


ATTACHMENT #9

**SMITH INDUSTRIES NEW ENTRANT SAFETY
AUDIT AND POST-ACCIDENT COMPLIANCE
REVIEW**

(23 Pages)

NEW ENTRANT SAFETY AUDIT

	US DOT # 1424309	Legal: SMITH INDUSTRIES INC Operating (DBA):		
MC/MX #:		Federal Tax ID:		
Review Type: Safety Audit - New Entrant				
Scope: Entire Operation		Location of Review/Audit: Company facility in the U. S.		Territory: 0
Operation Types		Interstate	Intrastate	
Carrier: Non-HM		N/A		Business: Corporation
Shipper: N/A		N/A		Gross Revenue: for year ending: 12/31/2008
Cargo Tank: N/A				
Company Physical Address:				
3509 E HWY 158 MIDLAND, TX 79706				
Contact Name:				
Phone numbers: (1)		(2)	Fax	
E-Mail Address:				
Company Mailing Address:				
P O Box 870 MIDLAND, TX 79702				
Carrier Classification				
Private Property				
Cargo Classification				
Oil Field Equipment		Other: Pipe		
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: 8	
>= 100 Miles:	8		CDL Drivers: 8	
Equipment				
	Owned	Term Leased	Trip Leased	Owned
				Term Leased
				Trip Leased
Truck	5	0	0	Truck Tractor
Trailer	22	0	0	6
				0
				0
Power units used in the U.S.: 11				
Percentage of time used in the U.S.: 100				





SMITH INDUSTRIES INC

U.S. DOT #: 1424309

Review Date:

09/21/2009

Part A

CRP investigator

9670 Rio Del Norte, El Paso TX 79927

23 Fax : (915) 858-6763

This SAFETY AUDIT will be used to assess your safety compliance.

Person(s) Interviewed

Name:

Title: Safety Compliance Coordinator

Name:

Title:





SMITH INDUSTRIES INC

U.S. DOT #: 1424309

Review Date:

09/21/2009

Part B - Questions and Answers

An asterisk (*) beside an answer indicates an area of non-compliance by the motor carrier, and negatively affects the results of the audit.

Question General # 1 - Section # 387.7(a) Acute Does the carrier have the required minimum level of financial responsibility in effect?	Answer N/A
Comments Private Motor Carrier.	

Question General # 2 - Section # 387.7(d) Critical Does the carrier have required proof of financial responsibility?	Answer N/A
Comments Private Motor Carrier.	

Question General # 3 - Section # 390.15(b)(1) Can the carrier provide a complete accident register of recordable accidents?	Answer N/A
Comments	

Question General # 4 - Section # 390.15(b)(2) Critical Does the carrier have copies of all accident reports required by States or other government entities or insurers?	Answer N/A
Comments	

Question General # 5 - Section # 390.3(e) Is the carrier knowledgeable of the FMCSRs/HMRs?	Answer Yes
Comments	

Question General # 6 - Section # 390.21 Does the carrier know the commercial motor vehicles marking requirements?	Answer Yes
Comments	

Question Driver # 1 - Section # 391.51(a) Critical Does the carrier maintain complete driver qualification files?	Answer No *
Comments Trip Date: 09/18/2009. Missing road test or CDL equivalent, Application missing previous 10 year employment history.	

Question Driver # 2 - Section # 391.11(b)(4) Acute Is the carrier using physically qualified drivers?	Answer Yes
Comments	

Question Driver # 3 - Section # 391.45(a), 391.45(b) Critical Does available evidence indicate the motor carrier has used a driver without a medical certificate or with an expired medical certificate?	Answer No
Comments	

Question Driver # 4 - Section # 391.15(a) Acute Is the carrier using any disqualified drivers?	Answer No
Comments	





