



Motor Carrier Attachment

Asmat Compliance Review dated July 15, 2021

Greenville, Alabama, June 19, 2021

HWY21FH009

(23 pages)

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 2506000
MC/MX#: 868796

Legal: ASMAT INVESTMENT LLC
Operating (DBA): ASMAT EXPRESS

Investigation Date:
07/15/21

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Company principal place of business (PPOB)

Extent of Operations: Entire Operation

Physical Address

887 N INDIAN CREEK DR STE E
CLARKSTON, GA 30021
United States

Mailing Address

PO BOX 532
CLARKSTON, GA 30046-2200
United States

Contact Information

Contact Name: ALEBACHEW ADEME
Email: ASMATEXPRESS@GMAIL.COM
Phone: (404)855-6549 **Cell:** ()- **Fax:** (888)678-5710

Business and Financial

Business Type: Limited Liability Corporation
Gross Revenue: \$2,756,695.00 **For Year Ending:** 12/31/20
Federal Tax ID: [REDACTED]

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier

Operation Classification

For-Hire Motor Carrier
Property
Other Non-Hazardous Freight

Cargo

General Freight

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	2	27	
Trailers	9	20	

Power units used in the U.S.: 29
Percentage of time used in the U.S.: 100%

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles		29
>= 100 Miles		

Average trip leased driver/month: 0
Drivers with CDL: 29
Total Drivers: 29

Person(s) Interviewed

Name: ALEBACHEW ADEME

Title: MANAGER

Questions

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:

61 Forsyth Street, SW, Suite 3B15
ATLANTA, GA 30303
Phone: (678) 284-5130
Fax: (678) 284-5146

This report will be used to assess your safety compliance.

Violations

1. Primary: 396.17(g)

Failing to promptly repair parts and accessories in accordance as set forth in appendix G of Part 396.



Acute

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
13		13

BASIC Impacted
Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Example/Notes:

Vehicle: VIN: 4V4NC9TH5DN [REDACTED]

Trip date: 1/22/2021

Description of Violation: Vehicle Failed Annual Inspection on 1/21/2021 due to the following: friction parts, (Shoes, Linings, Drums, Rotors, etc.). Vehicle was not re-inspected and was operated.

Drivers/Vehicles

In Violation	Checked
1	13

2. Primary: 382.303(a)

Failing to conduct post accident alcohol testing on driver following a recordable crash.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

BASIC Impacted
Controlled
Substances/Alcohol

Rating Factor 2:
Driver = Part 382

Example/Notes:

Driver name: Mamuye Takelu, Unit VIN: 1FUJBBCG25LN [REDACTED]

Accident date: 6/19/2021

Driver charged/ fatality? Fatality

[REDACTED] Unit VIN: 1FUJBCK96LU [REDACTED]

Accident Date: 11/26/2020, Fatality

Drivers/Vehicles

In Violation	Checked
2	2

3. Primary: 382.303(b)

Failing to conduct post accident testing on driver for controlled substances.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

BASIC Impacted

Controlled Substances/Alcohol

Rating Factor 2:

Driver = Part 382

Example/Notes:

Driver name: Mamuye Takelu, Unit VIN: 1FUJBBCG25LN [REDACTED]

Accident date: 6/19/2021

Driver charged/ fatality? Fatality

[REDACTED] Unit VIN: 1FUJBCK96LU [REDACTED]

Accident Date: 11/26/2020, Fatality

Drivers/Vehicles

In Violation	Checked
2	2

4. Primary: 391.51(b)(7)

Failing to maintain medical examiner's certificate in driver's qualification file.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
4		4

Checked

Fed	State	Total
8		8

BASIC Impacted

Driver Fitness

Rating Factor 2:

Driver = Part 391

Example/Notes:

Driver name, [REDACTED] Unit VIN: 3HSDJAPR9GN [REDACTED]

Trip date. 5/26/2021

Description of violation: Fails to maintain MVR with medical status or state document equivalent , currently listed as Excepted Interstate

[REDACTED] Trip date 11/26/2020, Unit VIN: VIN: 1FUJBCK96LU [REDACTED] medical examiner's certificate issued 2/10/2020

[REDACTED] Trip date 1/28/2021, Unit VIN: 1XKYD49X9GJ [REDACTED] medical examiner's certificate issued 9/02/2020

[REDACTED] Trip date 4/13/2021, Unit VIN: 1FUJBCK67LW [REDACTED] medical examiner's certificate issued 10/26/2020

Drivers/Vehicles

In Violation	Checked
4	8

5. Primary: 395.8(a)(1)

Failing to require a driver to prepare a record of duty status.

