



**Motor Carrier Factors Factual Attachment:
Post Crash Compliance Review**

Mt. Pleasant, Pennsylvania

HWY20MH002

(10 pages)

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 2313334
MC/MX#: 789754

Legal: Z & D TOUR INC
Operating (DBA):

Investigation Date:
02/07/20

Investigation Type: Onsite Comprehensive Investigation

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

Extent of Operations: Entire Operation

Physical Address

350 RT 46 EAST SUITE 132
ROCKAWAY, NJ 07866
United States

Mailing Address

350 RT 46 EAST SUITE 132
ROCKAWAY, NJ 07866
United States

Contact Information

Contact Name: [REDACTED]
Email: [REDACTED]
Phone: (973)627-8286 **Cell:** [REDACTED] **Fax:** (973)627-8287

Business and Financial

Business Type: Corporation
Gross Revenue: [REDACTED] **For Year Ending:** 12/31/19
Federal Tax ID: [REDACTED]

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier

Operation Classification

For-Hire Motor Carrier
Passengers
Motor coach (A vehicle designed for long distance transportation of passengers.)

Cargo

Passengers

Equipment

	Owned	Term Leased	Trip Leased
Motor Coach	8		

Power units used in the U.S.: 8
Percentage of time used in the U.S.: 100.0%

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		15

Average trip leased driver/month: 0
Drivers with CDL: 15
Total Drivers: 15

Person(s) Interviewed

Name: [REDACTED]

Title: President

Name: [REDACTED]

Title: Office Manager

Name: [REDACTED]

Title: Safety Consultant

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:

FIVE INDEPENDENCE WAY SUITE 250
PRINCETON, NJ 08540
Phone: (609) 275-2604
Fax: (609) 275-5107

This report will be used to assess your safety compliance.

Violations

1. Primary: 392.7

Requiring or permitting a driver to drive without assuring himself that the safety parts and accessories are in good working order (pre-trip inspection).

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
1		1

Example/Notes:

Driver name: [REDACTED]

Trip date: 1/5/19

Post-crash PA State Police Commercial Safety Division roadside Inspection report #A2E1002204 conducted as a result of the crash on 1/5/2020 indicated violations such as emergency exit marking missing which should have been discovered during a proper pre-trip inspection.

Drivers/Vehicles

In Violation	Checked
1	1

2. Primary: 395.8(e)(1)

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

Violations Discovered

Fed	State	Total
2		2

Violations Checked

Fed	State	Total
150		150

Example/Notes:

Driver name: [REDACTED]

Trip Date: 1/1/2020 into 1/2/2020

Description of violation: False log violation discovered on 1/1/2020 into 1/2/2020. Driver conducted a trip for 2.5 hours from KY to OH from 6:45 pm until 9:15 pm and then indicated off-duty from 9:15 pm on 1/1/2020 until 3:30 am on 1/2/2020 while being a passenger on the bus from OH to New Stanton, PA. Upon arrival in New Stanton, [REDACTED] took over operations as a driver and drove from 3:30 am until 10:30 am. The time as a passenger in the bus is considered on-duty not driving time unless the driver is afforded 8 hours off afterwards. Mr. [REDACTED] did not have any time off after arriving in New Stanton, Pa and beginning operations as a driver.

Drivers/Vehicles

In Violation	Checked
2	5

3. Primary: 395.8(e)(1)

False reports of records of duty status (inaccurate).

Violations Discovered

Fed	State	Total
2		2

Violations Checked

Fed	State	Total
150		150

Example/Notes:

Driver: [REDACTED]

Trip Date: 12/3/19

Vehicle: Z007

Fuel receipt indicates fueling at 3:35 am on 12/3/19 in Waterfall, Pa. ELD indicates driving time. Driver should have noted on-duty not driving time while fueling.

Drivers/Vehicles

In Violation	Checked
2	5

4. Primary: 395.8(f)

Failing to require driver to prepare record of duty status in form and manner prescribed.

Violations Discovered

Fed	State	Total
130		130

Violations Checked

Fed	State	Total
150		150

Example/Notes:

Driver: [REDACTED]

Trip date: 12/7/2019

Vehicle: #Z002

Drivers are using "Shield" ELDs, but failing to enter the shipping document number or name of commodity as required by 395.8f12.

