



**NATIONAL TRANSPORTATION SAFETY BOARD  
OFFICE OF HIGHWAY SAFETY  
WASHINGTON, D.C.**

**MOTOR CARRIER FACTORS GROUP CHAIRMAN'S  
FACTUAL REPORT**

**GREENVILLE, ALABAMA – HWY21MH009**

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**A. CRASH INFORMATION & CRASH SUMMARY**

Refer to the *Crash Information and Crash Summary Report* in the docket for this investigation.

**B. MOTOR CARRIER FACTORS GROUP**

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## **C. DETAILS OF THE MOTOR CARRIER FACTORS INVESTIGATION**

This investigation will focus on the motor carriers in this crash, Hansen & Adkins Auto Transporter, Inc. and Asmat Investment LLC, DBA Asmat Express. Oversight of the maintenance of the accident vehicles, qualification, training, drug testing, hours of service, and medical qualification of the accident drivers. The report will also examine the regulatory oversight of the carriers by the Federal Motor Carrier Safety Administration as well as the States of California, Alabama, and Georgia.

### **1. MOTOR CARRIER INFORMATION FOR Hansen & Adkins Auto Transporter, Inc**

#### **1.1. Current Information**

Hansen & Adkins Auto Transporter, Inc, hereafter (Hansen) was started in 1994 and was issued a US DOT Number 568253. The carrier has MC number 277621 because it is an interstate carrier and is required to have operating authority. The carrier started as intrastate operation transporting automobiles in the Los Angeles area, and now operates (41) terminals in the United States. The crash driver operated out of the terminal in Birmingham, AL. The latest MCS-150 lists 1,992 trucks and trailers and 996 drivers.<sup>1</sup>

The carriers Principal Place of Business (PPOB) is 3552 Green Avenue Los Alamitos, California 90720. The carrier is overseen by the Federal Motor Carrier Safety Administration (FMCSA). At the time of the crash, the carrier had an alert in Unsafe Driving at 73% in the Safety Measurement System (SMS) The carrier has never had a new entrant audit as it received it's USDOT number prior to the new entrant audit being implemented.

Carrier is a transporter of automobiles in interstate commerce. Automobiles are loaded onto railcars or steamships. Those then make the destination journey either from overseas or interstate. The carrier picks those shipment from ports or from railhead and delivers to dealerships. Main contracts are with Ford, Nissan, and Chrysler. Freight is manufactured at various locations in the United States or overseas. Manufacturer will place automobiles in drop yards, or load those onto railcars, or overseas onto steamships.

Carrier strictly picks from ports/railyards or drop yards for delivery to dealerships, which are the consignee for the shipments. The carrier only transports new motor vehicles. The carrier operates out of 41 terminals throughout the country, all of which report to nine regions. There are six regional managers that oversee the nine regions. All regions report to the home office in California. Each terminal has a fleet of drivers assigned to that terminal, and a terminal manager who oversees that terminal location.

#### **1.2. The Hansen Driver**

The Hansen driver is a 57-year-old male. The driver has a class A Alabama CDL with Tank and Doubles/Triples endorsement and no Restrictions. The CDL was issued on 2/1/2021 and expires in 2/08/2025. The driver first received his Commercial Driver's License (CDL) in February

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<sup>1</sup> See Motor Carrier Attachment –Hansen & Adkins MCS-150 dated March 3, 2021

2001. The driver has current one-year medical certificate issued on 3/10/2021 and is valid until 3/10/2022. All the driver's medical certificates and long forms were provided by the carrier. The driver had worked for the motor carrier since 2012. For further information on the medical certificates see the *Human Performance and Medical Officers Group Chairman reports* in the docket for this investigation.

### **1.3. Hansen Driver's Driving Record**

A Commercial Driver License Information System (CDLIS) report was obtained, and it did list a conviction in 2002 for failure to appear in court, and a withdrawal in 2003 till 2005. This was based on a speeding ticket issued by Georgia on July 26, 2002, and the sequent failure to appear in court. This violation was not in a Commercial Motor Vehicle (CMV) The license was reinstated on March 21, 2005. The CDLIS report did not list any other conviction or withdrawal. The report did not list any license restrictions.<sup>2</sup>

An Alabama DMV report was obtained dated September 22, 2021, and listed the same information as the CDLIS report. This report also listed the crash in Butler County, Alabama on June 19, 2021.<sup>3</sup>

### **1.4. Hansen Driver Qualification File**

The driver of Vehicle 1 in this accident is (hereinafter referred to as (Hansen driver"). The Hansen driver's driver qualification (DQ) file contained the following documents. a copy of the driver's CDL, application for employment, medical certificate, motor vehicle report (MVR), copy of the Pre-Employment drug test as well as training records and copies of previous DOT physical long forms. The file followed the requirements found in the FMCSR's relating to DQ files.

### **1.5. Hansen Hiring Guidelines**

The minimum driver qualification standards adopted by Hansen for new hires consists of the following:

- Must be at least twenty-five (25) years of age.
- Must have at least three (3) years of recent, verifiable a11-weather tractor – trailer experience.
- Most not have had a D.W.I. or D.U.I. conviction in the past five (5) years. There can be no current or pending D.W.I or D.U.I charges.
- No major chargeable accidents in the past three (3) years while driving a commercial motor vehicle
- No more than three (3) moving violations in the last three. (3) years.

