


ATTACHMENT #3

**GREAT ESCAPES 2007 AND 2008
COMPLIANCE REVIEWS**

(24 Pages)

2008 COMPLIANCE REVIEW

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 1369209	Legal: GREAT ESCAPES TOURS & TRAVEL LTD Operating (DBA):																						
MC/MX #: 523612		Federal Tax																						
Review Type: Compliance Review (CR)																								
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:																				
Operation Types <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:15%; text-align:center;">Interstate</td> <td style="width:15%; text-align:center;">Intrastate</td> <td style="width:15%;"></td> <td style="width:40%;"></td> </tr> <tr> <td>Carrier:</td> <td style="text-align:center;">Non-HM</td> <td style="text-align:center;">Non-HM</td> <td colspan="2">Business: Corporation</td> </tr> <tr> <td>Shipper:</td> <td style="text-align:center;">N/A</td> <td style="text-align:center;">N/A</td> <td colspan="2">Gross Revenue:</td> </tr> <tr> <td>Cargo Tank:</td> <td colspan="2" style="text-align:center;">N/A</td> <td colspan="2" style="text-align:right;">for year ending: 12/31/2007</td> </tr> </table>						Interstate	Intrastate			Carrier:	Non-HM	Non-HM	Business: Corporation		Shipper:	N/A	N/A	Gross Revenue:		Cargo Tank:	N/A		for year ending: 12/31/2007	
	Interstate	Intrastate																						
Carrier:	Non-HM	Non-HM	Business: Corporation																					
Shipper:	N/A	N/A	Gross Revenue:																					
Cargo Tank:	N/A		for year ending: 12/31/2007																					
Company Physical Address: 33 2ND AVENUE BROOKLYN, NY 11215 Contact Name: Mark Fayer Phone numbers: (1) 718- 381-1775 (2) Fax 718-381-1804 E-Mail Address:																								
Company Mailing Address: 33 2ND AVENUE BROOKLYN, NY 11215																								
Carrier Classification Authorized for Hire																								
Cargo Classification Passengers Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A																								
Driver Information <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:10%; text-align:center;">Inter</td> <td style="width:10%; text-align:center;">Intra</td> <td colspan="2" style="width:65%;">Average trip leased drivers/month: 0</td> </tr> <tr> <td>< 100 Miles:</td> <td style="text-align:center;">0</td> <td style="text-align:center;">0</td> <td colspan="2">Total Drivers: 59</td> </tr> <tr> <td>>= 100 Miles:</td> <td style="text-align:center;">59</td> <td style="text-align:center;">0</td> <td colspan="2">CDL Drivers: 59</td> </tr> </table>						Inter	Intra	Average trip leased drivers/month: 0		< 100 Miles:	0	0	Total Drivers: 59		>= 100 Miles:	59	0	CDL Drivers: 59						
	Inter	Intra	Average trip leased drivers/month: 0																					
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Equipment <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td colspan="3" style="text-align:center;">Owned Term Leased Trip Leased</td> <td colspan="3" style="text-align:center;">Owned Term Leased Trip Leased</td> </tr> <tr> <td>Motor Coach</td> <td style="text-align:center;">16</td> <td style="text-align:center;">7</td> <td style="text-align:center;">0</td> <td>Van, 9-15</td> <td style="text-align:center;">1</td> <td style="text-align:center;">0</td> <td style="text-align:center;">0</td> </tr> </table>						Owned Term Leased Trip Leased			Owned Term Leased Trip Leased			Motor Coach	16	7	0	Van, 9-15	1	0	0					
	Owned Term Leased Trip Leased			Owned Term Leased Trip Leased																				
Motor Coach	16	7	0	Van, 9-15	1	0	0																	
Power units used in the U.S.: 24 Percentage of time used in the U.S.: 100																								





GREAT ESCAPES TOURS & TRAVEL LTD

U.S. DOT #: 1369209

Review Date:

09/29/2008

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: Mark Fayer

Title: Vice President

Name: Christopher Muldoon

Title: 19A Examiner/DOT Consultant





GREAT ESCAPES TOURS & TRAVEL LTD

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Part B Violations

1 FEDERAL	Primary: 40.25(b) Secondary: 382.105	Discovered 1	Checked 13	Drivers/Vehicles In Violation	Checked 13
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Description

Failing to request information from previous DOT regulated employers of driver applicant for the two years prior to the date of application or transfer.

Example

On 8/1/08, driver drove company vehicle #577 from Brooklyn, NY to Washington, DC in interstate commerce. Carrier failed to request information from previous DOT regulated employers of driver applicant for the two years prior to the date of application.

2 FEDERAL	Primary: 391.23(a)	Discovered 1	Checked 13	Drivers/Vehicles In Violation	Checked 13
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Description

Failing to investigate driver's background.

Example

On 8/13/08, driver drove company vehicle #213 from Brooklyn, NY to Washington, DC in interstate commerce. Carrier failed to investigate driver's safety performance with previous employer.

3 FEDERAL	Primary: 395.5(a)(1)	Discovered 9	Checked 310	Drivers/Vehicles In Violation	Checked 11
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Description

Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive more than 10 hours.

