



Roadside Inspections

Roadside inspections affect everyone. Roadside inspections are a form of monitoring which improves safety, allows for enforcement, and ensures compliance with all applicable regulations. These inspections usually take place at the roadside and are conducted, unannounced, by a certified Federal, State or provincial CMV inspector.

During a roadside inspection for a New Entrant motor carrier, FMCSA has identified 7 "triggering incidents." The Agency believes that these "triggering incidents" pose the greatest threat to public safety.

► ROADSIDE INSPECTIONS TRIGGERING INCIDENTS

1. Using a driver without a valid CDL.
2. Operating a vehicle declared OOS.
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.

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

Expedited Action

If a New Entrant commits any of the triggering incidents, one of the following may occur;

- Initiation of an expedited safety audit.
- Initiation of an expedited compliance review or intervention.

Corrective Action Submission

- Failure to submit acceptable corrective action in response to a failed safety audit (45/60 days) will result in the revocation of the New Entrant's registration.
- Corrective action should be submitted to the motor carrier's respective FMCSA Regional Service Center. (See <http://www.fmcsa.dot.gov/mission/field-offices>.)

Out-of-Service Order

- A New Entrant may not operate in interstate commerce on or after the effective date of the OOS order.
- Depending on State laws, a Federal OOS order may also subject a motor carrier to suspension and/or revocation of State vehicle registration privileges.

Operating While Out-of-Service

- A New Entrant that operates a CMV in violation of an OOS order is subject to Federal fines and penalties.

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 Regional Service Center.

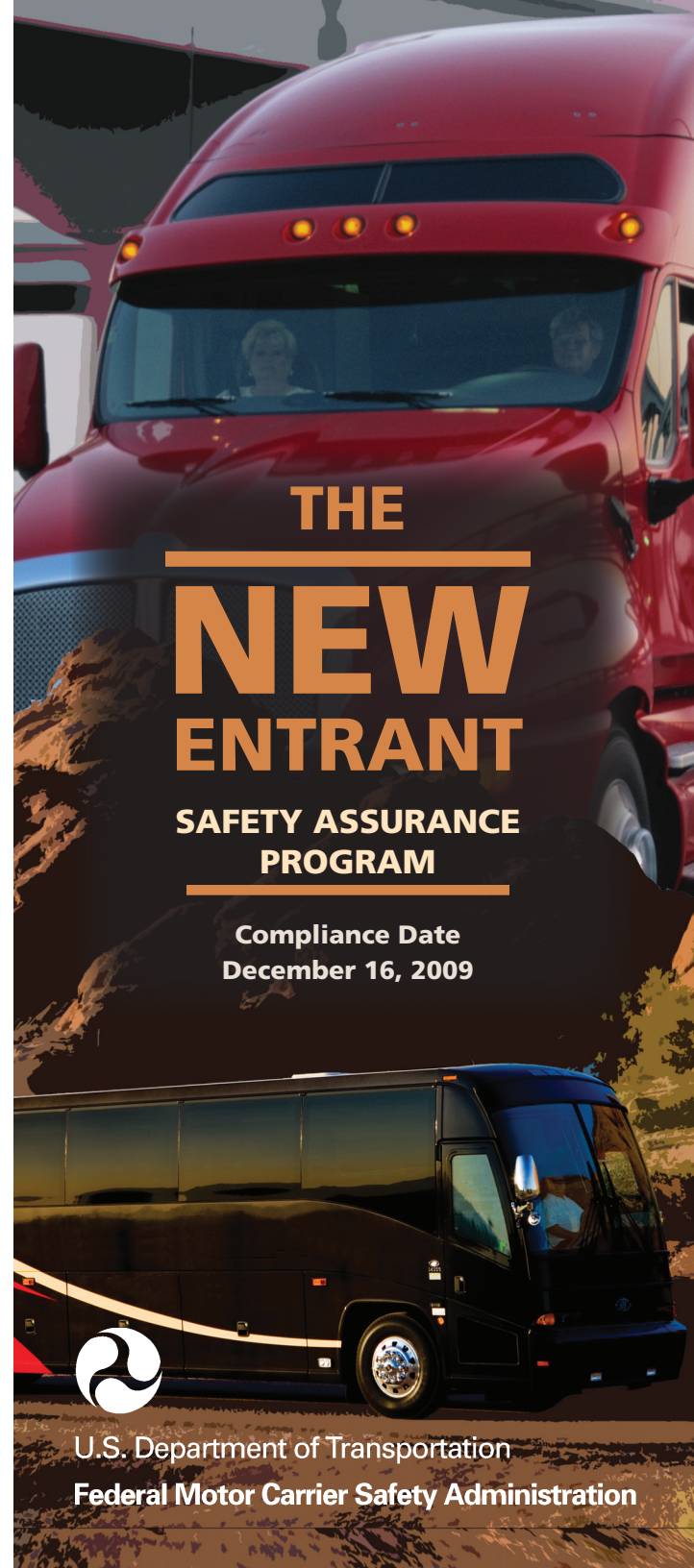
- List all facts and include supporting documents.
- Submit additional information if requested.
- Attend conference with Field Administrator if requested.