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<sup>2</sup> See Motor Carrier Attachment – CDLIS report for the Hansen Driver dated June 22, 2021

<sup>3</sup> See Motor Carrier Attachment – Alabama Driver History Abstract for Hansen Driver dated September 22, 2021

- No more than three (3) minor accidents in the last five (5) years.
- Possess only one (1) driver's license, and it must be from the state of residence.
- Fill out the application completely to include ten (10) years of employment history. If you do not have the Information at this time, return the application and re-apply when you have the required information, we do not allow applications to be removed from tile office area.
- You will be required to pass a D. O.T. physical.
- You will be required to pass a D.O.T. pre-employment drug screen.<sup>4</sup>

### **1.6. Driver Training and Safety Policies.**

Hansen has an extensive training process starting with new employee training that is given at one of the two company training facilities one located in Mira Loma, CA and the other located in Houston, TX. New employee candidates spend two weeks at one of these facilities and then continue their training for two more weeks at the terminal they will work out of. The candidate then enters a 30-day probationary period. After three weeks the candidate's performance is reviewed and a decision is made whether to hire, retrain and extend probation or terminate. The employee's performance is evaluated at 90 days and then quarterly after that date.<sup>5</sup>

Hansen has continuing training for each driver that is a combination of in person meetings and on-line training.

In 2019 the driver completed 54 training events. This included a 12-part refresher on loading and unloading, a 10-part refresher on Hours of Service, and a five-part series on heat stress awareness. These were in addition to the normal safety training. Included in the training was a training event entitled "Driving in Extreme Weather Conditions" These training events cover safety topics each month as well as hours of service updates and refreshers, equipment updates and loading and unloading procedures. In 2020 the Hansen driver completed 30 training events.<sup>6</sup> In 2021 prior to the crash the driver had completed three training events.

Hansen also has installed forward looking video cameras in all its company trucks. The cameras are provided by Samsara and are model CM-31 units. This system records all hard braking and acceleration events as well as sharp turns and crashes. When an event triggers the system the camera records and up-loads to the server a 10 second clip of the event. This clip remains in the server for 7 days unless it is tagged for retention. The camera in the vehicle will store 40 hours of footage before it is recorded over. Hansen provided the 10 second clip of the crash event to NTSB as well as the FMCSA and the Alabama Law Enforcement Agency. The 40 hours of footage that is stored in the camera on the vehicle was lost because of the post-crash fire the destroyed the cab

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<sup>4</sup> See Motor Carrier Attachment – Hansen & Adkins Driver Pre-Qualification Form

<sup>5</sup> See Motor Carrier Attachment – Hansen Driver Training Outline and Syllabus

<sup>6</sup> See Motor Carrier Attachment – Hansen driver's Spreadsheet of Completed Training.

of the vehicle. Hansen also has governed its company trucks at 68 miles per hour as an additional safety measure.

### 1.7. Hansen Driver's Hours of Service

In the seven days prior to crash the accident driver had been on duty for approximately 57.33 hours.

Date	Times worked	Source	Total Hours
June 13, 2021	Off Duty	ELD and Payroll Records	Off Duty
June 14, 2021	Driving: 2.29 Hours	ELD and Payroll Records	On Duty & Driving 7.39 Hours
June 15, 2021	Driving: 10.27 Hours	ELD and Payroll Records	On Duty & Driving 12.82 Hours
June 16, 2021	Driving: 1:05 Hours	ELD and Payroll Records	On Duty & Driving 4:29 Hours
June 17, 2021	Driving: 10.11 Hours	ELD and Payroll Records	On Duty & Driving 13.20 Hours
June 18, 2021	Driving: 5.17 Hours	ELD and Payroll Records	On Duty & Driving 10.24 Hours
June 19, 2021	Driving: 7.11 Hours	ELD and Payroll Records	On Duty & Driving 9.39 Hours at the time of the Crash

### 1.8 Hansen Hours of Service (HOS) Oversight

Carrier's HOS program is overseen by its Safety Dept. at the corporate headquarters. The Safety Dept. gets a reporting each day of the previous day's logbook violations from Omnictracs XRS ELD system, and from driver self-reporting. If an issue is discovered, e-mails are sent to all regional managers, terminal managers, and dispatchers. Corrective actions are taken by terminal managers against drivers. Occasionally, RODS are spot-checked by terminal managers. Hansen uses MDM Mobile Device Management (3rd party software) for remote access into the driver's devices and see if there are any issues. Carrier provides all drivers w/ SAMSUNG G3 cell phones upon hire that are used as the ELD tablet, camera, and monitoring device. Restrictions are put upon those devices so that drivers may not add applications without consulting with the carrier, or without its knowledge and permission. There are two Driver Trainers; one located in Mira Loma, CA and the other located in Houston, TX. These are not safety managers, or terminal managers, but strictly driver trainers.

When training is not in session, these trainers will then go to each of the terminals and train those terminal managers in the use of the Omnictracs XRS ELD system. Monitoring of RODS are done mostly at the terminal level, but not on a regular basis, with violations reported to the Safety Dept. in Los Alamitos, CA.

