

**New Entrants Safety Education Seminar for
Georgia Motor Carriers**

CHAPTER 2

Chapter 2

COMPLIANCE REVIEWS AND CSA

COMPLIANCE REVIEWS AND CSA

The next two sections explain the main safety regulation enforcement tools of the FMCSA – Compliance Reviews and the Compliance, Safety, Accountability program, commonly known as CSA.

COMPLIANCE REVIEWS AND CSA

- ✘ A Compliance Review is an on-site examination of a motor carrier's operations by FMCSA or MCCCD safety investigator to determine a motor carrier's safety fitness
- ✘ MCCCD may authorize other law enforcement agencies in Georgia to conduct reviews (rare)

COMPLIANCE REVIEWS AND CSA

Review of carrier operations may cover:

- ✓ Driver's hours of service
- ✓ Vehicle maintenance and inspection
- ✓ Driver qualification and supporting documents
- ✓ Controlled substance and alcohol testing
- ✓ Commercial driver's license requirements
- ✓ Financial responsibility (insurance)
- ✓ Accidents
- ✓ Hazardous material
- ✓ Commercial/economic regulations (if applicable)

COMPLIANCE REVIEWS AND CSA

The Compliance Review focuses on the carrier's:

- ✘ Safety management controls
- ✘ Operational performance
- ✘ U.S. regulatory compliance
- ✘ Georgia regulatory compliance

COMPLIANCE REVIEWS AND CSA

Compliance Review will determine whether the company's operation is in regulatory compliance with U.S. Federal Motor Carrier Safety Regulations (FMCSRs), Georgia Department of Public Safety Motor Carrier, Vehicle and Driver Safety rules and applicable U.S. Hazardous Materials Regulations (HMRs).

The Information needed can be found at:

- ✘ Federal Motor Carrier Safety Regulations links

<http://www.fmcsa.dot.gov/rulesregs/fmcsr/fmcsguide.htm>

- ✘ Georgia Safety Regulations links

http://dps.georgia.gov/00/channel_title/0.2094.5635600_49017965.00.html

- ✘ Hazardous Materials Regulations links:

<http://\hazmat.dot.gov>

COMPLIANCE REVIEWS AND CSA

Compliance Review of motor carriers are generally conducted at the carrier's principal place of business.

Scheduling the Compliance Review:

- + FMCSA's Division Offices and/or State Offices are responsible for calling the carrier to schedule a mutually agreeable time and location for conducting the Compliance Review.
- + The Investigator's call to the carrier will be followed by a letter to the carrier confirming when and where the Compliance Review will be conducted.

COMPLIANCE REVIEWS AND CSA

The Compliance Review process consists of 9 steps:

1. Opening Interview
2. On-Going Interviews with Carrier Staff
3. Accident Review
4. Financial Responsibility
5. Maintenance Review
6. Commercial Drivers License, Controlled Substance Testing & Driver Review
7. Hazardous Material
8. Hours of Service Review
9. Close Out Interview

COMPLIANCE REVIEWS AND CSA

The Opening Interview is conducted with a motor carrier/shipper official who has knowledge of the entire operation:

- President
- Vice President
- General Manager

COMPLIANCE REVIEWS AND CSA

During the Opening Interview, the investigator:

- ✘ Will explain the purpose of the visit
- ✘ May request a tour of the facilities to see how the general day-to day operations work
- ✘ Will explain the various company records to be reviewed
- ✘ Will ask to talk to the individuals in the company responsible for compliance with the safety, hazardous materials, financial responsibility, and commercial/economic regulations

COMPLIANCE REVIEWS AND CSA

- ✘ Upon the arrival of an investigator at a motor carrier's principal place of business, regional office, or driver work-reporting location, those records that are maintained at such locations must be produced for inspection immediately upon request.
- ✘ A motor carrier with multiple offices or terminals may maintain required records at these locations.
- ✘ All required records maintained at these locations must be made available for inspection upon request by the investigator at the principal place of business or other location specified by the investigator within 48 hours after a request.

COMPLIANCE REVIEWS AND CSA

1. Accident Review – 49 CFR Part 390
2. Financial Responsibility - 49 CFR Part 387
3. Maintenance Review – 49 CFR Part 393 & 396
4. Commercial Drivers License, FMCSRs, Controlled Substance Testing & Driver Review – 49 CFR Part 382, 383, 391 & 392
5. Hours of Service Review – 49 CFR Part 395
6. Hazardous Material (if applicable) – 49 CFR Part 171-180

COMPLIANCE REVIEWS AND CSA

Accident Review – 49 CFR Part 390

- ✘ The review of motor carrier's procedures for handling and evaluating accidents.
- ✘ Inquires about actions that the motor carrier have taken to stop certain type of accidents from reoccurring.
- ✘ It covers the 12 month period prior to the initiation date of the Compliance Review.