Example

On 8/21/08, driver drove company vehicle #235 from Brooklyn, NY to Arlington, VA in interstate commerce. Driver drove 2 1/2 hours past the 10 hours permitted.

4 FEDERAL	Primary: 395.5(a)(2)	Discovered 1	Checked 310	Drivers/Vehicles In Violation	Checked 11
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Description

Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty 15 hours.

Example

On 8/10/08, driver drove company vehicle #233 from Winston Salem, NC to Queens, NY in interstate commerce. Driver drove 3 hours after being on-duty 15 hours.

5 FEDERAL	Primary: 395.8(e)	Discovered 7	Checked 317	Drivers/Vehicles In Violation	Checked 11
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Description

False reports of records of duty status.

Example

On 8/6/08, driver drove company vehicle #233 from Queens, NY to Greensboro, NC in interstate commerce. Driver has an off-duty log from 8/3/08 to 8/6/08 but also has another on-duty log for 8/6/08 showing driving from Queens, NY to Greensboro, NC.



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Part B Violations

6 FEDERAL	Primary: 395.8(f)	Discovered 162	Checked 317	Drivers/Vehicles In Violation	Checked 11
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Description

Failing to require driver to prepare record of duty status in form and manner prescribed.
On 8/17/08, driver _____ drove company vehicle #213 from Brooklyn, NY to Washington, DC in interstate commerce. Driver log is missing charter number, total hours and main office address.

7 FEDERAL	Primary: 395.8(k)(1)	Discovered 24	Checked 341	Drivers/Vehicles In Violation	Checked 11
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Description

Failing to preserve driver's record of duty status for 6 months.

Example

On 8/6/08, driver _____ drove company vehicle #578 from New York, NY to Winston Salem, NC in interstate commerce. Carrier failed to preserve driver logs for 6 months. Carrier explained some of the drivers are not turning in off-duty logs.

8 FEDERAL	Primary: 396.11(c)(1)	Discovered 2	Checked 10	Drivers/Vehicles In Violation	Checked 7
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Description

Failing to certify that repairs were made or were not necessary.

Example

Company vehicle #580 for 8/10/08 and 8/15/08.

9 FEDERAL	Primary: 396.13(c)	Discovered 13	Checked 139	Drivers/Vehicles In Violation	Checked 7
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Description

Failing to require driver to sign vehicle inspection report when defects or deficiencies were noted.

Example

Company vehicle #235 mostly for driver _____. Driver signs pre-trip but not post-trip which is the one that requires the signature and documentation.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	1,105,000	Number of Vehicle Inspected (CR): 0	
Recordable Accidents	0	OOS Vehicle (MCMIS): 1	
Recordable Accidents/Million Miles	0.00	Number of Vehicles Inspected (MCMIS): 5	

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

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





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Part B Requirements and/or Recommendations

1. As the employer, you must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process.
2. You must obtain written authorization from new drivers to check with their previous employers during the preceding three years concerning any drug and alcohol tests that were performed or any refusals that were made. If feasible, obtain this information before a driver drives a commercial motor vehicle for your company. If not feasible, obtain the information as soon as possible. You must not permit the employee to perform safety-sensitive duties after 30 days from the date on which the employee first performed safety-sensitive duties, unless you have made and documented a good faith effort to obtain the information.

Also, if you plan to hire any new CDL drivers you need to be sure that that person receives a pre-employment controlled substances test and that you get the negative results back prior to using the driver to drive your equipment

3. Maintain all required records of your alcohol and controlled substances testing program in a secure location with controlled access. Records have varied periods of retention according to the regulations specified in Part 382.401. Administrative records required to be retained include a copy of your alcohol and controlled-substances testing policy and procedures as well as quarterly laboratory statistical summaries of urinalysis required by Part 40.29(g)(6).

The following documents have to be kept for the time period noted:

Five Years:

- o Alcohol test results indicating a Breath Alcohol Concentration (BAC) of 0.02 or greater
- o Verified positive drug test results
- o Refusals to submit to required alcohol and drug tests
- o Driver evaluations and referrals
- o Required calibration of Evidential Breath Testing (EBT) devices
- o A copy of each calendar year summary required by 382.403.

Two Years:

- o Records related to the collection process

One Year:

- o Negative and canceled controlled substance test results
- o Alcohol test results indicating a BAC of less than 0.02

Indefinite Period:

- o Education and training records

4. Maintain a complete file as required for each driver, documenting the qualification process. Each file should include:
 - Application for Employment
 - Employment and driving record background checks
 - Current medical certificate
 - Copy of driver's license or road test
 - Annual list of violations
 - Annual driving record check and annual review.

