

BLESSED LIMOUSINE INC DOT #2822783
15 S Grady Way - Renton, WA 98057
TEL. 206-579-5911

Date: 3 April, 2020

Scott Hernandez, Regional Field Administrator

BLUF: (Bottom Line Up Front)

1. We put together a safety management plan we thought covered everything.
2. Our SMP was rejected on March 20 (copy attached)
3. Here is what we have done at this time:
 - a. We feel we have addressed each point in the refusal letter.
 - b. Here is the list of violations discussed, with specific responses:

ACUTE violation 383.37 (a) Allowing or permitting not-qualified driver to operate CMV.

We are basically going to continue to do everything we were planning on, AND, we have contracted with Foley Services to monitor continued performance.

As of today, we have sent them our two driver files and are waiting for a "Thumbs up" from them. We won't dispatch a driver until they give us the go-ahead. They think two weeks.

CRITICAL violation 391.51(b)(2) Inquiries into drivers driving history. The March 20 letter says we have a good solution. We are going to continue to work to improve our system.

CRITICAL violation 395.8(a)(1) RODS not in the right format.

We are going to continue to do everything we were planning on. In addition, we are contacting Keep Truckin; they are going to help us with our HOS process. We know we are not required to have an ELD, but we are going to get their help to make sure we have a good record-keeping process, so we will always know we are doing this right and if we accidentally make a mistake they will let us know right away.

ACUTE violation 396.9(c)(2) Operating an OOS CMV. The March 20 letter says we have a good solution. We are going to continue to work on this to improve our system.

CRITICAL violation 396.17(a) Operating a CMV without a current valid annual DOT inspection.

We are going to continue to do everything we were planning on. Right now, there is some work being done on one of the two motor coaches. We will not dispatch either one without a new DOT annual inspection.

We were going to keep two additional CMVs and plan to put them back in service when possible. To make things simpler, and to streamline operations, we are going to get rid of these as soon as we are able. These buses will not be dispatched. They are being sold.

01 BLUF response to 20 march refusal

Vehicle OOS rate 60% - This is the hardest one. We can't move a bus today, as we are out of service, so it's hard to show evidence we are doing something properly. All we can do is tell you how we plan to do this better, to be sure we have safe CMVs on the road when we are allowed to dispatch them.

One thing we are doing is, we are going to have Gary Miller go through each of our two motor coaches with Myself and Deryl, showing us what we need to pay particular attention to during a pre-trip inspection. And, each driver completes a DVIR each day; myself or Deryl will check the DVIRs to be sure if there is anything that needs to be fixed immediately, it is fixed immediately. If there is anything on the DVIR that can be deferred a few days, it will be taken care of during the next 5, 000-mile or 10,000-mile check.

Finally, we are going to use the Keep Truckin application which includes a pre-trip inspection feature. With their help, we are confident we will stay out of trouble in future.

We are re-submitting the SMP along with evidence of upgraded procedures in response to each comment and/or suggestion contained in your March 20 refusal (copy attached).

CLUSSIE BAGBY (PRESIDENT)

BLESSED LIMOUSINE, INC. DOT # 2822783



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Western Service Center
12600 W. Colfax Ave., Suite B-300
Lakewood, CO 80215

Phone: (303) 407-2350
Fax: (303) 407-2339

March 20, 2020

Clussie Bagby, President
Blessed Limousine, Inc.
15 S Grady Way, Suite 634
Renton, WA 98057

USDOT: 2822783

Email: info@blessedlimo.net

RE: Request for Change in Safety Rating under 49 C.F.R. § 385.17

Dear Mr. Bagby:

On October 31, 2019, a compliance review was conducted on Blessed Limousine Inc. (hereinafter “you” or “your”). The review resulted in a proposed safety fitness rating of “Unsatisfactory”. On November 29, 2019, the Federal Motor Carrier Safety Administration (FMCSA) received a request to upgrade your safety rating based on corrective action that you took to come into compliance with the Federal Motor Carrier Safety Regulations (FMCSRs) and/or Hazardous Materials Regulations (HMRs). Your request was denied on December 27, 2019. On January 8, 2020, the FMCSA received your second request to upgrade your safety rating. Your request was denied on February 7, 2020. On February 20, 2020, the FMCSA received your third request to upgrade your safety rating.

After reviewing your upgrade requests, the FMCSA determines that you took the required action to correct the following acute and/or critical violations that resulted in the “Unsatisfactory” safety rating:

- 49 C.F.R. § 391.51(b)(2) – Failing to maintain inquiries into driver's driving record in driver's qualification file (**critical**),
- 49 C.F.R. § 396.9(c)(2) – Requiring or permitting the operation of a motor vehicle declared “out-of-service” before repairs were made (**acute**),

FMCSA determines that you failed to take the required action to correct the following critical violations that resulted in the “Unsatisfactory” safety rating:

- 49 C.F.R. § 383.37(a) – Allowing, requiring, permitting, or authorizing a driver to operate a CMV during any period in which the driver does not have a current 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 (**acute**),
- 49 C.F.R. § 395.8(a)(1) – Failing to require a driver to prepare a record of duty status using appropriate method (**critical**), and
- 49 C.F.R. § 396.17(a) – Using a commercial motor vehicle not periodically inspected (**critical**).

Additionally, you failed to take the required action to correct your unsatisfactory vehicle out-of-service rate which was discovered to be 60% during the compliance review.

Your request for an upgrade and/or evidence of corrective action received on February 20, 2020 (“upgrade request”) was reviewed by FMCSA in conjunction with your two previous upgrade requests and it is not sufficient to justify an upgrade to your safety rating, and it failed to demonstrate that adequate corrective actions have been taken to address the violations cited during the compliance review. As required by 49 C.F.R. § 385.17(c) a motor carrier must base its request upon evidence that it has taken corrective actions and that its operations currently meet the safety standard and factors specified in 49 C.F.R. §§ 385.5 and 385.7 and must include a written description of corrective actions taken and other documentation that may be relied upon as a basis for the requested change to the proposed rating.

Your “Unsatisfactory” safety rating became effective January 4, 2020 and remains in effect. Therefore, you were ordered to cease all transportation in interstate and intrastate commerce and your operating authority registration was revoked effective on that date.