**Critical**

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
23		23

Checked

Fed	State	Total
210		210

BASIC Impacted
Hours-of-Service
Compliance**Rating Factor 3:**
Operational = Part
395**Example/Notes:**

Date: 1/9/2021

Driver name: [REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]

ELD not recording engine hours or odometer.

Trip dates: 1/9/2021, 1/10/2021, 1/11/2021, 1/12/2021, 1/13/2021, 1/14/2021, 1/15/2021, 1/18/2021, 1/19/2021, 1/20/2021, 1/21/2021, 1/22/2021, 1/23/2021, 1/25/2021, 1/26/2021, 1/27/2021, 1/28/2021.

[REDACTED] Unit VIN: 1FUJBBCK67LW [REDACTED]

ELD not tracking intermediate locations

4/26/2021, 4/27/2021, 4/28/2021, 4/29/2021, 4/30/2021, 5/1/2021

Drivers/Vehicles

In Violation	Checked
2	7

6. Primary: 395.8(e)(1)

Making, or permitting a driver to make, a false report regarding duty status

**Critical**

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
37		37

Checked

Fed	State	Total
210		210

BASIC Impacted
Hours-of-Service
Compliance**Rating Factor 3:**
Operational = Part
395**Example/Notes:**

Driver name: [REDACTED] Unit VIN; 4V4NC9TH5DN [REDACTED]

Trip Date: 1/8/2021

Description of violation: Driver operated from Danville, IL to Fox Chase, KY while logs indicate off-duty and on-duty,

Additional Trip dates: 1/09/2021, 1/12/2021, 1/13/2021, 1/14/2021, 1/19/2021, 1/20/2021, 1/23/2021.

Drivers/Vehicles

In Violation	Checked
6	7

Unit VIN: 1FUJA6CK89DAE

Trip dates: 4/06/2021, 4/16/2021, 4/26/2021

Unit VIN: 1FUJGLD50GLHC

Trip dates: 2/19/2021, 2/21/2021, 2/24/2021

Unit VIN: 1XKYD49X9GJ

Trip dates: 1/20/2021, 1/23/2021

Mamuye Takelu, Unit VIN: 1FUJBBCG25LN

Trip dates: 5/25/2021, 5/26/2021, 5/28/2021, 6/6/2021, 6/7/2021, 6/8/2021, 6/9/2021

Unit VIN: 3AKJGLBG5DSFE

Trip dates: 3/4/2021, 3/8/2021, 3/9/2021, 3/10/2021, 3/11/2021, 3/12/2021, 3/13/2021, 3/14/2021, 3/15/2021, 3/16/2021, 3/20/2021, 3/25/2021, 3/28/2021, 3/29/2021

7. Primary: 382.105

Secondary: 40.163(c)

Using a Medical Review Officer who failed to report a verified test result in proper format.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
8		8

Example/Notes:

Employee name:

Trip date: 4/13/2021

Test date: 10/30/2020, verified date 11/06/2020

MRO name:

Description of incorrect format used: Driver full name not indicated

Drivers/Vehicles

In Violation	Checked
1	8

8. Primary: 382.301(a)

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
8		8

Example/Notes:

Driver name, [REDACTED] Unit VIN: 3AKJGLD52GSFF [REDACTED]
Trip date, 1/03/2021
Hire date: 9/22/2020

Drivers/Vehicles

In Violation	Checked
1	8

9. Primary: 382.401(b)(3)

Failing to maintain records for one year.

Violations Discovered

Fed	State	Total
7		7

Checked

Fed	State	Total
7		7

Example/Notes:

Date of trip: 4/13/2021
Driver name: [REDACTED]
Type of record not maintained: Carrier fails to maintain Custody and Control Forms for Pre-employment Controlled Substances Tests

Drivers/Vehicles

In Violation	Checked
7	7

10. Primary: 382.601(b)

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.

