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# Navigating FMCSA Compliance Reviews

TUESDAY / MARCH 17 / 1-2PM CST



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# Before We Begin

All attendees are in “LISTEN ONLY” mode.

You can type in questions by clicking on the question box on the top right of your GoToWebinar panel.

Q&A at the end of the webinar.

Additional questions can be emailed to: [KVines@smscsafety.com](mailto:KVines@smscsafety.com)

A recorded copy of the webinar and slides will be made available to all attendees.



# Today's Agenda

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1

FMCSA Compliance Review  
Fundamentals

2

Understanding Safety  
Ratings

3

Acute Violations

4

What to Expect Once  
Notified of a Compliance  
Review



# FMCSA Compliance Review Fundamentals



# FMCSA Compliance Review Fundamentals

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## Purpose and Scope of Compliance Reviews

- **Regulatory Framework**
  - FMCSA Compliance Reviews are based on 49 CFR Part 385 to assess motor carrier safety fitness ratings
- **Safety Management Evaluation**
  - Reviews assess driver qualifications, hours-of-service compliance, vehicle maintenance, and your drug and alcohol program
- **Purpose and Impact**
  - Compliance reviews ensure accountability, protect the public's safety, and can influence carrier insurance premiums, business ratings and contracts
- **Audit Procedures**
  - FMCSA conducts onsite or offsite audits based on data monitoring for proactive and responsive oversight of motor carriers



# Understanding Safety Ratings



# 385.5 – Safety Fitness Standard

To meet the fitness standard, the motor carrier must demonstrate it has adequate safety management controls in place.

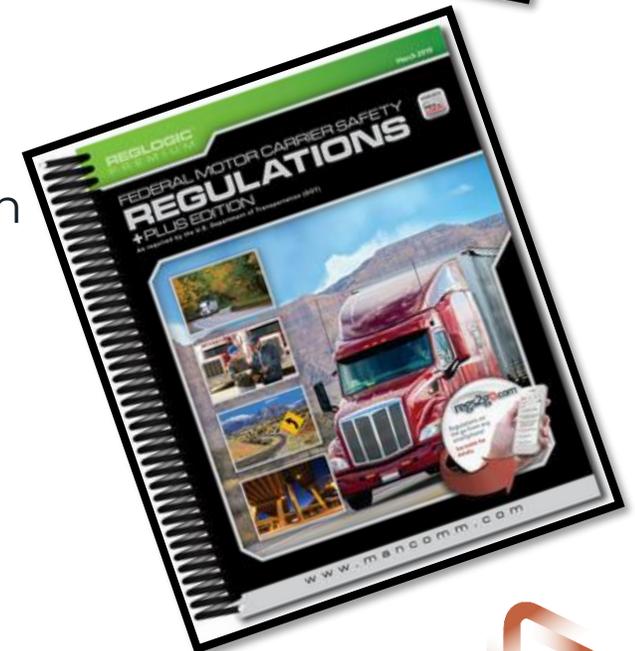
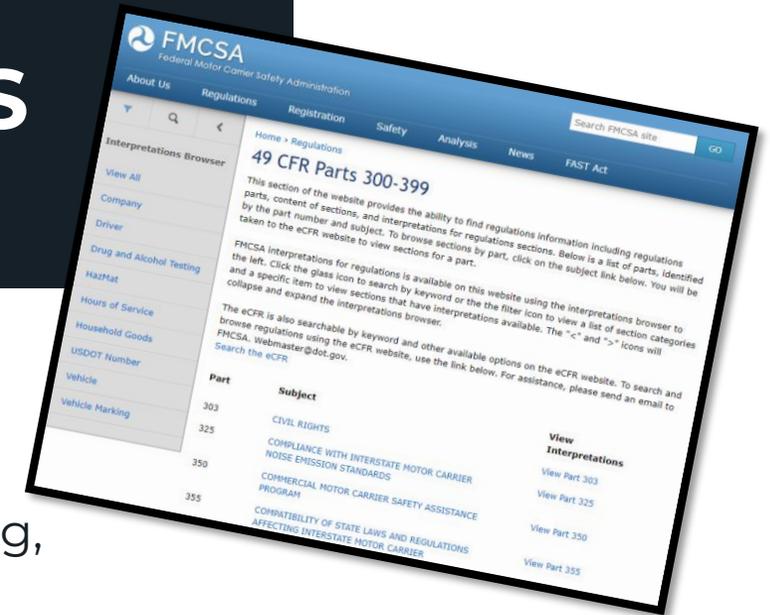