## 1.9. Accident Trip

On June 19, 2021 the Hansen driver started his shift at 4:45 a.m. He drove to Mobile, AL and delivered automobiles to four locations in the Mobile, AL area. He was returning empty to his home terminal in Birmingham, AL when the crash occurred.

## 1.10. Maintenance

The accident vehicle was a 2020 Volvo with a 2020 Cottrell Trailer. At the time of the last PM the vehicle had 161,129 miles and the PM was performed on 5/24/2021. The vehicle had 168,286 miles on June 18, 2021. This was obtained from the maintenance records, fuel receipts, and ELD records which were provided by Hansen & Adkins.

For further information on the vehicle or vehicle maintenance, see the *Vehicle Factors Group Chairman's report* in the docket for this investigation.

## 2.0 Federal Oversight

At the Federal level the carrier is overseen by FMCSA as well as by the State of California. At the time of the crash, the carrier was alert in the Unsafe Driving Basic at 73 percentiles as reflected in the Safety Measurement System (SMS)<sup>7</sup>

### 2.1. CSA and SMS

In 2010, the FMCSA introduced the Compliance, Safety, Accountability (CSA) system as to improve large truck and bus safety and ultimately reduce crashes, injuries, and fatalities related to CMVs. It introduced a new in 2010, enforcement and compliance model that allows the FMCSA and its state partners to contact a larger number of carriers earlier to address safety problems before crashes occur. Along with CSA, the FMCSA also introduced an operational model called the Safety Measurement System (SMS), which replaced its predecessor, the SAFESTAT model. SMS uses a motor carrier's data from roadside inspections, (including all safety-based violations), state-reported crashes, and the Federal Motor Carrier Census to quantify performance in the following Behavior Analysis and Safety Improvement Categories (BASICS).

### 2.2. CSA BASICS

- **Unsafe Driving** — Operation of CMVs by drivers in a dangerous or careless manner. *Example violations:* Speeding, reckless driving, improper lane change, and inattention. (FMCSR Parts 392 and 397)
- **Hours-of-Service (HOS) Compliance** — Operation of CMVs by drivers who are ill, fatigued, or in non-compliance with the HOS regulations. This BASIC

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<sup>7</sup> See Motor Carrier Attachment – Hansen & Adkins Auto Transport Inc SMS Scores as of June 21, 2021

includes violations of regulations pertaining to records of duty status (RODS) as they relate to HOS requirements and the management of CMV driver fatigue  
*Example violations:* false HOS RODS and operating a CMV while ill or fatigued. (FMCSR Parts 392 and 395)

- **Driver Fitness** — Operation of CMVs by drivers who are unfit to operate a CMV due to lack of training, experience, or medical qualifications. *Example violations:* Failure to have a valid and appropriate commercial driver’s license (CDL) and being medically unqualified to operate a CMV. (FMCSR Parts 383 and 391)
- **Controlled Substances and Alcohol** — Operation of CMVs by drivers who are impaired due to alcohol, illegal drugs, and misuse of prescription or over-the-counter medications. *Example violations:* Use or possession of controlled substances/alcohol. (FMCSR Parts 382 and 392)
- **Vehicle Maintenance** — Failure to properly maintain a CMV and/or properly prevent shifting loads. *Example violations:* Brakes, lights, and other mechanical defects, failure to make required repairs, and improper load securement. (FMCSR Parts 392, 393, and 396)
- **Hazardous Materials (HM) Compliance** — Unsafe handling of HM on a CMV. *Example violations:* Release of HM from package, no shipping papers (carrier), and no placards/markings when required. (FMCSR Part 397 and Hazardous Materials Regulations Parts 171, 172, 173, 177, 178, 179, and 180)
- **Crash Indicator** — Histories or patterns of high crash involvement, including frequency and severity based on information from state-reported crashes.

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A carrier’s measurement for each BASIC depends on the following:

- The number of adverse safety events (violations related to that BASIC or crashes).
- The severity of violations or crashes.

- When the adverse safety events occurred (more recent events are weighted more heavily).

After a measurement is determined, the carrier is then placed in a peer group (i.e., other carriers with similar numbers of inspections and carrier size). Percentiles from 0 to 100 are then determined by comparing the BASIC measurements of the carrier to the measurements of other carriers in the peer group. A percentile of “100” indicates the worst performance.

To address carrier specific safety issues, the FMCSA established threshold levels that would require agency action. Unsafe Driving, HOS, and Crash BASICs were set at lower thresholds because of their inherent risk. Additionally, passenger and hazardous carriers have lower thresholds than all other carriers because of their inherent risk. Table 2 represents the thresholds set by the FMCSA that help prioritize agency intervention and resource management.<sup>8</sup>

**Table 2 BASIC thresholds.**<sup>9</sup>

	Intervention Thresholds		
	Passenger Carriers	HM Carrier	All Other Motor Carriers
Unsafe Driving, Crash Indicator, HOS Compliance	50%	60%	65%
Vehicle Maintenance, Controlled Substances/Alcohol, Driver Fitness	65%	75%	80%
HM Compliance	80%	80%	80%

Hansen is classified as a Property Carrier and falls under the “All other Motor Carriers” criteria.