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<p>Question Driver # 5 - Section # 391.51(b)(2) Critical Does the carrier maintain driving and employment history inquiry data in driver qualification files? Comments</p>	<p>Answer Yes</p>
<p>Question Driver # 6 - Section # 382.115(a) Acute Has the carrier implemented an alcohol and/or controlled substances testing program? Comments</p>	<p>Answer Yes</p>
<p>Question Driver # 7 - Section # 382.213(b) Acute Has the carrier used drivers who have used controlled substances? Comments</p>	<p>Answer No</p>
<p>Question Driver # 8 - Section # 382.215 Acute Has the carrier used a driver who has tested positive for a controlled substance? Comments</p>	<p>Answer No</p>
<p>Question Driver # 9 - Section # 382.201 Acute Has the carrier used a driver known to have an alcohol concentration of 0.04 or greater? Comments</p>	<p>Answer No</p>
<p>Question Driver # 10 - Section # 382.505(a) Acute Has the carrier used a driver found to have an alcohol concentration of .02 or greater but less than .04 within 24 hours of being tested? Comments</p>	<p>Answer No</p>
<p>Question Driver # 11 - Section # 382.301(a) Critical Has the carrier ensured that drivers have undergone testing for controlled substances prior to performing a safety sensitive function? Comments</p>	<p>Answer Yes</p>
<p>Question Driver # 12 - Section # 382.303(a) Critical Has the carrier conducted post accident testing on drivers for alcohol and/or controlled substances? Comments</p>	<p>Answer N/A</p>
<p>Question Driver # 13 - Section # 382.305 Acute Has the carrier implemented random testing program? Comments</p>	<p>Answer Yes</p>
<p>Question Driver # 14 - Section # 382.305(b)(1) Critical Has the carrier conducted random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions? Comments</p>	<p>Answer Yes</p>





Part B - Questions and Answers

An asterisk (*) beside an answer indicates an area of non-compliance by the motor carrier, and negatively affects the results of the audit.

Question Driver # 15 - Section # 382.305(b)(2) Critical **Answer**
 Has the carrier conducted controlled substance testing at an annual rate of not less than the applicable annual rate of the average number of driver positions? Yes
Comments

Question Driver # 16 - Section # 40.305(a) **Answer**
 Has the carrier conducted the required return-to-duty tests on employees returning to safety-sensitive functions? N/A
Comments

Question Driver # 17 - Section # 40.309(a) **Answer**
 Is the carrier conducting follow-up testing as directed by the Substance Abuse Professional? N/A
Comments

Question Driver # 18 - Section # 382.211 Acute **Answer**
 Has the carrier used a driver who has refused to submit to an alcohol or controlled substances test required under Part 382? No
Comments

Question Driver # 19 - Section # 382.503 Critical **Answer**
 Has the carrier used a Substance Abuse Professional as required by 49 CFR Part 40 Subpart O? N/A
Comments

Question Driver # 20 - Section # 383.23(a) Critical **Answer**
 Has a driver operated a commercial motor vehicle without a current operating license, or a license, which hasn't been properly classed and endorsed? No
Comments

Question Driver # 21 - Section # 383.37(a) Acute **Answer**
 Has the motor carrier allowed it's drivers who's CDLs have been suspended, revoked or canceled by a state, have lost the right to operate a CMV in a State, or have been disqualified from operating a CMV to operate a commercial motor vehicle? No
Comments

Question Driver # 22 - Section # 383.51(a) Acute **Answer**
 Has the motor carrier knowingly allowed, required, permitted, or authorized a driver to drive who is disqualified to drive a commercial motor vehicle? No
Comments

Question Operation #1 - Section # 395.8(a) Critical **Answer**
 Does the carrier require drivers to make a record of duty status? Yes
Comments





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Part B - Questions and Answers

An asterisk (*) beside an answer indicates an area of non-compliance by the motor carrier, and negatively affects the results of the audit.

