited at the roadside since the compliance review or roadside violations related to those critical and/or acute violations cited in the compliance review
- How your corrective actions will improve your safety performance, including data captured by FMCSA's Safety Management System.
- Provide a list of all drivers used in the past 12 months. Include hire and termination dates, license numbers and dates of birth for each driver.

49 CFR Part 382

Pre-Employment Drug Testing –

49 CFR §382.301(a) – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result (Critical).

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
 - Identify the Designated Employer Representative (DER) - (§§ 40.3 and 40.35)
 - Evidence of pre-employment drug test results for driver(s) cited in the investigation and drivers hired in the past 365 days - (§ 382.301)
 - List of all drivers hired within the past 365 days including date of first trip (or copy of first record of duty status/timecard)

49 CFR Part 383

49 CFR §383.37(a) – Knowingly allowing, requiring, permitting, or authorizing an employee who does not have a current Commercial Learner's Permit or Commercial Driver's License with the proper class or endorsements, or who operates a commercial motor vehicle in violation of any restriction on the Commercial Learner's Permit or Commercial Driver's License to operate a commercial motor vehicle (Acute),

49 CFR Part 391

Medical Certificates –

49 CFR §391.45(a) – Using a driver not medically examined and certified (Critical), and

49 CFR §391.45(b)(1) - Using a driver not medically examined and certified during the preceding 24 months. (Critical)

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur

Optional Checklist for Safety Rating Upgrade Request Based on Corrective Action Passenger Carriers

- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
 - Copy of medical examiner's certificates.
 - Procedures to monitor medical certificate expiration dates and medical re-qualification/conditions

Driver Qualification File and Documents –

49 CFR §391.51(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification file (Critical), and

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
 - Complete driver qualification files.
 - Inquiries into drivers' driving records.
 - Copy of medical examiner's certificates.

49 CFR Part 392

Violations of laws, ordinances, and regulations –

49 CFR §392.2 – Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. (Critical)

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
 - Policies and procedures implemented to address laws, ordinances and regulations the motor carrier and/or drivers are not complying with.
 - Proof of disciplinary actions taken in accordance with policy, if any
 - Address any violations that occurred since the investigation

49 CFR Part 395

49 CFR §395.8(a)(1) – Failing to require driver to make a record of duty status using the appropriate method (Critical),

Optional Checklist for Safety Rating Upgrade Request Based on Corrective Action Passenger Carriers

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Describe the system implemented to:
 - **ensure logs are completed/submitted/maintained,**
 - identify hours of service violations,
 - verify the accuracy of logbooks, and
 - the supporting documents that will be used to check for falsification
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation **must include at minimum:**
 - Log audit summaries for a 30-day period. The audit summary must include:
 - the number of drivers' logs checked for missing logs and hours of service violations
 - the number of logs checked for accuracy
 - the number of logs determined to have been falsified
 - the names of drivers found in violation by violation date and type, and
 - Include all the supporting documents used in audit
 - Evidence that drivers have made/submitted logs or timecards for a 30-day period
 - Progressive disciplinary policy and actions that resulted from the log audit for violations discovered
- Examples of documentation may also include:
 - Discipline measures for carrier officials and/or safety management staff that knowingly and willfully allow hours of service violations and falsification of logs
 - Evidence of training to employees with hours of service performance issues that can be addressed by enhancing their knowledge, skills, and management

49 CFR Part 396

Annual Inspections -

49 CFR §396.17(a) – Using a commercial motor vehicle not periodically inspected (Critical), and

- Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Explain remedies (corrective action) implemented to prevent future violations
- Identify position responsible for ensuring compliance with these procedures
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
 - Evidence of periodic (annual) inspection from sampling of commercial motor vehicles to include those found in violation during investigation
 - If applicable, evidence that defects or deficiencies reported on the periodic inspection were repaired
 - Describe monitoring procedures to have all commercial motor vehicles periodically inspected, and proof of inspector qualifications as per 396.19 and 396.25

Out-of-Service Rate

Optional Checklist for Safety Rating Upgrade Request Based on Corrective Action Passenger Carriers

Vehicle Out-of-Service Rate (OOS Rate) 34% or higher

- Describe the deficiencies in your operation that allowed this pattern of out-of-service violations to occur
- If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
- Describe, in detail, the systematic inspection, repair, maintenance and periodic inspection program implemented and how it will reduce your out-of-service rate
- Describe the documentation submitted as evidence of this corrective action
- Examples of documentation may include:
 - Evidence of systematic inspections, repairs, maintenance and periodic inspection of the parts and accessories of all commercial motor vehicles subject to its control
 - Evidence of methods to prevent out-of-service defects
 - Policies and Procedures to maintain its vehicles in safe and proper operating conditions at all times, if any
 - If any roadside inspections since the close of the compliance review have vehicle out-of-service violations, verify that the OOS defects and/or deficiencies have been repaired and corresponds to preventive maintenance plan
 - Evidence of Inspector and/or Brake Inspector qualifications
 - If any, OOS defect reporting/ repair procedure, evidence of Driver / Shop training addressing pre-trip inspections, DVIR reporting procedures, and DVIR defect repair process