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<sup>8</sup> Retrieved from [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).

<sup>9</sup> Retrieved from <http://csa.fmcsa.dot.gov/FAQs.aspx>.



The carrier's SMS profile, which is publicly available on the Safer website, provides for an alert symbol to be displayed in any designated BASIC where the carrier has exceeded the corresponding threshold.<sup>10</sup> This is also referred to as having an "alert" in a BASIC. At the time of the crash Hansen had an alert in Unsafe Driving the Safety Measurement System (SMS)<sup>11</sup>

At the time of the crash, Hansen's BASIC scores were as follows:

- Unsafe Driving- 73 percent
- Hours of Service- 41 percent
- Driver Fitness -41 percent
- Vehicle Maintenance – 76 percent
- Crash Indicator – 41 percent

The other BASICs showed 0 percent. The carrier was never in the New Entrant program as they received their USDOT number prior to the start of that program.

### **2.3. Safety Rating**

At the time of the crash Hansen had a safety rating of Satisfactory. As a result of the FMCSA post-crash compliance review Hansen received a Conditional Safety Rating. The carrier submitted a corrective action plan which was accepted by FMCSA resulting in a final safety rating of Satisfactory.

As a result of the compliance review Hansen is now alert in Hours of Service, Controlled Substances and Alcohol, and Driver Fitness basics, the last two based on the compliance review.

### **2.4. FMCSA Compliance Review (CR)**

As a result of this crash the FMCSA conducted a post-crash rated CR on the carrier.<sup>12</sup> The carrier had five (5) violations.<sup>13</sup>

- §382.215) Using a driver known to have tested positive for a controlled substance. This was an Acute violation.<sup>14</sup>
- §383.37(b) Allowing, requiring, permitting, or authorizing an employee to operate a CMV during any period in which the driver has a CLP or CDL disqualified by a

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<sup>10</sup> FMCSA BASIC information publicly available for passenger and Hazardous Material carriers only. See additional information at the FMCSA Safer website: <http://safer.fmcsa.dot.gov/CompanySnapshot.aspx>.

<sup>11</sup> The Safety Measurement System (SMS) is FMCSA's workload prioritization tool. FMCSA uses the SMS to identify carriers with potential safety problems for interventions. <https://ai.fmcsa.dot.gov/SMS>

<sup>12</sup> FMCSA conducts both rated and non-rated compliance reviews depending on the circumstances of the intervention with the carrier.

<sup>13</sup> See Motor Carrier Attachment – Hansen & Adkins Auto Transport Inc, Compliance Review dated July 29, 2021.

<sup>14</sup> This was an acute violation, as defined by FMCSA are so severe, they require immediate corrective action.

state, has lost the right to operate a CMV in a State, or has been disqualified from operating a CMV. This was an Acute violation.<sup>15</sup>

- §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. 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.<sup>16</sup>
- §395.3(a)(2) Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14<sup>th</sup> hour after coming on duty. Five out of 810 checked.
- §395.8(e)(1) Making, or permitting a driver to make, a false report regarding duty status. Nine out of 810 checked.

The FMCSA gathers information through an in-depth examination of the motor carrier's compliance with identified “acute” or “critical” regulations of the FMCSRs and Hazardous Materials Regulations (HMRs)

Two of the violations noted in the compliance review performed on July 29, 2021, were acute violations, which caused the carrier to get an Unsatisfactory rating in Factor 2: Driver = Parts 382, 383 and 391. As a result, the compliance review (CR) was rated as Conditional.

### **3. State of California Oversight**

Hansen has a terminal in the California and as a result is subject to California oversight. The oversight of Motor Carriers operating in California is a shared responsibility between, the Public Utilities Commission (PUC) for passenger carriers, the Department of Motor Vehicles (DMV) and the California Highway Patrol (CHP). The CHP is the designated law enforcement agency responsible for compliance of the California Vehicle Code (CVC) relating to the safe operation of commercial motor vehicles. The Motor Carrier Safety Operations (MCSO) Program is part of the CHP’s Commercial Enforcement Program. CVC requires the CHP to inspect every designated maintenance facility, or terminal, or any person who operates any regulated truck or bus. Carriers must designate those terminals which will be subject to the Basic Terminal Inspection program (BIT) Under the CVC the CHP conducts inspections of commercial motor vehicles (CMV’s) and on-site terminal inspections of motor carrier operations.

#### **3.1 CHP- BIT Program**

Effective January 1, 2016, the terminal inspection requirements changed from a time-based inspection system to a performance-based inspection selection system.<sup>17</sup> Terminals selected

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<sup>15</sup> See footnote 14.

<sup>16</sup> Section 32-5A-170 Reasonable and Prudent Speed is an Alabama Statute.