<p>Question Operation #2 - Section # 395.8(i) Critical Does the carrier require drivers to submit records of duty status within 13 days? Comments</p>	<p>Answer Yes</p>
<p>Question Operation #3 - Section # 395.8(k)(1) Critical Can the carrier produce records of duty status and supporting documents for selected drivers? Comments</p>	<p>Answer Yes</p>
<p>Question Operation #4 - Section # 395.3(a)(1) Critical Has the carrier allowed driver(s) to exceed the 11-hour rule? (Property) Comments</p>	<p>Answer No</p>
<p>Question Operation #5 - Section # 395.3(a)(2) Critical Has the carrier allowed driver(s) to exceed the 14-hour rule? (Property) Comments</p>	<p>Answer No</p>
<p>Question Operation #6 - Section # 395.3(b)(1) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? (Property) Comments</p>	<p>Answer No</p>
<p>Question Operation #7 - Section # 395.3(b)(2) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? (Property) Comments</p>	<p>Answer N/A</p>
<p>Question Operation #8 - Section # 395.5(a)(1) Critical Has the carrier allowed driver(s) to exceed the 10 hour rule? (Passenger) Comments</p>	<p>Answer N/A</p>
<p>Question Operation #9 - Section # 395.5(a)(2) Critical Has the carrier allowed driver(s) to exceed the 15 hour rule? (Passenger) Comments</p>	<p>Answer N/A</p>
<p>Question Operation #10 - Section # 395.5(b)(1) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? (Passenger) Comments</p>	<p>Answer N/A</p>
<p>Question Operation #11 - Section # 395.5(b)(2) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? (Passenger) Comments</p>	<p>Answer N/A</p>





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Question Operation #12 - Section # 395.8(e) Critical **Answer**
Does available evidence indicate a selected driver has prepared a false record of duty status? No
Comments

Question Operation #13 - Section # **Answer**
Does the carrier adhere to a disciplinary policy for noncompliance with Part 395? No *
Comments

Question Operation #14 - Section # 395.1(e) **Answer**
Does the carrier have a system for recording hours of duty status on 100- mile radius drivers, and are they properly utilizing the 100 air-mile radius exemption? N/A
Comments

Question Operation #15 - Section # 392.2 Critical **Answer**
Does the motor carrier ensure that drivers operate commercial motor vehicles in accordance with the laws, ordinances, and regulations of the jurisdictions in which they are operating? Yes
Comments

Question Operation #16 - Section # 392.9(a)(1) Critical **Answer**
Does the carrier ensure that drivers are not permitted to drive a vehicle without the cargo properly distributed and adequately secured? No *
Comments
James F Atchison. Trip Date: 06/04/2009. Load securement violation.

Question Operation #17 - Section # 392.4(b) Acute **Answer**
Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, narcotic drugs, amphetamines, or any other substances capable of rendering the drivers incapable of safely operating motor vehicles? No
Comments

Question Operation #18 - Section # 392.5(b)(1) Acute **Answer**
Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, intoxicating beverages? No
Comments

Question Operation #19 - Section # 392.5(b)(2) Acute **Answer**
Have any drivers operated a commercial motor vehicle within 4 hours of having consumed intoxicating beverages? No
Comments

Question Maintenance # 1 - Section # 396.3(b) Critical **Answer**
Can the carrier produce maintenance files for requested vehicle(s)? No *
Comments



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Part B - Questions and Answers

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Question Maintenance # 2 - Section # 396.17(a) Critical

Can the motor carrier produce evidence of periodic (annual) inspections for selected vehicles?

Answer

N/A

Comments

Question Maintenance # 3 - Section # 396.11(a) Critical

Does the motor carrier require drivers to complete vehicle inspection reports daily?

Answer

Yes

Comments

Question Maintenance # 4 - Section # 396.11(c) Acute

Does the carrier ensure that out-of-service defects listed by the driver in the driver vehicle inspection reports are corrected before the vehicle is operated again?