5. Driver qualification files are to be kept for the duration of the driver's employment and three years thereafter.

The following records may be removed from a driver's qualification file three years after the date of execution



**Part B Requirements and/or Recommendations**

- o the medical examiner's certificate
 - o annual review of driving record
 - o annual list of violations
 - o annual MVR
 - o the letter granting a waiver of a physical disqualification
6. As the employer requesting the information regarding driver previous positive results and refusal to test, you must maintain a written, confidential record of the information you obtain or of the good faith efforts you made to obtain the information. You must retain this information for three years from the date of the employee's first performance of safety-sensitive duties for you.
 7. Investigate each driver's employment record using personal interviews, telephone interviews, letters, e-mail, or any other way of obtaining information that you deem appropriate. Make a written record with respect to each past employer who was contacted and include the employer's name, the date contacted, and his/her comments with respect to the driver. Also record any failed attempts to contact previous employers. Do this research on drivers within the first 30 days after you hire them. Retain your records and make them part of the driver's qualifications file.
 8. Establish a system to control drivers' hours of service. Do not drive yourself or dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not violate the hours of service regulations yourself or allow your drivers to exceed the 10, 15, and 60/70 hour limits.
 9. Ensure that all work time logged by drivers on records of duty status (RODS) are accurate. You can check your trip document against the drivers' RODS and bring any discrepancies to the attention of the driver to correct them. RODS must be accurate and not be falsified in any way. For example, if drivers are driving on a particular day, then their RODS for that same day should not show off duty.
 10. Ensure that driver's record of duty status (RODS) are completely filled out in accordance with Part 395.8(f) including: current entries; all entries made by the driver only; date; total miles for the day; identification of the motor vehicle by company number or license plate number; name of the motor carrier; record signed by the driver; record of all days off; filled in total hours for each category and also have the hours total up to 24 hours; the bill of lading number, trip number, tour number, or other identification of the commodities transported in the Remarks section. In addition, for each change of duty status (e.g., the place of reporting for work, starting to drive, on-duty not driving, and where released from work), drivers should record the name of the city, town or village, with state abbreviation. If the change of duty status occurs at a location other than a city, town or village, show alternatives described in Part 395.8(b).
 11. Keep records of duty status (RODS) and supporting documentation for all commercial motor vehicle drivers that you employ. Be sure that RODS are submitted every 13 days following the completion of the forms. Check to see that RODS meet all requirements in Part 395.8 and that a driver records all the required information in his/her own handwriting, and signs and dates each record. In addition, all supporting documents for driver's trips including bills of lading, trip reports, or other shipping papers, toll receipts, fuel receipts, overnight lodging receipts, and any other documentation which pertains to a particular trip should be retained at the carrier's principal place of business. All RODS and supporting documents must be retained for at least six months.
 12. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.
 13. Ensure that drivers prepare post-trip inspections for each day that they drive a commercial motor vehicle, including days when vehicles are just moved from one of your office locations to another. Anytime a vehicle is in use, a Daily Vehicle Inspection Report (DVIR) should be prepared by the driver. This means that if a motor coach is used twice in one day, then you should have two separate DVIRs for that date signed by the different drivers. Keep all DVIR records on file for 90 days. Since you need to retain these same records for the NYS-DOT semi-annual inspections, do not throw these reports out when NYC-DOT inspects your vehicles.





Part B Requirements and/or Recommendations

14. Keep maintenance records for all commercial motor vehicles that identify the vehicle by company number, make, serial number, year and tire size. In addition, if the vehicle is not owned, identify the name of the person/company furnishing the vehicle. Retain copies of the registrations of any vehicles that you trip lease along with the leasing contract.

Also, indicate in your maintenance records the nature and due dates of the various inspection and maintenance operations to be performed. Maintenance records have to be maintained for a period of 1 year and for 6 months after the motor vehicle leaves the motor carrier's control.

15. 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. If you notice that inspection reports on your carrier profile do not reflect your drivers or equipment, you must contact the state in which the inspections were performed and notify them of the error(s). Failure to correct your profile will result in the inspection report being counted against your DOT number and authority for safety defect violations including OOS drivers and/or vehicles. Phone numbers to contact for each state are listed at the end of your profile report.
16. Please maintain records of tests conducted every 90 days on pushout windows, emergency doors, and emergency door marking lights on buses.
17. If you find any discrepancies with the information found in your carrier profile, you can request to have the information amended, updated or removed by visiting <http://dataqs.fmcsa.dot.gov>
18. Each motor carrier that conducts operations in interstate commerce (or intrastate commerce if the carrier requires a Safety Permit as per § 385.400 of this chapter) must file a Motor Carrier Identification Report, Form MCS-150, or the Combined Motor Carrier Identification Report and HM Permit Application, Form MCS-150B for permitted carriers, at the following times:

(1) Before it begins operations; and

(2) Every 24 months, according to the following schedule:

USDOT Number ending in:	Must file by last day of:
1.....	January.
2.....	February.
3.....	March.
4.....	April.
5.....	May.
6.....	June.
7.....	July.
8.....	August.
9.....	September.
0.....	October.

(3) If the next-to-last digit of its USDOT number is odd, the motor carrier shall file its update in every odd-numbered calendar year. If the next-to-last digit of the USDOT number is even, the motor carrier shall file its update in every even-numbered calendar year.

The Motor Carrier Identification Report, Form MCS-150, and the Combined Motor Carrier Identification Report and HM Permit Application, Form MCS-150B, with complete instructions, are available from the FMCSA Web site at: <http://www.fmcsa.dot.gov> (Keyword "MCS-150" or "MCS-150B"); from all FMCSA Service Centers and Division offices nationwide; or by calling 1-800-832-5660.