<sup>17</sup> Prior to 2016 a property carrier in California was inspected every 25 months, passenger carriers have always been inspected every 13 months.

for inspection are based on the California Performance Safety Score (CPSS). The CPSS is derived from the Federal Motor Carrier Safety Administration (FMCSA) Safety Measurement System (SMS) Behavior Analysis and Safety Improvement Category (BASIC) percentiles. Carriers with a BASIC percentile at or above the Federal alert level, it will select all terminals located in California for inspection. Additionally, the prioritized inspection of terminals includes those never inspected and those from which hazardous materials are transported. This is for property carriers located in California. Passenger carriers are inspected every 13 months.

### **3.2 Terminal Inspections**

Division 14.8 of the California Vehicle Code outlines the CHP's authority and mandate to conduct terminal inspections and describes the vehicles and records that are subject to CHP inspection. Terminal inspections are like the Safety Audits and Compliance Reviews conducted by the FMCSA but have a greater focus on maintenance. During Terminal Inspections the CHP is required to inspect a portion or all the carrier's fleet.

### **3.3 Inspection Process and Rating**

Four categories of a motor carrier's operation are inspected for purposes of establishing a safety rating. These categories include inspection of the following:

1. The carrier's preventive maintenance program.
2. The condition of the carriers regulated vehicles.
3. The carrier's hours of service or time records.
4. If applicable, compliance of the Hazardous Material Regulations.

Completion of the Terminal Inspection will result in either a "satisfactory" (S) or "unsatisfactory" (U) rating in each category and an overall rating for the terminal. A rating of "satisfactory" ("S" rating) means that the carrier was found in compliance with all the applicable laws and regulations and all inspection categories were found satisfactory. If any inspection category is found unsatisfactory, then the terminal will receive an "unsatisfactory" ("U" rating). Unsatisfactory means that the carrier was found to be out of compliance in several areas or violations of a serious nature. Those which, whether imminently dangerous or not, represent consistent failure on the part of the motor carrier to comply with applicable requirements.

### **3.4 DMV Pull Notice Program**

Vehicle Code section 1808.1 requires all drivers who possess a Class A or Class B CDL to be enrolled in the DMV Pull Notice Program. The Pull Notice Program provides notice to employers, including self-employed drivers, when a driver is convicted of a violation of CVC, has an accident posted to his or her driving record, is classified as a negligent operator, or has his or her license suspended or revoked. Employers must obtain reports periodically on all their Class A or B drivers and must review the reports.

Employers must maintain the report on file and keep a record stating the report was reviewed and must be signed and dated and kept on file for inspection by the CHP. All Hansen drivers that operate in the state of California are in this program.

### **3.5 Hansen BIT Inspections**

Hansen has had two BIT inspections of its terminal in California. The Inspection dated November 14, 2020, listed three violations:

- State Violation 13CCR1213(f) - CFR Equivalent: 395.8 (E) False Record of Duty Status, 2 of 240 checked.
- State Violation 1808.1 (c) CVC - CFR Equivalent: 391.25 (c) Failure to obtain Department of Motor Vehicles Pull Notice, 1 of 8 checked.
- State Violation 34505.5 (a) CVC – CFR Equivalent: 397.17 (c) Motor Carrier exceeded the 90-day periodic inspection interval, 1 of 96 checked.

These violations resulted in Hansen receiving an Unsatisfactory rating. The BIT inspection program requires that terminals that receive an Unsatisfactory rating be re-inspected in 120 days to ensure that the violations had been corrected. Hansen was re-inspected on January 5, 2021 and finding the violations had been corrected was rated as Satisfactory. Hansen will not receive another BIT inspection unless it becomes alert in the performance – based inspection selection system.<sup>18</sup>

### **4. State of Alabama Oversight**

The state of Alabama has adopted all the federal regulations as they apply to interstate carriers. Alabama is a Motor Carrier Safety Assistance Program (MCSAP) partner with FMCSA and performs new entrant audits on carriers registered in Alabama as well as oversees intrastate operations to include roadside inspections. Hansen is registered in California and as a result Alabama does not exercise any direct oversight of Hansen.

## **5. MOTOR CARRIER INFORMATION FOR Asmat Investment LLC DBA Asmat Express.**

### **5.1 Current Information Asmat Express.**

Asmat Express hereafter (Asmat) was started in 2014 and was issued a US DOT Number 2506000. The carrier also has MC number 868796 because it is an interstate carrier and is required to have operating authority. The carrier started with one truck and now manages 29 owner-operator trucks. The carriers Principal Place of Business (PPOB) is 887 N. Indian Creek Dr. Ste

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<sup>18</sup> Effective January 1, 2016, the terminal inspection requirements changed from a time-based inspection system to a performance-based inspection selection system. Terminals selected for inspection are based on the California Performance Safety Score (CPSS). The CPSS is derived from the Federal Motor Carrier Safety Administration (FMCSA) Safety Measurement System (SMS) Behavior Analysis and Safety Improvement Category (BASIC) percentiles. Carriers with a BASIC percentile at or above the Federal alert level will have all California terminals selected for inspection. Additionally, the prioritized inspection of terminals includes those never inspected and those from which hazardous materials are transported.

E, Clarkston, GA 30046. The carrier is overseen by the Federal Motor Carrier Safety Administration (FMCSA). At the time of the crash, the carrier had an alert in Hours-of-Service Compliance at 70% in the Safety Measurement System (SMS) The carrier had a new entrant audit on 3/11/2015 and passed the audit.