U.S. Department of Transportation  
**Federal Motor Carrier Safety Administration**



# 385.5 SAFETY FITNESS STANDARD

- **Factor 1 General** = Parts 387 and 390 (Insurance and General Requirements)
- **Factor 2 Driver** = Parts 382, 383 and 391 (Drug and Alcohol Testing, Licensing, Driver Qualifications)
- **Factor 3 Operational** = Parts 392 and 395 (Driving and HOS)
- **Factor 4 Vehicle** = Parts 393 and 396 (Parts and Accessories, Inspection and Maintenance)
- **Factor 5 Hazardous Materials** = Parts 397 (Transportation of HM, Requirements, 171 General, 177 Highway, and 180 Continuing Qualification)
- **Factor 6 Accident Factor** = Recordable Rate
- **CSA / SMS Data**



# Compliance, Safety, Accountability (CSA) Program

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- FMCSA's data-driven safety compliance enforcement program
- Monitors the safety performance of all motor carriers
- Enforcement uses CSA data to identify, prioritize, and intervene with motor carriers that pose a safety risk on the U.S. roadways

## **SMS (Safety Management System)**

- Unsafe Driving
- Crash Indicator
- Hours-of-Service Compliance
  - Vehicle Maintenance
- Controlled Substances and Alcohol
- Hazardous Materials Compliance
  - Driver Fitness
- Insurance and Other



# CSA Interventions

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- **Early Contact**

- Warning Letters
- Targeted Roadside Inspections

- **Investigations**

- Offsite Investigation
- Onsite Focused Investigations
- Onsite Comprehensive Investigations





## Unsafe Driving

- Texting
  - Speeding
  - Using a hand-held cell phone
  - Reckless driving
  - Improper Lane Change
  - Inattention
- 
- 49 CFR Parts 392 and 397



## Crash Indicator

- Evaluates reported crashes from the last two years
  - Helps identify patterns
  - Crashes involving CMVs (defined as in 49 CFR 390.5) are reportable if they result in a fatality or injury, or require a vehicle to be transported away from the crash scene – regardless of the carrier or driver's role in the crash
- 
- 49 CFR Parts 390.5



## Hours-of-Service Compliance

- Ensures all drivers are alert, awake, and able to respond quickly
- 49 CFR Parts 392 and 395





## Vehicle Maintenance

- Considers proper vehicle maintenance to help ensure safety on the road – including, but not limited to – pre-and post-trip inspections, vehicle defects, and repairs
- 49 CFR Parts 392, 393, and 396



## Controlled Substances and Alcohol

- Addresses misuse of alcohol, illegal drug use, and use or abuse of over-the-counter and prescription medications that could impair a driver's abilities and endanger the traveling public's safety on the road
- 49 CFR Parts 382 and 392





## **Hazardous Materials Compliance**

- Includes regulations that require special attention – packaging, markings, labels, placards, and loading
  - Understanding regulations for tank specification testing, loading / unloading
    - 49 CFR Part 397 of the FMCSRs
- 49 CFR Parts 171, 172, 173, 177, 178, 179, 180 of the Hazardous Materials Regulations (HMRs)



## **Driver Fitness**

- Addresses driving records, CDL, Medical Certifications, annual reviews of driving records, and employment applications
  - 49 CFR Parts 383 and 391



# The Motor Carrier Safety Planner

[CSA](#)  [NEW ENTRANT](#)  [FMCSA](#) 

[HOME](#) [CHAPTERS](#) [RESOURCES & FORMS](#)  [MY SAFETY PLANNER](#) [HELP](#) [SPANISH VERSION](#) 



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## The Motor Carrier Safety Planner

This online guide provides simple explanations and templates to help companies that operate CMVs understand and comply with Federal safety regulations.



# Understanding FMCSA Safety Ratings

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- **Satisfactory Rating**
  - Indicates motor carrier meets all safety standards and maintains adequate management controls – this is the most favorable rating
- **Conditional Rating**
  - Signals some safety deficiencies requiring corrective action
  - Carriers may face reputational risks and additional regulatory scrutiny
- **Unsatisfactory Rating**
  - Indicates major safety infractions requiring operations to cease unless corrective actions are approved
- **Not Rated**
  - Sometimes a focused compliance review can result in a rating of not rated.
  - This rating can still incur fines.