Violations Discovered

Fed	State	Total
8		8

Checked

Fed	State	Total
8		8

Example/Notes:

Driver name, [REDACTED]
Trip date, 5/26/2021
Information not included in policy: Policy does not include the identity of the person designated by the employer to answer driver questions about the materials

Drivers/Vehicles

In Violation	Checked
8	8

11. Primary: 382.701(a)

Failing to conduct a pre-employment query

Violations Discovered

Fed	State	Total
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8		8
Checked		
Fed	State	Total
8		8

Example/Notes:

Mamuye Takelu, hire date 3/09/2021
 Trip date: 6/19/2021
 Failing to conduct a pre-employment query

Drivers/Vehicles

In Violation	Checked
8	8

12. Primary: 390.15(b)(1)

Failing to keep an accident register in the form and manner prescribed.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver name. [REDACTED]
 Accident/trip date. 11/26/2020
 Enter brief description: Accidents from 11/26/2020 and 2/23/2021 missing from register

Drivers/Vehicles

In Violation	Checked
1	1

13. Primary: 390.15(b)(2)

Failing to maintain copies of all accident reports required by State or other governmental entities or insurers.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name, [REDACTED]
 Accident/Trip date. 2/23/2021
 Report #: [REDACTED]

Drivers/Vehicles

In Violation	Checked
1	3

14. Primary: 391.21(a)

Using a driver who has not completed and furnished an employment application.

Violations Discovered

Fed	State	Total
8		8

Checked

Fed	State	Total
8		8

Example/Notes:

Driver name, Mamuye Takelu

Trip date. 6/19/2021

Description of violation: Incomplete Application, missing previous employer

Drivers/Vehicles

In Violation	Checked
8	8

15. Primary: 391.51(b)(2)

Failing to maintain inquiries into driver's driving record in driver's qualification file.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
8		8

Example/Notes:

Driver name, [REDACTED]

Trip date. 1/28/2021

Description of violation: No Initial MVR

Drivers/Vehicles

In Violation	Checked
1	8

16. Primary: 391.51(b)(4)

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Violations Discovered

Fed	State	Total
4		4

Checked

Fed	State	Total
4		4

Example/Notes:

Driver name, [REDACTED] hire date 9/4/2018

Trip date. 4/13/2021

Description of violation: No Annual MVR in DQ File

[REDACTED] Trip date: 1/28/2021

[REDACTED] Trip date: 5/26/2021

[REDACTED] Trip date: 11/26/2020

Drivers/Vehicles

In Violation	Checked
4	4

17. Primary: 391.51(b)(6)

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Violations Discovered

Fed	State	Total
4		4

Checked

Fed	State	Total
4		4

Example/Notes:

Driver name, [REDACTED] hire date 9/4/2018

Trip date. 4/13/2021

Description of violation: No Annual List of Traffic Violations

[REDACTED] Trip date: 1/28/2021

[REDACTED] Trip date: 5/26/2021

[REDACTED] Trip date: 11/26/2020

Drivers/Vehicles

In Violation	Checked
4	4

18. Primary: 391.51(b)(9)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)._x000D_
x000D**Violations Discovered**

Fed	State	Total
4		4

Checked

Fed	State	Total
8		8

Example/Notes:

Driver name, [REDACTED]

Trip date. 5/26/2021

Description of violation: Failing to place a note related to the verification of the medical

Drivers/Vehicles

In Violation	Checked
4	8

examiner

19. Primary: 391.53(b)(2)

Failure to maintain in Driver Investigation History file a copy of the response(s) received for investigations required by paragraphs (d) and (e) of Â§391.23 from each previous employer, or documentation of good faith efforts to contact them.

Violations Discovered

Fed	State	Total
11		11

Checked

Fed	State	Total
15		15

Example/Notes:

Driver name: [REDACTED]

Trip date: 5/26/2021

Description of violation: missing inquiry to previous employer

Drivers/Vehicles

In Violation	Checked
7	8

20. Primary: 392.2

Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - Unsafe Driving.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Unit VIN: 1FUJBBCG25LN [REDACTED]

Driver Name: Mamuye Takelu

Trip Date: 6/19/2021

Description of Violation: Section 32-5A-170 Reasonable and prudent speed
No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Drivers/Vehicles

In Violation	Checked
1	1

21. Primary: 395.8(e)(1)

False reports of records of duty status (inaccurate).

Violations Discovered

Fed	State	Total
10		10

Checked

Fed	State	Total
210		210

Example/Notes:

[REDACTED]

Trip date 1/17/2021

Log displays off-duty while fueling

Drivers/Vehicles

In Violation	Checked
3	7

22. Primary: 395.30(b)

Failing to certify ELD records

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
187		187

Example/Notes:

[REDACTED]

Trip date 1/29/2021

Fails to certify log

Drivers/Vehicles

In Violation	Checked
1	7

23. Primary: 396.3(b)(2)

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

Violations Discovered

Fed	State	Total
13		13

Checked

Fed	State	Total
13		13

Example/Notes:**Drivers/Vehicles**

In Violation	Checked

Unit VIN: 4V4NC9TH5DN [REDACTED]
Trip date: 1/21/2021

13	13
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24. Primary: 396.3(b)(3)

Failing to keep a record of inspection, repairs and maintenance indicating their date and nature.

Violations Discovered

Fed	State	Total
13		13

Checked

Fed	State	Total
13		13

Example/Notes:

Unit VIN: 3AKJGLD52GSFF [REDACTED]
Trip date 1/03/2021

Drivers/Vehicles

In Violation	Checked
13	13

25. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
13		13

Example/Notes:

Vehicle : Unit VIN: 4V4NC9TH5DN [REDACTED]
Date of trip: 1/21/2021

Drivers/Vehicles

In Violation	Checked
1	13

26. Primary: 396.19(b)

Failing to maintain evidence of inspector's qualifications.

Violations Discovered

Fed	State	Total
8		8

Checked

Fed	State	Total
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8		8
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Example/Notes:

Inspectors name : [REDACTED]
 Inspection date : 10/24/2020
 Vehicle: Unit VIN: 1FUJBBCG25LN [REDACTED]
 Trip date: 6/19/2021

Drivers/Vehicles

In Violation	Checked
13	13

27. Primary: 396.21(a)

Failing to require inspector to prepare periodic inspection report as prescribed.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
13		13

Example/Notes:

Inspectors Name : [REDACTED]
 Inspection Date : 10/24/2020
 Vehicle: 1JJV532W99L [REDACTED]
 Trip date: 6/19/2021
 Description of Violation: Annual inspection is for trailer, boxes checked "ok" for air compressor, tractor protection valve, low pressure warning device,

Drivers/Vehicles

In Violation	Checked
1	13

28. Primary: 396.21(b)

Failing to retain periodic inspection report for 14 months from date of inspection.

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
17		17

Example/Notes:

Vehicle identification, Unit VIN: 1JJV532WX8L [REDACTED]
 Trip date: 1/22/2021
 Inspection in file expired 8/2019

Drivers/Vehicles

In Violation	Checked
3	13

Unit VIN: 1FUJA6CK77LX [REDACTED]
Trip date: 12/29/2020
Inspection in file expired 10/2019

Unit VIN: 1JJV532W99L [REDACTED]
Trip date: 12/29/2020
No Inspection maintained

Safety Fitness Rating

Your proposed safety rating is: **UNSATISFACTORY** 2 or more UNSATISFACTORY rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory		
Factor 2: Driver = Parts 382, 383 and, 391	Unsatisfactory		3
Factor 3: Operational = Parts 392 and 395	Unsatisfactory		2
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 3 Number of Vehicles Inspected (MCMIS): 8 OOS Rate: 37.5%	Unsatisfactory	1	
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 3,600,000 Recordable Accidents: 2 Recordable Accidents/Million Miles: 0.56	Satisfactory	N/A	N/A

Effective date: You will receive an official notice of proposed safety rating from the Federal Motor Carrier Safety Administration in Washington, D.C. The Unsatisfactory rating will take effect 60 days after the date of the official notice.

PROHIBITION: Under 49 USC 31144(c) and 49 CFR 385.13, a motor carrier that receives a final Unsatisfactory safety rating is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce. If applicable, the motor carrier shall have its operating authority registration revoked under 49 USC 13905(f)(1)(B).

You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15.

Change to safety rating based on corrective action: You may request a change to a safety rating under 49 CFR 385.17 at any time by providing evidence that you have taken actions to correct the deficiencies that resulted in the safety rating. You must make this request in writing to the Field Administrator for the FMCSA Service Center in which you maintain your principal place of business. A pending request for a change in safety rating under 49 CFR 385.17 will not delay the effective date of the rating.

