



Motor Carrier Attachment 13:


AAAffordable Post-Accident CR dated December 21, 2016

Baltimore, MD; 11/1/2016

HWY17MH007

(11 pages)

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 1982031	Legal: AAAFORDABLE TRANSPORTATION LLC 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		Business: Corporation		
Carrier:	Non-HM	Non-HM				
Shipper:	N/A	N/A	Gross Revenue: \$ ██████████ for year ending: 12/31/2015			
Cargo Tank:	N/A					
Company Physical Address:						
46 S FRANKLINTOWN ROAD BALTIMORE, MD 21223						
Contact Name: Carol T. Williams						
Phone numbers: (1) 410-945-9000		(2) ██████████		Fax 410-945-9013		
E-Mail Address: aaafordable@verizon.net						
Company Mailing Address:						
46 S FRANKLINTOWN ROAD BALTIMORE, MD 21223						
Carrier Classification						
Exempt for Hire						
Cargo Classification						
Passengers						
Equipment						
	Owned			Owned		
	Term	Leased	Trip	Term	Leased	Trip
	Leased	Trip	Leased	Leased	Trip	Leased
School Bus, 16+	15	0	0			
Power units used in the U.S.: 15						
Percentage of time used in the U.S.: 100						

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:	6	8	Total Drivers: 14			
>= 100 Miles:			CDL Drivers: 14			





AAAFORDABLE TRANSPORTATION LLC

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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:

10 S Howard St, Suite 2710
Baltimore, MD 21201
Phone: (410)962-2889 Fax:(410)962-3916

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Carol T. Williams

Title: Partner/Driver

Name: Tracey Stephenson

Title: Partner





Part B Violations

1 FEDERAL CRITICAL	Primary: 382.305(b)(2)	Discovered 4	Checked 7	Drivers/Vehicles In Violation 4	Checked 7
<p>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.</p> <p>Example Driver - Terrell Hutt Trip - 12/17/2016 Calendar year - 2015</p>					
2 FEDERAL	Primary: 382.105 Secondary: 40.25(j)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<p>Description Failing to ask employee if any pre-employment test conducted in the preceding two years resulted in a positive test result or refusal to test.</p> <p>Example Driver - Chernell M. Burrows Trip - 9/6/2016</p>					
3 FEDERAL	Primary: 382.301(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
<p>Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.</p> <p>Example Driver - Glenn R. Chappell Trip - 10/18/2016 Rehired - August 2016</p>					
4 FEDERAL	Primary: 382.305(b)(1)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<p>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.</p> <p>Example Driver - Kimberly Mahn Trip - 12/3/2016 Calendar year - 2015</p>					
5 FEDERAL	Primary: 382.305(i)(2)	Discovered 5	Checked 13	Drivers/Vehicles In Violation 5	Checked 13
<p>Description Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.</p> <p>Example Driver - Terrell Hutt Selection Date - 11/6/2015 Trip - 12/17/2015 Driver not included in First Advantage's Enrollment History Summary Report for selection date.</p>					





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Part B Violations

6 FEDERAL	Primary: 382.305(i)(3)	Discovered 8	Checked 12	Drivers/Vehicles In Violation 5 Checked 6
<p>Description Failing to ensure that drivers are tested within the selection period.</p> <p>Example Driver - Kimberly Mahn Trip - 12/3/2015 Driver selected for random drug testing on 5/1/2015, along with being selected for random drug and alcohol testing on 11/6/2015. No records were produced showing the driver submitting to a drug or alcohol test after selected. Number checked includes all random drug and alcohol selections made for drivers at AAAfordable Transportation LLC during calendar year 2015.</p>				
7 FEDERAL	Primary: 382.601(b)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5 Checked 5
<p>Description Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.</p> <p>Example Policy does not meet Federal Motor Carrier Safety Regulation requirements. Driver - Avis W. Scott Trip - 2/25/2016</p>				
8 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 2
<p>Description Failing to ensure 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.</p> <p>Example No record produced showing the Supervisor of Drivers, Carol T. Williams, had received reasonable suspicion training.</p>				
9 FEDERAL	Primary: 391.11(b)(6) Secondary: 391.11(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1 Checked 2
<p>Description Failing to require driver to furnish list of motor vehicle traffic violations each 12 months.</p> <p>Example Driver - John S. Brandford, III Trip - 9/26/2016</p>				
10 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2 Checked 2
<p>Description Using a driver who has not completed and furnished an employment application.</p> <p>Example Driver - Chernell M. Burrows Trip - 10/28/2016</p>				





Part B Violations

11 FEDERAL	Primary: 391.21(a)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
<p>Description Using a driver who has not completed and furnished an employment application.</p> <p>Example Driver - Avis W. Scott Trip - 6/16/2016 Employment application does not satisfy Federal Motor Carrier Safety Regulation requirements.</p>					
12 STATE	Primary: 391.23(a) CFR Equivalent: 391.23(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<p>Description Failing to investigate driver's background.</p> <p>Example Driver - Glen R. Chappell Trip - 10/18/2016 No record of previous employment inquiry when driver returned to carrier during 2016.</p>					
13 FEDERAL	Primary: 391.23(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<p>Description Failing to investigate driver's background.</p> <p>Example Driver - Aminu Dabo Trip - 10/4/2016 No record of previous employment inquiry.</p>					
14 STATE	Primary: 391.23(e)(1) CFR Equivalent: 391.23(e)(1)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<p>Description Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years.</p> <p>Example Driver - Glenn R. Chappell Trip - 10/17/2016 No record of previous employment inquiry into the driver's alcohol and controlled substances history when re-hired in 2016.</p>					
15 FEDERAL	Primary: 391.23(e)(1)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<p>Description Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years.</p> <p>Example Driver - Aminu Dabo Trip - 10/4/2016</p>					





