


ATTACHMENT #25A

GREAT ESCAPES COMPLIANCE REVIEW

10/18/2011

(7)

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 1369209	Legal: GREAT ESCAPES TOURS & TRAVEL LTD Operating (DBA):								
MC/MX #: 523612 State #: 37972 Federal Tax ID: (EIN)		Review Type: Non-ratable Review - CSA								
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: AA						
Operation Types Interstate Intrastate		Business: Corporation								
Carrier: Non-HM Non-HM		Gross Revenue: for year ending: 12/31/2010								
Shipper: N/A N/A										
Cargo Tank: N/A										
Company Physical Address:										
33 2ND AVENUE BROOKLYN, NY 11215-3011										
Contact Name: Marat Fayer Phone numbers: (1) 718-891-1100 (2) 646-772-9842 Fax 718-891-1900 E-Mail Address: mail@lit2nyc.com										
Company Mailing Address:										
33 2ND AVENUE BROOKLYN, NY 11215-3011										
Carrier Classification										
Authorized for Hire		Exempt for Hire								
Cargo Classification										
Passengers										
Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A										
Driver Information										
	Inter	Intra	Average trip leased drivers/month: 0							
< 100 Miles:			Total Drivers: 65							
>= 100 Miles:	65		CDL Drivers: 65							
Equipment										
	Owned			Term Leased			Trip Leased			
Motor Coach	34	1	0	0	0	0	0	0	0	
Power units used in the U.S.: 35 Percentage of time used in the U.S.: 99										





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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:

One Bowling Green, Room 420
New York, NY 10004
Phone: (212)668-2130 Fax:(212)668-2133

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Marat Fayer

Title: President

Name: Eric L. Brodie

Title: General Counsel





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Part B Violations

1 FEDERAL	Primary: 383.35(a)	Discovered 4	Checked 14	Drivers/Vehicles In Violation	Checked 14
<p>Description Failing to provide the required employment history information to prospective employer for the 10 years preceding the date the application is submitted.</p> <p>Example On 7/09/11 driver _____ was stopped and inspected at Great Adventure Six Flags Park in Ocean County, NJ driving vehicle #239. Four applications of new drivers hired since the last review and still employed appeared incomplete because drivers failed to provide the previous 10 years of employment history including forms for _____</p>					
2 FEDERAL	Primary: 391.51(b)(7)	Discovered 1	Checked 14	Drivers/Vehicles In Violation	Checked 14
<p>Description Failing to maintain medical examiner's certificate in driver's qualification file.</p> <p>Example On 10/03/11 driver _____ drove vehicle #580 from Brooklyn, NY to Atlantic City, NJ. There was no copy of the driver's medical examiner's certificate found in the qualification file for Henry Sheard although a copy was added to the DQF prior to the close out. Driver _____ was examined on 5/03/10 and his current certificate expires on 5/03/12.</p>					
3 FEDERAL	Primary: 395.5(a)(1)	Discovered 1	Checked 337	Drivers/Vehicles In Violation	Checked 11
<p>Description Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours.</p> <p>Example On 8/07/11 driver _____ drove coach #580 for more than 10 hours. He was driving coach #580 from Fayetteville, NC to NY, NY and drove 11.25 hours to complete the trip.</p>					
4 FEDERAL	Primary: 395.8(e)	Discovered 18	Checked 337	Drivers/Vehicles In Violation	Checked 11
<p>Description False reports of records of duty status.</p> <p>Example On 8/04/11 driver _____ was stopped and inspected in Sturbridge, MA driving vehicle #576. Driver _____ was inspected during the time frame 9:28 pm to 9:40 pm but his RODS for that same time period show him on-duty driving in MA.</p>					
5 FEDERAL	Primary: 395.8(f) Secondary: 395.8(f)3-4-5-11-12	Discovered 35	Checked 337	Drivers/Vehicles In Violation	Checked 11
<p>Description Failing to require driver to prepare record of duty status in form and manner prescribed.</p> <p>Example On 8/16/11 driver _____ drove vehicle #578 from Cambridge, MA to NY, NY and failed to record a bill of lading, charter number, or other identification for the line run from MA to NY.</p>					



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Part B Violations

6 FEDERAL	Primary: 395.8(h) Secondary: 395.8(h)(5)	Discovered 5	Checked 337	Drivers/Vehicles In Violation 2	Checked 11
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Description

Failing to complete the graph grid on the driver's record of duty status to include the name of the city, town, or village, with State abbreviation where each change of duty status occurs.

Example

On 8/11/11 driver [redacted] drove vehicles nos. 575, 579, and 747 and made trips from NY to NJ. Driver [redacted] failed to complete his RODS grid at the end of his work day showing several change of status without listing the locations with city and state. Drivers [redacted] and [redacted] failed to complete all RODS grids showing city and state for each change of duty status.