Answer

N/A

Comments

Question Maintenance # 5 - Section # 396.9(c)(2) Acute

Does the carrier ensure vehicles that have been declared "out-of-service" do not operate before repairs have been made?

Answer

Yes

Comments

Question Maintenance # 6 - Section # 396.19

Is the carrier using qualified inspectors (mechanic) and maintaining evidence of the inspector's qualifications?

Answer

N/A

Comments

Question Maintenance # 7 - Section # 396.3

Can the carrier explain its systematic, periodic maintenance program?

Answer

Yes

Comments

Question Other # 1 - Section # 375.211

Does the carrier participate in an Arbitration Program?

Answer

N/A

Comments

Question Other # 2 - Section # 13702

Does the carrier assess shipper freight charges based upon published tariffs?

Answer

N/A

Comments

Question Other # 3 - Section # 375.401(c)

Does the carrier provide reasonably accurate estimates of moving charges?

Answer

N/A

Comments

Question Other # 4 - Section # 375.407(a), 375.703(b)

Has the carrier avoided "hostage freight" or other predatory practices?

Answer

N/A

Comments





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Question Other # 5 - Section # 387.301(a), 387.301(b)

Does the HHG carrier have sufficient levels of public liability and cargo insurance?

Answer

N/A

Comments

Question Other # 6 - Section # 13901

Is the motor carrier authorized to conduct interstate operations in the United States?

Answer

N/A

Comments

Note: No Hazardous Materials questions were asked because the carrier does not carry Hazardous Materials in Interstate Commerce.





Part B

Your Proposed Safety Audit Result is: **PASS**

Explanation of Scoring Methodology

Factor	Failed Questions		Performance Test Status	Total Points	Factor Status
	Critical	Acute			
1. General	0	0	-	0	PASS
2. Driver	1	0	-	1	PASS
3. Operations	1	0	-	1	PASS
4. Maintenance	1	0	PASS - 20.0%	1	PASS
5. Hazardous Materials	-	-	-	-	-
6. Accidents	-	-	PASS - 0.00	-	PASS
SUM	3	0		3	PASS

Result: Carrier has adequate basic safety management controls in place.

NOTE: Carrier has the right to request a review of this determination if there are factual or procedural disputes.

HOW THE SA IS SCORED

FACTORS - The Federal Motor Carrier Safety and Federal Hazardous Material Regulations are categorized into six factors. Multiple questions address the various factors. The Part B Question & Answer Report lists the CFR section numbers related to each question.

CRITICAL/ACUTE - Questions are also defined as CRITICAL, ACUTE or neither depending on the significance of the underlying regulation. Questions are assigned a point value if they are incorrectly answered. Critical = 1 and Acute = 1.5. The point values are summed for each factor. Any factor with a point value of 3 or more is marked "FAILED".

OUT OF SERVICE (OOS) RATE - The Driver/Vehicle OOS rate is used in factor #4 as another question. If there have been more than three level 1, 2, or 5 North American Standard Inspections conducted over the past year, they will be summarized. If the summed OOS rate is over 34%, one additional point is assigned to that factor.

CRASH FACTOR - Carriers are defined as urban or non-urban in order to compensate for the higher crash risk of urban operations. Urban carriers are defined as those that operate within a 100 air-mile radius. The crash rate for a carrier is calculated as accidents per million miles traveled. Factor #6 is "FAILED" if the urban carrier crash rate exceeds 1.7 or the non-urban carrier crash rate exceeds 1.5.

OVERALL STATUS DETERMINATION - Any carrier with 3 or more "FAILED" factors is deemed to have failed the Safety Audit by having inadequate safety management controls in place to operate in the U.S.





Part B Requirements and/or Recommendations

1. Within 15 days, send a letter to the Motor Carrier Bureau describing what actions you have taken in response to this review to ensure that you are complying with the Federal Motor Carrier Safety Regulations. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to:

Manager, Motor Carrier Bureau
Texas Department of Public Safety
6200 Guadalupe, Building P
Austin, TX 78752
FAX 512-424-5712

2. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.html.