# Acute vs. Critical Regulations

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- **Acute Regulations**

- Noncompliance is so severe they require immediate corrective action by the motor carrier – regardless of the overall safety management controls

- **Critical Regulations**

- Noncompliance relates to management and/or operational controls – and are indicative of breakdowns in a carrier's management controls.



# Safety Ratings Calculated (1 of 3)

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- For each instance of noncompliance with an acute regulation – or each ‘pattern’ of noncompliance with a critical regulation, **one point** will be assessed.
- A ‘pattern’ is more than one violation.
- When a number of documents are evaluated, the number of violations required to equal a ‘pattern’ is equal to at least 10 percent of those examined.
- Each ‘pattern’ of noncompliance with a critical regulation as it relates to Part 395 will be assessed **two points**.



# Safety Ratings Calculated (2 of 3)

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- When a total of three or more inspections are recorded during the twelve months prior to the CR, the Vehicle Factor (Parts 393 and 396) will be evaluated on the basis of the Out-of-Service (OOS) rates and noncompliance with acute regulations and/or a 'pattern' of noncompliance with critical regulations.
- If the Vehicle OOS rating is 34% or greater, the initial factor rating will be **conditional**.
- The requirements of Part 396 will be evaluated and examined during each review, and these results could lower this factor rating to **unsatisfactory**.
- If the Vehicle OOS rating is less than 34%, the initial factor rating will be **satisfactory**.
- If the examination of Part 396 discovers no issues with the systems the motor carrier is required to maintain for compliance, the Vehicle Factor will remain **satisfactory**.



# Safety Ratings Calculated (3 of 3)

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- **Accident Factor** is the recordable accident rate for the past 12 months. A recordable accident, consistent with the definition for “accident” in 49 CFR 390.5.
- Recordable accidents per million miles used to calculate and determine the rate for Factor 6.
- Only used when the carrier has two or more recordable accidents within the last 12 months prior to the CR.
- Urban Carriers (operating entirely within a 100-air mile radius) with a recordable accident rate of greater than 1.7 will receive an **unsatisfactory** rating for Factor 6.
- All other carriers with a recordable accident rate of 1.5 or greater will receive an **unsatisfactory** factor rating.



# How is my score determined?

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<b>Unsatisfactory</b>	<b>Conditional</b>	<b>Overall Safety rating</b>
0	2 or fewer	Satisfactory
0	more than 2	Conditional
1	2 or fewer	Conditional
1	more than 2	Unsatisfactory
2 or more	0 or more	Unsatisfactory



# Improving Safety Ratings

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- **385.15 – Administrative Review**

- Carriers who feel as if their safety rating was calculated incorrectly can request an administrative review.
- Carriers with Unsatisfactory ratings should make their request within **15 days** to allow adequate time for their request to be properly evaluated
- Carriers must make an administrative request within 90 days of their initial proposed safety rating or final safety rating



# Improving Safety Ratings

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- **385.17 – Change to safety rating based on corrective actions**
  - Carriers who have taken the necessary actions to correct the deficiencies that resulted in a proposed or final rating of ‘conditional’ or ‘unsatisfactory’ may request a rating change at any time
  - Requests must be made in writing to the FMCSA Service center for your area
  - Must show evidence that you have taken corrective actions and that their operations currently meet the safety standard factors in 385.5 and 385.7, and must include a written description of the corrective actions that have been implemented



# Acute Regulations



# Part 382 – Controlled Substances and Alcohol

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- Failing to implement an alcohol and/or controlled substances testing program
- Using a driver known to be under the influence – or refused to submit to a required test
- Failing to implement a random d&a testing program
- Using a driver that has committed prohibited conduct without being evaluated by a SAP and completing the appropriate RTD process
- Knowingly using a driver that does not hold a valid CDL, or who holds multiple CDLs



# Part 383 – Commercial Drivers License

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- Knowingly using a driver that does not hold a valid CDL, or who holds multiple CDLs
- Knowingly allowing, requiring, or permitting a driver who is disqualified to operate a CMV



# Part 387 – Insurance

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- Operating a motor vehicle without having in effect the required minimum levels of financial responsibility



# Part 390 - Accident

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- Making fraudulent or intentionally false statements or records and/or reproducing fraudulent records