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Part B Requirements and/or Recommendations

The form may be filed electronically according to the instructions at the agency's web site at www.fmcsa.dot.gov, or it may be sent to Federal Motor Carrier Safety Administration, Data Analysis and Information Systems, MC-RIS, 400 Seventh Street, SW, Washington, DC 20590.

A for-hire motor carrier should submit the Form MCS-150, or Form MCS-150B, along with its application for operating authority (Form OP-1 or OP-2), to the appropriate address referenced on that form, or may submit it electronically or by mail separately to the address mentioned in this section.

A motor carrier that registers its vehicles in a State that participates in the Performance and Registration Information Systems Management (PRISM) program (authorized under section 4004 of the Transportation Equity Act for the 21st Century [(Public Law 105-178, 112 Stat. 107)]) is exempt from the requirements of this section, provided it files all the required information with the appropriate State office.

19. The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor 6 on the Compliance Review. If so, the motor carrier must submit the compelling evidence within 5 calendar days to:

Brian K. Temperine
Federal Motor Carrier Safety Administration
Leo W. O'Brien Federal Building, Room 815
Albany, NY 12207

Compelling evidence should include (but is not limited to) official police accident reports and official insurance accident investigation reports.

20. NYS Department of Motor Vehicles has a License Event Notification Service (LENS). LENS can give you important information about your drivers' records. Once you've enrolled, LENS automatically notifies you of driver license events that occur on your drivers. There is a fee involved, but you will be able to identify problem drivers quickly, which will allow you to stay abreast of any driving activities your drivers have encountered. Some of the driver license event notifications you can receive from LENS are: expiration, suspension or revocation of a driver license; restoration of a driver license; traffic law convictions; reportable accidents; and completion of a training course to reduce points and insurance premiums.

To request a LENS account, contact the LENS Help Line (518) 486-4480 or e-mail the LENS Help Desk at LENS@dmv.state.ny.us

The website is <http://www.nydmv.state.ny.us/LENS/default.html>.

21. You may obtain motor carrier information on line, for free, about your company and other carriers, including roadside inspection details, from FMCSA's Analysis & Information On Line website at <http://www.ai.volpe.dot.gov/mcspa.asp>. To obtain the most details, including driver information, for your company's inspection reports, you must obtain a PIN by picking the "A & I User Login" button and following the instructions. Once you have your PIN:
1. Login
 2. Pick "Safestat Online" button from main menu.
 3. Enter USDOT number and click search button.
 4. Pick "Vehicle" button at top of page.
 5. From the "New Reports" drop down menu, pick "All Vehicle Inspections".
 6. Scroll down, vehicle inspection table is shown. Inspection details may be viewed by picking the record number desired from the first column of the table.

*If you don't obtain a PIN, roadside inspection details may still be viewed by following the steps 2 through 6, but driver information will not be shown.





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Part B Requirements and/or Recommendations

22. Within 30 days, send a letter to our office describing what actions you have taken in response to this review to ensure you are complying with the Federal Motor Carrier Safety Regulations. This letter should be sent to:

Federal Motor Carrier Safety Administration
One Bowling Green, Room 420
New York, NY 10004
Attn: Doris Eusebio

23. If you have any questions concerning this report, please contact the Federal Motor Carrier Safety Administration at:

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





GREAT ESCAPES TOURS & TRAVEL LTD
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Review Date:
09/29/2008

Part C

Reason for Review: Other Investigator Request
Planned Action: Compliance Monitoring
Safestat Category: H

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

<u>Prior Reviews</u>	<u>Prior Prosecutions</u>
2/15/2007	5/9/2006
3/20/2006	

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Yes - Interstate and Intrastate

Does carrier transport placardable quantities of hazardous materials?

45-Day - Interstate Passenger

Unsat/Unfit rule:

Special Study Information:

Corporate Contact: Mark Fayer
Corporate Contact Title: Vice President

Remarks:

A review of Great Escapes Tours & Travel LTD was requested by the investigators during the review of this carrier's sister company, World Wide Travel of Greater New York. The two companies share the same office, same drivers and lease each others vehicles. This is the carrier's third compliance review. The second review was conducted on 2/15/07 with a satisfactory rating and the first review was conducted on 3/20/06 that resulted in a conditional rating with enforcement. The carrier is a for-hire motor coach carrier that provides charters and tours on the east coast. The carrier president Mr. Michael Shub was not available for the review. Carrier vice president Mr. Mark Fayer was available throughout the review and at the close-out. Carrier DOT Consultant/19A Examiner, Mr. Christopher Muldoon, who is also a detective for the city, prepared all the paperwork for the review and was available during the first day of the review and at the close-out. Carrier is involved in the NYS 19A program.

Carrier vice president Mr. Fayer provided the gross revenue and mileage for the past 4 quarters. The carrier has a \$5 million liability insurance policy with RLI Insurance Company under policy number [redacted]. A copy of the MCS-90B was provided. L&I is up-to-date with the carrier showing active MC authority. Carrier had no recordable accidents in the past 12 months. The carrier profile showed no accident history and there were enough roadside inspections in the past 12 months to calculate the out of service rate. The OOS rate was calculated to be 20%.

