



Motor Carrier Attachment 4

Cool Runnings Express Inc. Post- Accident Compliance Review.

Chattanooga, Tennessee 06/26/2015

HWY15MH009

(14 pages)

UNITED STATES DEPARTMENT OF TRANSPORTATION


US DOT #
1083675

Legal: COOL RUNNINGS EXPRESS INC
Operating (DBA):
MC/MX #: 449085**Federal Tax ID:** [REDACTED] (EIN)**Review Type:** Compliance Review (CR)**Scope:** Principal Office**Location of Review/Audit:** Company facility in the U. S.**Territory:** KY**Operation Types** Interstate Intrastate
Carrier: Non-HM N/A
Shipper: N/A N/A
Cargo Tank: N/A
Business: Corporation**Gross Revenue:** [REDACTED] **for year ending:** 12/31/2014**Company Physical Address:**

[REDACTED]

Contact Name:**Phone numbers:** (1) [REDACTED] (2) [REDACTED]**Fax****E-Mail Address:** [REDACTED]**Company Mailing Address:**

[REDACTED]

Carrier Classification

Authorized for Hire

Cargo Classification

General Freight	Fresh Produce	Meat
Refrigerated Foods	Beverages	Paper Products

Equipment**Owned Term Leased Trip Leased****Owned Term Leased Trip Leased**

Truck Tractor	6	0	0	Trailer	6	0	0
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Power units used in the U.S.: 6

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:	0	0	Total Drivers: 7
>= 100 Miles:	7	0	CDL Drivers: 7





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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:

FMCSA, [REDACTED]
[REDACTED] [REDACTED]

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: [REDACTED]

Title: President

Name: [REDACTED]

Title: Vice-President





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Part B Violations

1 FEDERAL CRITICAL	Primary: 395.8(e)	Discovered 19	Checked 155	Drivers/Vehicles In Violation 4	Checked 6
Description False reports of records of duty status. Example [REDACTED] 5/11/2015 Shows sleeper in Hanover, PA, fueling in Ruther Glen, VA.					
2 FEDERAL CRITICAL	Primary: 396.17(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
Description Using a commercial motor vehicle not periodically inspected. Example Unit 7 06/25/2015					
3 FEDERAL	Primary: 391.11(b)(6) Secondary: 391.11(a)	Discovered 3	Checked 5	Drivers/Vehicles In Violation 3	Checked 5
Description Failing to require driver to furnish list of motor vehicle traffic violations each 12 months. Example [REDACTED] 12/29/2014					
4 FEDERAL	Primary: 391.21(a)	Discovered 4	Checked 5	Drivers/Vehicles In Violation 4	Checked 5
Description Using a driver who has not completed and furnished an employment application. Example [REDACTED] 06/25/2015					
5 FEDERAL	Primary: 391.53(b)(2)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
Description Failure to maintain in Driver Investigation History file a copy of the response(s) received for investigations required by paragraphs (d) and (e) of §391.23 from each previous employer, or documentation of good faith efforts to contact them. Example [REDACTED] 12/29/2014					





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Part B Violations

6 FEDERAL	Primary: 395.3(a)(2)	Discovered 4	Checked 155	Drivers/Vehicles In Violation 3	Checked 6
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty. [REDACTED] 03/28/2015					
7 FEDERAL	Primary: 395.3(a)(3)(ii)	Discovered 10	Checked 155	Drivers/Vehicles In Violation 3	Checked 6
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 8 hours since the end of the driver's last off duty or sleeper berth period of at least 30 minutes. Example [REDACTED] 03/03/2015 Driver failed to take required 30 minute break.					
8 FEDERAL	Primary: 395.3(b)(2)	Discovered 4	Checked 155	Drivers/Vehicles In Violation 2	Checked 6
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty 70 hours in 8 consecutive days. Example [REDACTED] 04/13/2015, 0615 10.25 hrs in violation					
9 FEDERAL	Primary: 395.8(e)	Discovered 22	Checked 155	Drivers/Vehicles In Violation 5	Checked 6
Description False reports of records of duty status (inaccurate) Example [REDACTED] 04/07/2015 Fueling while off duty.					
10 FEDERAL	Primary: 395.8(f)	Discovered 19	Checked 150	Drivers/Vehicles In Violation 3	Checked 6
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example [REDACTED] 05/02/2015					





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Part B Violations

11 FEDERAL	Primary: 395.8(i)	Discovered 8	Checked 155	Drivers/Vehicles In Violation 2	Checked 6
Description Failing to require driver to forward within 13 days of completion, the original of the record of duty status. Example [REDACTED] 03/30/2015					
12 FEDERAL	Primary: 396.3(b)(1)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Example Unit 7 Carrier did not identify any vehicle correctly on their maintenance filed.					
13 FEDERAL	Primary: 396.3(b)(2)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
Description Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. Example Unit 7 Carrier had no means to indicate various due dates for any vehicle.					
Safety Fitness Rating Information: Total Miles Operated 568,237 Recordable Accidents 2 Recordable Accidents/Million Miles 3.52		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 4 OOS Vehicle (MCMIS): 1 Number of Vehicles Inspected (MCMIS): 1			
Your proposed safety rating is : UNSATISFACTORY		Rating Factors			
		Acute Critical			
		Factor 1:	S	0	0
		Factor 2:	S	0	0
		Factor 3:	U	0	2
		Factor 4:	C	0	1
		Factor 5:	N	0	0
Factor 6:	U	-	-		

Effective date: The unsatisfactory rating will take effect 60 days after the date of a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

PROHIBITION: Under 49 USC sections 13905(f)(1)(B) and 31144, and 49 CFR section 385.13 a motor carrier that receives a final safety rating of unsatisfactory is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce and, if applicable, shall have its registration revoked unless and until such time the FMCSA determines the motor carrier is fit and the motor carrier has reinstated its registration.