# Part 391 – Driver

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- Using a physically unqualified driver
- Using a disqualified driver



## Part 392 -

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- Requiring or permitting a driver to drive a motor vehicle while under the influence of, or in possession of an intoxication beverage or a controlled substance



# Part 395 – Hours-of-Service

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- Tampering with an ELD
- Failing to retain ELD information



# Part 396 – Vehicle Maintenance

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- Requiring or permitting the operation of a CMV that was placed out-of-service without making the proper repairs
- Failing to promptly repair parts and accessories not meeting minimum periodic inspection standards



# Part 397 – Hazardous Materials

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- Failing to ensure a motor vehicle carrying a Division 1.1, 1.2, or 1.3 material is attended at all times by a qualified person
- Accepting for transportation a package containing a poisonous-by-inhalation material that is not marked with the words “Inhalation Hazard”



# Part 171 - Hazardous Materials

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- Accepting for transportation a package containing a poisonous-by-inhalation material that is not marked with the words “Inhalation Hazard”
- Transporting HM without a Security Plan
- Accepting or transporting a package that has identifiable release of a hazardous material to the environment



## Part 180 – HM 392 -

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- Requiring or permitting a driver to drive a motor vehicle while under the influence of, or in possession of an intoxication beverage or a controlled substance



Table to § 385.321—Violations That Will Result in Automatic Failure of the New Entrant Safety Audit

Violation	Guidelines for determining automatic failure of the safety audit
1. <u>§ 382.115(a)/§ 382.115(b)</u> —Failing to implement an alcohol and/or controlled substances testing program (domestic and foreign motor carriers, respectively)	Single occurrence.
2. <u>§ 382.201</u> —Using a driver known to have an alcohol content of 0.04 or greater to perform a safety-sensitive function	Single occurrence.
3. <u>§ 382.211</u> —Using a driver who has refused to submit to an alcohol or controlled substances test required under part 382	Single occurrence.
4. <u>§ 382.215</u> —Using a driver known to have tested positive for a controlled substance	Single occurrence.
5. <u>§ 382.305</u> —Failing to implement a random controlled substances and/or alcohol testing program	Single occurrence.



Table to § 385.321—Violations That Will Result in Automatic Failure of the New Entrant Safety Audit

Violation	Guidelines for determining automatic failure of the safety audit
6. <u>§ 383.3(a)</u> / <u>§ 383.23(a)</u> —Knowingly using a driver who does not possess a valid CDL	Single occurrence.
7. <u>§ 383.37(b)</u> -Knowingly allowing, requiring, permitting, or authorizing an employee to operate a commercial motor vehicle with a commercial learner's permit or commercial driver's license which is disqualified by a State, has lost the right to operate a CMV in a State or who is disqualified to operate a commercial motor vehicle	Single occurrence.
8. <u>§ 383.51(a)</u> —Knowingly allowing, requiring, permitting, or authorizing a driver to drive who is disqualified to drive a commercial motor vehicle	Single occurrence. This violation refers to a driver operating a CMV as defined under <u>§ 383.5</u> .
9. <u>§ 387.7(a)</u> —Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage	Single occurrence.
10. <u>§ 387.31(a)</u> —Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility	Single occurrence.



Table to § 385.321—Violations That Will Result in Automatic Failure of the New Entrant Safety Audit

Violation	Guidelines for determining automatic failure of the safety audit
11. <u>§ 391.15(a)</u> —Knowingly using a disqualified driver	Single occurrence.
12. <u>§ 391.11(b)(4)</u> —Knowingly using a physically unqualified driver	Single occurrence. This violation refers to a driver operating a CMV as defined under <u>§ 390.5</u> .
13. <u>§ 395.8(a)</u> —Failing to require a driver to make a record of duty status	Requires a violation threshold (51% or more of examined records) to trigger automatic failure.
14. <u>§ 396.9(c)(2)</u> —Requiring or permitting the operation of a commercial motor vehicle declared “out-of-service” before repairs are made	Single occurrence.
15. <u>§ 396.11(a)(3)</u> —Failing to correct out-of-service defects listed by driver in a driver vehicle inspection report before the vehicle is operated	Single occurrence.
16. <u>§ 396.17(a)</u> —Using a commercial motor vehicle not periodically inspected	Requires a violation threshold (51% or more of examined records) to trigger automatic failure.



# What to Expect Once Notified of a Compliance Review



# Sample Initial Contact Letter

## AFTER YOU HAVE BEEN NOTIFIED:

- Designate a carrier contact person;
- Prepare a comfortable work/office space for the investigator if on-site, away from drivers and operations;
- Notify essential staff of the audit;
- Start preparing documents.



U.S. DOT

DEPARTMENT OF  
TRANSPORTATION

10/24/2024

Action Required by 10/29/2024 – U.S. DOT/FMCSA Initial Information Request for Investigation

Dear

The Federal Motor Carrier Safety Administration (FMCSA) is an Agency within the U.S. Department of Transportation (U.S. DOT) whose primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. To help motor carriers like you comply with important safety regulations, FMCSA has a suite of safety intervention tools that evaluate why safety problems occur, recommend solutions, encourage corrective action, and, if necessary, invoke penalties for carriers failing to comply.

The purpose of this letter is to officially notify you that FMCSA will investigate your operations to determine the level of safety within your transportation operation. I will start this safety compliance investigation online, rather than in person at your place of business. This allows FMCSA to evaluate your safety compliance with little disruption to your business.

To start this investigation, please complete the following steps.

- 1) Visit the Safety Measurement System (SMS) at <https://ai.fmcsa.dot.gov/SMS>
- 2) Log into your company's profile where you can find your investigation record
  - If you do not have or know your U.S. DOT Personal Identification Number (PIN), please visit <https://safer.fmcsa.dot.gov/AutoPin/index.xhtml>
- 3) Complete and upload the following using the provided form by 10/29/2024
  - o Accident Register
  - o Driver List
  - o Equipment List
  - o HM Employee List



# After You Have Been Notified



- Driver list for all drivers operating under your DOT# active/inactive in the last 365 days.

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

**Driver List**

Driver First Name	Driver Last Name	Date of Birth (MM/DD/YYYY)	License #	License State	CDL (Y/N)	Phone Number	Date of Hire (MM/DD/YYYY)	Date of Termination (MM/DD/YYYY)

- Equipment list for all vehicles operating under your DOT# active/inactive in the last 365 days.

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

**Vehicle/Equipment List**

Unit #	Vehicle Type	Year	Make	Model	Gross Vehicle Weight Rating (GVWR)	Vehicle ID Number (VIN)	License Plate #	License Plate State	Leased or Owned	*ELD/AOBRD Make *As applicable	*ELD/AOBRD Model *As applicable	*ELD/AOBRD Year *As applicable

- DOT Recordable Accident Register from the prior 3 years.

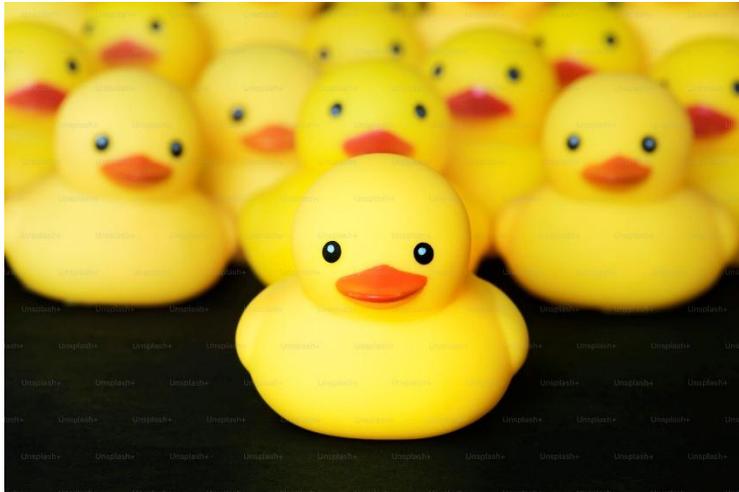
U.S. Department of Transportation  
Federal Motor Carrier Safety Administration

**Accident Register**

Accident Register Start Date: MM/DD/YYYY												
Accident Register End Date: MM/DD/YYYY												
Accident Date (MM/DD/YYYY)	Accident Hour (Military Time)	Accident Street Address	Accident City	Accident State	FMCSA Crash Report Number	No. of Deaths	No. of Non-Fatal Injuries	Towaways (Y/N)	HM (Y/N)	Driver's First Name	Driver's Last Name	Copy of State or Insurance Report (Y/N)



