



Motor Carrier Attachment

America Shengjia Compliance Review dated October 2, 2019

Bryce Canyon City UT, September 20, 2019

HWY19MH012

(12 pages)

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 2788195
MC/MX#: 929604

Legal: AMERICA SHENGJIA INC
Operating (DBA):

Investigation Date:
10/02/19

Investigation Type: Onsite Comprehensive Investigation

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

Extent of Operations: Entire Operation

Physical Address

ONTARIO, CA 91761
United States

Mailing Address

ONTARIO, CA 91761
United States

Contact Information

Contact Name: JOANNA YOUNG

Email: [REDACTED]

Phone: [REDACTED] **Cell:** [REDACTED] **Fax:** ()-

Business and Financial

Business Type: Corporation

Gross Revenue: [REDACTED] **For Year Ending:** 06/30/18

Federal Tax ID [REDACTED]

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier

Operation Classification

For-Hire Motor Carrier

Passengers

Charter & Special Transportation (in interstate or foreign commerce, between points in the U.S.)

Cargo

Passengers

Equipment

	Owned	Term Leased	Trip Leased
Mini-Bus 16+	2		

Power units used in the U.S.: 2

Percentage of time used in the U.S.: 100.0%

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		5

Average trip leased driver/month: 0

Drivers with CDL: 5

Total Drivers: 5

Person(s) Interviewed

Name: JOANNA YOUNG

Title: CEO

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:

3401 Centrelake Dr, Suite 550A
Ontario, CA 91761
Phone: (909) 937-2949
Fax: (909) 390-5642

This report will be used to assess your safety compliance.

Violations

1. Primary: 382.305(i)(2)

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.

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
5		5

Example/Notes:

Driver name [REDACTED]

Selection date: 7/01/19

Trip date: 7/30/19

[REDACTED] resigned on 3/19/19 and he still active in the random selection list.

Drivers/Vehicles

In Violation	Checked
1	5

2. 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
1		1

Violations Checked

Fed	State	Total
1		1

Example/Notes:

Driver name [REDACTED]

Trip date: 9/14/19

Information not included in policy: D&A Policy failed to properly the DER, Joanna Young was on the policy, she has not received the supervisor/reasonable suspicion training, company representative that has receive training is [REDACTED]

Drivers/Vehicles

In Violation	Checked
1	1

3. Primary: 391.11(b)(6)

Secondary: 391.11(a)

Failing to require driver to furnish list of motor vehicle traffic violations each 12 months.

Violations Discovered

Fed	State	Total
3		3

Violations Checked

Fed	State	Total
5		5

Example/Notes:

Driver name: [REDACTED]

Trip date: 8/20/19

Description of violation: Carrier failed to require driver to furnish list of motor vehicle traffic violations each 12 months.

Drivers/Vehicles

In Violation	Checked
3	5

4. Primary: 391.21(a)

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

Violations Discovered

Fed	State	Total
2		2

Violations Checked

Fed	State	Total
5		5

Example/Notes:

Driver name: [REDACTED]

Trip date: 4/26/19

Description of violation: Carrier failed to require driver to fill out application of employment completely, drivers did not fill out a 10 year history of employment.

Drivers/Vehicles

In Violation	Checked
2	5

5. Primary: 391.23(a)

Failing to investigate driver's background.

Violations Discovered

Fed	State	Total
2		2

Violations Checked

Fed	State	Total
5		5

Example/Notes:

Driver name: [REDACTED]

Trip date: 9/14/19

Description of violation: Carrier failed to investigate driver's background (employment history).

Drivers/Vehicles

In Violation	Checked
2	5

6. Primary: 391.23(e)(1)

Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years.

Violations Discovered

Fed	State	Total
2		2

Violations Checked

Fed	State	Total
5		5

Example/Notes:

Driver name [REDACTED]

Trip date: 9/14/19

Description of violation: Carrier failed to investigate the driver's alcohol and controlled substances history for the previous 3 years, carrier either inquire with one previous employer or none.

Drivers/Vehicles

In Violation	Checked
2	5

7. Primary: 391.25(b)

Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
5		5

Example/Notes:

Driver name: [REDACTED]

Trip date: 4/26/19

Description of violation: Carrier failed to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive. Before 12 month of employment and every year after.

Drivers/Vehicles

In Violation	Checked
1	5

8. Primary: 395.8(a)(1)

Failing to require a driver to prepare a record of duty status using the appropriate method

Violations Discovered

Fed	State	Total
8		8

Violations Checked

Fed	State	Total
96		96

Example/Notes:

Date: 7/21/19

Driver name: [REDACTED]

Drivers were not making sure the tablet was connecting to ECM of computer.

Drivers/Vehicles

In Violation	Checked
3	4

9. Primary: 395.30(a)

Motor carrier failed to ensure that the driver's ELD record is accurate.

Violations Discovered

Fed	State	Total
55		55

Violations Checked

Fed	State	Total
96		96

Example/Notes:

driver name: [REDACTED]

trip date: 7/30/19

description: Carrier failed to ensure that ELD record is accurate, drivers were not filling out shipping document information (itinerary number, trip number, or customer & destination)

Drivers/Vehicles

In Violation	Checked
4	4

10. Primary: 396.3(b)(4)

Failing to keep a record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.

Violations Discovered

Fed	State	Total
2		2

Violations Checked

Fed	State	Total
2		2

Example/Notes:

Carrier failed to keep a record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses on both vehicles that carrier operates with.

Drivers/Vehicles

In Violation	Checked
2	2

Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL 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	Satisfactory		
Factor 3: Operational = Parts 392 and 395	Satisfactory		
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 1 OOS Vehicles (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 2 OOS Rate: 0%	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 147,000 Recordable Accidents: 1 Recordable Accidents/Million Miles: 6.80	Satisfactory	N/A	N/A

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

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: Policies and Procedures**

Joanna Young needs to ensure that drug & alcohol testing policy is up to date, and to remove drivers from the random selection list when they are no longer employed by carrier.

Specific Recommended Remedies

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

1. Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
2. 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.

BASIC: Driver Fitness **Process Breakdown: Qualification and Hiring**

Joanna Young needs to be aware of the driver qualification file requirements, and ensure that all drivers are properly qualified.

Specific Recommended Remedies

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

1. 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.
2. 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.
3. 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.

BASIC: Hours-of-Service Compliance **Process Breakdown: Monitoring and Tracking**

Joanna Young needs to monitor and track drivers to ensure they are filling the ELD correctly, and learn to use the ELD system to help her monitor the drivers.

Specific Recommended Remedies

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

1. 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.
2. 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.

Recommendations

1. **Additional Information**

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

2. **10-year driver employment history required.**

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

3. **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.

4. **Inquiry to previous employers**

Ensure that all drivers are fully and properly qualified before operating in interstate commerce in accordance with Part 391. (application of employment, medical card, inquiry to previous employers, and inquiry to DMV)

5. **Drug and Alcohol Testing Company Policy (Educational Materials)**

Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.

6. **New Hires**

Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.

7. **Obtain copies of the regulations, forms, interpretations, manuals.**

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

8. **A copy of your profile can be obtained by accessing the Portal.**

A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).

9. **Conduct periodic internal reviews. (non-HM)**

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.

10. **Educational and Technical Assistance package available at website**

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/>

11. **Who do I call?**

For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001

For questions about licensing, authority or MC numbers: 202-366-9805

For questions about insurance: 202-385-2423

For household goods complaints: 888-DOT-SAFT (888-368-7238)

12. **SMS website**

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review your safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

13. **PSP (Pre-employment screening program)**

Access your crash and inspection history via FMCSA's Pre-Employment Screening Program, <http://www.psp.fmcsa.dot.gov/>

14. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

15. **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.

16. **Record of test conducted on emergency exit windows & doors**

Ensure to keep a record of the tests conducted on emergency pushout windows, emergency doors, and emergency marking lights.