



Motor Carrier Attachment

**NYSDOT Passenger Carrier Guidebook Section 2.12 dated December 1, 2017 Enforcement
Policy**

Schoharie, NY October 6, 2018

HWY19MH001

(2 pages)

Section 2.12: Bureau Enforcement Policy

In 2002 a Notice of Violation (NOV) enforcement policy was initiated in order to provide a continuous and structured approach to encourage and secure acceptable inspection results by all operators subject to New York State Department of Transportation (NYSDOT) semi-annual inspection.

The Department has defined a high Out of Service (OOS) rated operator as one that has an OOS rate of greater than or equal to 25% and in a continued effort to reduce the overall out of service rate, has developed a new policy which will take effect for the inspection period starting April 1, 2010. For all operators with 10 or more inspections starting in State Fiscal Year (SFY) 2010/2011, who have an unacceptable safety inspection record (i.e. 25% or greater OOS rate) over an 18 month period a NOV can be issued with penalties of \$500 to \$5000.

Penalties are based on a structured plan which take into consideration the number of annual inspections performed, OOS rate and if the operator received a NOV in the previous two years. The more annual inspections, the higher the OOS rate or previous NOV's issued result in a higher penalty.

Additionally any carrier, regardless of their fleet size, who maintains a high OOS rate may be subject to a Department compliance audit at which time enforcement action may be taken.

We are pleased that this new enforcement policy will affect a very small percentage of the carriers subject to NYSDOT inspections and that the vast majority of our carriers continue to operate at the highest safety standards in the country.