



By Jerome Spear, CSP, CIH

Sound Preparation

Properly preparing for a DOT audit can help ease the nerves.

Whether a company uses a fleet of trucks or has just one commercial vehicle, the anticipation of a U.S. Department of Transportation safety compliance audit can be quite a nerve-racking experience—if you're not prepared.

The best way to pass a DOT audit is to be certain that you are in compliance in the first place, and the company's management team understands the regulations to which they are subject and what records the DOT expects to see.

Staying on top of those regulations will be more important than ever. The Federal Motor Carrier Safety Administration (FMCSR) is introducing a new enforcement and compliance model that will target the safety problems of both motor carriers and their drivers to reduce crashes and fatalities related to commercial motor vehicles.

Rolling out Comprehensive Safety Analysis 2010 (CSA 2010) by the end of this year will establish a new nationwide system for making the roads safer for motor carriers and the public alike. It will also create a new safety measurement system, or SMS, that measures the previous two years of roadside violations and crash data. With SMS, every inspection counts—not just out-of-service violations—and both driver and carrier safety performance are monitored.

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Motor Carrier Safety Rating

The motor carrier safety rating is an evaluation given to an interstate commercial motor carrier and is determined by a DOT audit. The audit may be triggered in response to a request to change a safety rating, investigate potential violations of safety regulations by motor carriers, or investigate complaints or other evidence of safety violations.

One of three safety ratings will be issued following a DOT audit—satisfactory, conditional, or unsatisfactory. The DOT accident registry is an important component in determining a company's motor carrier safety rating. If the company has more than one and a half reportable DOT accidents per million miles, the carrier automatically receives a "conditional" rating before the audit even starts. Depending on the findings, the carrier could receive an "unsatisfactory" rating.

The results of routine roadside truck inspections can also result in a conditional or unsatisfactory rating. The carrier will receive an unsatisfactory rating when the roadside inspections result in "out-of-service" findings of more than 34%, and any hazardous materials deficiencies found during a roadside inspection will result in an unsatisfactory rating.

Generally, once a carrier receives an unsatisfactory motor carrier safety rating, it has 60 days to write a safety management plan that addresses the deficiencies identified in the audit and explain what is being done to improve its fleet safety operation. A subsequent on-site audit will be required in order to determine if the proposed unsatisfactory safety rating becomes final. If an unsat-

isfactory rating becomes final, the carrier will be required to cease interstate motor carrier operations.

An on-site DOT audit evaluates the company's safety performance and confirms proper and complete recordkeeping. The review also determines if the company has adequate management controls in place to ensure FMCSR compliance. A DOT audit covers four main factors: drug and alcohol testing, driver qualifications, hours of service, and vehicle maintenance.

Drug and Alcohol Testing

DOT's substance abuse testing requirements include:

- Pre-employment drug testing (Part 382.301)
- Post-accident drug and alcohol testing (Part 382.303)
- Random drug and alcohol testing (Part 382.305)
- Reasonable suspicion (Part 382.307).

A written drug and alcohol testing policy is required. The policy must be distributed to all drivers with commercial driver licenses, and a signed receipt from each driver must be on file and available for inspection.

The DOT reviews records to determine if testing complied with regulations, tests were conducted on federal custody and control forms, and supervisor training was completed for reasonable suspicion testing.

To gauge whether the company's pre-employment drug testing is sufficient, inspectors pull the records on all newly-hired drivers to ensure there is proper documentation on approved DOT testing forms. If documentation cannot be

provided that new drivers are being tested according to DOT regulations, the audit results will be impacted.

The inspectors will also examine the previous year's program and testing to ensure that 50% of the company's drivers have been randomly tested for drugs and 10% for alcohol.

Driver Qualifications

As part of the DOT audit preparation, the company should pull all driver qualification files which contain information such as when a driver's license will expire, and safety performance files which include forms that address a driver's driving history.

Also present in the files should be documentation of reference checks conducted for all new hires that indicate previous employers were contacted and asked about the new hire's accident and

driver safety training class once a year for high-risk drivers or high-volume drivers, as well as conducting ride-along observations.

In short, companies should be proactive about their drivers' safety and continually observe their performance and provide feedback. A company's insurance carrier might provide driver safety training classes or mock DOT audit training, often at no charge.

Hours of Service

Another factor a DOT safety audit will examine is whether the company's drivers are meeting the hours of service requirements and are keeping accurate and complete log books. The DOT expects six months of driver logs and supporting documents be made available during the review. A carrier is expected to maintain a file (electronic or paper)

This includes inspections that drivers do themselves as well as annual inspections, vehicle maintenance logs, and the qualifications of those employees conducting the inspections. Every repair and maintenance activity must be recorded—even changing a tire.

In addition to containing records of all repairs, inspections, or maintenance performed on that vehicle, the vehicle maintenance file should clearly detail the following:

- Company number (or license plate number)
- Model and year
- Vehicle identification number (VIN) or serial number
- Tire size
- Owner (if not the motor carrier).

Maintenance records are required to be kept in the file for 12 months, and

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safety history. The driver qualification file should also include the driver's employment application in the driver's own handwriting. Hazmat drivers must also clear a background check by the FBI and other law enforcement agencies, as well as the U.S. Citizenship and Immigration Services.

There should also be evidence that every driver's motor vehicle records were obtained (for the previous three years) and examined, as well as documentation of any driver training and testing. The files should also include each driver's medical cards showing the results of their last three years of physical exams, which must be conducted by a licensed doctor according to DOT regulations.

Driver qualification files should also indicate all training the driver received, written tests on traffic regulations, and the results of company-administered road safety tests. I would encourage every company to conduct driver safety training on a regular basis, which may include training at weekly or monthly safety meetings. I also recommend a

for each regulated driver. The DOT examines these logs for violations of:

- Form and manner (395.8[d])
- Hours of service (395.3)
- Falsification of logs.

Form and manner is simply the information required on the driver's log. Hours of service violations occur when a driver exceeds the 11 hours, 14 hours, and 60 hours in seven days or 70 hours in eight days rules. Falsification is checked using supporting documents that may be requested.

A log must be maintained by every driver, according to DOT regulations, so companies must make sure their drivers are filling out their logs completely and not exceeding the maximum hours that are allowed behind the wheel.

Vehicle Maintenance

Part of the DOT audit will verify that every vehicle and trailer a company owns and operates has a written maintenance record that documents the vehicle is in good repair and is being regularly inspected, repaired, and maintained.

annual or periodic inspections must be maintained by the carrier for 14 months. The DOT also verifies that annual or periodic inspections are performed by certified inspectors, and certification is also required for anyone performing brake system work on a commercial motor vehicle.

Roadside inspection documentation should be maintained for at least one year. The DOT examines inspection forms to determine if the carrier has performed required repairs discovered on a vehicle during a roadside inspection, and that a signed inspection form was returned to the issuing agency within 15 days of the completed repairs.

Remember that regardless of the rating a company has going into the audit, a successful audit, or re-audit, can wipe the slate clean. The alternatives—hefty fines, elevated insurance premiums, ceasing operations, and most important, endangering drivers and the public, are risks that can largely be avoided by staying compliant each and every day.

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