With the carrier operating 57 passenger motor coaches using CDL drivers, they are required to comply with Parts 382/40. The carrier has been using Healthcor Corporate Medical Services as their consortium. Since carrier share the same drivers with its sister company, the account name with HealthCor is World Wide Travel of Greater New York/Great Escapes Tours & Travel. Carrier is in their own random pool with an average number of 32 drivers in calendar year 2007. Percentage for both controlled substance and alcohol testing were met for the year. The random list provided by the consortium was up to date. All DQ files showed the driver signing a receipt for reviewing the company drug and alcohol testing policy. All DQ files also showed previous employer checks regarding drug and alcohol except one driver. There were 29 drivers hired in the previous 12 months and they all showed negative pre-employment test results in their files. Carrier explained that they hired almost 30 drivers in March of 2008 due to a new contract with Mohegan Sun after Bestway Coach went out of business. However, carrier stated that they lost the contract with Mohegan Sun to Kevin Travel in Massachusetts due to some political reason so they will not be retaining all the drivers hired in March. Carrier stated that some of the drivers already went to work for Kevin Travel. Carrier is keeping most of those drivers hired in March part-time right now to see if business will pick up. If business does not improve then carrier will have to let some of the drivers go. Carrier have three people in their office trained in reasonable suspicion testing including the dispatcher, the DOT consultant and carrier vice president Mr. Fayer. Carrier has a very good understanding of Part 382 requirements.





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Part C

The carrier had retained extremely comprehensive driver files required under the Federal regulations. The carrier maintains 3 driver files per driver including a NYS-19A file, a FMCSA file and a Department of Education Certification file. Carrier works often with schools for fields trips. Only one driver out of our sample did not have the previous employer check. Twenty of the carrier's drivers were checked in CDLIS and they all showed valid licenses.

RODS were retained for all their drivers and provided to me. Most of the RODS reviewed in our 395 sample were complete with minor form and manner violations. There were a number of missing logs for several drivers and those were determined to be off-duty logs. In addition, there appeared to be several false logs based on a review of the tour schedule, job order itineraries for charters and tours, fuel receipts and EZPass documentation. However, most of the false logs were due to one driver noting several off-duty days on one log but also has on-duty logs for some of those days. There were a number of 10 hours violations. Most of the violations were due to Friday trips from New York City to Virginia. The carrier uses Wright Express for fuel and each driver have a card. EZPass tags are assigned to each vehicle.

The carrier currently owns 16 motor coaches seating 57 passengers and leases 7 buses from their sister company World Wide Travel of Greater New York. Both companies have expanded very fast since the previous review. Carrier moved to a new location in December of 2007 which houses their offices and maintenance facility in one building. Carrier currently employs 3 full-time mechanics and two full-time helpers. Carrier had very complete coach maintenance files. The carrier maintains a binder for each of their buses with identifiable information and due dates for various pm's on the front of the binder. Due dates for various preventative maintenance are also kept on an Excel spreadsheet on carrier's computer. Each binder includes NYSDOT inspections every 6 months, mechanic work orders for repairs, insurance and registration documents and receipts for parts. The carrier's mechanic conducts tests and inspections of emergency push out windows and hatches, oil changes and pm's once a month. Carrier does maintain all its roadside inspections in the past 12 months. DVIRs are maintained by vehicle number and kept with the maintenance folders. There were a number of DVIRs not signed by the driver and two of the DVIRs where the driver noted defects were not signed off by the mechanic as repairs made or not required for safe operation of the vehicle. Carrier had an excellent maintenance program in place.

Mr. Fayer and Mr. Muldoon is very knowledgeable of the FMCSRs and has kept excellent paperwork. Carrier is very cooperative and has an excellent safety program in place.


Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:



2007 COMPLIANCE REVIEW



UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 1369209	Legal: GREAT ESCAPES TOURS & TRAVEL LTD Operating (DBA):				
MC/MX #: 523612		Federal Tax ID:				
Review Type: Compliance Review (CR)						
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: A		
Operation Types		Interstate	Intrastate	Business: Corporation Gross Revenue: for year ending: 12/31/2006		
Carrier: Non-HM		Non-HM				
Shipper: N/A		N/A				
Cargo Tank: N/A						
Company Physical Address:						
3047 AVE U BROOKLYN, NY 11229						
Contact Name: Mark Fayer						
Phone numbers: (1) 718- 891-1100		(2)	Fax 718-891-1900			
E-Mail Address:						
Company Mailing Address:						
3047 AVE U BROOKLYN, NY 11229						
Carrier Classification						
Authorized 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 Total Drivers: 25 CDL Drivers: 25		
< 100 Miles:		0	0			
>= 100 Miles:		25	0			
Equipment						
	Owned Term Leased Trip Leased			Owned Term Leased Trip Leased		
Motor Coach	5	0	7			
Power units used in the U.S.: 12						
Percentage of time used in the U.S.: 100						



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GREAT ESCAPES TOURS & TRAVEL LTD

U.S. DOT #: 1369209

Review Date:

02/15/2007

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: Mark Fayer

Title: Vice President

Name: Michael Shub

Title: President



(16)



