


UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 650155X	Legal: GCC TRANSPORTE SA DE CV Operating (DBA):		
	MC/MX #: 701100 RFC #: GTR0005086XA Federal Tax ID:			
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: FMCSA Field Office		Territory:
Operation Types Interstate Intrastate				
Carrier: Non-HM N/A		Business: Corporation		
Shipper: N/A N/A		Gross Revenue: \$15,510,858.00 for year ending: 12/31/2012		
Cargo Tank: N/A				
Company Physical Address:				
AVE DE LAS INDUSTRIAS 6900 JUAREZ, CI 31110 MEXICO NOMBRE DE DIOS				
Contact Name: ENRIQUE JAURRIETA // RUBEN MENDEZ				
Phone numbers: (1) 614- 442-3146 (2) 656-285-8638 Fax 656-637-6444				
E-Mail Address: ejaurrieta@gcc.com // rmendez@gcc.com				
Company Mailing Address:				
PO BOX 3607 EL PASO, TX 79923				
Carrier Classification				
Authorized for Hire				
Cargo Classification				
Building Materials Other: Cement by products				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:	19		Total Drivers: 26	
>= 100 Miles:	7		CDL Drivers: 26	
Equipment				
	Owned	Term Leased	Trip Leased	
Truck Tractor	26	0	0	Trailer
				Owned Term Leased Trip Leased
				8 0 0
Power units used in the U.S.: 26				
Percentage of time used in the U.S.:				





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04/04/2013

Part A

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:

870 W. Shell Road, Suite A
Nogales (Investigations), AZ 85621
Phone: (520)761-4419 Fax:(520)761-3093

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: ENRIQUE JAURRIETA

Title: OPERATION MANAGER

Name: RUBEN MENDEZ

Title: GENERAL OPERATION MANAGER





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Part B Violations

1 FEDERAL	Primary: 391.11(b)(2) Secondary: 391.11(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Using a driver unable to read and/or speak the English language. Example Driver name: Trip date: 02-01-2013				
2 FEDERAL	Primary: 391.21(a)	Discovered 8	Checked 8	Drivers/Vehicles In Violation Checked 8 8
Description Using a driver who has not completed and furnished an employment application. Example Driver name: Trip date: 03-10-2013				
3 FEDERAL	Primary: 396.9(d)(3)	Discovered 1085	Checked 1685	Drivers/Vehicles In Violation Checked
Description Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business. Example Date of inspection: 04-11-2012 Issuing agency: TXDPS Commerical Vehicle Enforcement Driver name: Vehicle ID: T 87				
4 FEDERAL CRITICAL	Primary: 396.11(a)	Discovered 210	Checked 210	Drivers/Vehicles In Violation Checked 10 10
Description Failing to require driver to prepare driver vehicle inspection report. Example Driver name: Company number: 1-130 Vehicle license number: 145EA2				
Safety Fitness Rating Information: Total Miles Operated 476,749 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 8 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 8		





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Part B Violations

Your proposed safety rating is :

SATISFACTORY

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	C	0	1
Factor 5:	N	0	0
Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.



**Part B Requirements and/or Recommendations****1. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Meaningful Action**

DESCRIPTION OF PROCESS BREAKDOWN: GCC Transporte SA DE CV needs to develop a written, progressive meaningful action/ disciplinary policy relating to driver fitness. GCC Transporte SA DE CV does have procedures for educational training for English language proficiently materials and courses for drivers. The English course is taught through Planeacion Educativa, based in Chihuahua, Mexico. The course entails basic fundamentals of English grammar and understanding the Texas Driver Handbook driving regulations. The drivers are tested and monitored for comprehension in regards to Driver Fitness. This training is geared towards the drivers that are going to operate in the U.S. GCC Transporte SA DE CV and also to the drivers that operate within the commercial zone. There was no written meaningful action to implement and or recognition program in order to reward or encourage performance. GCC Transporte SA DE CV procedures are to just keep the drivers enrolled in their English courses, until they comply with 391.11 regulations.

