


**ATTACHMENT #10**

**2013 COMPLIANCE REVIEW**

**(8 Pages)**

**UNITED STATES DEPARTMENT OF TRANSPORTATION**

	<b>US DOT #</b> 158799	<b>Legal:</b> MULLEN TRUCKING 2005 LTD <b>Operating (DBA):</b> MULLEN TRUCKING LP																						
<b>MC/MX #:</b> 144953		<b>Federal Tax ID:</b>																						
<b>Review Type:</b> Compliance Review (CR)																								
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in another country																						
<b>Territory:</b>																								
<b>Operation Types</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"><b>Interstate</b></td> <td style="width:15%;"><b>Intrastate</b></td> <td colspan="3"></td> </tr> <tr> <td><b>Carrier:</b> HM</td> <td>N/A</td> <td colspan="3"><b>Business:</b> Corporation</td> </tr> <tr> <td><b>Shipper:</b> N/A</td> <td>N/A</td> <td colspan="2"><b>Gross Revenue:</b></td> <td>for year ending: 12/31/2012</td> </tr> <tr> <td><b>Cargo Tank:</b></td> <td>N/A</td> <td colspan="3"></td> </tr> </table>					<b>Interstate</b>	<b>Intrastate</b>				<b>Carrier:</b> HM	N/A	<b>Business:</b> Corporation			<b>Shipper:</b> N/A	N/A	<b>Gross Revenue:</b>		for year ending: 12/31/2012	<b>Cargo Tank:</b>	N/A			
<b>Interstate</b>	<b>Intrastate</b>																							
<b>Carrier:</b> HM	N/A	<b>Business:</b> Corporation																						
<b>Shipper:</b> N/A	N/A	<b>Gross Revenue:</b>		for year ending: 12/31/2012																				
<b>Cargo Tank:</b>	N/A																							
<b>Company Physical Address:</b> #1 MAPLE LEAF ROAD ALDERSYDE, AB T0L 0A0 CANADA  <b>Contact Name:</b> <b>Phone numbers:</b> (1) (2) 800-463-2601 Fax 888-869-8553 <b>E-Mail Address:</b>																								
<b>Company Mailing Address:</b> P O BOX 87 ALDERSYDE, AB T0L 0A0 CANADA																								
<b>Carrier Classification</b> Authorized for Hire																								
<b>Cargo Classification</b> General Freight Oil Field Equipment Other: Paint																								
<b>Hazardous Materials</b> 3 Flammable liquid Carried Non-Bulk 9 Miscellaneous HM Carried Non-Bulk Does carrier transport placardable quantities of HM? Yes Is an HM Permit required? N/A																								
<b>Driver Information</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:10%;"><b>Inter</b></td> <td style="width:10%;"><b>Intra</b></td> <td colspan="3"><b>Average trip leased drivers/month:</b> 0</td> </tr> <tr> <td><b>&lt; 100 Miles:</b></td> <td></td> <td></td> <td colspan="3"><b>Total Drivers:</b> 163</td> </tr> <tr> <td><b>&gt;= 100 Miles:</b></td> <td>163</td> <td></td> <td colspan="3"><b>CDL Drivers:</b> 163</td> </tr> </table>						<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0			<b>&lt; 100 Miles:</b>			<b>Total Drivers:</b> 163			<b>&gt;= 100 Miles:</b>	163		<b>CDL Drivers:</b> 163				
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0																					
<b>&lt; 100 Miles:</b>			<b>Total Drivers:</b> 163																					
<b>&gt;= 100 Miles:</b>	163		<b>CDL Drivers:</b> 163																					
<b>Equipment</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td colspan="3"><b>Owned</b></td> <td colspan="3"><b>Term Leased</b></td> <td colspan="3"><b>Trip Leased</b></td> </tr> <tr> <td>Truck Tractor</td> <td>98</td> <td>95</td> <td>0</td> <td>Trailer</td> <td>485</td> <td>0</td> <td>0</td> </tr> </table> Power units used in the U.S.: 143 Percentage of time used in the U.S.: 70						<b>Owned</b>			<b>Term Leased</b>			<b>Trip Leased</b>			Truck Tractor	98	95	0	Trailer	485	0	0		
	<b>Owned</b>			<b>Term Leased</b>			<b>Trip Leased</b>																	
Truck Tractor	98	95	0	Trailer	485	0	0																	