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Part B Violations

1 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description Failing to ensure persons designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.					
Example On 1/17/07, driver drove bus #258 with NYS license plate #24847BA from Brooklyn, NY to Atlantic City, NJ in interstate commerce. Carrier failed to have a person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.					
2 FEDERAL	Primary: 391.21(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Using a driver who has not completed and furnished an employment application.					
Example On 1/13/07, driver drove bus #258 with NYS license plate #24847BA from Brooklyn, NY to Timonium, MD in interstate commerce. Driver employment application has no 3 years traffic conviction and accident history.					
3 FEDERAL	Primary: 391.23(c)	Discovered 1	Checked 5	Drivers/Vehicles In Violation	Checked 5
Description Failing to investigate driver's background within 30 days of employment.					
Example On 1/15/07, driver drove bus #255 with NYS license plate #24853BA from Brooklyn, NY to Washington, DC in interstate commerce. Driver was hired on 10/6/06 and previous employer check was done until 1/11/07.					
4 FEDERAL	Primary: 395.8(f)	Discovered 36	Checked 152	Drivers/Vehicles In Violation	Checked 5
Description Failing to require driver to prepare record of duty status in form and manner prescribed.					
Example On 12/30/06, driver drove bus #258 with NYS license plate #24847BA from Brooklyn, NY to Atlantic City, NJ in interstate commerce. Driver log is missing charter number.					
5 FEDERAL	Primary: 395.8(k)(1)	Discovered 3	Checked 155	Drivers/Vehicles In Violation	Checked 5
Description Failing to preserve driver's record of duty status for 6 months.					
Example On 1/14/07, driver drove bus #239 with NYS license plate #50952BA from Brooklyn, NY to Atlantic City, NJ in interstate commerce. Carrier failed to preserve logs for 6 months.					





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Part B Violations

6 FEDERAL	Primary: 396.9(d)(3)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
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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.
On 1/6/07, driver _____ drove bus #238 with NYS license plate #24844BA from Brooklyn, NY to Middletown, CT in interstate commerce. Carrier failed to maintain roadside inspection report for inspection conducted on 11/15/06 with driver _____.

7 FEDERAL	Primary: 396.11(c)(2)	Discovered 5	Checked 66	Drivers/Vehicles In Violation 3	Checked 5
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Description

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

Example

On 1/28/07, driver _____ drove bus #236 with NYS license plate #24854BA from Bushkill, PA to Brooklyn, NY in interstate commerce. Carrier failed to retain a DVIR for that driver for that day.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0
Total Miles Operated	210,000	Number of Vehicle Inspected (CR): 0
Recordable Accidents	0	OOS Vehicle (MCMIS): 0
Recordable Accidents/Million Miles	0.00	Number of Vehicles Inspected (MCMIS): 2

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

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





Part B Requirements and/or Recommendations

1. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol and controlled substance for each of its surviving drivers:
 - Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved a fatality
 - Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
2. As the employer, you must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process.
3. The number of random tests that are required depends on how many drivers you employ. The minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions. The minimum annual percentage rate for random controlled substances testing shall be 50 percent of the average number of driver positions. For example, if you employ an average of 20 drivers during the calendar year, you must test at least 2 drivers for alcohol and 10 drivers for controlled substances. If your drivers are part of a larger group of drivers maintained by your consortium; then the consortium driver pool must meet the 10% and 50% testing requirements.
4. You must obtain written authorization from new drivers to check with their previous employers during the preceding three years concerning any drug and alcohol tests that were performed or any refusals that were made. If feasible, obtain this information before a driver drives a commercial motor vehicle for your company. If not feasible, obtain the information as soon as possible. You must not permit the employee to perform safety-sensitive duties after 30 days from the date on which the employee first performed safety-sensitive duties, unless you have made and documented a good faith effort to obtain the information.

Also, if you plan to hire any new CDL drivers you need to be sure that that person receives a pre-employment controlled substances test and that you get the negative results back prior to using the driver to drive your equipment

5. Maintain all required records of your alcohol and controlled substances testing program in a secure location with controlled access. Records have varied periods of retention according to the regulations specified in Part 382.401. Administrative records required to be retained include a copy of your alcohol and controlled-substances testing policy and procedures as well as quarterly laboratory statistical summaries of urinalysis required by Part 40.29(g)(6).

The following documents have to be kept for the time period noted:

Five Years:

- o Alcohol test results indicating a Breath Alcohol Concentration (BAC) of 0.02 or greater
- o Verified positive drug test results
- o Refusals to submit to required alcohol and drug tests
- o Driver evaluations and referrals
- o Required calibration of Evidential Breath Testing (EBT) devices
- o A copy of each calendar year summary required by 382.403.