Since obtaining their provisional authority in 10/22/2012, the company's English language courses have had positive results. Based on the 24 months history for Driver Fitness violations, only 2 violations of the 61 violations have been cited, since their provisional authority was issued on 10/22/2012. GCC Transporte SA DE CV said they are going to aggressively continue the English language courses for comprehension, vehicle inspection process and driving regulations.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Meaningful Action.

- Design and implement incentives and/or recognition programs in order to reward and encourage effective performance related to driver-fitness regulations and company policies- for example, bonuses, gift certificates, and/or verbal recognition for no sick days having been taken, physical fitness goals having been met, and no driver-fitness violations having been cited.
- Give employees immediate feedback, and require corrective action as soon as the company is aware that driver-fitness responsibilities are not being fulfilled.
- Provide required remedial training to human resources employees with driver-qualification monitoring and tracking performance issues that can be addressed by enhancing their knowledge and skills.
- Implement a disciplinary policy where potential disciplinary measures correspond to risk posed, with violations associated with high-consequence accidents or incidents being punished more severely.
- Discipline carrier officials for knowingly and willfully allowing of driver-fitness-related regulations - for example, if management allows an unqualified driver on the road.
- If the problem related to driver qualification is systemic, make adjustments to one or more of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

2. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: GCC Transporte does not have monitor and tracking in place for driver vehicle inspections reports. The company lacks monitoring and tracking relating to driver vehicle inspections reports. GCC Transporte SA DE CV was documenting pre inspection reports and not post inspection reports. GCC Transporte stated their procedures were to conducted pre inspection vehicle reports at the start of each operating day. GCC Transporte stated they were unaware they needed to record post Driver Vehicle Inspection Reports at the end of the operating day. I advised Mr. Jaurrieta, Mr. Mendez and Mr. Gomez to record all deficiencies for the tractor/trailer and maintain the DVIR's for 90 days. GCC Transporte said the company would revise their current vehicle inspection verification system and proper documentation to ensure continuity with their inspection reports



**Part B Requirements and/or Recommendations****BASIC SPECIFIC RECOMMENDED REMEDIES**

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.
- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
- Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRs), roadside inspections, and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.
- When monitoring and tracking vehicle maintenance issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

3. CONTROLLED SUBSTANCE AND ALCOHOL TESTING

1. Controlled substances Federal custody and control Form. Maintain collection form on file for 2 years
2. Results of drug test. Maintain on file negative or cancels test results for 1 year
3. Positive drug test maintain for 5 years.
4. Alcohol Test Form. Maintain alcohol test results with concentration less than 0.02 for 1 year , alcohol test results with a concentration or 0.02 or greater for 5 years.
5. Letters of inquiry (consent form) sent to driver's previous employers. Maintain for 3 years.
6. Semi-annual urinalysis statistical reports. Maintain for 5 years.
7. Agreements with collections site facilities, labs, and the medical review officer. Maintain for 5 years
8. Evaluations and requalification of drivers who test positive. Maintain for 5 years.
9. Drug and alcohol testing policy and procedures. Maintain for 5 years.
10. Signed statement by driver certifying they have received a copy of drug testing policy and procedures. Maintain for two years after employment.
11. Supervisor reasonable suspicion training. Maintain for two years after employment.

4. 396.3 Inspection, repair, and maintenance:

**Part B Requirements and/or Recommendations**

(a) General. Every motor carrier and intermodal equipment provider must systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to its control.

(1) Parts and accessories shall be in safe and proper operating condition at all times. These include those specified in part 393 of this subchapter and any additional parts and accessories which may affect safety of operation, including but not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems.