The upgrade requests you have submitted to address the violations of 49 C.F.R. § 383.37(a) were inadequate. Your previous upgrade request received on January 8, 2020 included a draft policy that states that you will obtain a driver abstract every 90 days, that your driver list now includes expiration dates of CDL and medical cards, and that drivers will not be allowed to operate when their required credentials expire. Additionally, in your third upgrade request received on February 20, 2020, you explained that at the time of the compliance review you did not understand that your drivers were operating interstate and that you were not aware that your license had been suspended because you moved without notifying the state licensing agency of your new address. Your third upgrade request also included driving records for Clussie Bagby and Deryl Roberts. However, the new driving record for Clussie Bagby that was not available during the compliance review was undated and from an unidentified source. Additionally, the policy you provided fails to describe how obtaining abstracts every 90 days will prevent future violations of 49 C.F.R. § 383.37(a). For example, during the compliance review you were cited for permitting Gary Miller to operate a passenger-carrying vehicle on September 22, 2019 in violation of a restriction on his CDL. This violation occurred despite the fact that you had an MVR in Mr. Miller’s driver qualification file indicating that he did not have a passenger endorsement. You also failed to describe how you will monitor due dates to obtain MVRs and conduct annual reviews in accordance with your safety management plan.

The upgrade requests you have submitted to address the violations of 49 C.F.R. § 395.8(a)(1) were inadequate. Your previous upgrade request received on January 8, 2020, included timesheets and “7 Day Sheets.” Your third upgrade request explains that you will have drivers complete a 7 Day Sheet or provide RODS after being elsewhere for seven days or, alternatively, you might use a weekly form. Your third upgrade request also states that each day a driver is dispatched, you will check to be sure you have either a daily log or the information required for the 100 air-mile radius exemption. However, your upgrade request again failed to indicate what specific information you will verify to ensure that drivers qualify for and properly use the 100 air-mile short-haul exception. Additionally, you failed to describe how you will ensure that you obtain signed statements giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty, or “7 Day Sheets,” every time an intermittent driver is used. Finally, your upgrade request again failed to address how you will review supporting documents to ensure you require drivers to prepare a record of duty status using an appropriate method. For example, during the compliance review you stated that Mattie Raiford did not have RODS because she did not work, but the investigator discovered supporting documents that showed trips where she should have recorded hours.

The upgrade requests you have submitted to address the violations of 49 C.F.R. § 396.17(a) were inadequate. In your upgrade request received on January 8, 2020, you explained that you will conduct annual inspections every 8-10 months, annual inspection stickers will be placed on the vehicles, and drivers will report on their DVIRs when the due date is within 30 days. Your third upgrade request provided two new annual inspections and stated that annual inspection stickers have been placed in the vehicles' windows. However, the annual inspection you submitted for vehicle # 9785, dated January 25, 2020, has several defective components noted including exterior lights, defective tires with inadequate tread depth noted as an OOS condition, exhaust leaks, fluid leaks and an OOS cracked and leaking muffler. Accordingly, under 49 CFR Appendix G to Subchapter B of Chapter III, this vehicle did not pass the inspection. Further, your upgrade requests have not included copies of current annual inspections for the vehicles cited during the compliance review, vehicles with VIN numbers ending in 6594 and 7229, or evidence that these vehicles have been sold. Additionally, you failed to describe the roles of your management staff or officials and the process they will follow to ensure you do not use a commercial motor vehicle that has not been periodically inspected.

The upgrade request you submitted to address your unsatisfactory vehicle out-of-service rate was inadequate. In your upgrade request received on January 8, 2020, you stated that you will provide training on how to conduct daily inspections, have revised your scheduled maintenance intervals, and Clussie Bagby will check DVIRs daily. Your scheduled inspections are to be conducted every 60-90 days and you submitted a chart that includes a column for service due dates. Your third upgrade request included an explanation that you plan to take each vehicle to the mechanic every 90 days but that you are still working on the details of what will be done. You included sheets from maintenance folders for vehicles #181 and #9785 indicating you will have an inspection program that includes A and B inspections. An "A" inspection will be conducted every 90 days and a "B" inspection, which includes an annual DOT inspection, will be conducted every 6 months. However, your upgrade request did not identify due dates for the new A and B inspections you plan to conduct as stated in your third upgrade request. You included copies of A and B inspections for vehicle #9785 but not for vehicles #181 or #777. The A inspection for #9785 includes extensive defects and no evidence that they have been corrected. You also failed to describe why your previous maintenance procedures were ineffective, how your new procedures are different from the previous procedures, and how they will prevent defects and improve your out-of-service rate. You also failed to provide evidence that you have provided training on daily vehicle inspections as reflected in the safety management plan you previously provided.

After reviewing your upgrade request, the Federal Motor Carrier Safety Administration (FMCSA) is DENYING your request. You have failed to provide sufficient evidence that the violations cited in the compliance review have been corrected and that your current operation meets the safety fitness standard and factors specified in 49 C.F.R. §§ 385.5 and 385.7.

To change a safety rating under the provisions of 49 C.F.R. § 385.17, the Field Administrator must be assured that corrective action has been taken and that the motor carrier's current operations meet the safety fitness standard and factors specified in 49 C.F.R. §§ 385.5 and 385.7. You may submit another request for a change to the proposed or final safety rating under 49 C.F.R. § 385.17. If you believe FMCSA made an error in this denial of request for rating change, you may also request administrative review of this denial under the procedures of 49 C.F.R. § 385.15 (see 49 C.F.R. § 385.17(j)) within 90 days of this denial. If you choose to request administrative review of this denial under the procedures of 49 C.F.R. § 385.15, your request for review must be submitted in writing to the Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE, W60-312, Washington, D.C. 20590.

In order to avoid the potential confusion that may accompany a fourth supplement to your safety management plan, should you elect to submit another upgrade request under 49 CFR 385.17, please submit one new comprehensive safety management plan that encompasses all of your corrective action even if previously submitted. Further, if you elect to submit another request for a safety rating upgrade under 49 C.F.R. § 385.17, you must address the deficiencies discussed above, include evidence of corrective action that demonstrates that you have remedied your safety management deficiencies and are in compliance with the safety factors and standards in 49 C.F.R. §§ 385.5 and 385.7, and should include:

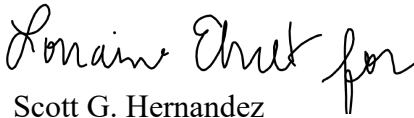
1. A detailed description of the procedures you have implemented to ensure that your drivers' commercial driver license (CDL) and corresponding endorsements are valid, active and appropriate for the type of vehicle operated, particularly after a driver obtains a new medical certificate. Identify the person(s) and title(s) responsible, with specific roles and duties described, for ensuring your drivers are and remain licensed, including proper endorsements for the type of commercial motor vehicles (CMV) to be driven and monitoring expiration dates. Provide evidence that you are now in compliance with 49 CFR 383.73 such as a driver list with evidence that all drivers have a valid CDL with proper endorsements, including a current driver driving history abstract from the issuing State of domicile.
2. A detailed description of the safety management system you have implemented to verify that drivers complete and timely submit RODS and/or local time records. Describe how you will utilize supporting documents to ensure that drivers are preparing RODS using an appropriate method. If your drivers will be using the 100 air-mile short-haul exception, please explain how you will verify that they qualify for and properly use this exception. If you will be using intermittent drivers, describe how you will ensure that you obtain, from all intermittent drivers, signed statements giving the total time on duty during the immediately preceding 7 days and the time at which the driver was last relieved from duty. Your description should also include procedures for verifying the accuracy of RODS and/or local time records; the frequency of RODS and/or local time record checks; and a description and frequency of RODS and/or local time records audit summaries. Identify the person(s) and title(s) responsible for implementing and enforcing these procedures.
3. Evidence that you are checking RODS/local time records for accuracy and completeness, such as a RODS audit summary of all drivers for the month of December 2019.
4. A detailed description of the process you will follow to ensure you do not use a commercial motor vehicle that has not been periodically inspected. Provide a list of vehicles you intend to use and current annual inspections meeting the requirements of 49 CFR Appendix G to Subchapter B of Chapter III for each vehicle. If you do not intend to use vehicles cited during the compliance review, please explain why and, if applicable, provide evidence of sale.
5. Provide an explanation of how your current safety management plan concerning your vehicle out-of-service rate is different from your previous procedures, and how it will prevent defects and improve your out-of-service rate. Also, explain how you will identify due dates for the various inspections you intend to conduct and what will be done during each inspection. Provide evidence that you have provided training on daily vehicle inspections as reflected in the safety management plan you provided.

6. Provide evidence of repairs performed for all vehicle out-of-service defects and deficiencies noted on federal and state vehicle inspections since the October 31, 2019 compliance review.

In order to avoid the potential confusion that may accompany a fourth supplement to your safety management plan, should you elect to submit another upgrade request under 49 CFR 385.17, please submit one new comprehensive safety management plan that encompasses all of your corrective action even if previously submitted.

Should you have any questions, please feel free to contact an Enforcement Program Specialist or the Enforcement Program Manager by telephone at (303) 407-2350.

Sincerely,



Scott G. Hernandez
Regional Field Administrator

cc: Jeffrey A. James, Division Administrator

Clussie Bagby, President
Blessed Limousine, Inc.
3932 62nd Ave Ct. E
Fife, WA 98424

10 what went wrong

BLESSED LIMOUSINE INC DOT #2822783
15 S Grady Way - Renton, WA 98057
TEL. 206-579-5911

Date: 3 April, 2020

Scott Hernandez, Regional Field Administrator

TO WHOM IT MAY CONCERN:

RE: Request for change in Safety Rating based on corrective action IAW Part 385.17.

I, Clussie Bagby, and my employees at Blessed Limousine Inc., are committed to do our part to ensure the safety of all who use our public streets and have been operating since 2009. As of the date of this letter, we have had no DOT-recordable crashes in the most-recent 24-month period.

When we had a CR, in October last year, I knew there might be some paperwork things that I hadn't gotten exactly right, but I was honestly surprised to realize how many areas there were where the DOT observed not only did I not get it exactly right, but the number and severity of violations were bad enough for the agency to order my buses off the road.

The Critical and Acute violations noted were:

ACUTE violation 383.37 (a)	ACUTE violation 396.9(c)(2)
CRITICAL violation 391.51(b)(2)	CRITICAL violation 395.8(a)(1)
CRITICAL violation 396.17(a)	Vehicle OOS rate 60%

So we are upgrading our safety management controls in the areas of

Driver Qualifications - Hours of Service, and - Maintenance.

At this time we are not operating motor coaches, but we are working hard to create a good, thorough system of safety management so that as soon as the FMCSA allows us to start up, we will be doing everything safely and in compliance with all the applicable FMCSRs.

I, Clussie Bagby, am the president of Blessed Limousine Inc.

For now, it's just me; I could say "The Management Team" but it would sound like I am taking on airs. I am the Operations Manager and Safety manager as well as the Chief Financial Officer.

I am going to do this right. As soon as I get my buses back on the road, I plan to get one other person to help part time in the office. (If not Deryl, someone else). For now, it's just me, saying "I am going to do this very carefully and correctly". And, when I get someone to help out, I will be sure they have the right training and we will work together to keep track of everything from driver qualification to maintenance and everything in between.

Blessed Limousine Inc is committed to do our part to ensure the safety of all those who use our public streets. We pledge to monitor and continuously upgrade our safety management controls to remain compliant with the standards set by the FMCSA.

10 what went wrong

The person responsible for compliance is me, Clussie Bagby. My wife, Genise, is going to help out where she can. And, my part-time driver Deryl Roberts, might help out a little with keeping track of driver's logs. But I'm the one responsible to make sure it is done right.

30 March 2020 - Note – the above statement is unchanged from our previous submission – I continue to assert my intent to do things correctly and responsibly in future. I mean to follow the rules and earn an honest living. I plan to start out with two motor coaches, myself and one part-time driver.

In response to the refusal letter dated March 20 2020, we are revising and adding to the SMP.

I plan to show the agency I am going to do this correctly in future.

Specifically,

391.51(b) (2) - missing inquiries in drivers file –

We will use the SMP as a guide and carefully follow the applicable regulations in future.

396.9(c) (2) - allowing an OOS vehicle to be dispatched. We will take ANY and all roadside violations and make sure they are corrected, and document those corrections, before re-dispatching any vehicle with violations from a roadside inspection.

383.37(a) allowing a suspended driver to operate a CMV. (Ensure sure drivers are legally and physically qualified). We will improve our system of safety management controls to prevent future violations of this important rule.

395.8(a) (1) (Rods in correct form). We are studying our options and will add a new procedure to be sure we get this right, as well.

396.17(a) We are looking at how this is done; we are going to propose a new solution that the FMCSA will approve, so we have a chance to get going again. (Annual inspections).

Overall **OOS rate** – We will add a new feature to our system; we think we know what went wrong and are going to put forward a new and better system.

CLUSSIE BAGBY (PRESIDENT)

BLESSED LIMOUSINE, INC. DOT # 2822783

BLESSED LIMOUSINE INC- DOT #2822783
15 S GRADY WAY - RENTON, WA 98057
TEL. 206-579-5911

Date: 3 April 2020

Scott Hernandez, Regional Field Administrator

TO WHOM IT MAY CONCERN:

RE: Request for change in Safety Rating based on corrective action IAW Part 385.17.