MULLEN TRUCKING LP (MULLEN TRUCKING 2005 LTD dba)  
U.S. DOT #: 158799

Review Date:  
05/30/2013

**Part A**

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

2880 Skyway Drive  
Helena, MT 59602  
Phone: (406)449-5304 Fax:(406)449-5318

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:**

**Title:** President

**Name:**

**Title:** Director of Safety





**Part B Violations**

1 FEDERAL	Primary: 382.305(i)(3)	Discovered 8	Checked 70	Drivers/Vehicles In Violation	Checked 70
<b>Description</b> Failing to ensure that drivers are tested within the selection period. <b>Example</b> drawn 3rd quarter, tested 10/2/2012 Trip date 04/03/2013.					
2 FEDERAL	Primary: 391.21(a)	Discovered 16	Checked 20	Drivers/Vehicles In Violation	Checked 20
<b>Description</b> Using a driver who has not completed and furnished an employment application. <b>Example</b> 01/07/2013					
3 FEDERAL	Primary: 391.23(a)	Discovered 14	Checked 20	Drivers/Vehicles In Violation	Checked 20
<b>Description</b> Failing to investigate driver's background. <b>Example</b> 03/08/2013					
4 FEDERAL	Primary: 395.3(a)(1)	Discovered 1	Checked 334	Drivers/Vehicles In Violation	Checked 11
<b>Description</b> Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours <b>Example</b> 04/30/2013					
5 FEDERAL	Primary: 395.3(a)(2)	Discovered 1	Checked 334	Drivers/Vehicles In Violation	Checked 11
<b>Description</b> Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty. <b>Example</b> 04/30/2013					
6 FEDERAL	Primary: 395.8(e)	Discovered 1	Checked 75	Drivers/Vehicles In Violation	Checked 11
<b>Description</b> False reports of records of duty status. <b>Example</b> 03/31/2013					





**Part B Violations**

7 FEDERAL	Primary: 395.8(e)	Discovered 16	Checked 75	Drivers/Vehicles In Violation 7	Checked 11
--------------	-------------------	------------------	---------------	---------------------------------------	---------------

**Description**  
False reports of records of duty status. (Non-critical)  
**Example**  
03/07/2013

8 FEDERAL	Primary: 395.8(f)	Discovered 6	Checked 213	Drivers/Vehicles In Violation 2	Checked 11
--------------	-------------------	-----------------	----------------	---------------------------------------	---------------

**Description**  
Failing to require driver to prepare record of duty status in form and manner prescribed.  
**Example**  
03/02/2013.

9 FEDERAL	Primary: 396.3(b)(3)	Discovered 3	Checked 20	Drivers/Vehicles In Violation 3	Checked 20
--------------	----------------------	-----------------	---------------	---------------------------------------	---------------

**Description**  
Failing to keep a record of inspection, repairs and maintenance indicating their date and nature.  
**Example**  
Unit 502. Inspection on 02/27/2013. No record of repair.

<b>Safety Fitness Rating Information:</b> <b>Total Miles Operated</b> 5,169,397 <b>Recordable Accidents</b> 1 <b>Recordable Accidents/Million Miles</b> 0.19	<b>OOS Vehicle (CR):</b> 0 <b>Number of Vehicle Inspected (CR):</b> 0 <b>OOS Vehicle (MCMIS):</b> 3 <b>Number of Vehicles Inspected (MCMIS):</b> 20
---	--

Your proposed safety rating is :          <b>SATISFACTORY</b>	<b>Rating Factors</b>			<b>Acute</b>	<b>Critical</b>
	<b>Factor 1:</b>	S	0	0	
	<b>Factor 2:</b>	S	0	0	
	<b>Factor 3:</b>	S	0	0	
	<b>Factor 4:</b>	S	0	0	
	<b>Factor 5:</b>	S	0	0	
	<b>Factor 6:</b>	S	-	-	

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.



3



**Security Contact Q & A**  
**Sensitive Security Information**

**Security Assessment**

- |   |  |                    |
|---|--|--------------------|
| 1 | Does plan include a specific assessment of possible HM transp. security risks? | <b>Answer: Yes</b> |
| 2 | Does assessment adequately capture specific threats and vulnerabilities (T&V)? | <b>Answer: Yes</b> |
| 3 | Does the assessment adequately capture specific T&V of personnel security?     | <b>Answer: Yes</b> |
| 4 | Does the assessment adequately capture specific T&V of unauthorized access?    | <b>Answer: Yes</b> |
| 5 | Does the assessment adequately capture specific T&V of en route security?      | <b>Answer: Yes</b> |
| 6 | Is the organization's security posture periodically assessed?                  | <b>Answer: Yes</b> |

**Security Plan**

- |    |  |                    |
|----|--|--------------------|
| 7  | Does the security plan correlate to the security assessment in question 2 above? | <b>Answer: Yes</b> |
| 8  | Is the security plan "specific" to the organization?                             | <b>Answer: Yes</b> |
| 9  | Are there written procedures on actions to take in event of a security breach?   | <b>Answer: Yes</b> |
| 10 | Are there written procedures to report the above to law enforcement?             | <b>Answer: Yes</b> |
| 11 | Do security plan measures "vary commensurate with the level of threat"?          | <b>Answer: No</b>  |

Comments

Plan does not vary with level of threat.

**Personnel Security**

- |    |  |                    |
|----|--|--------------------|
| 12 | Are the personnel security measures appropriate for the assessment as written?   | <b>Answer: Yes</b> |
| 13 | Are the personnel security measures adequate even if not all risks identified?   | <b>Answer: Yes</b> |
| 14 | Are the security plan's personnel security measures being followed?              | <b>Answer: Yes</b> |
| 15 | Do all drivers required to have valid CDLs with required endorsements have them? | <b>Answer: Yes</b> |
| 16 | Are required background checks on drivers conducted?                             | <b>Answer: Yes</b> |
| 17 | Is information confirmed for applicants applying for positions dealing with HM?  | <b>Answer: Yes</b> |
| 18 | Are performance standards or PSOs used in the approach to personnel security?    | <b>Answer: Yes</b> |
| 19 | Is citizenship or legal residence status confirmed for all employees?            | <b>Answer: Yes</b> |

**Unauthorized Access**

- |    |   |                    |
|----|---|--------------------|
| 20 | Is the security plan's approach to unauthorized access operation specific?      | <b>Answer: Yes</b> |
| 21 | Are the unauthorized access measures appropriate for the assessment as written? | <b>Answer: Yes</b> |
| 22 | Are the unauthorized access measures adequate even if not all risks identified? | <b>Answer: Yes</b> |
| 23 | Are the security plan's unauthorized access measures being followed?            | <b>Answer: Yes</b> |

**En Route Security**

- |    |   |                    |
|----|---|--------------------|
| 24 | Is the security plan's approach to en route security operation specific?      | <b>Answer: Yes</b> |
| 25 | Are the en route security measures appropriate for the assessment as written? | <b>Answer: Yes</b> |
| 26 | Are State/Indian tribe NRHM (non-RAM) routing designations being followed?    | <b>Answer: N/A</b> |





**Security Contact Q & A**  
**Sensitive Security Information**

- |    |   |             |
|----|---|-------------|
| 27 | Are written route plans provided to drivers of Division 1.1, 1.2, and 1.3 HM?   | Answer: N/A |
| 28 | Are drivers of vehicles transporting HRCQ RAM complying with preferred routing? | Answer: N/A |
| 29 | Are routing guidelines being followed for vehicles transporting NRHM (non-RAM)? | Answer: Yes |
| 30 | Are hazardous materials delivered expeditiously?                                | Answer: Yes |
| 31 | Are the routing regs. and ER instr. provided for Div. 1.1, 1.2, and 1.3 HM?     | Answer: N/A |

**Security Plan Administration**

- |    |  |             |
|----|--|-------------|
| 32 | Is the security plan written?  | Answer: Yes |
| 33 | Is the security plan retained for as long as it remains in effect?             | Answer: Yes |
| 34 | Is the plan (or parts) available to employees responsible for implementing it? | Answer: Yes |
| 35 | Are all copies of the security plan updated and revised as necessary?          | Answer: Yes |
| 36 | Does the organization have fixed management responsibility for security?       | Answer: Yes |

**Security Training**

- |    |  |             |
|----|--|-------------|
| 37 | Has security awareness training been provided to all HM employees on schedule?   | Answer: Yes |
| 38 | Has in-depth training been provided to HM employees with plan responsibilities?  | Answer: Yes |
| 39 | Does the in-depth training include company security objectives?                  | Answer: Yes |
| 40 | Does the in-depth training include specific personnel security procedures?       | Answer: Yes |
| 41 | Does in-depth training material include specific unauthorized access procedures? | Answer: Yes |
| 42 | Does in-depth training material include specific en route security procedures?   | Answer: Yes |
| 43 | Does the in-depth training material include employee responsibilities?           | Answer: Yes |
| 44 | Does in-depth training include actions to take in event of a security breach?    | Answer: Yes |
| 45 | Does in-depth training material include an organizational security structure?    | Answer: Yes |

**Additional Security Management**

- |    |   |             |
|----|---|-------------|
| 46 | Has the organization established partnerships with other agencies for security? | Answer: Yes |
|----|---|-------------|

**Security Plan**

- |    |   |             |
|----|---|-------------|
| 47 | Overall, does the Security Plan conform to Part 172, Subpart 1? | Answer: Yes |
|----|---|-------------|

**Security Plan Administration**

- |    |   |             |
|----|---|-------------|
| 48 | Ensure the individual for security reports to top management. | Answer: Yes |
|----|---|-------------|





## 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>

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.



(8)