Administrative Review: You may appeal your proposed safety rating in a petition filed under 49 CFR 385.15 if you believe FMCSA made an error in assigning your safety rating. You must submit your appeal within 90 days of the date of the proposed safety rating or within 90 days after denial of a request for a change in rating under section 385.17(i).

You should submit your appeal within 15 days of the date of the official safety rating notice to allow FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. A petition under section 385.15 will not delay the effective date of the rating unless the Chief Safety Officer grants a stay.

You must submit your appeal in writing to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001.

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in

the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Hours-of-Service Compliance

Process Breakdown: Monitoring and Tracking

Alebachew Ademe is in charge of the carrier's safety management. The motor carrier has not been effectively monitoring and tracking hours of service records to ensure drivers are properly using their electronic logging devices and following regulations. The carrier needs to implement an effective process of monitoring and tracking hours of service records, ensure drivers' records accurately reflect actual activities, and comply with the FMCSR.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Training and Communication

Alebachew Ademe is responsible for the carrier's safety management. The carrier has failed to conduct any post-accident controlled substances & alcohol tests when required per FMCSR requirements. The carrier needs to ensure management personnel and drivers are educated on FMCSR controlled substances and alcohol testing requirements. In addition, the carrier needs to ensure drivers are being tested when required.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Training and Communication:

1. Convey expectations to all applicable staff for adhering to controlled substance and alcohol regulations and to company policies and procedures, and for executing responsibilities by providing new-hire and refresher training. Establish communication channels such as newsletters and/or meetings focused on resolving conflicts: for example, for drivers, between testing requirements and lifestyle decisions with regard to controlled substance and alcohol abuse or misuse.

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

Alebachew Ademe is in charge of the carrier's safety management. The carrier has not been properly maintaining driver qualification files and driver documents to ensure drivers are properly qualified when operating CMVs. The carrier needs to implement an effective process

to ensure driver qualification files are being properly maintained per the FMCSR.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.

BASIC: Vehicle Maintenance

Process Breakdown: Policies and Procedures

Alebachew Ademe is in charge of the carrier's safety management. The carrier does not currently have a systemic maintenance policy for its vehicles. The carrier needs to develop and implement a systemic maintenance policy. The policy should have a schedule for periodic maintenance, inspection, and record-keeping. In addition, the carrier must ensure drivers are properly educated about the policy.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:

1. Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.

Recommendations

1. **Notice of Claim Violations**

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.

2. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

3. **Carrier 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:

Danny McPeters

Federal Motor Carrier Safety Administration

61 Forsyth Street, SW, Suite 3B15

ATLANTA, GA 30303

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

4. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

5. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

6. **ETA PAccket**

A complete Educational and Technical Assistance package entitled "THE MOTOR CARRIER SAFETY PLANNER" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents for improving the safety of your operations. Check: <https://csa.fmcsa.dot.gov/safetyplanner/>

7. **Accident Countermeasures website has strategies and forms.**

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>

8. **10-year driver employment history required.**

Ensure that drivers provide a 10-year employment history on their employment application.

9. **Ensure that all drivers' logs are accurate.**

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. **Driver drug tests required.**
Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
11. **MRO must have knowledge of the drug regulations.**
Ensure that the Medical Review Officer (MRO) used in your drug testing program is knowledgeable about the reporting and review of test results requirements of 49 CFR 40.33.
12. **Maintain a complete file documenting the qualification process.**
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.
13. **Establish a maintenance records program for all vehicles.**
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.

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
382.303(b) - Failing to conduct post accident testing on driver for controlled substances			
1	06/19/21	Driver: Mamuye Takelu, Unit VIN: 1FUJBBCG25LN [REDACTED]	
2	11/26/20	Driver: [REDACTED] Unit VIN:1FUJBCK96LU [REDACTED]	
395.8(a)(1) - Failing to require a driver to prepare a record of duty status.			
1	01/09/21	[REDACTED] Unit VIN: 4V4NC9TH5DN5 [REDACTED]	
2	01/10/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
3	01/11/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
4	01/12/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
5	01/13/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
6	01/14/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
7	01/15/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
8	01/18/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
9	01/19/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
10	01/20/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
11	01/21/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
12	01/22/21	[REDACTED] Unit VIN: 4V4NC9TH5DN [REDACTED]	
13	01/23/21	[REDACTED] Unit VIN:	