# Preparing documents



- Don't wait until notified to get your “ducks in a row.” Every motor carrier should be ready for an audit at a moments notice... 48 moments, to be exact!
- **DQ Files.** Targeted drivers will include DOT recordable crashes, and roadside inspection violations, especially OOS.
- **HOS.** Targeted drivers with any HOS violations in the past 6 months or high frequency of violations on internal audit reports.
- **Vehicle Files.** Those with OOS violations, other roadside inspection violations, or involved in DOT recordable crashes. DVIRs, Annual inspections completed timely, and mechanic certifications for brake and annual inspections.
- **Drug and Alcohol Testing.** Limited query consent forms, receipt of D&A Policy/Manual/Compliance of Policy. Full queries and negative results performed before safety sensitive functions begin, annual queries, post-accident drug and alcohol testing/documentation why not performed, testing at acceptable random rates, reasonable suspicion training.



# What to expect

- Current DOT Accident Register. Audit against the monthly snapshot. Accident records for the last 12 months include law enforcement crash/insurance reports, internal investigations, and related D&A information.
- Investigators will have specific driver files they want to see but also prepare ones you want them to see, such as new hires, older hires, etc. Only provide what is required under 391.51.
- Do not provide access to programs and systems. Print out DQ files and requested logs.
- Have a copy of the FMCSR handbook available.
- Have copies of driver write-ups/training available by request.
- Have roadside inspection reports for the previous 12 months available.





# Enforcement Programs

## Summary of Closed Enforcement Cases

This report is a summary of closed enforcement cases in the last 7 years and can be filtered by geographic area and fiscal or calendar year.

**Data Source:** FMCSA's Enforcement Management Information System (EMIS) data snapshot as of 12/26/2025.

**Report Filters:** Report Focus - National

Subject Type	FY 2020		FY 2021		FY 2022		FY 2023		FY 2024		FY 2025		FY 2026	
	# Cases	Amount Settled	# Cases	Amount Settled	# Cases	Amount Settled								
Broker	0	\$0	1	\$3,880	0	\$0	2	\$26,829	10	\$85,925	0	\$0	0	\$0
Cargo Tank Facility	9	\$122,050	1	\$12,173,000	6	\$82,820	9	\$259,580	7	\$80,240	1	\$2,350	0	\$0
Carrier	2802	\$16,941,016	2329	\$15,024,885	3360	\$23,566,661	3625	\$24,314,223	3794	\$26,274,342	1312	\$9,083,066	122	\$883,220
Drug Consortium	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Freight Forwarder	9	\$33,660	14	\$72,380	14	\$90,330	14	\$113,340	15	\$124,070	5	\$34,230	0	\$0
HM Carrier	69	\$531,189	37	\$404,060	73	\$792,450	83	\$1,044,980	60	\$647,820	31	\$439,360	1	\$6,510
HM Carrier (Not Placarded)	1	\$3,110	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
HM Carrier/Shipper	27	\$381,650	26	\$205,600	42	\$341,940	34	\$291,720	28	\$361,460	9	\$158,870	1	\$29,200
HM Carrier/Shipper (Not Placarded)	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Not Carrier (45-Day)	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Other	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
Passenger Carrier	49	\$282,520	10	\$62,379	19	\$75,820	28	\$143,522	33	\$209,930	9	\$58,960	1	\$7,230
Shipper	0	\$0	0	\$0	1	\$29,390	0	\$0	2	\$17,280	0	\$0	0	\$0
Small Passenger Carrier	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0
<b>Total</b>	<b>2966</b>	<b>\$18,295,195</b>	<b>2418</b>	<b>\$27,946,184</b>	<b>3515</b>	<b>\$24,979,411</b>	<b>3795</b>	<b>\$26,194,194</b>	<b>3949</b>	<b>\$27,801,067</b>	<b>1367</b>	<b>\$9,776,836</b>	<b>125</b>	<b>\$926,160</b>