5. (a) Except as provided in Subpart G of this part, a person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph (b) of this section.
- (b) The application for employment shall be made on a form furnished by the motor carrier. Each application form must be completed by the applicant, must be signed by him/her, and must contain the following information:
- (b)(1) The name and address of the employing motor carrier;
- (b)(2) The applicant's name, address, date of birth, and social security number;
- (b)(3) The addresses at which the applicant has resided during the 3 years preceding the date on which the application is submitted;
- (b)(4) The date on which the application is submitted;
- (b)(5) The issuing State, number, and expiration date of each unexpired commercial motor vehicle operator's license or permit that has been issued to the applicant;
- (b)(6) The nature and extent of the applicant's experience in the operation of motor vehicles, including the type of equipment (such as buses, trucks, truck tractors, semitrailers, full trailers, and pole trailers) which he/she has operated;
- (b)(7) A list of all motor vehicle accidents in which the applicant was involved during the 3 years preceding the date the application is submitted, specifying the date and nature of each accident and any fatalities or personal injuries it caused;
- (b)(8) A list of all violations of motor vehicle laws or ordinances (other than violations involving only parking) of which the applicant was convicted or forfeited bond or collateral during the 3 years preceding the date the application is submitted;
- (b)(9) A statement setting forth in detail the facts and circumstances of any denial, revocation, or suspension of any license, permit, or privilege to operate a motor vehicle that has been issued to the applicant, or a statement that no such denial, revocation, or suspension has occurred;
- (b)(10)(i) A list of the names and addresses of the applicant's employers during the 3 years preceding the date the application is submitted,
- (b)(10)(ii) The dates he or she was employed by that employer,
- (b)(10)(iii) The reason for leaving the employ of that employer,
- (b)(10)(iv) After October 29, 2004, whether the (A) Applicant was subject to the FMCSRs while employed by that previous employer,
- (b)(10)(iv)(B) Job was designated as a safety sensitive function in any DOT regulated mode subject to alcohol and controlled substances testing requirements as required by 49 CFR part 40;
- (b)(11) For those drivers applying to operate a commercial motor vehicle as defined by Part 383 of this subchapter, a list of the names and addresses of the applicant's employers during the 7-year period preceding the 3 years contained in paragraph (b)(10) of this section for which the applicant was an operator of a commercial motor vehicle, together with the dates of employment and the reasons for leaving such employment; and
- (b)(12) The following certification and signature line, which must appear at the end of the application form and be signed by the applicant:

This certifies that this application was completed by me, and that all entries on it and information in it are true and complete to the best of my knowledge.

(Date) _____

(Applicant's signature)



**Part B Requirements and/or Recommendations**

(c) A motor carrier may require an applicant to provide information in addition to the information required by paragraph (b) of this section on the application form.

(d) Before an application is submitted, the motor carrier must inform the applicant that the information he/she provides in accordance with paragraph (b)(10) of this section may be used, and the applicant's previous employers will be contacted, for the purpose of investigating the applicant's safety performance history information as required by paragraphs (d) and (e) of §391.23. The prospective employer must also notify the driver in writing of his/her due process rights as specified in §391.23(i) regarding information received as a result of these investigations.

6. 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.
7. 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.

8. Reporte de Inspección Realizado Después del Viaje:

- * Al final de cada día de manejo, cada chofer es responsable de preparar un reporte de inspección (post-trip inspection report).
- * El reporte debe mencionar cualquier condición que afecte la seguridad operacional del vehículo
- * Frenos de servicio
- * Freno de estacionamiento
- * Mecanismo de dirección
- * Sistema de luces y reflectores
- * Llantas
- * Claxon
- * Limpiaparabrisas
- * Espejos retrovisores
- * Sistema de enganche
- * Ruedas y rines
- * Equipo de emergencia

9. Reporte de Inspecciones en la Carretera:

- * Cualquier chofer que reciba un reporte de inspección debe entregárselo al autotransportista.
- * Un administrador del autotransportista deberá examinar el reporte y asegurarse de que cualquier violación sea corregida.
- * Dentro de 15 días, el autotransportista debe de firmar y regresar el reporte completo para certificar de que todas las violaciones hayan sido corregidas.
- * Una copia del reporte debe ser guardada por 12 meses.