I am Clussie Bagby; I am the owner of Blessed Limo. I have been in business for a number of years, including during the last couple years which I acquired charter buses. I have garnered a lot of experience through reading the FMCSA manual and through audits.

In the past year, I have been through 3 major audits, and have received training. I am in the learning process even as of right now. By no means does this disqualify the fact that I should already have had this information.

I am totally aware that I have been trying to run three different positions. As soon as I have an SMP that is acceptable, I will bring on two other individuals to help and I will pass on all the training I have received. We will be signing up for added seminars and webinars to ensure we have the necessary level of understanding of the FMCSRs.

Not at all am I not accepting responsibility for not having this information previously. But now I am prepared to run this business in total compliance with the FMCSRs.

When we had a compliance review in October last year, we were, frankly, surprised to realize there was several areas where we really needed to do things very much differently.

When we got the notification, we might be put out of service, we tried to understand the SMP process and submitted a set of documents we thought were sufficient, (November 29, 2019). and were surprised and disappointed to receive a refusal letter. (December 27, 2019).

We went back to the drawing board with a second attempt which was more in depth than the first and submitted what we felt was an improved SMP on January 8, 2020. This effort may have been rushed because we were notified the first attempt was rejected and we wanted to get the 2nd one done in time to keep from getting shut down.

We were notified, by email and telephone conversation, that the second attempt was also insufficient. What we are doing now is, we are improving our SMP to account for each of the various shortcomings pointed out in your letter of 7 February 2020.

We were notified 20 March, 2020 that our third attempt was also rejected. We are studying the final refusal and we are carefully crafting a response to address each of the suggestions contained in that document. It is hard to provide proof of compliance when we are not operating commercial motor vehicles, but we are working to provide evidence we have the framework in place to start up as soon as we are allowed to do so, and to do it properly and in compliance with all the rules.

Doc 20 – What went wrong

There are five critical or acute violations we have been asked to address, as follows:

ACUTE violation 383.37 (a)	ACUTE violation 396.9(c)(2)
CRITICAL violation 391.51(b)(2)	CRITICAL violation 395.8(a)(1)
CRITICAL violation 396.17(a)	And, Vehicle OOS rate 60%

In this, first part of the SMP, we will try to answer the important question “What went wrong” Regarding each of these violations.

We will address the **driver qualification** problems first:

The underlying problem here, and I will admit it, is I did not understand the FMCSRs sufficiently. I should have had more education in the FMCSRs. I always meant to get someone to help with the driver files and everything, but it’s hard to find people to do this. In addition to the fact I did not understand what was required, I under-estimated the amount of time it would take to do this right.

I am Clussie Bagby; I am the owner, safety manager, the whole management staff.

My wife helps out when she can, and her assistance is very important, but she has a full-time job with her business.

I am responsible for what went wrong; I am struggling to overhaul our safety controls and expect to be operating completely in compliance with the regulations as soon as possible.

As I look back on what has happened, I should have found some training course or studied the rules sufficiently to get it right. Unfortunately, I relied on a little advice here and there and thought I was doing enough. As your investigator pointed out, it was not enough.

I understand we fell short in the area of driver qualification – because I did not understand how to put together a driver qualification file and monitor the driver qualification process.

Regarding ACUTE violation 383.37 (a) - in the compliance review document the example listed is Gary Miller so we will discuss him first.

1 – 383.37(a) Gary Miller driving motor coach with no passenger endorsement.

On 22 September 2019, Gary Miller drove a motor coach when he did not have a valid passenger endorsement.

What went wrong?

There was not a good process in place at the time he was hired, which was in March 2019.

When I hired Gary Miller, I was not aware of the necessary steps that were supposed to be involved in the hiring process. I did the things I knew about, but one of the things I overlooked because I didn’t know enough about what was required, is I didn’t realize we had to have the passenger endorsements for the motor coach operators. At the time, I had been working closely with the airport authority, and I thought they provided enough guidance, but when we

Doc 20 – What went wrong

transitioned from cars to motor coaches, I never realized there was so much added safety management requirements.

I had a file with an application and an MVR showing he had a valid class B but I was not fully trained and did not understand that I needed to look for a passenger endorsement.

2 – 383.37(a) Mattie Raiford driving a CMV when there was a problem with her return-to-duty.

When I hired Mattie Raiford in May 2019

A lot of the comments above, about Gary Miller, will also apply to what happened with Mattie Raeford; I did not have a complete driver qualification process in place when she was hired.

The problem that surfaced was a different one; she had been fired from a previous employer about a year before. The record states she “refused” to take a drug test. The reason I decided to give her a chance is, she explained to me she never intended to refuse or break the rules; she said it was a miss-understanding. But it goes down in the record-book, so to speak, as a “refusal.” So, we gave her a chance; we think she was a good driver and deserved a second chance, and she seemed to understand the Return to Duty process. She had done everything asked of her but there was one final step missing. She had not done the final, Return to Duty drug test.

When she took the initial pre-employment drug test for me, I thought that was just as good, but now I understand that is not the same thing.

I am the owner of this small company; I am the safety manager, and I am responsible for what went wrong regarding Mattie Raiford’s RTD (or lack of a RTD test).

After careful review and study in this area I found out the difference in a back to work drug test (called a return-to-duty test) and a pre-employment drug test. Very simply, Maddie Raeford should have not started working without a “Return-to-duty” drug test.

3 – 383.37(a) Clussie Bagby driving a CMV when suspended.

I’m Clussie Bagby and this was my commercial driver’s license and there was a problem, but I did not know about it until the investigator surfaced the issue during the compliance review. I know, it looks bad because I’m the boss and technically, I was driving with a suspension. There’s no excuse whatsoever for me not having knowledge of my license being suspended. By no means am I evading the fact that it should not have happened.

I received a speeding ticket in Las Vegas in 2014. They gave me a fine for more than \$1300. I made payments of about three quarters of the fine – but then I lost track of the payment schedule and did not receive any notification that there was a remaining total.

At that time, they petitioned for my license to be suspended, but I did not receive notification of the petition, and did not know that my license was in the process of being suspended. The

petition started in 2014 but it only went into effect in the fall of 2019. Once it went into effect, they sent the notification to an address that I no longer lived at – I had moved from Fife, WA to Kent, WA and had legally changed my address at the post office, but failed to change the address on my license, and it was not forwarded to my new address.

As soon as I found out during the review that my license was suspended, I immediately worked to figure out how to reinstate it, paid the fine, and the license was reinstated 10 days later.

One of the things that went wrong before was, I had gotten a lot of advice and guidance from some people at the port of Seattle airport, and thought I had the right credentials – but one of the things I had missed was, several years ago when they started requiring the DOT physical to be linked to the MVR.