Part B Requirements and/or Recommendations

Two Years:

- o Records related to the collection process

One Year:

- o Negative and canceled controlled substance test results
- o Alcohol test results indicating a BAC of less than 0.02

Indefinite Period:

- o Education and training records

6. Training for supervisors is required so that they may determine whether reasonable suspicion exists to require a driver to undergo testing under Part 382.307. This training has minimum requirements including the physical, behavioral, speech, and performance indications of probable alcohol misuse and use of controlled substances. In addition, documentation of this training is required, and you must have certification that any training conducted complies with the requirement for such training. A certificate of completed training identifying the subject training and all parts completed should be retained in the supervisor's file or in another file related to Part 382 training.
7. Maintain a complete file as required for each driver, documenting the qualification process. Each file should include:
- Application for Employment
 - Employment and driving record background checks
 - Current medical certificate
 - Copy of driver's license or road test
 - Annual list of violations
 - Annual driving record check and annual review.
8. Each motor carrier shall, at least once every 12 months, make an inquiry into the driving record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period. A copy of the response from each State agency to the inquiry required shall be maintained in the driver's qualification file.

Each motor carrier shall, at least once every 12 months, review the driving record of each driver it employs to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive a commercial motor vehicle. A note, including the name of the person who performed the review of the driving record required and the date of such review, shall be maintained in the driver's qualification file.

Each motor carrier shall, at least once every 12 months, require each driver it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances (other than violations involving only parking) of which the driver has been convicted or on account of which he/she has forfeited bond or collateral during the preceding 12 months. The motor carrier shall retain the list or certificate required by this section, or a copy of it, in its files as part of the driver's qualification file.

9. Driver qualification files are to be kept for the duration of the driver's employment and three years thereafter.

The following records may be removed from a driver's qualification file three years after the date of execution

- o the medical examiner's certificate
- o annual review of driving record
- o annual list of violations
- o annual MVR
- o the letter granting a waiver of a physical disqualification

10. Ensure that drivers complete an application for employment which meets all the criteria outlined in Part 391.21(b),





Part B Requirements and/or Recommendations

that the application is signed and dated by the applicant, and that all sections are completely and fully filled out, particularly dates of previous employment, accident details, commercial motor vehicle experience, and any violations of motor vehicle laws or ordinances.

11. Establish a system to control drivers' hours of service. Do not drive yourself or dispatch drivers who don't have adequate hours available to complete assigned trips legally. Do not violate the hours of service regulations yourself or allow your drivers to exceed the 10, 15, and 60/70 hour limits.
12. Ensure that all work time logged by drivers on records of duty status (RODS) are accurate. You can check your trip document against the drivers' RODS and bring any discrepancies to the attention of the driver to correct them. RODS must be accurate and not be falsified in any way. For example, if drivers are driving on a particular day, then their RODS for that same day should not show off duty.
13. Keep records of duty status (RODS) and supporting documentation for all commercial motor vehicle drivers that you employ. Be sure that RODS are submitted every 13 days following the completion of the forms. Check to see that RODS meet all requirements in Part 395.8 and that a driver records all the required information in his/her own handwriting, and signs and dates each record. In addition, all supporting documents for driver's trips including bills of lading, trip reports, or other shipping papers, toll receipts, fuel receipts, overnight lodging receipts, and any other documentation which pertains to a particular trip should be retained at the carrier's principal place of business. All RODS and supporting documents must be retained for at least six months.
14. Ensure that drivers prepare post-trip inspections for each day that they drive a commercial motor vehicle, including days when vehicles are just moved from one of your office locations to another. Anytime a vehicle is in use, a Daily Vehicle Inspection Report (DVIR) should be prepared by the driver. This means that if a motor coach is used twice in one day, then you should have two separate DVIRs for that date signed by the different drivers. Keep all DVIR records on file for 90 days. Since you need to retain these same records for the NYS-DOT semi-annual inspections, do not throw these reports out when NYC-DOT inspects your vehicles.
15. Ensure all vehicles are systematically repaired and maintained. Establish a complete file for each vehicle, recording all repair, maintenance and inspection operations performed. If vehicles are leased, you still have a responsibility to ensure proper maintenance. Consequently, you should create your own files for leased vehicles, and contact your leasing agent at least twice a year and get copies of maintenance, inspection and repair information. You must have files and complete information on all the power units and trailers that you use, whether the equipment is owned or leased.
16. Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Be sure the use vehicle inspection reports that cover the minimum parts and accessories identified in Part 396.11 including all brakes, steering, lights, tires, horn, windshield wipers, rear vision mirrors, coupling devices, wheels and rims, and emergency equipment. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.
17. 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. If you notice that inspection reports on your carrier profile do not reflect your drivers or equipment, you must contact the state in which the inspections were performed and notify them of the error(s). Failure to correct your profile will result in the inspection report being counted against your DOT number and authority for safety defect violations including OOS drivers and/or vehicles. Phone numbers to contact for each state are listed at the end of your profile report.
18. PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations or the Federal Motor Carrier Commercial Regulations may





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also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for the receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this compliance review may be used to calculate any civil penalty proposed as a result of this compliance review. Your signature is not an admission of the violations identified to you by the investigator.