## **5.2 The Asmat Driver in this Crash**

The driver of Vehicle 2 in this crash is a 42-year-old male. (Hereinafter referred to as “Asmat driver”) The driver had a class A Georgia commercial driver’s license (CDL) with no endorsements and no restrictions. The CDL was issued in June of 2019 and expires in September of 2022. The driver was first issued a Georgia CDL in December of 2016. The driver had worked for the motor carrier since March of this year.

## **5.3 Asmat Driver Qualification File**

The driver qualification (DQ) file contained the following documents. a copy of the driver’s CDL, application for employment (incomplete), medical certificate, motor vehicle report (MVR), copy of the pre-employment drug test. The file was missing the following required forms:

- Inquiry to previous employers.
- Driver’s certification of Violations

As a result, the DQ file was not in compliance with 49 CFR 391.51.

## **5.4 Asmat Hiring Guidelines**

Asmat had the following drivers basic risk acceptability requirements in its company policies and procedures manual.

Drivers must be a minimum of 23 years of age and are required to have a minimum of 2 years CDL experience.

- Based on accident/violation history, an individual driver is unacceptable if his or her driving experience includes one or more of the following:
- Three or more accidents (regardless of fault) in the last three years.
- One or more type A violations in the last three years.
- Any combination of accidents and type B violations which equal four or more in the last three years.

Type A violations

- Driving while intoxicated
- Driving under the influence of drugs

- Negligent homicide arising out of the use of a motor vehicle
- Using a motor vehicle for the commission of a felony
- Aggravated assault with a motor vehicle
- Permitting an unlicensed person to drive
- Reckless Driving
- Speed contest
- Hit and Run (BI and PD) driving

Type B Violations

- All moving violations not listed as type A violations.<sup>19</sup>

Based on the Georgia DMV report the driver was acceptable under this guidance.

**5.5. Asmat Driver’s Driving Record**

A Commercial Driver License Information System (CDLIS) report was obtained, and it did list a conviction in 2014 for Following Too Closely.<sup>20</sup> A Georgia DMV report obtained, and it did not list any convictions or withdrawals. This was a 3-year report.<sup>21</sup>

**5.6. Asmat Driver’s Hours of Service**

In the seven days prior to crash the Asmat driver had been on duty for approximately 41.55 hours.

Date	Times worked	Source	Total Hours
June 13, 2021	Off Duty	ELD	Off Duty
June 14, 2021	Off Duty	ELD	Off Duty
June 15, 2021	Driving: 10.40 Hours	ELD	On Duty & Driving 11.21 Hours
June 16, 2021	Driving: 4.59 Hours	ELD	On Duty & Driving 5.14 Hours
June 17, 2021	Driving: 8.27 Hours	ELD	On Duty & Driving 9.06 Hours
June 18, 2021	Driving: 9.52 Hours	ELD	On Duty & Driving 10.07 Hours

<sup>19</sup> See Motor Carrier Attachment – Asmat Drivers Basic Risk Acceptability Requirements

<sup>20</sup> See Motor Carrier Attachment – Asmat Driver’s CDLIS Report dated June 19, 2021

<sup>21</sup> See Motor Carrier Attachment – Asmat Driver’s Georgia DMV Report dated March 10, 2021

June 19, 2021	Driving: 5.07 Hours	ELD	On Duty & Driving 6.07 Hours at the time of the Crash
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The Alabama Law Enforcement Agency conducted a level Three (3) post-crash inspection of the vehicle on June 23, 2021, and noted that the logs showed a 14-hour violation where the driver drove in Personal Convenience (PC) at the 14th hour on 06-15-2021 for a total of 23 minutes (16 Miles). This violation was noted on the inspection report. Also noted in the report was the below information: The driver had milage that was also unaccounted for on 06-15-2021, 06-16-2021 and 06-17-2021 and did not show on the GPS track for his logs those days.<sup>22</sup>

### **5.7. Accident Trip**

The Asmat driver started his trip on June 15, and transported a load to Houston, Texas. This load delivered on June 17. The driver than picked up a load in LaPorte Texas and delivered it to Laredo, Texas. In Laredo the driver picked up a load to Jonesboro, GA. The driver was enroute to Jonesboro, GA when the crash occurred.

### **5.8. Maintenance**

The accident vehicle was a 2005 Freightliner Columbia tractor and a 2009 Wabash Trailer. At the time of the crash the vehicle had 1,266,101 miles. This was obtained from the ELD records which were provided by Asmat. Maintenance files were obtained while the vehicle was being operated by Asmat as well as the records from the previous carrier. The Asmat driver had owned the tractor for two years having purchased it from another owner, he operated the same truck prior to that for the owner he purchased it from.

For further information on the vehicle or vehicle maintenance, see the *Vehicle Factors Group Chairman report* in the docket for this investigation.

### **5.9. Driver Training and Safety Culture.**

The Asmat driver attended a commercial driving school in Atlanta George in 2016 to obtain his CDL. The driving school when contacted provided the training records for the Asmat driver and verified that he did have 50 hours of classroom training which was included in the 160-hour course he purchased. The school stated that they use the “GA Commercial Driver's Manual as the textbook for our classroom training. We cover all the chapters that apply for CDL A training, such as sections 1, 2, 3, 5, 6, 11, 12 &13.” It is unknown how many hours were devoted to Section 2.

Section 2 covers Driving Safely and covers several topics on how to drive safely including sections on “Matching Speed to the Road Surface” and “Seeing Hazards” and “Slippery Surfaces” which included driving in the rain.<sup>23</sup>

<sup>22</sup> See Motor Carrier Attachment – Alabama Law Enforcement Agency Inspection Report ALSKGG003372

<sup>23</sup> See Motor Carrier Attachment – Georgia CDL Manual Section 2 Driving Safely.

The carrier did not offer any training. Asmat did have a Drivers Manual outlining company policies and procedures. Azmat's owner stated that he had a limited safety program which consisted of the Drivers Manual and an annual safety meeting which was a lunch at which the carrier would review safety related topics or issues that had been forwarded by the insurance company. The last meeting was held on December 07, 2019.

The Asmat driver's manual contained the following documents some of which required the driver to acknowledge receipt of:

- Statement of Safety Policy.
- Notification Requirements of Convictions for Moving Violations (FMCSR 383.31)
- Texting, Cell Phone and Distracted Driving.
- Passenger Policy.
- Drug and Alcohol Policy.
- Operator Compliance, this section was an overview of operating procedures.

The manual was 36 pages and last page was a receipt showing the driver had received the manual and would comply with the contents. This receipt was not located in the driver's DQ file, but the file did contain a signed copy of the cell phone policy and the notification of convictions for driving violations forms.

## **6.0 Federal Oversight**

The carrier is overseen by FMCSA. At the time of the crash, the carrier was alert in the Unsafe Driving Basic at 70 percentiles as reflected in the Safety Measurement System (SMS)<sup>24</sup>

### **6.1. CSA and SMS and CSA Basics**

See sections 2.1 and 2.2 in this report for a full explanation of these programs.

The carrier's SMS profile, which is publicly available on the Safer website, provides for an alert symbol to be displayed in any designated BASIC where the carrier has exceeded the corresponding threshold.<sup>25</sup> This is also referred to as having an "alert" in a BASIC. At the time of the crash Asmat was alert in Unsafe Driving the Safety Measurement System (SMS)<sup>26</sup>

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<sup>24</sup> See Motor Carrier Attachment – Asmat Express SMS Scores as of May 28, 2021

<sup>25</sup> FMCSA BASIC information publicly available for passenger and Hazardous Material carriers only. See additional information at the FMCSA Safer website: <http://safer.fmcsa.dot.gov/CompanySnapshot.aspx>.

<sup>26</sup> The Safety Measurement System (SMS) is FMCSA's workload prioritization tool. FMCSA uses the SMS to identify carriers with potential safety problems for interventions. <https://ai.fmcsa.dot.gov/SMS>



The BASICs scores for Asmat at the time of the crash were as follows:

- Unsafe Driving- 20 percent
- Hours of Service- 70 percent
- Vehicle Maintenance – 60 percent
- Crash Indicator – 27 percent

The other BASICs showed 0 percent. The carrier had a New Entrant safety audit on March 11, 2015, and passed the audit. Asmat had previously received two CSA letters, the first on December 16, 2015, for being Alert in Hours of Service and again on April 9, 2021, for the same basic, Hours of Service.

## **6.2. Safety Rating**

At the time of the crash Asmat had not had a compliance review and therefore did not have a safety rating. As a result of the post-crash compliance review Asmat received an Unsatisfactory Safety Rating. Asmat was placed Out of Service on September 15, 2021. The carrier has submitted a corrective action plan that is accepted by FMCSA to be upgraded to Conditional.

Asmat safety rating was upgraded on October 5, 2021, to Conditional. The Out of Service order was rescinded on October 4, 2021.

As a result of the compliance review Asmat is now alert in Hours of Service, Vehicle Maintenance, Controlled Substances and Alcohol, and Driver Fitness basics, the last three based on the compliance review. The carrier has not resumed operations.

## **6.3. FMCSA Compliance Review (CR)**

As a result of this crash the FMCSA conducted a post-crash rated CR on the carrier.<sup>27</sup> The carrier had 28 violations.<sup>28</sup>

- §396.17(g) Failing to promptly repair parts and accessories in accordance as set forth in appendix G of Part 396. This was an Acute violation.
- §382.303(a) Failing to conduct a post-crash alcohol test on a driver following a recordable crash. This was a critical violation.<sup>29</sup>
- §382.303(b) Failing to conduct post-crash testing on a driver for controlled substances. This was a critical violation 10%.

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<sup>27</sup> FMCSA conducts both rated and non-rated compliance reviews depending on the circumstances of the intervention with the carrier. Because the carrier had never had a compliance review a full review was required.

<sup>28</sup> Asmat Compliance Review dated July 15, 2021

<sup>29</sup> This was a critical violation because at least 10% of the number checked had violations.