7 FEDERAL	Primary: 396.9(d)(3)	Discovered 6	Checked 37	Drivers/Vehicles In Violation 6	Checked 23
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Description

Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business.

Example

On 7/09/11 driver [redacted] was stopped and inspected at Great Adventure Park in NJ driving vehicle #213. The driver received a log violation but the company had not retained a copy of this report. Missing reports were dated 7/23/11, 7/15/11, three on 7/09/11, and one on 7/04/11.

8 FEDERAL	Primary: 396.11(c)(2)	Discovered 20	Checked 210	Drivers/Vehicles In Violation 6	Checked 7
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Description

Failing to retain vehicle inspection report for at least 3 months.

Example

On 8/15/11 driver [redacted] drove vehicle #235 from Greenfield, NY to Canada and the company did not retain a DVIR for this trip. Several DVIRs were not retained even though drivers showed driving in a particular vehicle on a particular date.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	2,380,000	Number of Vehicle Inspected (CR): 0	
Recordable Accidents	0	OOS Vehicle (MCMIS): 0	
		Number of Vehicles Inspected (MCMIS): 0	

Your proposed safety rating is :

This Review is not Rated.



**Safety Management Process Breakdowns and Remedies**

1. Great Escapes Tours & Travel Ltd could improve the monitoring and tracking of driver qualification records to ensure that required documentation is collected and retained for all new drivers and to ensure that license renewals and medical card renewals continue to be collected and retained when updated.

The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions to ensure that assignments are covered by qualified drivers.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver-qualification records including NYS-19A qualification so that drivers are added and deleted from the NYS-DMV system in a timely manner.
- Evaluate personnel who are monitoring driver-fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.
- Regularly evaluate the company's driver-fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, Qualification & Hiring, Training & Communications, Monitoring & Tracking, and Meaningful Action.).
- Continue to monitor all drivers who are used on an intermittent basis to ensure that they are medically qualified and have the proper license class and endorsement ("P"). Ensure that you collect 7-day statements whenever these drivers report for duty to ensure HOS compliance.
- Monitor and track driver-fitness-related passenger complaints and assess safety implications using your How am I Driving program from Driver's Alert.
- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

2. Great Escapes Tours & Travel Ltd would benefit from meaningful action concerning Hours of Service compliance including a disciplinary policy that might include written reprimands, remedial training, suspensions without pay and termination. Your action should include actions for failure to turn in RODS or supporting documents and for falsification of RODS.

The following are recommended practices related to Meaningful Action.

- Design and implement incentives and/or recognition programs in order to reward and encourage effective performance related to compliance with Hours-of-Service (HOS) regulations and company policy - for example, bonuses, gift certificates, and/or verbal recognition for on-time completion of accurate Records of Duty Status (RODS).
- Reward dispatchers, terminal managers, and safety directors for having a low percentage of runs without fatigued-driving violations.
- Give employees immediate feedback, and require corrective action as soon as the company is aware that fatigued-driving-related issues, such as Hours of Service (HOS), are not being addressed.
- Provide required remedial training to employees with fatigued-driving performance issues that can be addressed by enhancing their knowledge and skills.
- Implement progressive disciplinary measures comprising warning letters, suspensions, and fines, and ultimately leading to termination, focused on taking corrective action to ensure that drivers comply with fatigued-driving-related regulations and company policies. Potential disciplinary measures should correspond to risk posed, with violations associated with high-consequence accidents or incidents being punished more severely.
- Discipline carrier officials for knowingly and willfully allowing violations of Hours-of-Service (HOS)-related



**Safety Management Process Breakdowns and Remedies**

regulations, such as falsifying Records of Duty Status (RODS).

- If a problem related to fatigue is systemic, make adjustments to one or more of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).
3. Retain copies of all completed roadside inspections for 12 months from the date of inspection and keep them at the carrier's principal place of business. Also, be sure that you retain records that show repairs were made when vehicles are placed out of service (OOS) at roadside inspections. Ensure that vehicles declared OOS are not operated until all repairs required by the OOS notice have been satisfactorily completed. Drivers are required to deliver inspection reports to the motor carrier immediately upon return arrival at the carrier's terminal and all violations or defects noted must be corrected before the vehicle is re-dispatched.
 4. Please utilize FMCSA's Data Q system to correct erroneous data (inspection and accident reports) on your carrier profile. To access this system log onto <http://dataqs.fmcsa.dot.gov>, obtain a user name and password and enter any data challenges in this system. In addition, you can track your data challenges throughout the process. Since you show a Level I inspection report from NJ dated 05/14/2011 for driver Yvon Pressoir in coach #746 reported to World Wide Travel of Greater New York and that inspection should have been assigned to Great Escapes Tours & Travel Ltd, use Data Q to correct this error. If you have any questions you may contact our office in Albany, NY at (518) 431-4145.
 5.
 - 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.