I miss-understood about the whole INTERstate vs INTRAsate – I thought when I stayed in Washington State that was INTRAsate. . . since then I have learned that we are in INTERstate commerce when we pick up and drop off at the airport.

In trying to do the right thing, I tried to figure out what the definition was and the difference between the two but I did not understand what it was, and came to the conclusion that since our operations were not driving very far that we were INTRAsate – I know now that this is incorrect, and that the determination for that is about the cargo (people from out-of-state) and NOT about how far we are physically driving.

CRITICAL violation 391.51(b)(2 – failing to maintain inquiries into driver’s driving history
in DQ file.

The example is my file. I actually had the MVR – dated Dec 5 2018. (attached). (101 bagby).

As you can see, this Washington State MVR indicated I was NOT suspended at the time. And, this was less than one year old at the time of the Compliance review. But, I did not have a good filing system, and I did not find it to show it to the investigator. And, as you have pointed out, I did not understand the question when I got the letter in the mail asking me to choose, either 1) Exempt INTERstate, 2) Non-Exempt INTERstate, 3) Exempt INTRAsate or 4) Non-Exempt INTRAsate.

As I now understand, I should always have an MVR on file for each CDL driver showing when they turned in the DOT physical to the DMV. And, we have to have the DOT Card on file as well.

Also listed were Mattie Raiford, Melissa Thomas and Gary Miller.

These DQ files were incomplete because I didn’t understand what needed to be done or how to do it, and if I had some of the required documents, they weren’t properly organized.

Now, as I look at my MVR from 2018, I realize I had selected INTRAsate; this was something I did not understand at the time. I do a lot of work right there at the Seattle Airport, so I don’t really leave the state, but now I understand that is INTERstate commerce.

We will address the Hours of Service problems second:

Critical violation 395.8(a)(1) Failing to require drivers to prepare records of duty status
in the proper method.

I did not have proper hours of service documents. We had been keeping track of start time and end time, but I understand now this does not meet the requirements for 100-air-mile drivers.

The root cause of this violation, like all the driver qualification issues, was that I did not have an adequate understanding of what is required.

There is one reason I thought I had a good system; we did have an audit from the state of Washington and they specifically said the way we were doing RODs was OK – we had start and end time for each day. Your investigator pointed out we are required to have start, stop and total hours recorded for each day.

I had knowledge of what the hours of service regulations are, and what needed to be done; there were timecards that did not have a total time completed for those particular cards. Having incomplete hours of service documentation was not so much a lack of understanding, but a lack of internal auditing – a system I now know because of the DOT audit should be in place to be able to catch these problems, see what's going wrong, and do some training for the drivers moving forward to stop having those types of violations in the future.

By no means, am I not taking responsibility for not having complete Hours of Service documentation from the start. With the knowledge of what's required and a system for monitoring completeness, I can move forward in compliance with the regulations.

Regarding the Maintenance violations:

First, **critical violation 396.17(a) Using a CMV without a current**, valid, annual DOT inspection:

Our vehicle with license plate ending 6944 did not have a valid annual DOT inspection and was operated September 24, 2019. This is our motor coach #181. Vehicle 181 last had a DOT Annual Inspection in summer of 2018. The vehicle was being maintained regularly, and there is no excuse whatsoever that it did not have an up to date DOT inspection. This unit was actually out of service as it had gear box issues. Everything in the rear, axles, gears and rear end had to be replaced.

Vehicles sit for a long time. By no means do I want to make any excuses. All vehicles will not only be maintained but will have current DOT inspections.

In your March 20 refusal letter, you stated I “failed to describe why your previous maintenance procedures were ineffective” . . .

Let me say this; we had a bus on the road with an expired DOT inspection; we were spending a lot of money getting repairs made and missed this step.

Doc 20 – What went wrong

I knew the defects had to be repaired; I had not been fully trained as a motor carrier safety manager. I have since learned, a bus must be maintained properly AND I must always have a current annual DOT inspection.

The point is, the repairs were done, but we didn't have documentation to show it was done.

ACUTE violation 396.9(c)(2) operation of a CMV when it was declared out of service.

License ending 483S – this is our motor coach 777.

This bus was placed out of service at a roadside inspection and we had it towed to our yard. We did the mechanical repairs at our location, then I had one of my drivers take it to the tire shop to have tires replaced. We had made the other repairs but didn't realize it was forbidden to drive it that last bit to get the tires done.

The root cause of both these mistakes is the same – I did not have adequate knowledge of what needed to be done, how to do it, or how important it was to NOT let the driver go even a short distance before all OOS violations were remedied.

Finally, we will address the **elevated out of service percentage:**

We have had too many out of service violations in the most-recent 24-month period.

393.62(a) No or Defective bus emergency exits	3 times
393.205(c) Wheel fasteners lose	1 time
393.51 No or defective brake warning device	1 time
393.75(a)(1) Tire-ply or belt material exposed	1 time
393.75C Tire-other tread depth less than 1/32 of inch	1 time

393.83(d) Improper exhaust-bus (diesel)	1 time
393.9(a) Inoperative Brake Lamps	1 time

The most-common violation was the emergency exits.

In the area of out of service I had no experience in any of this. This is not an excuse to say I was not wrong for not knowing it but I had no idea how to open or close the emergency exits.

By no means am I making excuses, but I am letting it be known that there was a bit of ignorance going on; it has not only been addressed but I'm much wiser now.

OVERALL STATEMENT:

In addition to the specific remarks above, regarding each of the violations; the root cause of most of the things that went wrong was that I did not have enough knowledge of the regulations.

Also, I did not have a good understanding of how much time is needed to take care of all these things and to be sure we follow the regulations and operate passenger coaches safely according to the FMCSRs.

The overall cause of all that has occurred is a lack of knowledge and understanding of what needed to be done. We did have several visits from the State of Washington DOT, and it seemed as if we had made some improvements, and before we could really see the turnaround in SMS scores and everything, the FMCSA was here. I think if I had had a few months in between audits, I could have made more improvements

Note: The above letter has not been changed from our previous submission, with the exception I did go through and catch one or two typographic errors that slipped through before.

CLUSSIE BAGBY (PRESIDENT)

BLESSED LIMOUSINE, INC. DOT # 2822783

BLESSED LIMOUSINE INC- DOT #2822783
15 S GRADY WAY - RENTON, WA 98057
TEL. 206-579-5911 email: info@blessedlimo.net

Date: 3 April 2020

Scott Hernandez, Regional Field Administrator

TO WHOM IT MAY CONCERN:

RE: Request for change in Safety Rating based on corrective action IAW Part 385.17.

