



**Post Crash Compliance Review**

**Mendon, MO**

**RRD22MR010**

(34 pages)

# UNITED STATES DEPARTMENT OF TRANSPORTATION

	<b>U.S. DOT#:</b> 3383523 <b>MC/MX#:</b> 0	<b>Legal:</b> MS CONTRACTING LLC <b>Operating (DBA):</b>	<b>Investigation Date:</b> 08/04/2022
<b>Investigation Type:</b> Onsite Comprehensive Investigation		<b>Location of Investigation:</b> Company principal place of business (PPOB) <b>Extent of Operations:</b> Entire Operation	
<b>Physical Address</b>		<b>Mailing Address</b>	
25851 HIGHWAY M BROOKFIELD, MO 64628-1172 United States		PO BOX 194 BROOKFIELD, MO 64628-0194 United States	
<b>Contact Information</b>			
<b>Contact Name:</b> ██████████ <b>Email:</b> ██████████@att.net <b>Phone:</b> ██████████ <b>Cell:</b> ██████████ <b>Fax:</b> ( )-			
<b>Business and Financial</b>			
<b>Business Type:</b> Limited Liability Corporation <b>Name of Gross Revenue Provider:</b> ██████████ <b>Title of Gross Revenue Provider:</b> Member <b>Gross Revenue:</b> \$380,000.00 <b>For Year Ending:</b> 12/31/2021 <b>Federal Tax ID:</b> ██████████ (EIN)			
<b>Operation Classification and Type</b>		<b>Cargo</b>	
<b>Type of Operation:</b> HM Intrastate Carrier  <b>Operation Classification</b> For-Hire Motor Carrier Property Other Non-Hazardous Freight Private Motor Carrier Property – Hazardous Materials		Other (Rock, Sand ), Machinery, Large Objects	
<b>Hazardous Materials</b>			
Which of the following hazardous materials requiring a Safety Permit does the company transport?		None	
Does the company have a satisfactory security program in place as required in 49 CFR Part 385, Subpart E?		N/A	
Is an HM Permit required by any State?		No	
Hazardous Materials		Class 9 Miscellaneous Hazardous Materials = C, NB	

Equipment				Driver Information		
	Owned	Term Leased	Trip Leased	Drivers		
					Intrastate	Interstate
Straight Trucks	7					
Truck Tractors	7			< 100 Miles	9	
Trailers	7			>= 100 Miles		
<b>Power units used in the U.S.: 14</b>				<b>Average trip leased driver/month: 0</b>		
<b>Percentage of time used in the U.S.: 100%</b>				<b>Drivers with CDL: 9</b>		
				<b>Total Drivers: 9</b>		
<b>Person(s) Interviewed</b>						
<b>Name:</b> MICHAEL E SATTMAN				<b>Title:</b> MEMBER		
<b>Questions</b>						
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:				830 MoDOT Drive Jefferson City, MO 65109 Phone: (866) 831-6277		
<b>This report will be used to assess your safety compliance.</b>						

# Violations

<b>1. Primary: 382.301(a)</b> Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.   <b>Critical</b> At least 10% of the number checked had violations	<b>Violations Discovered</b>			<b>BASIC Impacted</b> Controlled Substances/Alcohol	<b>Rating Factor 2:</b> Driver = Part 382
	<b>Fed</b>	<b>State</b>	<b>Total</b>		
	2		2		
	<b>Checked</b>				
	<b>Fed</b>	<b>State</b>	<b>Total</b>		
	2		2		

<b>Example/Notes:</b>  Driver name, ██████████ Trip date, 06/27/2022 Hire date, 04/05/2022	<b>Drivers/Vehicles in Violation</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
	2		2
	<b>Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
	2		2

<b>2. Primary: 396.17(a)</b> Using a commercial motor vehicle not periodically inspected.   <b>Critical</b> At least 10% of the number checked had violations	<b>Violations Discovered</b>			<b>BASIC Impacted</b> Vehicle Maintenance	<b>Rating Factor 4:</b> Vehicle = Part 396
	<b>Fed</b>	<b>State</b>	<b>Total</b>		
		5	5		
	<b>Checked</b>				
	<b>Fed</b>	<b>State</b>	<b>Total</b>		
	5		5		

<b>Example/Notes:</b>  Vehicle #3 Date of trip, 06/27/2022	<b>Drivers/Vehicles in Violation</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		5	5
	<b>Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
	5		5

<b>3. Primary: 382.305(i)(2)</b> 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.	<b>Violations Discovered</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
	3		3
	<b>Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
	3		3