49 U.S.C. 31144 provides that the prohibition takes effect unless the motor carrier, within 60 days of the date of the forthcoming official notice, takes the necessary steps to improve the rating to conditional or satisfactory.





Part B Violations

Unless the motor carrier receives an improved rating within 60 days from the date of the forthcoming official notice from Washington, D.C, the motor carrier will be subject to the prohibition in 49 CFR 385.13.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17

Administrative Review: A motor carrier may appeal its proposed safety rating in a petition filed pursuant to 49 CFR section 385.15 if it believes that the rating is in error and there are factual and procedural issues in dispute. Such appeals must be made within 90 days of the date of the proposed safety rating, but should be made within 15 days of the date of the safety rating notice to allow the FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. Appeals filed pursuant to section 385.15 should be addressed to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590. The motor carrier will receive a written decision on the petition within 45 days from receipt of the petition by the Chief Safety Officer. (See 49 CFR 385.15 for additional details.)

(Note: Neither a petition to contest the rating nor a request for a change in the rating will delay the effective date of the rating, if unchanged.)

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





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Part B Requirements and/or Recommendations

1. Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at: <http://www.fmcsa.dot.gov/forms/print/accident.htm>
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.htm
3. 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. [REDACTED], [REDACTED]. Profile cost if ordered by mail or phone is \$27.50.
4. 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.
5. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
6. Ensure that drivers provide a 10-year employment history on their employment application.
7. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
8. Maintain all required alcohol and controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR .
9. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
10. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.
11. Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.
12. Require drivers to furnish a complete list of traffic violations annually.
13. Motor carriers must run an MVR for each driver within 30 days of being hired. That MVR must be maintained in the driver qualification file.
14. Every carrier must annually perform a check of all their driver's motor vehicle operating records and must keep evidence of that check.
15. Vehicle maintenance files must have make, serial number, year, and tire size.
16. Proof of annual/periodic inspector qualifications must be kept on file with the carrier.





Part B Requirements and/or Recommendations

17. Accident register must be kept for three years. Register must list
18. Roadside inspections must be kept at PPOB for 12 months.
19. Drivers must not drive after being on duty for 14 hours.
20. Drivers are required to take a 30 minute off duty period after having been on duty/driving for 8 hours.
21. Carrier must ensure drivers are not falsifying their records of duty status by comparing logs to all available supporting documents.
22. Random controlled substance testing must be done a 50 percent and random alcohol testing must be done at 10 percent.
23. 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>

•All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations that could result in a Notice of Claim:





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•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. 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.

For all Investigations resulting in serious violations:

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:

[REDACTED], Division Administrator

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

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 (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

[REDACTED], Division Administrator

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:





Part B Requirements and/or Recommendations

[REDACTED], Field Administrator
[REDACTED]
[REDACTED]

Ensure that a CC copy of the letter is mailed to:

[REDACTED], Division Administrator
[REDACTED]

This letter should be submitted as soon as possible.

For all Investigations resulting in a proposed unsatisfactory rating:

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

•All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

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

24. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Cool Runnings Express, Inc. failed to adequately monitor and track driver hours of service. The carrier did not use available GPS records and fuel reports to ensure drivers were not falsifying their records of duty status. The carrier must ensure that they check all driver records of duty status for falsification and do not allow drivers to operate outside the hours of service regulations.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly,



**Part B Requirements and/or Recommendations**

consistently, and equitably; and for whether they are documenting evaluations.

- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

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.

25. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Cool Running Express, Inc. did not provide a written drug and alcohol testing policy. The carrier must ensure that carrier drivers not only have a copy of said policy, but that they understand and abide by the carrier's drug and alcohol testing policy, and all drug and alcohol testing regulations.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

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.

26. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Policies and Procedures

**Part B Requirements and/or Recommendations**

DESCRIPTION OF PROCESS BREAKDOWN: Cool Runnings Express, Inc. failed to establish policies and procedures to ensure carrier vehicles were being inspected and repaired per regulations. The carrier must ensure that all vehicles are annually inspected at the appropriate times and by qualified individuals.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

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.

27. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN: Cool Runnings Express, Inc. failed to adequately qualify and hire drivers to ensure that drivers with serious past safety violations did not operate commercial motor vehicles. The carrier must obtain and verify all applicable driver previous employment. If information is found during these checks that would disqualify a driver, the carrier must ensure the driver is qualified before allowing him/her to operate a CMV

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
- Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
- Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
- Require that drivers fill out the long form for the medical card and be examined by the carrier's preferred doctor to ensure that their medical qualifications are accurate.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.





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- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, dispatcher, and driver by using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

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.