**For additional information,
please visit our Web sites:**

www.fmcsa.dot.gov
<https://portal.fmcsa.dot.gov/login>
<https://csa.fmcsa.dot.gov/default.aspx>

or call the FMCSA Information Line

1-800-832-5660



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

Applicability

The New Entrant Safety Assurance Program affects U.S. and Canada-based motor carriers.

A **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

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

Do I Need Operating Authority?

Companies that operate as for-hire carriers (for a fee or other compensation) that transport passengers or other peoples' goods, or arrange for their transport in interstate commerce are required to have interstate operating authority. To apply for Interstate Operating Authority, a carrier must complete the appropriate form in the OP-1 series. Use the online Registration and Compliance Assistant to determine which forms to complete at www.fmcsa.dot.gov/registration-licensing.

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 tested positive for drugs.

➤ DRIVER VIOLATIONS

A New Entrant fails the Safety Audit for knowingly:

- Using a driver without a valid Commercial Driver's License (CDL).
- Using a disqualified driver.

HM, HHG and ADA Compliance

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

- Hazardous Materials (HM) Regulations
- 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.

➤ 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 commercial motor vehicles (CMVs).
- Pass the Safety Audit.

FMCSA will:

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

➤ THE SAFETY AUDIT AND COMPREHENSIVE INVESTIGATION

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 occur?

- Within 120 days of beginning operations for passenger carriers.
- Within 12 months of beginning operations for all other motor carriers.

- Using a driver with a revoked, suspended, or canceled CDL.
- Using a medically unqualified driver.

➤ OPERATOR VIOLATIONS

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

➤ REPAIRS AND INSPECTION VIOLATIONS

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

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.

When will a comprehensive investigation occur?

- At any time FMCSA safety data indicates significant safety problems requiring further investigation.

Where will these take place?

- Generally safety audits and comprehensive investigations take place at the principle place of business.
- In some cases the safety audit may take place at an agreed upon location;
- Or documents may be requested to be provided through electronic upload or fax.

➤ COMPONENTS OF THE SAFETY AUDIT AND COMPREHENSIVE INVESTIGATION

<i>Post Crash Investigation</i>	49 CFR Part 390
<i>Financial Responsibility</i>	49 CFR Part 387
<i>Vehicle Safety Maintenance</i>	49 CFR Parts 393 and 396
<i>Controlled Substance Testing & Driver Review</i>	49 CFR Parts 382, 383, 391, and 392
<i>Hours of Service</i>	49 CFR Part 395
<i>Hazardous Materials</i>	49 CFR Parts 171–180
<i>Household Goods</i>	49 CFR Part 375

➤ RESULTS OF THE SAFETY AUDIT

- If passed, FMCSA will continue to monitor the New Entrant's safety compliance and performance.
- If failed, the New Entrant must submit an acceptable corrective action plan.
- Failure to submit an acceptable corrective action plan in response to a failed safety audit will result in the revocation of the New Entrant's registration. A New Entrant has;
 - 45 days to submit evidence of corrections for carriers of passenger or hazardous materials.
 - 60 days to submit evidence of corrections for all other types of motor carriers.