<b>Example/Notes:</b>	<b>Drivers/Vehicles in Violation</b>
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<p>Driver name, [REDACTED]  Selection date 2021  Trip date 06/23/2022  [REDACTED] were not on the active driver list enrolled in the testing Consortium.</p>	<table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>3</td> <td></td> <td>3</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>3</td> <td></td> <td>3</td> </tr> </tbody> </table>	Fed	State	Total	3		3	Fed	State	Total	3		3
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<p><b>4. Primary: 382.603</b>  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><b>Violations Discovered</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>1</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>1</td> </tr> </tbody> </table>	Fed	State	Total	1		1	Fed	State	Total	1		1
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<p><b>Example/Notes:</b>  Driver name, [REDACTED]  [REDACTED] 06/27/2022  Supervisor/Company official not trained: Member [REDACTED]</p>	<p><b>Drivers/Vehicles in Violation</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>1</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>1</td> </tr> </tbody> </table>	Fed	State	Total	1		1	Fed	State	Total	1		1
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<p><b>5. Primary: 382.701 (b)(1)</b>  Failing to conduct an annual query.</p>	<p><b>Violations Discovered</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>4</td> <td></td> <td>4</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>4</td> <td></td> <td>4</td> </tr> </tbody> </table>	Fed	State	Total	4		4	Fed	State	Total	4		4
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<p><b>Example/Notes:</b>  The carrier did not conduct annual queries on drivers prior to the investigation.</p>	<p><b>Drivers/Vehicles in Violation</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>4</td> <td></td> <td>4</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>4</td> <td></td> <td>4</td> </tr> </tbody> </table>	Fed	State	Total	4		4	Fed	State	Total	4		4
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<p><b>6. Primary: 382.701(a)</b>  Failing to conduct a pre-employment query</p>	<p><b>Violations Discovered</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>3</td> <td></td> <td>3</td> </tr> </tbody> </table> <p><b>Checked</b></p>	Fed	State	Total	3		3						
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<p><b>Example/Notes:</b></p> <p>The carrier hired 3 drivers in the previous 365 days. The carrier did not conduct pre-employment queries.</p>	<p><b>Drivers/Vehicles in Violation</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>3</td> <td></td> <td>3</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>3</td> <td></td> <td>3</td> </tr> </tbody> </table>	Fed	State	Total	3		3	Fed	State	Total	3		3
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<p><b>7. Primary: 382.711(b)</b></p> <p>Failing to register in the Clearinghouse.</p>	<p><b>Violations Discovered</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>1</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>1</td> </tr> </tbody> </table>	Fed	State	Total	1		1	Fed	State	Total	1		1
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<p><b>Example/Notes:</b></p> <p>The carrier was not registered with FMCSA's DACH.</p>	<p><b>Drivers/Vehicles in Violation</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>1</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>1</td> </tr> </tbody> </table>	Fed	State	Total	1		1	Fed	State	Total	1		1
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<p><b>8. Primary: 391.21(a)</b></p> <p>Using a driver who has not completed and furnished an employment application.</p>	<p><b>Violations Discovered</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td></td> <td>1</td> <td>1</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td></td> <td>5</td> <td>5</td> </tr> </tbody> </table>	Fed	State	Total		1	1	Fed	State	Total		5	5
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Fed	State	Total											
	5	5											
<p><b>Example/Notes:</b></p> <p>Driver name, [REDACTED]</p> <p>Trip date. 06/27/2022</p> <p>No employment application in driver qualification file.</p>	<p><b>Drivers/Vehicles in Violation</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td></td> <td>1</td> <td>1</td> </tr> </tbody> </table> <p><b>Checked</b></p> <table border="1"> <thead> <tr> <th>Fed</th> <th>State</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td></td> <td>5</td> <td>5</td> </tr> </tbody> </table>	Fed	State	Total		1	1	Fed	State	Total		5	5
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	1	1											
Fed	State	Total											
	5	5											

**9. Primary: 391.25(c)(1)**

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

<b>Violations Discovered</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	4	4
<b>Checked</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	5	5

**Example/Notes:**

Driver name, [REDACTED]

Trip date. 06/27/2022

No current MVR in driver qualification file.

<b>Drivers/Vehicles in Violation</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	4	4
<b>Checked</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	5	5

**10. Primary: 396.3(b)(1)**

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

<b>Violations Discovered</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	5	5
<b>Checked</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	5	5

**Example/Notes:**

Unit #3

Identifying information was not recorded on vehicle maintenance files

<b>Drivers/Vehicles in Violation</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	5	5
<b>Checked</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	5	5

## Safety Fitness Rating

### This Investigation is Not Rated

**Crash Rate:**

Total Miles Operated: 320,000

Recordable Accidents: 1

Recordable Accidents/Million Miles: 3.13

**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: Controlled Substances/Alcohol

#### Process Breakdown: Monitoring and Tracking

---

MS Contracting LLC was not conducting pre-employment drug testing. The carrier did not update the active driver list to ensure that all drivers had an equal opportunity to be randomly selected for controlled substance and alcohol testing. The carrier was not enrolled in FMCSA's Drug and Alcohol clearinghouse and was not conducting pre-employment or annual queries to track driver violations. The carrier had no system in place to monitor and track verification of drivers receiving a pre-employment test and then being added to their random testing consortium. Member Michael Sattman advised his awareness of the regulations but they had not had time to complete all these tasks.

#### Specific Recommended Remedies

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

1. MS Contracting LLC should ensure that all test records are monitored for adherence to retention dates and nondisclosure requirements. The carrier should develop a process to monitor and track drivers from pre-employment throughout prolonged employment making sure that all aspects of the controlled substance and alcohol testing requirements have been met.
2. MS Contracting LLC needs to monitor and adjust the testing program to ensure proper annual driver sampling.
3. MS Contracting LLC should evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.

### BASIC: Vehicle Maintenance

#### Process Breakdown: Training and Communication

---

MS Contracting LLC was not conducting federal annual inspections on commercial motor vehicles. The carrier advised they were unaware that federal annual inspections were needed in addition to state inspections conducted for the issuance of license plates. The carrier did not seek training to obtain knowledge on maintaining all the correct documents for vehicle maintenance compliance.

#### Specific Recommended Remedies

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

1. MS Contracting LLC should conduct federal annual inspections on all power units and each segment of a combination vehicle in accordance with 396.17(a).
2. MS Contracting LLC needs to train all staff who are required to monitor and track vehicle maintenance on the appropriate company policies, including those related to discipline and incentives.
3. MS Contracting LLC should reinforce training to drivers, mechanics, and other employees about vehicle maintenance policies, procedures, and responsibilities, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among drivers and mechanics so that they can help each other to improve.

### BASIC: Driver Fitness

## Process Breakdown: Monitoring and Tracking

---

MS Contracting LLC did not have applications for employment in all driver qualification files. MS Contracting LLC did not have updated MVRs in all driver qualification files reviewed. The carrier obtained these documents initially but did not continue to make annual inquiries to obtain driving records. The carrier did not have a system to monitor and track when new motor vehicle records should be obtained to ensure they were not outdated in driver qualification files.

### Specific Recommended Remedies

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

1. MS Contracting LLC should 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.
2. MS Contracting LLC should maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.

## Recommendations

### 1. **Additional Information**

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

### 2. **STP**

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>

Notice: On March 30, 2004, FMCSA published a final rule requiring employers to review a candidate's safety performance history data within 30 days of hiring a new driver. The final rule enables prospective employers to obtain and use more complete driver safety performance history during the hiring process. Prospective employers will be required to, at a minimum, investigate a driver's employment information, accident record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

All previous employers are required to respond to the investigating employer within 30 days of receiving the investigation request.

Notice: On April 28, 2003, the FMCSA published a final rule revising the hours-of-service regulations for commercial motor vehicle drivers. Under the new rule, drivers may drive 11 hours after 10 consecutive hours off-duty, but may not drive beyond the 14th hour after coming on-duty. Similar to existing rules, drivers may not drive after being on-duty for 60 hours in a seven-consecutive-day period or 70 hours in an eight-consecutive-day period. This on-duty cycle may be restarted whenever a driver takes at least 34 consecutive hours off-duty. Short-haul truck drivers, who routinely return to their place of dispatch after each duty tour and then are released from duty, may have an increased on-duty period of 16 hours once during any seven consecutive day period.

Carriers and commercial motor vehicle drivers are required to comply with the current hours-of-service rules through January 3,

2004. Compliance with the "new" regulations is mandatory for all carriers, except passenger-carrying operations, beginning on January 4, 2004. Passenger-carrying motor carriers and drivers are not subject to the new maximum driving limits. For more information on these regulations, please access the FMCSA website at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

Failure to abate the cited violations could cause penalties to be increased in the future enforcement actions. Recurring violations of the same or related acute or critical regulations ( Violations of the same Part in Title 49 of the code of Federal Regulations ) that result in three enforcement actions within a six year period will cause the maximum penalties allowed by law to be assessed for the third enforcement action. See, 49 U.S.C. 521 (b), 49 U.S.C. 5123, 49 U.S.C. Chapter 149, 49 CFR Part 386, Appendix A, and Section 222 of the Motor Carrier Safety Improvement Act of 1999.

PLEASE NOTE: the violations discovered during this [compliance review, safety audit, roadside inspection] may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations, or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim.

**Table 1: Violations Discovered During Review/Inspection**

Violation	Date	Identifying Information	Description
<b>396.17(a) - Using a CMV not periodically inspected</b>			
1	06/27/2022	Equipment: Unit #3	
2	06/06/2022	Equipment: Unit #4	
3	06/24/2022	Equipment: Unit #31	
4	06/06/2022	Equipment: Unit # 705	
5	06/06/2022	Equipment: Unit# T7	
<b>382.301(a) - Using a driver before receiving a pre-employment result</b>			
1	06/27/2022	Driver: [REDACTED]	
2	06/13/2022	Driver: [REDACTED]	

# Safety Investigator Narrative

## Investigators who contributed to the review:

Name	Title	Inspector ID (e.g., SI Code)
SHANE FLETCHER	Primary SI	MO0214

## Investigation Scope

**Start Date:** 6/29/2022

**Investigation Type:** Onsite Investigation, Comprehensive

The investigation type changed from the assigned investigation because:

The assignment was initially assigned as an on-site focused. The assignment was expanded to a comprehensive investigation after advisement from FMCSA. The investigation was then changed from a federal investigation to a state investigation due to the carrier updating their MCS-150 to intrastate during the investigation.

**Reason(s) for Investigation:** Significant Crash

## Comments

General comments:

Initial assignment from FMCSA's Hope Maddox requested the following:

Driver qualification file- Bi [REDACTED]

Controlled substance and alcohol testing records- [REDACTED]

Timecards from 2 weeks prior to crash- [REDACTED]

Vehicle maintenance file for CMV involved in crash- Unit #3

After initial contact with the carrier and proposed violations discovered during the on-site focused investigation, FMCSA advised expanding the investigation to a comprehensive. The investigation was then changed to a state investigation due to carrier MCS-150 classification changed to intrastate.

## Company Information

### Company Owners and Partners/Officers/Members of the Company

Name	Title	In Charge of Safety Management?	Received Report?	Present for Close-Out?
[REDACTED]	MEMBER	Yes	Yes	Yes

## Comments

### Business Information And Finance

The financial condition of the subject, focusing on any information that impacts the carrier's safety, is as follows: (The objective is to gather information to support making safety assessments determining if the carrier is reincarnated)

The financial condition of the carrier appears to be stable. There was no evidence of the carrier being reincarnated.

The carrier's major assets such as buildings, land, airplanes, other companies, etc. are:

The carrier has assets such as equipment, tools, and non-regulated vehicles used to conduct construction projects.

Description of the carrier's business process model:

The carrier is a contractor who constructs roads, levees, bridges and does concrete work. Member Michael Sattman advised that approximately 10% of revenue is derived from the dump truck operation hauling for-hire.

Major impacts to the business that affected the financial condition were:

There were no major impacts that affected the financial condition of the carrier.

## Operations & Cargo Classification

General comments:

The carrier transports private property and makes for-hire moves in intrastate commerce. The carrier transports class 9 miscellaneous hazardous materials in the form of machinery.

## Hazardous Materials

**Does the motor carrier transport placardable quantities of Hazardous Materials?** No

**Is the motor carrier required to have a Hazardous Material Safety Permit under FMCSA regulations?** No

**Does the motor carrier have a Hazardous Material registration as required by PHMSA?**

General comments:

The carrier transports class 9 miscellaneous hazardous materials in the form of machinery. This machinery is used to conduct construction projects.

## Driver/Vehicle Information

General comments:

The carrier currently employs 9 CDL drivers. The carrier has used a total of 16 drivers in the previous 365 days. The carrier was employing 10 drivers prior to the fatality accident. All drivers operate within a 150 air-mile radius in intrastate commerce.

## Compliance History

### Prior Investigations

No Prior Investigations

## Safety Audits

Date	Type	New Entrant Date	Overall Results
01/08/2021	Offsite	01/17/2020	Pass

## Closed Enforcement Cases

No Closed Enforcement Cases

## Comments

All recurring violations discovered during prior investigations were:

There were no prior investigations.

Techniques used in discovering violations for use in subsequent investigations were:

The carrier was interviewed, all BASICS were reviewed due to the scope of the investigation. A tour of the facility was conducted and the business profit model discussed with Member Michael Sattman.

## Authority & Insurance

**Does the motor carrier have the appropriate type of authority?** No, they don't have the appropriate level of authority they need

Explanation of any authority lapses or revocations:

The carrier advised that they make for-hire intrastate moves. The carrier does not have Missouri operating authority. The carrier was educated on the requirement to obtain operating authority to conduct for-hire moves in intrastate commerce. Under advisement of administration it was determined that education would be provided to the carrier for the requirement to obtain Missouri intrastate operating authority. The carrier was given information on how to contact the Motor Carrier Services office and obtain a MO-1 application for intrastate authority.

**Does the motor carrier have the appropriate level of insurance?** Yes

**What is the amount noted on the MCS 90 or MCS 90B if applicable?** \$1,000,000

General comments:

Cincinnati Insurance Company

Policy# [REDACTED]

Coverage: \$1,000,000

Agent: JBLB Insurance Group/ 660-646-6789

## CDLIS (Driver's License Check)

**Was a CDLIS check conducted?** Yes

**List of drivers for which a CDLIS check was performed:**



Name	Date of Birth	License Information	Phone	Employment Dates	License Status
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes		1/1/2021-Present	Licensed
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes		1/12/2019-Present	Licensed
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	4/5/2022-Present	Licensed
Notes: RSMo 307.400.2 Operating under the Missouri intrastate exemption. Not required to obtain a valid medical certificate.					
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	8/12/2020-Present	Licensed
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	5/4/2021-Present	Licensed
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	6/1/2008-Present	Licensed
Notes: RSMo 307.400.2 Operating under the Missouri intrastate exemption. Not required to obtain a valid medical certificate.					
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	4/2/2018-Present	Licensed
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] [REDACTED]	[REDACTED]	-Present	Licensed
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	5/13/2022-Present	Licensed

General comments:

The carrier currently employs 9 drivers. The carrier has used 16 drivers in the previous 365 days. 10 CDLIS checks were conducted including [REDACTED] who was involved in the fatality accident 06/27/22.

**Pre-Investigation Narrative**

**Carrier Operations Description**

General overview of the carrier's safety operation, including the personnel responsible for safety management:

The carrier handles some routine maintenance in house. Driver [REDACTED] also spends time working in the shop as a mechanic. If major repairs are necessary the carrier out sources this work to a variety of local shops. The carrier provided receipts from local shops showing repairs made to commercial motor vehicles.

The approximate length of time the carrier/shipper has been in business is:

The carrier became a contracting company in 1998. They began motor carrier operations in 2019. The carrier has been in business approximately 3 years.

Explanation of interstate versus intrastate operations:

The carrier operates wholly within Missouri. The carrier was marked as an interstate carrier on their MCS-150. Member [REDACTED] advised that MS Contracting LLC has never operated in interstate commerce.

Significant findings regarding accuracy of registration data (MCS-150 data), including an explanation of the source(s) of information used to evaluate the accuracy of the information, are:

There were discrepancies noted in the carrier's MCS-150. After the initial visit for an on-site focused investigation the carrier reclassified their MCS-150 to intrastate on their own. During the investigation close out the carrier was advised to update their MCS-150 to the most current information including the correct number of trucks, trailers and drivers.

**Was the motor carrier involved in emergency relief efforts?** No

**Affiliation or Reincarnation**

**Date New Applicant Screening (NAS) was run:** 6/28/2022

Description of potential affiliated and reincarnated carrier(s), and the method by which they were determined not to be affiliated/reincarnated carrier(s):

N/A

**Requested Documents**

List of documents requested including the date requested

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample	BASICs	Carrier Name	U.S. DOT#
Timesheet 6/13-6/27		Crash: Driver: [REDACTED] Equipment:	6/29/2022	7/1/2022	[REDACTED] (Member)	Yes	HOS Compliance	MS CONTRACTING LLC	3383523
Driver qualification file		Crash: [REDACTED] Equipment:	6/29/2022	7/1/2022	[REDACTED] (Member)	Yes	Driver Fitness	MS CONTRACTING LLC	3383523

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample	BASICs	Carrier Name	U.S. DOT#
Pre-employment drug test		Crash: Driver: ██████████ Equipment:	6/29/2022	7/1/2022	██████████ (Member)	Yes	Controlled Substances & Alcohol	MS CONTRACTING LLC	3383523
Drivers enrolled in random testing		Crash: Driver: Equipment:	6/29/2022	7/1/2022	██████████	Yes	Controlled Substances & Alcohol	MS CONTRACTING LLC	3383523
Vehicle maintenance file Unit #3		Crash: Driver: Equipment: 3 (1NKWXBEX95J177480, MO-35J2WM)	6/29/2022	7/1/2022	██████████	Yes	Vehicle Maintenance	MS CONTRACTING LLC	3383523
Time sheet		Crash: Driver: ██████████ Equipment:	7/5/2022	7/27/2022	██████████ (Member)	Yes	HOS Compliance	MS CONTRACTING LLC	3383523
Time sheet		Crash: Driver: ██████████ Equipment:	7/5/2022	7/27/2022	██████████ (Member)	Yes	HOS Compliance	MS CONTRACTING LLC	3383523
Time sheet		Crash: Driver: ██████████ Equipment:	7/5/2022	7/27/2022	██████████ (Member)	Yes	HOS Compliance	MS CONTRACTING LLC	3383523
Time sheet		Crash: Driver: ██████████ Equipment:	7/5/2022	7/27/2022	██████████	Yes	HOS Compliance	MS CONTRACTING LLC	3383523
Driver qualification file		Crash: Driver: ██████████ Equipment:	7/5/2022	7/27/2022	██████████ n (Member)	Yes	Driver Fitness	MS CONTRACTING LLC	3383523
Driver qualification file		Crash: Driver: ██████████ Equipment:	7/5/2022	7/27/2022	██████████	Yes	Driver Fitness	MS CONTRACTING LLC	3383523
Driver qualification file		Crash: Driver: ██████████	7/5/2022	7/27/2022	██████████	Yes	Driver Fitness	MS CONTRACTING	3383523

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample	BASICs	Carrier Name	U.S. DOT#
		[REDACTED] Equipment:			(Member)			LLC	
Driver qualification file		Crash: Driver: [REDACTED] Equipment:	7/5/2022	7/27/2022	[REDACTED]	Yes	Driver Fitness	MS CONTRACTING LLC	3383523
Vehicle maintenance file		Crash: Driver: Equipment: 4 (1NKWL40X57J170590, MO-89J8WN)	7/5/2022	7/27/2022	[REDACTED] n (Member)	Yes	Vehicle Maintenance	MS CONTRACTING LLC	3383523
Vehicle maintenance file		Crash: Driver: Equipment: 31 (1XKWD69X5RR620440, MO-89J4WN)	7/5/2022	7/27/2022	[REDACTED]	Yes	Vehicle Maintenance	MS CONTRACTING LLC	3383523
Vehicle maintenance file		Crash: Driver: Equipment: 705 (1M2AJ07Y37N011371, MO-88J0WN)	7/5/2022	7/27/2022	[REDACTED]	Yes	Vehicle Maintenance	MS CONTRACTING LLC	3383523
Vehicle maintenance file		Crash: Driver: Equipment: T7 (5MADN2829JX040843, MO-66K8KF)	7/5/2022	7/27/2022	[REDACTED]	Yes	Vehicle Maintenance	MS CONTRACTING LLC	3383523
Roadside Inspections		Crash: Driver: Equipment:	7/5/2022	7/27/2022	[REDACTED]	Yes	Unsafe Driving	MS CONTRACTING LLC	3383523
Class 9 Miscellaneous HM		Crash: Driver: Equipment:	7/5/2022	7/27/2022	[REDACTED] (Member )	Yes	HM Compliance	MS CONTRACTING LLC	3383523

### Reasons for delays or extensions

Date	Notes
7/20/2022	COVID-19

### Pre-Investigation Comments

**Was Carrier Profile obtained:** Yes

**Date Carrier Profile was obtained:** 6/28/2022

Explanation of where the carrier maintains its documents, including where documents are maintained someplace other than at the principal place of business (includes whether or not the motor carrier was given 48 hours to produce records not located at the principal place of business):

The carrier maintains all documents at their office. The office is located at 142 Clawson Dr. Brookfield, Mo. The carrier provided all documents within the required time frame.

**Were there any issues that posed barriers to the pre-investigation process? (e.g., locating or reaching the motor carrier, availability and accuracy of information, etc.)** No

Specific details in conversations or observations that influenced the investigation process:

The carrier was working with many other agencies throughout the DOT investigation. These included but are not limited to NTSB, FRA, local law enforcement, insurance companies and lawyers.

General comments on the Pre-Investigation Narrative:

The investigation was delayed a few weeks due to the carrier having employees test positive for COVID-19. The carrier complied and met without reservation after employees had returned to regular work duties.

## Drivers with Red Flag Violations

No drivers with red flag violations

### Comments

## Violations with Planned Enforcement Action

Violations with planned enforcement action:

None

## Unsafe Driving

### Sampled Drivers

List of the driver(s) for the sample, and if applicable, the timeframe reviewed.

Name	Date of Birth	License Information	Phone	Employment Dates	Sample Dates
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	4/5/2022-Present	4/5/2022-6/27/2022
Notes: RSMo 307.400.2 Operating under the Missouri intrastate exemption. Not required to obtain a valid medical certificate.					
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	8/12/2020-Present	6/29/2021-6/29/2022
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] [REDACTED]	[REDACTED]	5/4/2021-Present	6/29/2021-6/29/2022



Name	Date of Birth	License Information	Phone	Employment Dates	Sample Dates
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	6/1/2008-Present	6/29/2021-6/29/2022
Notes: RSMo 307.400.2 Operating under the Missouri intrastate exemption. Not required to obtain a valid medical certificate.					
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] [REDACTED]	[REDACTED]	-Present	6/29/2021-6/29/2022

### Requested Documents

List of the documents requested and produced by the motor carrier.

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample
Roadside Inspections		Crash: Driver: Equipment:	7/5/2022	7/27/2022	[REDACTED] (Member)	Yes

### Comments

The records reviewed to meet the sample were:

Roadside inspections in the previous 365 days  
Carrier unsafe driving policy contained in driver safety manual

Explanations or statements by motor carrier officials not otherwise documented explaining motor carrier operations or providing additional context or support for findings:

The carrier provided a driver safety manual containing a safety rules, driving policy, discipline actions and safe driving techniques. All drivers are provided this manual upon hire.

General comments:

The carrier did not have any unsafe driving violations in the previous 365 days. The two inspections on the carrier profile had no violations.

### Crash

Number of recordable crashes missing from profile: 0

Did you use the CAT? No

### ACE Crash List

To view the ACE Lists, please go to Attachments by clicking the paper clip icon in the Navigation Pane. To access the Navigation Pane, click on View in the menu --> Show/Hide --> Navigation Pane --> Attachments.

## Crash List

List of all recordable crashes used in calculating crash rate

## Comments

The method of discovery of missing crashes was:

There were no missing crashes discovered.

Mileage was determined using the following method:

The carrier provided mileage by tracking odometer readings.

General comments:

No accident report was available to review at the time of the investigation. The information shown above was obtained from the carrier who had an incident form on file. The number of fatalities and injuries were not recorded because at this time they are still unknown without an official report. Upon request when an official accident report is available it will be added to this investigation.

## HOS Compliance

### Sampled Drivers

List of the driver(s) for the sample, and if applicable, the timeframe reviewed.

Name	Date of Birth	License Information	Phone	Employment Dates	Sample Dates
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] [REDACTED]	[REDACTED]	4/5/2022-Present	5/27/2022-6/27/2022
Notes: RSMo 307.400.2 Operating under the Missouri intrastate exemption. Not required to obtain a valid medical certificate.					
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	8/12/2020-Present	5/29/2022-6/29/2022
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	5/4/2021-Present	5/29/2022-6/29/2022
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	6/1/2008-Present	5/29/2022-6/29/2022
Notes: RSMo 307.400.2 Operating under the Missouri intrastate exemption. Not required to obtain a valid medical certificate.					
[REDACTED]	[REDACTED]	State: MO	[REDACTED]	4/2/2018-Present	5/29/2022-6/29/2022

Name	Date of Birth	License Information	Phone	Employment Dates	Sample Dates
		Number: [REDACTED] Has CDL: Yes			

### Requested Documents

List of the documents requested and produced by the motor carrier.

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample
Timesheet 6/13-6/27		Crash: Driver: [REDACTED] [REDACTED]) Equipment:	6/29/2022	7/1/2022	[REDACTED] (Member)	Yes
Time sheet		Crash: Driver: [REDACTED] [REDACTED]) Equipment:	7/5/2022	7/27/2022	[REDACTED] (Member)	Yes
Time sheet		Crash: Driver: [REDACTED] [REDACTED]) Equipment:	7/5/2022	7/27/2022	[REDACTED] (Member)	Yes
Time sheet		Crash: Driver: [REDACTED] [REDACTED]) Equipment:	7/5/2022	7/27/2022	[REDACTED] )	Yes
Time sheet		Crash: Driver: [REDACTED] [REDACTED]) Equipment:	7/5/2022	7/27/2022	[REDACTED]	Yes

### Comments

The records reviewed to meet the sample were:

Time sheets reviewed:

[REDACTED] 05/29/2022-6/29/2022

[REDACTED] 05/27/2022-06/27/2022

[REDACTED] [REDACTED]

[REDACTED] 05/29/2022-6/29/2022

[REDACTED] 05/29/2022-6/29/2022



The following supporting documents were used to review HOS:

The carrier is not required to retain supporting documents due to the utilization of the 150 air-mile-radius exemption. The carrier provided all requested time sheets and also provided bills of lading and payroll records.

## Vehicle Maintenance

### Vehicle Inspection Data

The types of vehicles inspected were:

During the investigation there were 3 inspections conducted to meet the required sample size. Two dump trucks and one truck tractor were inspected at the carrier principal place of business.

Inspections were required because:

Inspections were required to meet the sample size. The carrier has a total of 14 power units. Five inspections were needed and the carrier had two level two inspections on their profile in the previous 365 days. The level two inspections were used per guidance in eFOTM because the carrier was not above threshold in the vehicle maintenance BASIC.

Explanation of how the results did or did not tie into the carrier's breakdown in maintenance and/or the disposition of any vehicle inspections performed during the investigation (e.g. vehicle repaired or towed):

The results did not ultimately tie into the carrier's breakdown in maintenance. There were two brake violations discovered on trucks inspected during the investigation. The carrier advised that both trucks had just undergone federal annual inspections days before inspections were conducted for this investigation. The carrier was advised to inform the shop that conducted the inspections of their oversight on brake adjustments. No violations discovered deemed the carrier vehicles out of service. The carrier failed to conduct federal annual inspections prior to the initial contact. The carrier advised they were unaware that both a state and federal annual inspection was required.

Aspects of the carrier's maintenance program and facilities:

The carrier has a shop that will house commercial motor vehicles for periodic maintenance. The carrier has a folder in the shop showing when oil is changed and periodic services conducted. The carrier out sources most of their major repairs to local shops. The carrier has used CAT/Foley, Gabrielson's Truck & Towing LLC, and Beall Diesel LLC. The carrier produced many receipts for tires from Chariton Tire LLC, and also from Brookfield Tire.

### Sampled Equipment

List of equipment identified for the sample and timeframe, if applicable.

Unit	Configuration	VIN	Plate	Leased/Owned	ELD/AOBRD	Sample Dates
3	Straight Trucks Year: 2007 Make: Kenworth Model: Dump GVWR: 52000	1NKWXBEX95J177480	MO-35J2WM	Owned	Name: Model: Year:	6/29/2021-6/29/2022
31	Straight Trucks Year: 1994 Make: Kenworth Model: W-900 Dump GVWR: 52000	1XKWD69X5RR620440	MO-89J4WN	Owned	Name: Model: Year:	6/29/2021-6/29/2022
4	Straight Trucks Year: 2007 Make: Kenworth Model: Dump GVWR: 52000	1NKWL40X57J170590	MO-89J8WN	Owned	Name: Model: Year:	6/29/2021-6/29/2022
705	Straight Trucks Year: 2007 Make: Mack Model: GVWR: 52000	1M2AJ07Y37N011371	MO-88J0WN	Owned	Name: Model: Year:	6/29/2021-6/29/2022
T7	Trailers Year: 2018 Make: MAC Model: GVWR:	5MADN2829JX040843	MO-66K8KF	Owned	Name: Model: Year:	6/29/2021-6/29/2022

### Requested Documents

List of the documents requested and produced by the motor carrier.

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample
Vehicle maintenance file Unit #3		Crash: Driver: Equipment: 3 (1NKWXBEX95J177480, MO-35J2WM)	6/29/2022	7/1/2022	██████████ (Member)	Yes
Vehicle maintenance file		Crash: Driver: Equipment: 4 (1NKWL40X57J170590, MO-89J8WN)	7/5/2022	7/27/2022	██████████ (Member)	Yes

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample
Vehicle maintenance file		Crash: Driver: Equipment: 31 (1XKWD69X5RR620440, MO-89J4WN)	7/5/2022	7/27/2022	[REDACTED] (Member)	Yes
Vehicle maintenance file		Crash: Driver: Equipment: 705 (1M2AJ07Y37N011371, MO-88J0WN)	7/5/2022	7/27/2022	[REDACTED] (Member)	Yes
Vehicle maintenance file		Crash: Driver: Equipment: T7 (5MADN2829JX040843, MO-66K8KF)	7/5/2022	7/27/2022	[REDACTED] (Member)	Yes

### Comments

The records reviewed to meet the sample were:

Vehicle maintenance files reviewed:

- Unit 3
- Unit 4
- Unit 31
- Unit 705
- Unit 7 (Trailer)

Unit #3 was the unit involved in the significant crash on 06/27/2022. It was the only file that contained a federal annual inspection although the inspection was expired. The inspection was conducted 01/07/2020. The carrier did have a complete maintenance file for unit #3 showing a recent overhaul and other various maintenance items conducted by CAT on 03/31/2022. The maintenance receipt totaled \$31,818.62.

General comments:

The carrier provided a vehicle list and produced vehicle maintenance files. There were 3 trailers on the carrier provided equipment list. Those 3 trailers are not used in commerce and excluded from this report. The carrier was not conducting federal annual inspections. The carrier began scheduling and completing the inspections throughout the investigation. The carrier was in violation prior to the investigation. The carrier did previously provide a valid federal annual inspection to complete a new entrant safety audit in 2019. The carrier was keeping receipts and tracking routine maintenance on commercial motor vehicles.

### Drug and Alcohol Clearinghouse

**Has the carrier registered with the Drug and Alcohol Clearinghouse?:** No

### Comments

General comments:

At the time of the initial on-site focused investigation the carrier was not enrolled in FMCSA's DACH. The carrier was educated on all the requirements of the clearinghouse and given information on how to register and query information. At the time of the comprehensive investigation the carrier had conducted queries and registered in the clearinghouse. The carrier was in violation when first contacted and violations were noted in part B. There were five driver qualification files reviewed and four of the five needed annual queries conducted.

## Controlled Substances & Alcohol

### Sampled Drivers

List of the driver(s) for the sample, and if applicable, the timeframe reviewed.

Name	Date of Birth	License Information	Phone	Employment Dates	Sample Dates
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	4/5/2022-Present	4/5/2022-6/27/2022
Notes: RSMo 307.400.2 Operating under the Missouri intrastate exemption. Not required to obtain a valid medical certificate.					
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	8/12/2020-Present	6/29/2021-6/29/2022
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	5/4/2021-Present	6/29/2021-6/29/2022
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] [REDACTED]	[REDACTED]	6/1/2008-Present	6/29/2021-6/29/2022
Notes: RSMo 307.400.2 Operating under the Missouri intrastate exemption. Not required to obtain a valid medical certificate.					
[REDACTED]	[REDACTED]	[REDACTED]: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	-Present	6/29/2021-6/29/2022

### Requested Documents

List of the documents requested and produced by the motor carrier.

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample
Pre-employment drug test		Crash: Driver: [REDACTED] [REDACTED]) Equipment:	6/29/2022	7/1/2022	[REDACTED] (Member)	Yes
Drivers enrolled in		Crash:	6/29/2022	7/1/2022	[REDACTED]	Yes

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample
random testing		Driver: Equipment:			(Member)	

### Random Testing

**Is the carrier Subject to Part 382?:** Yes

**Name of Consortium(s)/TPA(s):** Mid-Missouri Drug Testing

**Number of drivers required to have a CDL hired in the past 365 days:** 3

**Calendar year reviewed:** 2021

**Number of pre-employment test results checked during this review:** 3

**Were any pre-employment violations found?** Yes

**List the violations:** 382.301(a)

**Were the random testing percentages for drug testing met for the prior year?** Yes

**Were the random testing percentages met for alcohol testing for the prior year?** Yes

**Did the motor carrier use any positive-tested driver?** No

**Did the motor carrier complete all post-accident tests (if required)?** N/A

### Comments

The records reviewed to meet the sample were:

A full controlled substance and alcohol review was conducted. The carrier hired 3 drivers in the previous 365 days. The carrier currently employs 9 CDL drivers that are required to be enrolled in the random testing consortium. When the consortium was contacted the carrier had 8 enrolled drivers, however the list did not match those currently employed. The carrier had not removed terminated drivers and there were three drivers who were not entered into the random testing pool. [REDACTED] were not on the active driver list enrolled in the testing Consortium. Pre-employment tests were required for [REDACTED] and [REDACTED]. The carrier conducted a test on driver [REDACTED] but failed to conduct a pre-employment test on [REDACTED] and [REDACTED] prior to operating a commercial motor vehicle.

Sampling was expanded beyond minimum amount, or could not be reached in accordance with the eFOTM, because:

Sampling was expanded after discovering violations on the initial investigation as advised by FMCSA.

Any problems discovered with the consortium:

There were no problems discovered with the consortium. The consortium was testing the enrolled drivers at applicable rates and providing the carrier with all required information. The carrier was not updating driver lists and sending all newly hired drivers for pre-employment tests.

Explanations or statements by motor carrier officials not otherwise documented explaining motor carrier operations or providing additional context or support for findings:

The carrier advised that they were planning on updating the list to reflect the most current drivers but had not found the time to make changes. When asked about pre-employment drug testing the carrier advised that they also planned to have pre-employment tests conducted but did not get around to it. The carrier was aware of the requirements to undergo pre-employment and random testing.

## HM Compliance

### Sampled Equipment

List of equipment identified for the sample and timeframe, if applicable.