- §391.51(b)(7) Failing to maintain medical examiner's certificate in driver's qualification file. This was a critical violation 10%.
- §395.8(a)(1) Failing to require a driver to prepare a record of duty status. This was a critical violation 10%.
- §395.8(e)(1) Making or permitting a driver to make a false report regarding record of duty status. This was a critical violation 10%.
- §382.105: Secondary 40.163 (c) Using a Medical Review Officer who failed to report a verified test result in a proper format.
- §382.301(a) Using a driver before the motor carrier has received a negative pre-employment-controlled substance test result.
- §382.401(b)(3) Failing to maintain records for one year.
- §382.601(b) Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meet the requirements of 382.601(b) 1-11.
- 382.701(a) Failing to conduct a pre-employment query.
- §390.15(b)(1) Failing to keep an accident register in the form and manner prescribed.
- §390.15(b)(2) Failing to maintain copies of all accident reports required by State or other governmental entities or insurers.
- §391.21(a) Using a driver who has not completed and furnished an employment application.
- §391.51(b)(2) Failing to maintain inquiries into driver's driving record in driver's qualification file.
- §391.51(b)(4) Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).
- §391.51(b)(6) Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.
- §391.51(b)(9) Failing to place a note related to the verification of the medical examiners listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file.
- §391.53(b)(2) Failing to maintain in Driver Investigation History file a copy of the response(s) received for investigations required by paragraphs (d) and (e) of 391.23

from each previous employer, or documentation of good faith efforts to contact them.

- §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. 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.<sup>30</sup>
- §395.8(e)(1) False reports of records of duty status (inaccurate).
- §395.30(b) Failing to certify ELD records.
- §396.3(b)(2) Failing to have a means of indicating the nature and due date of various inspection and maintenance operations to be performed.
- §396.3(b)(3) Failing to keep a record of inspection, repairs, and maintenance indicating their date and nature.
- §396.17(a) Using a commercial motor vehicle not periodically inspected.
- §396.19(b) Failing to maintain evidence of inspector’s qualifications.
- §396.21(a) Failing to require inspector to prepare periodic inspection report as prescribed.
- §396.21(b) Failing to retain periodic inspection report for 14 months from date of inspection.

The FMCSA gathers information through an in-depth examination of the motor carrier's compliance with identified “acute” or “critical” regulations of the FMCSRs and Hazardous Materials Regulations (HMRs)

One of the violations noted in the compliance review performed on July 15, 2021, was an acute violation, there were five critical violations which caused the carrier to get an Unsatisfactory rating in Factor 2: Driver = Parts 382, 383 and 391, as well in Factor 3: Operational = Parts 392 and 395, and Factor 4: Vehicle Parts 393 and 396. As a result, the compliance review (CR) was rated as Unsatisfactory.

Even though Azmat’s safety rating was upgraded on October 5, 2021, to Conditional and the Out of Service order was rescinded on October 4, 2021. The carrier is not operating as they do not have FMCSA operating authority.

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<sup>30</sup> See footnote 17 above.

## **7. State of Georgia Oversight**

The state of Georgia has adopted all the Motor Carrier Safety Regulations issued by the United States Department of Transportation, Federal Motor Carrier Safety Administration, contained in Title 49 of the Code of Federal Regulations, Parts 350, 382, 383, and 390 through 397, as now in force and as hereafter amended.<sup>31</sup> Asmat is an interstate carrier and as a result primary oversight and enforcement is administered by FMCSA.

### **Docket Material**

The following attachments are included in the docket for this investigation:

#### **LIST OF ATTACHMENTS**

Motor Carrier Attachment – Hansen & Adkins MCS-150 dated March 3, 2021

Motor Carrier Attachment – CDLIS Report for the Hansen Driver dated June 22, 2021

Motor Carrier Attachment – Alabama Driver History Abstract for the Hansen Driver dated September 22, 2021

Motor Carrier Attachment – Hansen & Adkins Driver Pre-Qualification Form.

Motor Carrier Attachment – Hansen Driver Training Outline and Syllabus.

Motor Carrier Attachment – Hansen Driver’s Spreadsheet of Completed Training.

Motor Carrier Attachment – Driving in Extreme Weather Conditions Syllabus. Still NEED

Motor Carrier Attachment – Hansen & Adkins Auto Transport Inc SMS Scores as of June 21, 2021

Motor Carrier Attachment – Hansen & Adkins Auto Transport Inc, Compliance Review dated July 29, 2021

Motor Carrier Attachment – Asmat Drivers Basic Risk Acceptability Requirements.

Motor Carrier Attachment – Asmat Driver’s CDLIS Report dated June 19, 2021

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<sup>31</sup> 515-16-4-.01 Motor Carrier Safety (Adoption of Federal Motor Carrier Safety Rules). Georgia Public Service Commission.

Motor Carrier Attachment – Asmat Driver’s Georgia DMV Report dated March 10, 2021

Motor Carrier Attachment – Alabama Law Enforcement Agency Report ALSKGG003372

Motor Carrier Attachment – Georgia CDL Manual Section 2 Driving Safely.

Motor Carrier Attachment – Asmat Express SMS Scores as of May 28, 2021

Motor Carrier Attachment – Asmat Compliance Review dated July 15, 2021

End of Report:

Michael LaPonte,

Motor Carrier Factors Investigator, Group Chairman