



Changes to Roadside Inspections

The changes to roadside inspections affect everyone. For a New Entrant, expedited action is taken. FMCSA has identified 7 “triggering incidents” that pose the greatest threat to public safety.

If a “triggering incident” is revealed during a roadside inspection of a New Entrant, expedited action will be initiated.

► ROADSIDE INSPECTIONS

Who is involved?

- A certified federal, state or provincial CMV Inspector.

When will an inspection occur?

- Unannounced.

Where will the inspection take place?

- Usually at the roadside.

Why are unannounced roadside inspections conducted?

- Roadside inspections are a form of monitoring which improves safety, allows for enforcement, and ensures compliance with all applicable regulations.

► ROADSIDE INSPECTIONS TRIGGERING INCIDENTS

1. Using a driver without a valid CDL.
2. Operating a vehicle declared OOS without making repairs.
3. Being involved in a hazardous materials (HM) reportable incident involving radioactive materials, explosives, or inhalable poisons.
4. Being involved in 2 or more HM incidents with HM other than those above.
5. Using a driver who tests positive for drugs or alcohol OR refuses to take a test.
6. Operating without proper insurance.
7. Having a driver or vehicle OOS rate of 50% or more in a 90-day period.

Expedited Action May Include

- Initiation of an expedited Safety Audit.
- Requirement placed upon the New Entrant to submit written evidence of corrective action.
- Initiation of an expedited compliance review or intervention.
- Revocation of New Entrants’ registration and placement OOS.

Corrective Action

Should a New Entrant motor carrier fail a Safety Audit, the motor carrier will have an opportunity to correct its safety management program.

- 45 days to submit evidence of corrections for carriers of passengers or hazardous materials.
- 60 days to submit evidence of corrections for all other carriers.

Administrative Reviews

If a New Entrant fails a Safety Audit but believes it was made in error, the motor carrier may request an administrative review in writing to the Field Administrator at its FMCSA Service Center.

- List all facts and include supporting documents.
- Submit additional information if requested.
- Attend conference with Field Administrator if requested.

For additional information,
please visit our web site:

www.fmcsa.dot.gov

or call the
FMCSA Information Line

1-800-832-5660



CHANGES TO THE NEW ENTRANT SAFETY ASSURANCE PROGRAM

Compliance Date
December 16, 2009



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

Applicability of the Changes

Changes to the New Entrant Safety Assurance Programs affect U.S. and Canada-based motor carriers. **NEW ENTRANT** is a motor carrier not domiciled in Mexico that applies for a U.S. Department of Transportation (DOT) identification number, in order to initiate operations in interstate commerce.

Becoming a New Entrant

Carriers seeking to operate in interstate commerce must complete form MCS-150 "Combined Motor Carrier Identification Report."

To apply for Interstate Operating Authority, a carrier must complete the appropriate form in the OP-1 series. Use the online Registration & Compliance Assistant to determine which forms to fill out at www.fmcsa.dot.gov/registration-licensing.

► THE NEW ENTRANT PERIOD

The New Entrant will be monitored during the initial 18-month period.

The New Entrant must:

- Operate Safely.
- Maintain up-to-date records.
- Conduct periodic inspections and perform maintenance on CMVs.
- Pass the Safety Audit.

Automatic Failure of the Safety Audit

A New Entrant will AUTOMATICALLY FAIL the Safety Audit for violations related to:

► ALCOHOL AND DRUG VIOLATIONS

- No alcohol and/or drug testing program.
- No RANDOM alcohol and/or drug testing program.
- Using a driver who refused a required alcohol or drug test.
- Using a driver the company knows had a blood alcohol content of 0.04 or greater.
- Using a driver who failed to complete required follow-up procedures after testing positive for drugs.

FMCSA will:

- Conduct a Safety Audit on the New Entrant.
- Monitor safety performance through roadside inspections.
- Grant permanent authority, if safe.

► THE SAFETY AUDITS AND COMPLIANCE REVIEWS

Who is involved?

- A certified U.S. federal safety investigator, state or provincial enforcement officer.
- The motor carrier (possibly including managers, drivers, mechanics, and other staff).

When will a Safety Audit or review occur?

- Within the 18-month monitoring period.

When will Compliance Reviews/Intervention occur?

- At any time FMCSA safety data indicates problems.

Where will these take place?

- Generally audits, compliance reviews/interventions take place at the principal place of business.

► DRIVER VIOLATIONS

A New Entrant fails the Safety Audit for knowingly:

- Using a driver without a valid CDL.
- Using a disqualified driver.
- Using a driver with a revoked, suspended, or cancelled CDL.
- Using a medically unqualified driver.

► OPERATIONS VIOLATIONS

- Operating a motor vehicle without having in effect the required level of insurance.
- Failing to require drivers to make hours-of-service records.

HHG and ADA Compliance

Some New Entrant carriers are also required to be in compliance with:

- Household Goods (HHG) Regulations
- Americans with Disabilities Act (ADA)
- Compliance with HHG and ADA requirements will not be a factor in determining the outcome of a Safety Audit, but may result in further investigation by other federal and state agencies.



► COMPONENTS OF THE SAFETY AUDITS, COMPLIANCE REVIEWS/INTERVENTIONS

Post Crash Investigation.....	49 CFR Part 390
Financial Responsibility.....	49 CFR Part 387
Vehicle Safety Maintenance.....	49 CFR Parts 393 and 396
Controlled Substance Testing & Driver Review	49 CFR Parts 382, 383, 391, and 392
Hours of Service.....	49 CFR Part 395
Hazardous Materials.....	49 CFR Parts 171-180

► REPAIRS AND INSPECTION VIOLATIONS

- Operating a vehicle declared Out-of-Service for safety deficiencies before repairs are made.
- Not performing OOS repairs reported in driver-vehicle inspection reports (DVIRs).
- Operating a CMV not periodically inspected.

► RESULTS OF THE SAFETY AUDIT

- If passed, FMCSA will continue to monitor the New Entrant's safety compliance and performance.
- If failed, New Entrants must satisfactorily implement a corrective action to correct safety management practices. Failure to do so will result in immediate revocation of U.S. DOT registration.

Chameleon Carriers

Carriers may not register for a new U.S. DOT number to avoid paying civil penalties or avoid previous OOS Orders. If a carrier provides false information or hides information when it applies or reapplies for a U.S. DOT number, the carrier may be issued an OOS Order, and/or be fined.