10. COMUNICACIÓN: (391.11 (b) (2))

En reconocimiento de las diferencias de idioma de los tres países, es responsabilidad del conductor y del autotransportista tener la capacidad de comunicarse en el país en el cual el conductor o transportista está operando, para que la seguridad no se vea comprometida. El conductor es incapaz de comunicarse lo suficiente como para comprender y responder a los cuestionamientos e indicaciones del oficial. El conductor necesita poder leer y escribir en idioma inglés lo suficiente como para conversar con el público en general, entender señales de tránsito en autopistas y carteles en idioma inglés responder preguntas oficiales e ingresar datos en informes y registros.

11. Cada autotransportista debe de tener un expediente por cada chofer empleado regularmente y debe incluir:
 - La olicitud de empleo del hofer



**Part B Requirements and/or Recommendations**

- La olicitud de nformación acerca de previos empleadores años
 - Revisión anual del historial de manejo
 - ertificación anual de as iolaciones de ráfico del chofer
 - Prueba de carretera del chofer u equivalente.
 - ertificado del examinador médico
12. Los resúmenes estadísticos de los laboratorios DEBEN ser mandados al empleador semestralmente según las siguientes fechas:
- El 20 de enero para el 1º de julio al 31 diciembre del año anterior.
El 20 de julio para el 1º de enero al 30 de junio del presente año.
Los laboratorios DEBEN proveer los resúmenes estadísticos:
Cuando sean solicitados por el empleador en respuesta a una inspección, auditoría o revisión por una agencia del Departamento de Transporte de los EE.UU.
A las partes interesadas
13. El empleador preparara y mantendrá un resumen de los resultados de sus programas de pruebas de consumo de alcohol y sustancias controladas realizados según este capítulo durante el año calendario anterior, cuando se lo solicite el Secretario de Transporte de los EE.UU (DOT), o cualquier funcionario estatal o local con autorización regulatoria sobre el empleador o cualquiera de sus conductores
14. Revisar con sus conductores periódicamente los procedimientos de inspección antes y después de los viajes. Asegurar que los defectos de seguridad reportados por los conductores en sus reporte de inspección de vehículo son reparados antes que el vehículo (VIR) sea despachado nuevamente. Requerir a los conductores que preparen el reporte de inspección de vehículo diariamente. Mantener los en archivo por 90 días.
15. Mantener todos los reportes de inspección de los conductores de vehículo firmados, certificados y revisados como es requerido en archivo por lo menos 90 días.
16. For all Investigations:
- nderstand hy Compliance aves Time and oney Compliance with MCSRs will not only save ives 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 ol ow Through on Action Plans: Document and fol ow hr ough n action plans o ensure the actions you are taking are creating improvement in safety management and compliance.
 - NOTICE: A pattern and/or epeated iolations f he ame r elated acute or ritical egulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
 - NOTICE: 49 FR Part 91.2 equires prospective employers o at a minimum, nvestigate a driver employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash



**Part B Requirements and/or Recommendations**

history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:

<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

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Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

17. Random: This unannounced testing is based on a random selection of drivers. The selection must be made by a scientifically valid method and all drivers covered by this rule must have an equal chance of being tested. The names of drivers who are selected for testing must be kept confidential until such time that the carrier notifies the driver to take the test. Once the driver is notified, he/she must immediately proceed to the testing facility and undergo testing. Every driver's name that is selected for testing must be returned to the selection pool so that all drivers have an equal chance of being selected at any time.

Random alcohol testing is also required by the DOT. However, random alcohol tests can only be administered just prior to a driver performing a safety-sensitive function, while performing a safety-sensitive function, or just after performing a safety-sensitive function.

Random controlled substances tests can be conducted at any time the driver is notified.

A driver who is selected and refuses to submit to a test must follow the requirements of 49 CFR Part 40, Subpart O.