3. A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: <http://www.fmcsa.dot.gov/safety-security/eta/index.htm>

4. A copy of your carrier profile can be obtained for \$20 from the SAFER website (<http://safer.fmcsa.dot.gov>) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.

5. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001
For questions about licensing, authority or MC numbers: 202-366-9805
For questions about insurance: 202-385-2423
For household goods complaints: 888-DOT-SAFT (888-368-7238)

6. **IMPORTANT:** The Department's primary method for contacting carriers is by e-mail. If you have provided e-mail to the Department investigator, ensure that you regularly check this e-mail account for correspondence. If you discontinue using this e-mail account, or change e-mail account addresses, immediately notify the Department by calling 512.424.2335, or by e-mail at mcb.mcca@txdps.state.tx.us. If you change your physical address, mailing address, or phone numbers, you must notify us in the same manner.

7. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.

8. The motor carrier shall require drivers to ensure that all cargo is secured against shifting or falling onto the roadway.





SMITH INDUSTRIES INC
U.S. DOT #: 1424309

Review Date:
09/21/2009

Part C

Corporate Contact:

Corporate Contact Title: Safety Compliance Coordinator

Special Study Information:

Remarks:

On 09/21/2009, a Safety Audit was performed on Smith Industries Inc, at the Midland TXDOT Office (5100 West M TX). This audit was conducted as a result of the New Entrant Program monitoring of US-based carriers. C (Safety Compliance Coordinator) attended the Safety Audit, and provided all documents and information requested. This is private carrier which operates in interstate commerce. The carrier manufactures and transports Pipe and Oil Field Equipment. The carrier employs 8 CDL drivers. The carrier owns 6 truck-tractors with a GVWR over 26,001 lbs., 5 straight trucks with a GVWR over 26,001 lbs., and 22 trailers with a GVWR over 10,000 lbs. The carrier entered the New Entrant Program on 09/05/2008, and began interstate operations on 11/09/2008. The Gross revenue and total mileage was based on calendar year ending on December 31, 2008. No Hazardous Materials are transported.

Part 382 - Controlled Substances and Alcohol Testing (Including Part 40 - Procedures)

No significant findings.

Part 383 - Commercial Drivers License

CDL was verified through CDLIS, and were clear and valid.

Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers

Non Applicable. This is a private motor carrier.

Part 391 - Qualifications of Drivers

The driver qualification files for 3 drivers were checked. 1 of 3 drivers checked was missing a road test or CDL equivalent and the Application was missing the 10 year employment history.

Part 392 - Driving of Commercial Motor Vehicle

The carrier did not ensure that drivers operate commercial motor vehicles in accordance with the laws, ordinances, and regulations of the jurisdictions in which they were operating. Texas Inspection showed carrier allowed driver to violate local laws -Load Securement - (Insuff. tiedowns; w/o headerboard/blocking).

Part 395 - Hours of Service for Drivers

The carrier uses log books (RODS) to keep track of hours of service. The carrier had no disciplinary policy for non compliance with part 395.

Part 396 - Inspection, Repair, and Maintenance

Maintenance file for Units #47, #49, and #50, were checked. Unit 47 was missing Tire size identification and Make. Units #49 and #50 were missing Tire size identification.

Part B, Questions and Answers, were explained in sequen carrier official. stated he would comply in the future with all applicable regulations. then signed the audit. Electronic copies of the MCS-9, "A Texas Motor Carrier's Guide to Highway Safety", and the FMCSA Educational and Technical Assistance packet, were given to the carrier.