COMPLIANCE REVIEWS AND CSA

Financial Responsibility - 49 CFR Part 387 (for Interstate Carriers)

- ✘ Verifies that motor carriers have the required minimum levels of financial responsibility subject to Part 387.
- ✘ Cites violation of Part #387(a) and initiates enforcement action for the motor carriers subject to Part 387 that do not have the required minimum level of financial responsibility in effect.
- ✘ Reviews motor carriers subject to require cargo insurance, property broker's license, offering arbitration on loss and damage claims, and filing of form BOC-3.

COMPLIANCE REVIEWS AND CSA

Financial Responsibility – State of Georgia

(Intrastate Carriers)

- ✘ Georgia Intra-state carriers must have on file a proper Georgia Form E from their insurance company and hold the minimum public liability of \$100,000/\$300,000/\$50,000

COMPLIANCE REVIEWS AND CSA

Maintenance Review – 49 CFR Part 393 & 396

- ✘ The purpose of this review is to establish the effectiveness of the vehicle maintenance practices of the motor carrier or its agent, and to determine the general condition of the motor carrier's vehicles.
- ✘ Review of the vehicle maintenance files. It may also include vehicle inspections and out-of service rate calculations.
- ✘ It covers the 12 month period prior to the initiation date of the Compliance Review or since the prior CR if the period is less than 12 months.

COMPLIANCE REVIEWS AND CSA

Commercial Drivers License, FMCSRs, Controlled Substance Testing & Driver Review – 49 CFR Part 382, 383, 391 & 392

- ✘ Verify company's procedures for hiring drivers, testing for controlled substance and alcohol, and maintaining driving record of drivers.
- ✘ Reviews of drivers qualification files, driving records, drivers license status, payroll records, dispatch records, bills of landing, controlled substance and alcohol testing records, and vehicle maintenance files.

COMPLIANCE REVIEWS AND CSA

Hours of Service Review – 49 CFR Part 395

- ✘ Review for compliance and verify information in the records of duty status (RODS) and/or time records for hour-of-service.
- ✘ It covers the 6 month period prior to the initiation date of the Compliance Review or since the prior CR if the period is less than 6 months. When appropriate this may be expanded beyond the six months.

COMPLIANCE REVIEWS AND CSA

Hazardous Material – 49 CFR Part 171-180

- ✘ Review for compliance hazardous materials shipping papers, material safety data sheets, registration with the Research and Special Program Administration (RSPA), and Hazardous Material incident records.
- ✘ Interview hazmat employees and verify their training and procedures.
- ✘ Check the dock to determine the compliance of shipments in transit.

COMPLIANCE REVIEWS AND CSA

As a result of the Compliance Review, the carrier will be issued a safety rating. The terms used for these ratings are changing:

Old Terms	Corresponding New Terms
Satisfactory	Continue Operations
Conditional	Marginal
Unsatisfactory	Unfit

COMPLIANCE REVIEWS AND CSA

Receiving a satisfactory safety rating for the Compliance Review reveals that the carrier is:

- ✘ in compliance with the FMCSRs and
- ✘ HMRs (if applicable) and
- ✘ has basic safety management controls.
- ✘ The FMCSA will notify the carrier of its rating no later than 60 days after the completion of the Compliance Review

COMPLIANCE REVIEWS AND CSA

If the carrier receives an unsatisfactory rating the FMCSA will notify the carrier no later than 45 days after completion of the Compliance Review of its rating.

- ✘ **Consequences:**

- The carrier's operating authority would be suspended 15 days after the service date of the notice and an Operation Out of Service Order would be imposed, prohibiting the carrier from operating in the U.S., unless the carrier demonstrates, within 10 days of the service date of the notice, that the review contained errors.

- ✘ **Failure to take corrective action:**

- Within 30 days of the Suspension Order, the carrier must take the necessary corrective action specified in the Order or the carrier's provisional operating authority will be revoked.

- ✘ **Follow-up review:**

- A review may be conducted to ensure that all necessary corrective actions have been taken.

COMPLIANCE REVIEWS AND CSA

If a carrier receives a conditional rating as a result of the Compliance Review, the FMCSA will notify the carrier no later than 45 days after completion of the Compliance Review of its rating.

- ✘ **Consequences:**

- The carrier's Operating Authority will be revoked and an Operating Out of Service will be imposed unless it presents evidence of necessary corrective action within 30 days from the service date of the Order.

- ✘ **Follow-up review:**

- A review may be conducted to ensure that all necessary corrective actions have been taken.

COMPLIANCE REVIEWS AND CSA

- ✘ Compliance Review is part of FMCSA's initiative designed to determine whether carriers comply with applicable U.S. safety regulations and conduct safe operations.
- ✘ The Compliance Review is one of the two main components of FMCSA safety monitoring system.
- ✘ The other is roadside performance monitoring.

For Further Information:

- ✘ FMCSA Web site: <http://www.fmcsa.dot.gov>
- ✘ FMCSA Spanish Web site: <http://www.fmcsa.dot.gov/español>