Drivers/Vehicles

In Violation	Checked
5	5

5. Primary: 396.11(a)

Failing to require driver to prepare driver vehicle inspection report.

Violations Discovered

Fed	State	Total
3		3

Violations Checked

Fed	State	Total
150		150

Example/Notes:

Driver name: [REDACTED]

Vehicle Number: Z007

Trip Date: 1/10/2020

Description of Violation: Driver conducted a pre-trip inspection at 6:50 pm in Rolling Wood, OH and failed to document the post-trip inspection when he arrived in New Stanton, PA to have a relief driver take over the completion of the trip.

Drivers/Vehicles

In Violation	Checked
1	5

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): 5 OOS Vehicles (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0 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: 1,249,200 Recordable Accidents: 1 Recordable Accidents/Million Miles: 0.80	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: Vehicle Maintenance

Process Breakdown: Training and Communication

Investigation revealed a breakdown of the post-trip inspection (DVIR) reporting process by one driver employed by Z & D Tour Inc. Their driver, [REDACTED], failed to conduct a post-trip inspection as required on 3 separate occasions. Investigation of the Shield ELD DVIR reporting system revealed that there are several ways to access the pre-trip and post-trip documentation system in the Shield ELD system. Drivers are documenting both pre-trip inspections and post-inspection inspections through the Shield DVIR system. All drivers must ensure the post-trip report is completed as required and the carrier must maintain the DVIRs for 90 days. The DVIR violations discovered during this review are a result of a lack of training on the updated Shield DVIR recording program as part of the drivers ELD system. All drivers should be retrained on the current updates and preferred use of the pre and post-inspection reporting process.

Specific Recommended Remedies

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

1. Convey expectations to all applicable staff for adhering to vehicle inspection, repairing, and maintenance regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between vehicle availability and repair requirements.
2. Communicate the carrier's Vehicle Maintenance percentile to all staff and explain to them individually what they can do to help the carrier improve the percentile.

BASIC: Hours-of-Service Compliance

Process Breakdown: Training and Communication

Z & D Tour Inc. was not in alert in the HOS BASIC. However, investigation revealed false RODS which were a result of drivers being driven in the carrier's buses to the destination of where they would begin operations as a driver and logging their time as off-duty, even though they did not obtain at least 8 consecutive hours off-duty before assuming any on-duty status. The time spent traveling at the direction of the carrier may be logged as off-duty only when 8 consecutive hours off-duty are obtained at that location. Otherwise, the driver must enter the time as on-duty not driving.

All drivers and dispatch personnel should be re-trained on this requirement.

Specific Recommended Remedies

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

1. Convey expectations to all applicable staff for adhering to Hours-of-Service (HOS) regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between scheduling and HOS rules.
2. Communicate the carrier's HOS Compliance percentile to all staff, and explain to them individually what they can do to help the

carrier improve the percentile.

3. Ensure that all staff (drivers, dispatchers, sales) involved in the Hours-of-Service (HOS) process receives training as required by regulations and/or company policies.
4. Reinforce training about Hours-of-Service (HOS) policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

Recommendations

1. **Additional Information**

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

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

Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at:

<http://www.fmcsa.dot.gov/forms/print/accident.htm>

3. **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.

4. **Require all drivers to prepare a written inspection report.**

Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.

5. **Keep all driver vehicle inspection reports for 90 days.**

Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.

6. **Review with drivers procedure for pre and post trip inspections.**

Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.

7. **Comply with the ADA regulations for over-the-road bus companies.**

To better understand your company's responsibilities under the Department of Transportation's Americans with Disabilities Act (ADA) regulations concerning accessibility of over-the-road buses, review the information on the Federal Motor Carrier Safety Administration's Web site at:

<http://www.fmcsa.dot.gov/rules-regulations/bus/company/ada-guidelines.htm>

8. **Provide pre-trip safety information to motorcoach passengers**

Provide pre-trip safety information to motorcoach passengers. For information about the Basic Plan for Motorcoach Passenger Safety Awareness that was published by the Federal Motor Carrier Safety Administration, go to the Agency's Web site at:

<http://www.fmcsa.dot.gov/about/outreach/bus/bus-safety-awareness-plan.htm>

9. **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 you safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

10. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>. Implementation begins January 6, 2020.

11. **FOR ALL INVESTIGATIONS**

For all Investigations:

- **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