SMITH INDUSTRIES INC

U.S. DOT #: 1424309

Review Date:

09/21/2009


Part C

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



POST-ACCIDENT COMPLIANCE REVIEW

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 1424309	Legal: SMITH INDUSTRIES INC Operating (DBA):		
MC/MX #:		Federal Tax ID:		
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:
Operation Types		Interstate	Intrastate	
Carrier:	Non-HM	Non-HM	Business: Corporation	
Shipper:	N/A	N/A	Gross Revenue: for year ending: 12/31/2011	
Cargo Tank:	N/A			
Company Physical Address:				
3509 E HWY 158 Midland, TX 79706				
Contact Name:				
Phone numbers: (1		(2)	Fax	
		<u>com</u>		
Company Mailing Address:				
PO Box 870 Midland, TX 79702				
Carrier Classification				
Private Property				
Cargo Classification				
Oil Field Equipment				
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:	0	2	Total Drivers: 14	
>= 100 Miles:	12	0	CDL Drivers: 14	
Equipment				
	Owned	Term Leased	Trip Leased	
Truck Tractor	20	0	0	Trailer
				Owned Term Leased Trip Leased
				29 0 0
Power units used in the U.S.: 20				
Percentage of time used in the U.S.: 100				



SMITH INDUSTRIES INC

U.S. DOT #: 1424309

Review Date:

11/21/2012

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:

(Auditors/Investigators) 8370 Burnham, Suite 100
El Paso, TX 79907
Phone: (915)593-8574 Fax:(915)594-8857

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name:

Title: General Manager

Name:

Title: DOT Clerk



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SMITH INDUSTRIES INC
U.S. DOT #: 1424309

Review Date:
11/21/2012

Part B Violations

1 FEDERAL	Primary: 382.305(b)(1)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
Description Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions. Example Driver: <u>trip date: 12/13/2011.</u>					
2 FEDERAL CRITICAL	Primary: 382.305(b)(2)	Discovered 6	Checked 9	Drivers/Vehicles In Violation 6	Checked 9
Description Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions. Example Driver: <u>trip date: 12/13/2011.</u>					
3 FEDERAL	Primary: 382.601(d)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
Description Failing to require each driver to sign a statement certifying that he or she has received a copy of the drug policy. Example Driver: <u>trip date: 6/01/2012.</u>					
4 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 Driver: <u>trip date: 9/26/2012. Supervisor, Ty Hartley.</u>					
5 FEDERAL	Primary: 390.19(a)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description Failing to file a Motor Carrier Identification Report, Form MCS-150 every 24 months in accordance with the specified schedule. Example Carrier last filed their form MCS-150 on July 15, 2010. Carrier is required to file no later than the end of September 2012.					
6 FEDERAL	Primary: 391.23(c)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
Description Failing to investigate driver's background within 30 days of employment. Example Driver: <u>trip date: 10/27/2012.</u>					



(19)



Part B Violations

7 FEDERAL	Primary: 391.23(e)(1)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
Description Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years. Example Driver: <u>trip date: 06/16/2012.</u>					
8 FEDERAL	Primary: 391.51(b)(5)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). Example Driver: <u>trip date: 10/15/2012.</u>					
9 FEDERAL	Primary: 391.51(b)(6)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Example Driver: <u>trip date: 6/1/2012.</u>					
10 FEDERAL	Primary: 392.9(a)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Requiring or permitting a driver to drive without the vehicle's cargo being properly distributed and adequately secured. Example 11/19/2012 - The FMCSA and State or local commercial vehicle safety partners have identified violations across multiple inspections at the roadside over the previous 24 months that are reflected in the Cargo-Related BASIC of the Carrier Safety Measurement System.					
11 FEDERAL	Primary: 396.3(b)(1)	Discovered 4	Checked 8	Drivers/Vehicles In Violation 4	Checked 8
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Example Driver: <u>trip date: 2/9/2012. Vehicle Unit #52.</u>					
12 FEDERAL	Primary: 396.3(b)(2)	Discovered 8	Checked 8	Drivers/Vehicles In Violation 8	Checked 8
Description Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. Example Driver: <u>Unit #47, trip date: 9/26/2012.</u>					





