U.S. Department
Of Transportation

Federal Motor Carrier
Safety Administration

Memorandum

Subject: **ACTION:** Use of Safety Information about Bus Companies Provided by Department of Defense

Date: JUN 13 2005

From: William R. Paden
Associate Administrator for
Enforcement and Program Delivery

In Reply Refer To:
MC-ECP

To: Field Administrators
Division Administrators

The purpose of this memorandum is to provide guidance for utilizing safety information about bus companies provided by the Department of Defense, Surface Deployment and Distribution Command.

Background

On June 23, 2002, the National Transportation Safety Board (NTSB) investigated a motor coach accident that killed five motor coach passengers, and occurred near Victor, New York. Based on findings of its investigation, the NTSB issued three recommendations to the Federal Motor Carrier Safety Administration (FMCSA). This memorandum implements one of those recommendations:

> Utilize motor carrier safety information, including results of compliance audit reports provided by the Department of Defense, Surface Deployment and Distribution Command, to determine whether further review of a motor carrier is warranted.

The Department of Defense, Surface Deployment and Distribution Command, initiated a Passenger Surface Inspection Program (PSIP) that requires motor coach companies to pass a compliance audit, similar to the FMCSA compliance review, in order to be hired to transport military personnel. During a PSIP compliance audit, violations of the Federal Motor Carrier Safety Regulations (FMCSRs) are identified, cited, and an "inspection rating" is issued to the passenger carrier.

The PSIP inspection ratings have a numeric range from one (best) to five (worst). Inspection ratings 4 & 5 are analogous to FMCSA's "conditional" and "unsatisfactory" ratings respectively. If a motor coach company is issued an inspection rating of 4 or 5, it is disqualified from transporting military personnel. Data has shown that motor coach companies assigned "5" inspection ratings typically have moderate to severe compliance problems with the FMCSRs.

Policy

In response to NTSB's recommendation and FMCSA's recognition that all reliable regulatory compliance information should be utilized to select a passenger carrier for a compliance review, we are asking you to conduct a compliance review on any motor coach company assigned a PSIP inspection rating of "5". These compliance reviews should be completed within 6 months after the passenger carrier is assigned a "5" inspection rating. Division offices will be notified of such carriers via memoranda including a copy of the PSIP compliance audit report.

Furthermore, we will notify you of passenger carriers that are assigned a "4" inspection rating. Division Administrators should consider this and other information in deciding how to deal with the passenger carrier considered to be in marginal compliance. In every case, a copy of the PSIP compliance audit report must be placed in the passenger carrier's file for future reference.

In light of the foregoing policy, appropriate revisions to the Field Operations Training Manual will be included in the new version scheduled to be released in July 2005. If you have any questions or need additional information, please contact Phil Hanley at (202) 366-6811 or via e-mail at phil.hanley@fmcsa.dot.gov.