Unit	Configuration	VIN	Plate	Leased/Owned	ELD/AOBRD	Sample Dates
3	Straight Trucks Year: 2007 Make: Kenworth Model: Dump GVWR: 52000	1NKWXBEX95J177480	MO-35J2WM	Owned	Name: Model: Year:	6/29/2021-6/29/2022
31	Straight Trucks Year: 1994 Make: Kenworth Model: W-900 Dump GVWR: 52000	1XKWD69X5RR620440	MO-89J4WN	Owned	Name: Model: Year:	6/29/2021-6/29/2022
4	Straight Trucks Year: 2007 Make: Kenworth Model: Dump GVWR: 52000	1NKWL40X57J170590	MO-89J8WN	Owned	Name: Model: Year:	6/29/2021-6/29/2022
705	Straight Trucks Year: 2007 Make: Mack Model: GVWR: 52000	1M2AJ07Y37N011371	MO-88J0WN	Owned	Name: Model: Year:	6/29/2021-6/29/2022
T7	Trailers Year: 2018 Make: MAC Model: GVWR:	5MADN2829JX040843	MO-66K8KF	Owned	Name: Model: Year:	6/29/2021-6/29/2022

### Sampled Employees

List of employees identified for the sample and timeframe, if applicable.

### Requested Documents

List of the documents requested and produced by the motor carrier.

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample
Class 9 Miscellaneous HM		Crash: Driver: Equipment:	7/5/2022	7/27/2022	 (Member )	Yes

## Comments

The records reviewed to meet the sample were:

The carrier does not transport placardable amounts of hazardous materials. The carrier met the insurance requirements to transport class 9 miscellaneous hazardous materials wholly within Missouri.

## Driver Fitness

### Sampled Drivers

List of the driver(s) for the sample, and if applicable, the timeframe reviewed.

Name	Date of Birth	License Information	Phone	Employment Dates	Sample Dates	Medical Examiner Information	Date of MEC Issuance	MEC Inquiry Results
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	4/5/2022-Present	4/5/2022-6/27/2022	Issuing State: ME License #:		
Notes: RSMo 307.400.2 Operating under the Missouri intrastate exemption. Not required to obtain a valid medical certificate.								
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	8/12/2020-Present	6/29/2021-6/29/2022	Issuing State: ME License #: 2014033136	1/4/2022	Confirmed
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	5/4/2021-Present	6/29/2021-6/29/2022	Issuing State: MO ME License #: 2014033136	2/26/2021	Confirmed
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] [REDACTED]	[REDACTED]	6/1/2008-Present	6/29/2021-6/29/2022	Issuing State: ME License #:		
Notes: RSMo 307.400.2 Operating under the Missouri intrastate exemption. Not required to obtain a valid medical certificate.								
[REDACTED]	[REDACTED]	State: MO Number: [REDACTED] Has CDL: Yes	[REDACTED]	-Present	6/29/2021-6/29/2022	Issuing State: MO ME License #: 2014033136	3/24/2021	Confirmed

### Requested Documents

List of the documents requested and produced by the motor carrier.

Description	ACE Status	Subject	Date Requested	Date Produced	Produced By	Reviewed to meet sample
Driver qualification file		Crash: Driver: [REDACTED] [REDACTED] Equipment:	6/29/2022	7/1/2022	[REDACTED]	Yes
Driver qualification file		Crash: Driver: [REDACTED] [REDACTED] Equipment:	7/5/2022	7/27/2022	[REDACTED] (Member)	Yes
Driver qualification file		Crash: Driver: [REDACTED] [REDACTED] Equipment:	7/5/2022	7/27/2022	[REDACTED] (Member)	Yes
Driver qualification file		Crash: Driver: [REDACTED] [REDACTED] Equipment:	7/5/2022	7/27/2022	[REDACTED] (Member)	Yes
Driver qualification file		Crash: Driver: [REDACTED] [REDACTED] Equipment:	7/5/2022	7/27/2022	[REDACTED] (Member)	Yes

### Comments

Medical exemptions or variances discovered for drivers during the investigation:

Driver [REDACTED] was operating under the Missouri grandfather clause. He was not required to have a medical certificate due to intrastate only operation and obtaining a CDL before May 13th, 1988. Driver [REDACTED] is also utilizing this exemption.

The records reviewed to meet the sample were:

Driver qualification files reviewed:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

General comments:



The carrier was asked to provide driver hire and termination dates multiple times. The carrier was slow in providing dates and did not keep a very accurate list of current drivers. The list of drivers changed throughout the investigation as documents and evidence became available. The final driver list was the most accurate provided by carrier Member [REDACTED] at the time of the investigation. He provided a signed driver list with hand written amendments.

## Conclusion

### SI Comments

#### Conclusion

Statements made by officials relative to correcting the violation(s) discovered during the investigation:

Member [REDACTED] began scheduling federal annual inspections after the initial investigation. The carrier enrolled in FMCSA's DACH and began conducting queries on drivers after the initial investigation. The carrier was in violation prior to contact and began corrective action after the initial contact.

## Planned Action

**The following are selected enhanced enforcement action(s):** Other (State enforcement case ), Compliance Monitoring Enforcement is planned for the following violation(s) and/or part(s) (if applicable):

State enforcement will be taken. Compliance monitoring was selected to allow upload into MCMIS.  
382.301(a) Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.  
396.17(a) Using a commercial motor vehicle not periodically inspected.

## Comments

### Documents Provided to Carrier

**Completed Date:** 8/4/2022

**List of materials provided to the motor carrier:** Investigation Report, Table of Violations

#### Comments

Indicate if an amendment was made to the compliance investigation report after the close-out and provide an explanation of the changes made to the report. The method used to provide the motor carrier with an amended copy was as follows:

No amendments made.

## Carrier Acceptance

### Company Owners and Partners/Officers/Members of the Company

**Carrier refused to accept the investigation report:** No

**Closeout was performed with the highest ranking official:** Yes

## **ACE Driver List**

To view the ACE Lists, please go to Attachments by clicking the paper clip icon in the Navigation Pane. To access the Navigation Pane, click on View in the menu --> Show/Hide --> Navigation Pane --> Attachments.

## **ACE Equipment List**

To view the ACE Lists, please go to Attachments by clicking the paper clip icon in the Navigation Pane. To access the Navigation Pane, click on View in the menu --> Show/Hide --> Navigation Pane --> Attachments.