SMITH INDUSTRIES INC
 U.S. DOT #: 1424309

Review Date:
 11/21/2012

Part B Violations

Safety Fitness Rating Information: Total Miles Operated 434,553 Recordable Accidents 1 Recordable Accidents/Million Miles 2.30	OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 2 Number of Vehicles Inspected (MCMIS): 5
--	---

Your proposed safety rating is : <p style="text-align: center;">SATISFACTORY</p>	Rating Factors Acute Critical		
	Factor 1: S Factor 2: C Factor 3: S Factor 4: C Factor 5: N Factor 6: S	0 0 0 0 0 -	0 1 0 0 0 -

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



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Part C

Reason for Review: Compliance Review
Planned Action: Prosecution

TX-2013-1044-US0797

Parts Reviewed Certification:

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

Prior Reviews

Prior Prosecutions

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?

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule: 60-Day - no Interstate Passengers or Placardable

Special Study Information:

Corporate Contact Title: Gene

Remarks:

The reason for this compliance review is due to a fatal crash with three cargo-Related at 95.4 percent. Corporate officials are: Mr. General Manager was contacted via telephone on November 10, 2012 at approximately 4:00 p.m. the review took place at the carrier's principal business listed on POC documents, fleet miles and gross revenue were provided by Mr. and Ms. DOT clerk. Ms. was present during the review. Mr. The carrier has C over the President and Vice-President.

The carrier operates in interstate and intrastate commerce. Interstate commerce trips are at an average of once per month. Carrier transports heavy oil field equipment. Carrier owns vehicles in combination with a GVWR over 26,001 pounds.

verified negative results (helper). Presently, straight truck with a GVWR of 30,000 lbs. Mr. Herrera was pre-employment drug tested, 2011. Application for employment verified that the employee was hired as a "swamper" holds a Class A CDL, according to Inlets checks.

Factor 1/Part 387 - Private Property.

Part 390 - One reportable accident on November 15, 2012. Unit #30 crashed with a Union Pacific train causing four fatalities. Accident report was not available. Post accident testing was conducted on the driver, with the negative results verified on November 19, 2012.

Factor 2/Part 382 - Carrier utilized DISA, Inc., 12600 Northborough Drive, Ste 100, Houston, TX 77067, 281-673-2400. Carrier is in a random pool with no other companies, just themselves. The carrier averaged 17 drivers in 2011. DISA selected several drivers, however, the carrier did not send all the selected drivers, and only conducted three random drug test and one alcohol test. Carrier had five new hires within 365 days. Enforcement action is recommended.

Part 383 - Five Inlets checks were sent to Arizona, and received. Licenses for five drivers are clear.

Part 391- Carrier had several violations in this Part. Carrier did not conduct annual reviews or list of violations or previous employer checks. In part 391.51(b)(5) and (b)(6), 3 discovered of 3 checked was cited because only 3 drivers were subject to the annual review and list of certificate of violations.





SMITH INDUSTRIES INC

U.S. DOT #: 1424309

Review Date:

11/21/2012

Part C

Factor 3/Part 392 - Cargo-Related BASIC threshold percentage is 95.4 percent. Roadside inspections shows carrier is not securing loads.

Part 395 - Carrier uses logs. Delivery tickets and bills of lading were used to check for falsification of logs.

Factor 4/Part 393/396 - OOS rate was calculated using the five most recent roadside inspections. Carrier did not identify four of eight vehicles and did not have a means of indicating preventive maintenance.

_____ were present during the close out of th _____ was given the SMS cycle, and why comply with FMCSRs on 11/21/2012, by Safety Investigator,

Mr. _____ President, was sent a copy of the compliance review via UPS tracking number: _____, or 11/21/2012.

Note: This review has been re-entered into Capri because it was lost in the system. The original copy was sent to the carrier 11/21/2012.

Upload Authorized:	Yes	No
Authorized by:		Date:
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