I, Clussie Bagby, am the owner, president, operations manager and safety manager for Blessed Limousine Inc.

I am planning to do everything according to the FMCSRs.

At this time, we are out of service; I am putting together a very thorough system of safety management controls meant to prevent any of the problems I have had before, which have led to the situation I am in now.

When I can restart my business, initially I will have two drivers: myself and Deryl Roberts. And the first two buses I will put on the road are ready to go now, with a current annual inspection.

On October 31, 2019, a Compliance Review was completed and there were five critical or acute violations we have been asked to address, as follows:

ACUTE violation 383.37 (a)	ACUTE violation 396.9(c)(2)
CRITICAL violation 391.51(b)(2)	CRITICAL violation 395.8(a)(1)
CRITICAL violation 396.17(a)	And Vehicle OOS rate of 60%

We are going to address the problems and the solutions by separating these into three areas:

I – Driver Qualifications

- ACUTE violation 383.37 (a) and
- CRITICAL violation 391.51(b)(2)

II – Hours of Service

- CRITICAL violation 395.8(a)(1)

III – Maintenance

- ACUTE violation 396.9(c)(2),
 - CRITICAL violation 396.17(a), and
- Out of Service %age.

1 – Driver Qualifications:

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).

One of the things we are going to do in order to prevent this from happening in future is, we are going to start fresh with a new driver qualification packet.

Right now, we are out of service, so it’s hard to keep a group of drivers that are willing and able to jump into CMVs and take off. But I do have one, his name is Deryl Roberts

So we will have a good DQ packet for me and one for Deryl and when we hire more drivers we will do everything for them the same as we are doing for these two.

[sample driver qualification packet is attached]

[list of drivers is attached – only two drivers]

First, we will make sure we have good applications – DOT Compliance Help, Inc. has provided a good driver qualification packet – we are going to use these forms – Then, we are going to be very careful – we will check and double-check to be sure they are filled out right.

Next, we will be sure we get the MVRs from each state they lived in. And, verification of previous employment from any previous employers where they drove a DOT-regulated vehicle.

And we will review the MVRs carefully to be sure we do not overlook anything. Like if the DOT card is not filed with the state department of motor vehicles, for example. Or, if the driver does not have the proper endorsement(s), including passenger endorsements for motor coach operators.

Second, we will think through what went wrong before, and double-check to be sure we are not making any of these mistakes in future –

- (1) good MVR with DOT physical expiration date included.
- (2) we will be very careful and study the applications and the MVRs; if a person has lived in more than one state in the most-recent 3-year period we will run MVRs in each of those states.

One of the things I am concerned about is, a driver could have his license or CDL suspended after we did the annual review and we would not know about it right away. We are planning on doing the annual review two times per year and running the MVRs each 90 days, and study them very carefully to be sure we don’t overlook something like DOT physicals or required endorsements.

Note – the above process will be modified based on our new working agreement with Foley Services.

- See memo, attached

Before a driver’s DOT Physical expires, we will make sure they go for a new DOT physical, and when they come back with a good physical, we will make sure they go to the DMV. After they get back from the DMV we will wait 10 days and pull a new MVR to be sure it is registered.

From now on, each time we put a CDL driver on, we will be sure we have the DOT Card AND an MVR that shows when the DOT Card expires.

Who will be responsible for this area of compliance?

- This is a small business, and I want to grow to the point I will have 8 or 10 CMVs on the road, or even more. Right now, I only have 2 buses I want to get back in service as soon as I am able.

Update 30 March 2020 - My wife, Genise Bagby, is going to help with the DQ packets. She is a very smart and educated professional, and while she is not currently trained or experienced in this area, she will attend a seminar or webinar as soon as possible to give her a baseline understanding of the FMCSA's requirements for Driver Qualification and DQ packets.

I will still be the person responsible for this and all areas of compliance.

As evidence, we are including two complete DQ files (1) Bagby, and (2) Roberts.

As evidence of implementation of new systems, we will submit a copy of our new DQ policy.

Update – 1 April 2020 – We have contracted with Foley Services to host the driver qualification files and perform quality control checks. They will be providing an advisory service on a monthly basis – so if ANYthing changes regarding a drivers MVR, we will be notified right away.

They will also let us know 30 days in advance if something is going to expire. We will not let any required credential expire.

Right now, we are sending them the DQ packets for Bagby and Roberts; the key is establishing the business relationship. As soon as we receive applicants we will forward it over to Foley to be checked for background and all endorsements MVR and when Foley returns it we are at the office will double check it so we have a two level process which cannot fail

In the agency's refusal letter dated 20 March 2020, there is a comment that the MVR for Clussie Bagby was not dated and from an unidentified source. We have reviewed these documents and they appear to have dates on them. We are also going to include a new MVR for both Bagby and Roberts, from the new Foley service.

One of the reasons we had trouble before is, I didn't really know how to do all these things correctly. One of the things I am going to do differently is, I am going to a 4-day seminar on DOT regulations – this seminar should help me to understand all the things that must be done to successfully manage all seven BASIC areas.

As evidence, I am including my certificate from the DOT Compliance Seminar I attended in Las Vegas during the period 25-28 February 2020.

49 CFR Part 391

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).

In future, we will always check the MVRs for any driver we hire, to include making sure they are fully qualified, including DOT Card, expiration date of DOT Card listed in MVR, correct endorsements, no suspended licenses, etc.

I understand sometimes if you run an annual review in, say, February you could kind of get in trouble because a driver might get suspended in June. Instead of thinking that MIGHT happen for 12 months, our new process will include performing an annual review two times per year.

But first, we are going to be sure we can start on day 01 with two drivers who are legally and physically qualified, and we will have a complete Driver Qualification file for each of them.

As a small business owner, clearly, I am responsible for everything that happens. Initially, I am going to be doing this work. As soon as I get a few more buses on the road, I will try to find someone who can drive part-time and help me in the office part time. Both myself and the new assistant will attend the 4-day seminar, in order to help him/her get started with an understanding of what is needed.

Regarding driver qualification system problems and remedies:

Initially, we are putting together complete DQ packets for myself (Clussie Bagby) and driver Deryl Roberts.

I have an outside company helping to be sure they are done right.

A big part of the reason this was never done completely right is, I was trying to do it myself and I didn't really understand the process as well as I should.

The real solution is this:

- (1) With some expert help, I am going to put together two complete DQ files and going forward these will be used as examples when we add another driver.
- (2) I will have at least one other person helping me get all the steps right in the driver qualification process
- (3) Myself AND the person who will be helping me with this will both get some training – we are scheduled to attend a 4-day seminar on DOT safety regulations later this month.

At least two times per year, we will do a three-part annual review.

In response to various comments included in the March 20 refusal, we have added two new elements to our Driver Qualification process.

First, Genise Bagby will be helping with the DQ files. She is very educated but just for FMCSA sake she will be getting more training from a seminar or webinar on DQ file training at our earliest convenience.

Second, we have contracted with Foley Services to (a) ensure we have a complete DQ packet for each driver, and (b) perform the equivalent of an employee notification system.

Most importantly, we understand we must ensure drivers are legally and physically qualified at all times.

2 – Driver’s HOS and RODs:

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

Moving forward, we will look at our schedule of charter services, select the drivers for each charter, and if the driver hasn’t been driving continuously, have them complete a 7-day sheet.

For each day a driver is dispatched, I will check to be sure I have either a daily drivers log (when required) or the information needed under the 100-air-mile radius exemption.

Some drivers will be people who are working at other jobs, including some CMV operators. If a person drives our CMV after being elsewhere for 7 days or more, we will have them complete a 7-day sheet – OR provide copies of their RODs from the other job - so we can check to be sure they do not exceed the HOS limits. Or, we might use a weekly form we have; but the necessary information will be captured and verified.

As with each area of safety management compliance, I, Clussie Bagby, am responsible. My intention is to get a good system established so I can grow the business and continue to do it according to the regulations.

It is a bit of a challenge to find words to explain how we will have a detailed and elaborate system to check RODs for falsification at first, because there will only be one or two drivers; I know where people are all the time and when they turn in their paperwork at the end of the day there is no reason for them to falsify anything, and if they did I would know it immediately.

When we succeed at growing this business to the point I am not able to personally monitor each and every movement continuously, we will start using separate fuel accounts for each driver so we can check fuel purchase time against RODs.

In the agency’s March 20 refusal, you said “your upgrade request again failed to indicate what specific information you will verify to ensure that drivers qualify for and properly use the 100 air-mile short-haul exception.”

In answer to that, we will say this: We know most of our drivers, most of the time, will stay within a 100-air-mile radius of our principle place of business, they clock in and out within 12 hours [most of our runs are 4 hours or less in duration] and they come back to the same place each day. In the event a driver fails to meet all three of these conditions, the driver will be required to complete a daily driver’s log.

Regardless if we have a daily driver’s log or an abbreviated record of duty status, we understand we need to have six months of RODs for each driver and 100 mile rule clearly states start time stop time total hours 12 hour maximum

Also, we are going to have a new Charter Order Sheet; when a customer is dropped off, a member of the group or the group leader will be asked to sign the bottom of the charter order. The charter order document will have the drivers start time and end time and we can check that against the driver's RODs to be sure they match.

And, I was able to learn some things during an HOS online webinar on February 13 (certificate attached)

As with each area, I am responsible to be sure this happens.

I, Clussie Bagby, owner and President of Blessed Limousine, Inc. will ensure all CMV operators comply with the HOS limitations found in part 395 of the FMCSR, and submit RODs which meet the requirements found in 395.8.

Attached is a copy of our December charter calendar, and RODs for the two drivers who are going to be operating our motor coaches when we can resume operations.

In addition to the control measures discussed above, and in response to comments in the March 20 refusal letter, we have contracted with a timecard service -

We have contracted with ADP and will use their time and attendance software solution as our primary RODs. Each driver will have a charter order document with him, including scheduled pick up and drop off time – this document will be signed by the group leader. We will always compare the time-sheet document from ADP with the run sheets from the trip, to make sure they match.

We have also taken another step; we have set up an account with Keep Truckin – even though we understand we are not required to have a traditional daily drivers log and we are not required to have an ELD, we feel it is valuable to have Keep Truckin provide guidance and monitor our HOS, and they will do some training as well.

Once we get up and running we might use the ADP time and attendance app as a supporting document, in addition to the charter order document that will be signed by the customer's representative.

3 – Maintenance and maintenance record keeping:

49 CFR §396.9(c)(2) – Requiring or permitting the operation of a motor vehicle declared “out-of-service” before repairs were made (Acute).

The specific violation the DOT investigator wrote us up for was an anomaly and we just won't let anything like it happen again. We know if a motor coach is placed out of service no one is going to drive it or authorize someone to drive it. We had that motor coach towed in to our place and the repairs were made, and we were thinking the tires were sort of a separate thing, and let someone drive it to the tire shop – but now we realize we should have had the tire contractor come to our place of business to replace the tires that needed to be replaced.

In the future, if a tire is in violation, whether the driver points it out or if it shows up on a roadside inspection, we will take the motor coach to the tire contractor and have the situation corrected as soon as possible, - OR the tire contractor might come to our location – but in no case will we re-dispatch the bus before the repairs are made.

In the event the tire – or any component – is ever found to be a serious safety violation (as noted by our driver) or an Out of Service violation (as noted by a roadside inspector) we will be VERY careful to avoid any miss-understandings; OUT OF SERVICE Means OUT OF SERVICE.

We will include this in our driver training, and we will provide training to new drivers regarding this, our periodic inspections and making sure we never operate a CMV that has an expired annual inspection.

WE are starting small, with two buses on the road. Both buses start with a new annual inspection. We plan to bring each one to our mechanic each 90 days for a scheduled inspection. WE are still working on the details of what will be done at each 90-day interval, but we have a starting checklist.

I have now not only made a system to check emergency exits but I also have changed all the clips on every bus to ensure emergency exits are working properly, Some clips did need to be changed they just needed to be oiled but whatever it was it's been addressed.

Most of all I have the experience of walking thru the bus and checking every emergency exit from the windows to the ceiling.

One of the things I am doing now is, I have a copy of the CVSA Out of Service guide. As soon as I get that, I am going to start studying it to be sure I understand which violations are more serious and therefore have been determined to be OOS violations.

We are looking forward to starting fresh with two motor coaches, each of which have had an annual inspection very recently, and as soon as business volume calls for it, we have a 3rd motor coach we will put into service.

One of the things I am going to do differently is, I am going to study the CVSA Out of Service guide very carefully. I understand now, there are roadside inspections and violations and then there are OOS violations that should be treated much more seriously

As evidence all OOS conditions have been addressed, we are including new annual inspections for each of these buses.

In future, we will always keep a copy of every roadside inspections with proof of all repairs.

There have been no additional roadside inspections since the compliance review.

One of the reasons we have contracted with Keep Truckin is, we feel using this application will help our drivers to have a good way to prepare a Daily Vehicle Inspection Report, and they will provide some training on how to perform a proper pre-trip inspection.

Annual Inspections -

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

We are starting fresh, as soon as the FMCSA allows it, with two CMVs.

We had some confusion regarding a 5000-mile inspection that was done in January. That document was completed to show the work they were doing for us. We have got a new annual inspection for that motor coach as well – dated April 3 – done by Montgomery

Our drivers will receive training on pre-trip inspections, and one of the things they will be instructed to check is, when did the bus last have an annual inspection.

If it is due within 30 days they will make a note of it on their DVIR.

We are going to have a sticker inside the windshield to remind the driver when the bus needs to come in for a 90 day inspection. If it is within one week, they will note that on the DVIR.

I, Clussie Bagby, am responsible for this area of compliance.

Attachments include the list of CMVs (only two buses right now) and the annual inspections for each bus, as well as our DRAFT maintenance policy.

In your refusal letter dated 20 March, 2020 you stated “the annual inspection you submitted for vehicle #9785, dated January 25, 2020, has several defective components noted including exterior lights, defective tires with inadequate tread depth noted as an OOS condition, exhaust leaks, fluid leaks and an OOS cracked and leaking muffler.”

We are unaware of any annual inspection that was done in January, and we have never seen an annual inspection done on one of our motor coaches indicating these types of deficiencies.

We are having great difficulty getting a new annual inspection done now, as the shop is closed due to COVID19 precautions. But, we did get a new annual inspection on this CMV just to make sure there is no longer any confusion regarding the current status of this bus.

As soon as that shop gets up and running, we will have a new annual inspection done on the other motor coach. IF there is anything that needs to be fixed, we will get it fixed. We have no intention of dispatching a bus that has any deficiencies.

In your letter dated March 20, you mentioned there was a question about a couple buses that were inspected during the compliance review. We are going to get rid of those; the only reason they are still here now is, no one is doing business because of the COVID9 - everyone is sheltering at home.

In your letter dated march 20, you mentioned as follows: “you failed to describe the roles of your management staff or officials and the process they will follow to ensure you do not use a commercial motor vehicle that has not been periodically inspected. “. . . actually, we felt we covered that pretty well. We have put a big sticker on the window of each bus reminding the driver when each bus is due for an annual inspection. It is difficult to find the words to describe an elaborate system of relationships between people in different management roles, when there is just one person here, and two buses that we cannot move right now. The best we can do is create a plan and explain it to you.

As soon as they open for business, we are going to have each driver go to Gary Miller’s place, and he is going to go through the pre-trip inspection as a refresher. Right now, that is just two drivers, Bagby and Roberts, but we are both looking forward to going over this with Gary. And, when we bring any new driver on, we will make this part of the new-driver training. As a matter of company policy, each driver will note the date the bus is due for an annual inspection. This is to be part of the pre-trip inspection process.

Also, to be sure our drivers have all the resources to do this correctly and thoroughly, we have contracted with Keep Truckin, so the drivers will (a) get training on how to perform a proper pre-trip inspection and (b) they will also be trained to use the application to document this important work.

As a motor carrier, we will have to be very careful to look at DVIRs that are turned in, to be sure we are always checking to see what the driver is reporting. If it is a safety violation it will be repaired before the bus goes out. If it is a minor violation that will not prevent the vehicle being dispatched, we will be sure the repair is completed when the bus comes in for the next 5000-mile or 10,000 mile inspection.

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

We had a few violations – especially the emergency exit thing – that were out-of-service in nature and I thought I understood how to deal with this, but in retrospect I just didn't understand how serious it is when you have an OOS violation.

First, every driver will receive some training on pre-trip inspections, and we will emphasize the importance of safety-related problems and out of service violations.

We are going to have each driver go through the bus with Gary Miller, our fleet maintenance guy. Gary's shop is closed now, due to the whole COVID9 business shutdown stay-at-home order. But, as soon as he gets open for business, we will have him go through the pre-trip process with Deryl Roberts and me. It will be a good chance for us to interface with Gary, as he is a key part of our team to be sure our vehicles are in tip-top condition going forward.

Second, we will monitor driver's DVIRs to be sure if there is something indicated on the DVIR that is the sort of thing that would make a CMV unsafe to operate, we have a very robust approach to making needed repairs before the CMV can be dispatched.

Third, we have a copy of the CVSA Out of Service guide in the office now. This is a valuable reference book. Any time there is a roadside inspection with an out of service violation I will make sure I have the driver show me exactly what the inspector pointed out, and I will study the violation description in the OOS guide to be sure I understand the nature of the OOS violation.

Either myself or one of my drivers will check carefully to be sure the other vehicles don't have the same violation.

I am starting with only two buses, but I am planning ahead. I plan to have numerous buses on the road and if we ever have an OOS violation there will be more buses to check to be sure we don't have more than one with the same violation.

Included as evidence is a list of equipment, (only two buses), our maintenance schedule, the new maintenance policy, and our new DVIR.

This is a small business, and I want to grow to the point I will have 8 or 10 CMVs on the road, or even more. Right now, I only have 2 buses I want to get back in service as soon as I am able.

I will still be the person responsible for every area of compliance, including maintenance. Gary Miller seems to be a valuable asset and I think he will be my main right-hand person in the maintenance area that I can count on to help make sure things are done right, but I am still responsible.

[There was a driver named Gary Miller; this is a different person.]

OVERALL IMPROVEMENTS TO SAFETY MANAGEMENT CONTROLS:

As I read back through these documents, each time I am forced to come face to face with the root cause of each violation that led to the UNSATisfactory safety rating, it's all about my lack of knowledge and understanding of the FMCSRs.

I should have found a way to understand them better.

I have been to a 4-day DOT Compliance seminar February 25 – 28 – this covered a broad range of safety-related topics, with a focus on DOT/FMCSA Compliance.

I think the seminar has helped - I feel that I have a better overall understanding of what is required.

Also, I have attended 4 brief familiarization webinars on February 17 and 18, on HOS, DQ, accident countermeasures and roadside inspections.

I feel like I understand my responsibility better now.

The overall cause of all that has occurred is a lack of knowledge and understanding of what needed to be done. We did have several visits from the State of Washington DOT, and it seemed as if we had made some improvements, and before we could really see the turnaround in SMS scores and everything, the FMCSA was here. I think if I had had a few months in between audits, I could have made more improvements.

Now, while we are in a stand-down posture, I have an opportunity to change and organize all that has been given to me. I AM LOOKING forward to starting fresh with two buses and two drivers, myself as one of them, and a good, new system to manage Commercial Vehicle Safety.

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CLUSSIE BAGBY (PRESIDENT)

BLESSED LIMOUSINE, INC. DOT # 2822783