Part B Violations

16 FEDERAL	Primary: 391.25(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<p>Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.</p> <p>Example Driver - John S. Brandford, III Trip - 9/26/2016</p>					
17 FEDERAL	Primary: 391.25(b)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<p>Description Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.</p> <p>Example Driver - John S. Brandford, III Trip - 9/26/2016</p>					
18 STATE	Primary: 391.51(b)(9) CFR Equivalent: 391.51(b)(9)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 2	Checked 2
<p>Description Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver disqualification file(s).</p> <p>Example Driver - Chernel M. Burrows Trip - 10/11/2016</p>					
19 FEDERAL	Primary: 391.51(b)(9)	Discovered 6	Checked 6	Drivers/Vehicles In Violation 3	Checked 3
<p>Description Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).</p> <p>Example Driver - John S. Brandford, III Trip - 9/26/2016</p>					
20 FEDERAL	Primary: 396.3(b)(4)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<p>Description Failing to keep a record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.</p> <p>Example Company Bus No. - 317 Trip - 5/18/2016</p>					





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Part B Violations

21 STATE	Primary: 396.11(c)(2) CFR Equivalent: 396.11(c)(2)	Discovered 6	Checked 6	Drivers/Vehicles In Violation Checked 1 1	
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Description
Failing to retain vehicle inspection report for at least 3 months.
Example
Company Bus No. - 317
Trip - 10/20/2016

22 FEDERAL	Primary: 396.11(c)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked 1 1	
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Description
Failing to retain vehicle inspection report for at least 3 months.
Example
Company Bus No. - 1641
Trip - 10/4/2016

<p>Safety Fitness Rating Information:</p> <p>Total Miles Operated 176,808 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00</p>	<p>OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 2 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0</p>
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<p>Your proposed safety rating is :</p> <p style="text-align: center; font-size: 1.5em;">SATISFACTORY</p>	<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Rating Factors</th> <th style="text-align: center;">Acute</th> <th style="text-align: center;">Critical</th> </tr> </thead> <tbody> <tr> <td>Factor 1: S</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Factor 2: C</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Factor 3: S</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Factor 4: S</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Factor 5: N</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Factor 6: S</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> </tbody> </table>	Rating Factors	Acute	Critical	Factor 1: S	0	0	Factor 2: C	0	1	Factor 3: S	0	0	Factor 4: S	0	0	Factor 5: N	0	0	Factor 6: S	-	-
Rating Factors	Acute	Critical																				
Factor 1: S	0	0																				
Factor 2: C	0	1																				
Factor 3: S	0	0																				
Factor 4: S	0	0																				
Factor 5: N	0	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. For all Investigations:

Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: http://www.psp.fmcsa.dot.gov/Pages/default.aspx

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 Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

Division Administrator
Federal Motor Carrier Safety Administration, Maryland Division
10 South Howard Street, Suite 2710
Baltimore, MD 21201

See CORRECTIVE ACTION HANDOUT (#3) on this part of the report for more information.

2. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN:

During calendar year 2015, AAAfordable Transportation LLC provided pupil transportation services for Baltimore





Part B Requirements and/or Recommendations

City and Howard County in Maryland. The carrier relied on the Baltimore City Schools Office of Pupil Transportation to comply with DOT random controlled substances and alcohol testing compliance. Some of AAAfordable Transportation LLC drivers were included in a random controlled substances and alcohol testing pool, administered by a third party identified as First Advantage. The random pool list Baltimore City Public Schools as the employer. First Advantage did not report testing the required percentage of drivers based on the average number of drivers included in the random pool for calendar year 2015.

Instances were discovered where drivers employed by AAAfordable Transportation LLC that provide pupil transportation services for Baltimore City Public School were not included in the random pool, along with drivers that are not "certified" by Baltimore City Schools. Also, instances were found where First Advantage randomly selected drivers employed by AAAfordable Transportation LLC and no records were produced showing the drivers being tested for the reason selected.

AAAFordable Transportation LLC failed to assume the necessary roles and responsibilities that would ensure compliance with of DOT regulated random drug and alcohol testing program requirements. Also, no records were produced showing drivers at AAAfordable Transportation LLC being included in any other DOT regulated random drug and/or alcohol testing program.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
· Ensure that managers are responsible for telling employees of a failed test and its implications.
· Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
· If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

Passenger Carrier Only:

- Designate a manager to collect and evaluate all controlled-substance and alcohol-related customer complaints and their safety implications.

Seek Out Resources:

- 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.

3. CORRECTIVE ACTION HANDOUT

Random Drug and Alcohol Test -

49 CFR §382.305(b)(2) - 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 (Critical)

- o Explain what safety management processes are broken or missing that allowed this violation/pattern to occur
o If your company has been cited with this or a similar violation (in the same Part) in the past, explain why any corrective action you took previously was unsuccessful in preventing additional violations
o Explain remedies (corrective action) implemented to prevent future violations
o Identify position responsible for ensuring compliance with these procedures
o Describe the documentation submitted as evidence of this corrective action
o Examples of documentation may include:
- Evidence of a random testing program (e.g., a contract with a consortium or details of in-house program and a current list of the driver(s) subject to random testing and the list from the consortium) - (§ 382.305)





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Part B Requirements and/or Recommendations

- Evidence of any random drug and/or alcohol test selections and results for all driver(s) since the investigation (if applicable) - (§ 382.305)
- Evidence of selected driver(s) being notified of any random drug and/or alcohol test by date & time
- Evidence of the company's complete drug and alcohol testing policy - (§ 382.601(b))
- Evidence of receipt of drug and alcohol testing policy for each driver - (§ 382.601(d))
- Listing of drivers subject to parts 40 & 382