19. If you have any questions concerning this report, please contact the Federal Motor Carrier Safety Administration at:

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





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Part C

Reason for Review: Conditional Carrier
Planned Action: Compliance Monitoring
Safestat Category: G

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

<u>Prior Reviews</u>	<u>Prior Prosecutions</u>
3/20/2006	8/9/2006

Unsat/Unfit Information

Does passenger vehicle transport more than 15 passengers, including driver? Yes - Interstate and Intrastate
Does carrier transport placardable quantities of hazardous materials?
Unsat/Unfit rule:45-Day - Interstate Passenger

Corporate Contact: Mark Fayer
Corporate Contact Title: Vice President

Special Study Information:

Remarks:

Great Escapes Tours & Travel LTD was investigated because this carrier appeared on the "active carrier with conditional rating" list. This is the carrier's second compliance review. The previous review was conducted on 3/20/06 that resulted in a conditional rating. The carrier is a for-hire motor coach carrier that provides charters and tours on the east coast. The carrier president Mr. Michael Shub was in and out of the office and was not available for the close-out. Carrier vice president Mr. Mark Fayer was available throughout the review and at the close-out. Carrier DOT Consultant, Mr. Christopher Muldoon, who is also a detective for the city, all the paperwork for the review but was not available during the review. Carrier is involved in the NYS 19A program. Carrier owners Mr. Shub and Mr. Fayer also operate another motor coach company named World Wide Travel of Greater New York. The two companies are sister companies and share the same office. A compliance review of World Wide Travel of Greater New York was also conducted. Both companies shared the same drivers.

Carrier vice president Mr. Fayer provided the gross revenue and mileage for the past 4 quarters. The carrier has a \$5 million liability insurance policy with RLI Insurance Company under policy number [redacted]. A copy of the MCS-90B was provided. L&I is up-to-date with the carrier showing active MC authority. Carrier had no recordable accidents in the past 12 months. The carrier profile showed no accident history and only two level 1 roadside inspections in the past 12 months. The OOS rate could not be calculated due to the carrier only having two roadside inspection and vehicles were no available for inspection.

With the carrier operating 57 passenger motor coaches using CDL drivers, they are required to comply with Parts 382/40. The carrier has been using Healthcor Corporate Medical Services as their consortium. Carrier is in their own random pool under World Wide Travel of Greater New York with an average number of 25 drivers. Percentage for both controlled substance and alcohol testing were met for the year. The random list provided by the consortium was up to date. All DQ files showed the driver signing a receipt for reviewing the company drug and alcohol testing policy. DQ files also showed previous employer checks regarding drug and alcohol. There were 3 drivers hired in the past 12 months and they all showed negative pre-employment test results. One driver was tested positive for drugs in the past 12 months and he was immediately terminated. Carrier did not have anyone in their office trained in reasonable suspicion testing but once they were notified of this, they immediately contacted their consortium and the maintenance manager who deals with the drivers on a daily basis signed up for a class on 2/15/07.

The carrier had retained very comprehensive driver files required under the Federal regulations. The carrier maintains 3 driver files per driver including a NYS-19A file, a FMCSA file and a Department of Education Certification file. Carrier works often with schools for fields trips. Carrier had minor violations such as incomplete applications and not investigating a driver's background within 30 days. All of the carrier's drivers were checked in CDLIS and they all showed valid licenses.





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Part C

On the previous review, carrier was cited for using driver _____, who had diabetes and was on insulin, to drive in interstate commerce. Driver _____ was terminated after the previous review but has since been re-hired by the carrier. Driver _____ has changed his medication and re-certified by his doctor.

RODS were retained for all their drivers and provided to me. Most of the RODS reviewed in our 395 sample were complete with minor form and manner violations. There were several missing logs for one driver and the carrier determined those were off-duty logs. In addition, there appeared to be no false logs based on a review of the tour schedule, job order itineraries for charters and tours, fuel receipts and EZPass documentation. The carrier uses Wright Express for fuel and each driver have a card. The carrier use to let the drivers switch EZPass tags around, however, since the previous review, tags are assigned to each vehicle.

The carrier currently operates 5 motor coaches seating 57 passengers and leases 7 buses from their sister company World Wide Travel of Greater New York. Carrier stated that both companies are expanding very fast and Great Escapes just purchased 7 new buses. Those buses are not yet registered and will not go on the road until late march. They had very complete coach maintenance files because NYS-DOT inspects all buses and motor coaches twice a year and requires companies to maintain a comprehensive maintenance file for each vehicle. The carrier's mechanic _____ conducts tests and inspections of emergency push out windows and hatches, oil changes and pm's once a month. The carrier maintains a binder for each of their buses with identifiable information and due dates for various pm's on the front of the binder. Each binder includes NYSDOT inspections every 6 months, mechanic work orders for repairs, insurance and registration documents and receipts for parts. Carrier showed 3 roadside inspections in the past 12 months and carrier could only produce a copy of two of the inspection reports. DVIRs are maintained by vehicle number and kept in hanging folders. Great Escapes Tours parks their buses in a garage located at 60 Nostrand Avenue in Brooklyn.

Mr. Fayer was knowledgeable of the FMCSRs and has kept excellent paperwork. Mr. Fayer stated that Mr. Muldoon has been working very hard keeping all the paperwork in order. Carrier plans to assign a person that will check logs and DVIR's once a month.

Upload Authorized:	Yes	No	
Authorized by:			Date:
Uploaded:	Yes	No	Failure Code:
Verified by:			Date:

