

## Keys to Surviving a DOT Audit

**Interstate commerce** – trade, traffic, or transportation in the United States –  
Between a place in a State and a place outside of such State

Between two places in a State through another State or place outside of the United States

Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States

### **CFR – Code of Federal Regulations**

Title 49 Transportation

Part – Chapter in a Book

Subpart – Subchapter in a Book

49 CFR Part 382 – Refers to the entire Part

49 CFR 382.103 – Applicability – This part applies to every person and all employers of such person who operate a commercial motor vehicle in commerce in any state

### **General Applicability**

Apply to all employers, employees and commercial vehicles, which transport property or passengers in interstate commerce.

Knowledge of and compliance with the regulations

Employers, employees and drivers shall be instructed regarding and shall comply with, all applicable regulations.

Exceptions & Definitions

**Commercial motor vehicle** means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—

(1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or

(4) Is of any size and is used in transporting a quantity of hazardous materials requiring placarding.

PA Intrastate Regulations – Apply over 17,000 pounds or any size hauling hazardous materials requiring placards. Adopted in Title 67 PA Code, Chapter 229 Interstate/Chapter 231 Intrastate Regulations.

## **Roadside Inspection Levels**

Level 1 – Full Inspection

Vehicle/Driver

Level 2 – Walk-Around

Vehicle/Driver/No brake measurements taken

Level 3 – Driver Only

Driver/Documents

Level 4 – Special Study

Brake Check Etc.

Level 5 – Terminal

## **49 CFR Part 385**

Audit Criteria found in Appendix A & B.

List of Acute & Critical violations (Part 385)

Acute - noncompliance is so severe as to require immediate corrective actions by the motor carrier regardless of the overall basic safety management controls.

Critical - noncompliance relates to management and/or operation controls. These are indicative of breakdowns in carrier's management.

- Acute violations = 1.5 points
- Critical violations = 1.0 points
  
- Satisfactory – Acute/Critical = 0 points
- Conditional – Acute/Critical = 1 point
- Unsatisfactory – Acute/Critical = 2 or more

## **6 Rating Factors of an Audit**

- # 1 - General – Parts 387 & 390
  - Easiest to pass or fail
    - Insurance/MCS-90 (For-Hire/Hazmat)
    - Accident Register
    - Training/Knowledge
    - False Statements
- #2 - Driver – Parts 382, 383 and 391
  - Large factor
    - All drug/alcohol information/Supervisory Training
    - Driver records
    - Driver files
- DRUG/ALCOHOL INFO
- Copy of agreement with testing provider
  - Semi annual/Annual reports
- Negative tests results must be retained for 1 year from date of test.
- Positive test results and related return to duty/follow up tests must be maintained for 5 years.
- Must maintain result AND chain of custody form

■ DRIVER FILES

- Required for all drivers of vehicles
  - Over 10,000 lbs. in interstate commerce
  - Over 17,000 lbs. in intrastate commerce
  - If a medical card is required so is a driver file
  
- 49 CFR Part 391.51 – General Requirements
- 49 CFR Part 391.53 – Driver Investigation History
- 49 CFR Part 40.333 & 382.401 – D/A Records
  
- Keep for ever/Length of employment plus 3 yrs.
  - US DOT Compliant Employment Application
  - Copy of State MVR for previous 3 years
  - Certificate of Road Test or copy of CDL if using exception
  
- Keep for 3 years/Date Issued/performed
  - Annual Certification of Violations by driver
  - Annual copy of MVR record for past year
  - Annual Review of Driving Record
  - Copy of Medical Exam Certificate

PREVIOUS EMPLOYER REQUEST

- Must request from previous employers for past 3 years – If DOT history is available
- Insurer may have access to this data, except the drug/alcohol data
- Sending the form out is not enough, must make sure you get it back!
  
- #3 – Operational – Parts 392 & 395
  - Important factor for log books/time records
    - Documentation of 100/150 air mile exemptions
    - Preparing necessary logs
    - Have ALL supporting documentation
- #4 – Vehicle – Parts 393 & 396 and inspection data from roadside inspections for last 12 months
  - Vehicle maintenance files for all equipment
    - Necessary paper work in files/records of inspections
    - Maintain all roadside reports for 12 months/corrective action
    - Driver vehicle inspection reports/DVIR
- #5 – Hazmat – Parts 171, 177, 180 & 397
  - If no hazmat is transported this part is listed as “N”
  - Training – Driver & persons who perform pre-transportation functions (loading) to assure the safe transportation.
  - Security Plans – Written requiring placarding
  - Shipping documents – Must accompany HM Shipments
  - Most carriers believe if placards are not required they are exempt – WRONG!

- # 6 - Accident – Recordable accident rate per million miles
  - If 2 or more reportable crashes/past 12 months
  - Multiple crashes by 1 million / miles traveled
- 2 reportable accidents are listed in 12 months
  - $2 \times 1,000,000 = 2,000,000$
  - Fleet mileage 3,000,000
  - $2,000,000 / 3,000,000 = .67$  accident rate
  - Rate greater than 1.5 is unsatisfactory/all carriers
  - Rate greater than 1.7 is unsatisfactory/urban carriers
    - Urban carriers must operate entirely within a 100 air mile radius
  - Unsatisfactory in this part = conditional rating

**WARNING – US DOT REGULATIONS ARE EVER CHANGING,  
ALWAYS RELY ON THE MOST CURRENT COPY OF THE  
REGULATIONS FOR GUIDANCE AND COMPLIANCE.**