# Today's Presenter

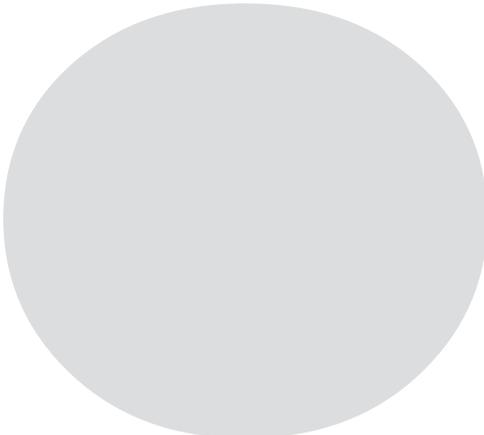
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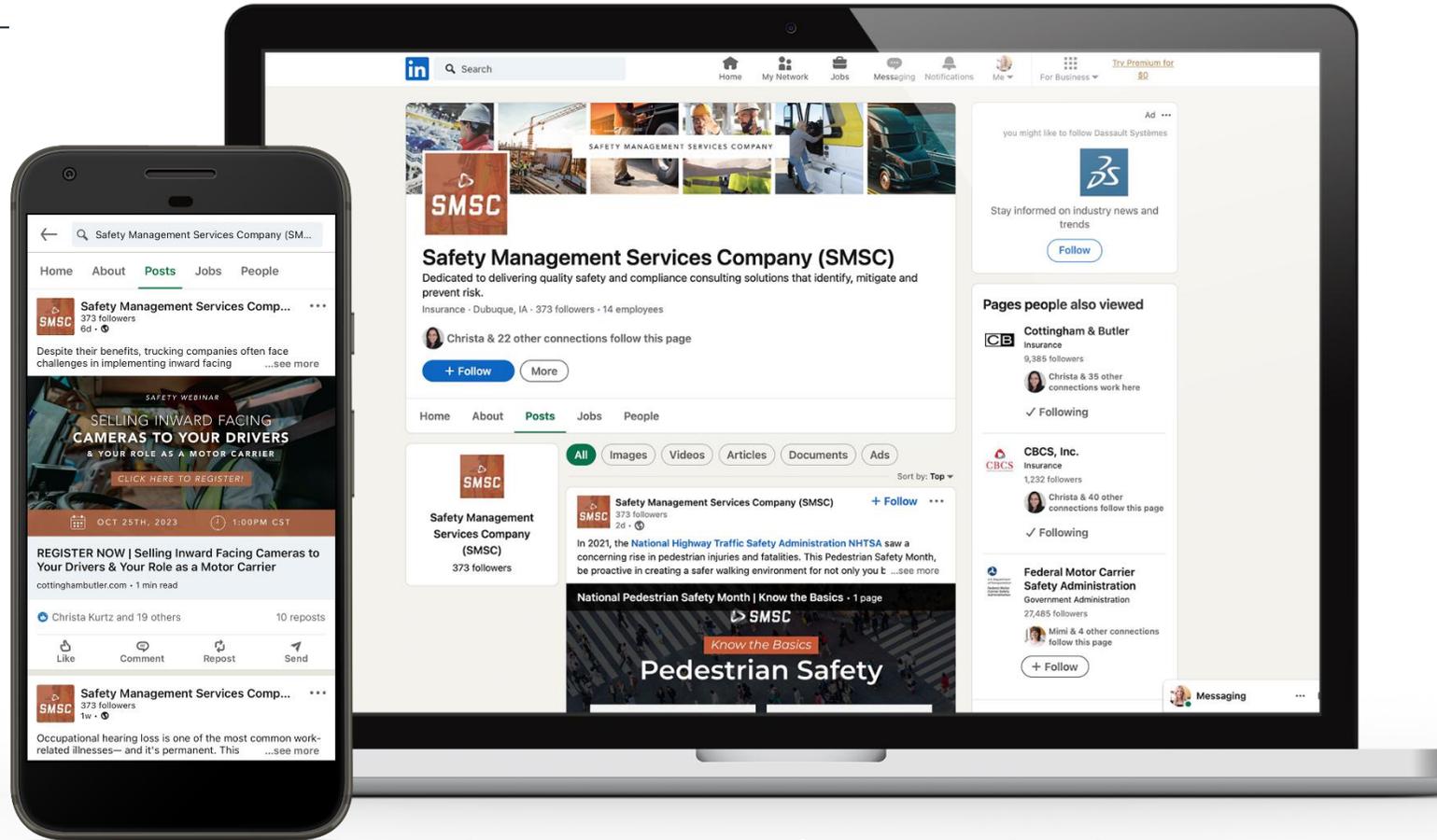




# Questions



# Let's Stay Connected



@safetymanagementservicescompany(smcs)

